

Code of Integrity for Sport and Recreation

Table of Contents

Preamble	5
History of the Integrity Code.....	5
Purposes of the Integrity Code.....	5
Content of the Integrity Code.....	6
Application of the Integrity Code.....	6
Anti-Doping.....	7
Te Tiriti o Waitangi.....	7
Part 1 – Introduction.....	8
1. Title.....	8
2. Commencement.....	8
3. Purpose.....	8
4. Scope and application of the Integrity Code.....	9
5. Application to acts and omissions outside of New Zealand.....	9
6. Integrity Code does not apply to historical behaviour	9
7. Sports Anti-Doping Rules not affected.....	10
Part 2 – Minimum standards for preventing and addressing threats to integrity.....	10
8. Overview of this Part.....	10
Required minimum standards to prevent and address threats to integrity.....	11
9. Prohibiting behaviours which constitute a threat to integrity.....	11
10. Implementing an effective and fair dispute resolution process	11
11. Safeguarding children, young people and vulnerable adults.....	12
12. Organisations must notify Commission of issues of serious concern.....	14
13. Cooperation with the Commission	15
14. Providing information about the Integrity Code.....	15
Compliance with minimum standards.....	16
15. Timeframes for compliance with minimum standards	16
16. Organisations to decide on form of policies.....	16
17. Safe harbour presumptions in relation to minimum standards.....	17
Part 3 – Oversight role of the Commission.....	17



18. Overview of this Part.....	17
19. Te Tiriti o Waitangi.....	17
20. Principles for determining the appropriate action under this Part.....	18
Complaints and dispute resolution mechanisms under the Integrity Code	18
21. Making complaints and disclosures to the Commission.....	18
22. Triage and assessment of complaints and disclosures	18
23. Action in relation to complaint or disclosure.....	19
Investigations into breach of the Integrity Code	20
24. Conduct of investigation	20
25. Cooperation with investigation	21
26. Power to require information	21
27. Outcome of an investigation.....	22
Disputes arising in relation to application of the Integrity Code	22
28. Disputes arising from the application of the Integrity Code.....	22
Part 4 – Remedial actions and sanctions.....	23
29. Overview of this Part.....	23
30. Principles relating to remedies and sanctions.....	23
31. Breach of the Integrity Code by organisations	23
32. Remedial action by organisation	24
33. Breaches for which a participant may be sanctioned.....	25
34. Sanctions for participants.....	25
35. Publication of sanctions	26
36. Enforcement and mutual recognition of sanctions.....	26
Part 5 – Definitions in the Integrity Code	27
37. Interpretation.....	27
Schedule 1 – Minimum standards of behaviour in sport and recreation	30
1. Overview of this Schedule.....	30
2. Prohibition of bullying, violence, abuse, intimidation and harassment in sport and recreation	30
3. Prohibition of sexual misconduct in sport and recreation.....	31
4. Prohibition of racism and other forms of discrimination in sport and recreation.....	31
5. Prohibition of competition manipulation and associated activity.....	32
6. Prohibition of corruption, fraud, deception and breach of trust.....	33

7. Prohibition of victimisation in relation to complaints and dispute resolution	34
Schedule 2 – Adoption of the Integrity Code.....	35
1. Overview of this Schedule.....	35
2. General provisions relating to adoption of Integrity Code	35
3. Organisation to notify Commission of intention to adopt Integrity Code.....	35
4. Adoption of Integrity Code by constitutional amendment or formal resolution.....	36
5. Recognition and publication of adoption.....	37
6. Dispensation from provisions of the Integrity Code.....	37
7. Revocation of adoption of Integrity Code	38
Schedule 3 – Commission’s disciplinary panel	39
1. Overview of this Schedule.....	39
Establishment of disciplinary panel.....	39
2. Establishment of disciplinary panel.....	39
Composition of Commission’s disciplinary panel	39
3. Eligibility for appointment to disciplinary panel.....	39
4. Appointment process for disciplinary panel.....	40
5. Chair and Deputy Chairs.....	40
6. Term of office for disciplinary panel.....	40
Referral of matters to Commission’s disciplinary panel.....	41
7. Circumstances in which matters may be referred to disciplinary panel.....	41
8. Considerations for making or agreeing to a referral to disciplinary panel	41
Commission’s disciplinary panel procedure.....	42
9. Convening a hearing of the disciplinary panel.....	42
10. Requirements of disciplinary panel proceedings	42
11. Pre-hearing procedure	42
12. Conduct of hearing	43
13. Powers of a disciplinary panel	43
14. Determination.....	43
15. Publication of determination	44
Appeals from the disciplinary panel	44
16. Appeals to the Sports Tribunal.....	44
Schedule 4 – Transitional, savings, and related provisions.....	45
1. Matters before the Commission arising before Integrity Code takes effect.....	45

2. Matters before organisation arising before Integrity Code binds organisation.....45

3. Matters be arising between adopting the Integrity Code and implementing
minimum standards45

Preamble

Whiria te tangata

(Weave the people together)

History of the Integrity Code

The Integrity Sport and Recreation Commission (the Commission) exists to enhance integrity within sport and recreation. This Code of Integrity for Sport and Recreation (the Integrity Code) is made in support of that purpose, and to further the collective aspiration of sport and recreation communities to create environments where all participants:

- can take part in safe environments where they are able to fully enjoy all the benefits which sport and recreation has to offer
- are respected for who they are, where they come from, and their inherent value
- can trust each other, their organisations and the Commission to behave with integrity, and
- have confidence that harm will be taken seriously, people are held to account appropriately, and integrity issues are addressed, including through restorative approaches.

The Integrity Code is also a response to the harm experienced, and significant concerns raised, by participants, including through a series of independent reviews into sport and recreation. The Commission recognises that Māori, Pacific peoples, women, children and young people, rainbow people and disabled people have been particularly affected by these harms.

In light of that, the Integrity Code has been designed to reflect the human rights of participants, including rights protected under the UN Convention on the Rights of the Child and the UN Convention on the Rights of Persons with Disabilities.

Purposes of the Integrity Code

The Integrity Code is to prevent and address “threats to integrity” which it will achieve by setting minimum standards for organisations in the sport and recreation sector.”

The underlying purpose of the Integrity Code is to protect the safety and well-being of participants. “Participants” include a broad range of people, including athletes, coaches, instructors, volunteers, officials, administrator and other people taking part in high-performance sport or in community sport and recreation.

Threats to integrity include bullying, violence, abuse, racism, discrimination, harassment, corruption, fraud, deception, breaches of trust, competition manipulation and situations

where organisations fail to take reasonable steps to prevent these threats or to safeguard children in sport and recreation.

The Integrity Code also seeks to promote values derived from tikanga Māori including whanaungatanga, manaakitanga, hauora, haumarutanga, mokopunatanga, pono, utu and ea.

The Integrity Code does not seek to define or constrain the meaning of tikanga Māori values. Rather, the Integrity Code provides guidance on those values for participants and organisations in a sport and recreation context. Whilst grounded in and respecting te ao Māori, this approach seeks to ensure these values will resonate with all sport and recreation communities.

Content of the Integrity Code

The minimum standards include proactive measures to help prevent threats, and requirements to respond to integrity issues when they arise.

Minimum standards for organisations	
1	Standard 1: Prohibit behaviours that are a threat to integrity
2	Standard 2: Implement an effective and fair dispute resolution process in relation to threats to integrity
3	Standard 3: Proactively safeguard children, young people and vulnerable adults
4	Standard 4: Notify the Commission of issues of serious concern
5	Standard 5: Cooperate with the Commission in relation to dispute resolution, investigations, and monitoring activity
6	Standard 6: Provide information to your members about the Integrity Code.

The Integrity Code articulates the role of the Commission in providing independent oversight of the Integrity Code's implementation, including its complaints and dispute resolution processes, investigations and disciplinary panel. It provides for sanctions and remedies when threats to integrity or breaches of the minimum standards occur.

Application of the Integrity Code

For the Integrity Code to have effect, organisations in the sport and recreation sector must first choose to adopt it. Where an organisation adopts the Integrity Code that organisation and its members will be bound by the Integrity Code, as will any people who agree with the organisation that the Integrity Code will apply.

Anti-Doping

The Integrity Code also supports the application of the Sports Anti-Doping Rules, but does not contain specific provisions relating to anti-doping. Where there is another threat to integrity which occurs in connection with anti-doping, this may be dealt with under the Integrity Code (for example, if a participant offered a bribe to an official to ignore a doping test result).

Te Tiriti o Waitangi

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 – including its function to develop and issue integrity codes. This includes a commitment to act in partnership with Māori, to pursue equitable outcomes for Māori, and to actively protect the rights and interests of Māori in relation to integrity in sport and recreation.

Nāu i whatu te kākahu, he tāniko taku

(You weave the cloak, and I the border)

Pursuant to [section 19](#) of the Integrity Sport and Recreation Act 2023, the Integrity Sport and Recreation Commission makes the following integrity code.

Part 1 – Introduction

1. Title

This **integrity code** is the Code of Integrity for Sport and Recreation.

2. Commencement

The **Integrity Code** comes into force 28 days from its publication.

3. Purpose

- (1) The primary purpose of the **Integrity Code** is to prevent and address threats to integrity in sport and recreation by:
 - (a) setting minimum standards to apply across the **sport and recreation sector**;
 - (b) requiring **organisations** which are bound by the **Integrity Code** to put **policies** and procedures in place to implement the minimum standards; and
 - (c) prescribing the **Commission's** role in overseeing the **Integrity Code**, including through **dispute resolution** processes, investigations and a **disciplinary panel**.
- (2) In connection with this purpose, the **Integrity Code** is also intended to enhance integrity by promoting the following values in the **sport and recreation sector**:
 - (a) whanaungatanga, which includes fostering positive relationships, connections and a sense of community between **participants**, particularly for people who have been disadvantaged;
 - (b) manaakitanga, which includes **participants** being treated, and treating each other, with dignity and respect;
 - (c) hauora, which includes the physical, psychological, spiritual, family and social **well-being** of **participants** and the recognition that sport and **recreation** should make a positive contribution to **participants' well-being**;
 - (d) haumarutanga, which includes the importance of protecting the safety and **well-being** of **participants**, particularly when they are vulnerable;
 - (e) mokopunatanga, which includes an emphasis on the **well-being** of **children and young people** and ensuring that future generations of **participants** thrive;
 - (f) pono, which includes acting in a way that is trustworthy, honest and fair; and
 - (g) utu and ea, including reciprocity and opportunities for repairing harm done and restoring a state of balance.

- (3) For the avoidance of doubt, the descriptions of the values and principles in paragraph (2) do not constrain the meaning of the relevant **tikanga Māori** as determined by whānau, hapū and iwi.

4. Scope and application of the Integrity Code

(1) **The Integrity Code:**

- (a) relates to the whole of the **sport and recreation sector**; and
- (b) concerns all threats to integrity other than doping in sport, which continue to be dealt with under the Sports Anti-Doping Rules;

- (2) An **organisation** may adopt the **Integrity Code** and must do so in the manner provided in Schedule 2.

- (3) In accordance with [section 21](#) of the **principal Act**, the **Integrity Code** binds :

- (a) an **organisation** that adopts it; and
- (b) any **participant** or other person who, or body of persons that—
 - (i) is a **member** of the **organisation**; or
 - (ii) agrees with the **organisation** that the **Integrity Code** will apply to the **participant**, other person, or body of persons; or
 - (iii) otherwise agrees to the application of the **Integrity Code**.

Compare: Integrity Sport and Recreation Act 2023, section 19(3) and section 21.

5. Application to acts and omissions outside of New Zealand

The **Integrity Code** applies to any relevant act or omission in connection with sport and recreation by an **organisation**, **member**, **participant** or other person bound by the **Integrity Code**, whether or not the act or omission occurred in New Zealand.

Compare: Integrity Sport and Recreation Act 2023, section 19(6).

6. Integrity Code does not apply to historical behaviour

- (1) For the avoidance of doubt, an **organisation** or **participant** cannot be found in breach of the **Integrity Code** for acts or omissions which occurred before:

- (a) the commencement of the **Integrity Code**; and
- (b) the date on which the relevant **organisation** or **participant** became bound by the **Integrity Code**.

- (2) The transitional, savings, and related provisions in [Schedule 4](#) have effect according to their terms.
- (3) Nothing in this **Integrity Code** affects or limits the ability of the **Commission** to:
 - (a) initiate an investigation under [section 32](#) of the **principal Act**, including into actions or omissions that occurred wholly or partly before or after the commencement date; or
 - (b) provide advice, support, education or guidance in relation to matters which occurred prior to the application of the **Integrity Code**.

7. Sports Anti-Doping Rules not affected

- (1) Nothing in the **Integrity Code** affects or limits the Sports Anti-Doping Rules.
- (2) Where a matter arises under the **Integrity Code** that also involves doping in sport and the Sports Anti-Doping Rules apply, the matters covered by the Sports Anti-Doping Rules must be dealt with in accordance with the Sports Anti-Doping Rules.

Compare: Integrity Sport and Recreation Act 2023, section 19(5).

Part 2 – Minimum standards for preventing and addressing threats to integrity

8. Overview of this Part

This Part contains minimum standards to ensure **organisations** in the **sport and recreation sector**:

- (a) **prohibit** the behaviours which constitute a **threat to integrity** in sport and recreation;
- (b) implement an effective and fair **dispute resolution** process in relation to threats to integrity;
- (c) put in place proactive **safeguarding** measures for children, young people and **vulnerable adults**;
- (d) notify the **Commission** of issues of serious concern;
- (e) cooperate with the **Commission** in relation to **dispute resolution**, investigations, and monitoring activity; and
- (f) provide information about the **Integrity Code**.

Required minimum standards to prevent and address threats to integrity

9. Prohibiting behaviours which constitute a threat to integrity

- (1) An **organisation** must **prohibit participants** from engaging or attempting to engage in the following behaviours in **connection with sport and recreation**:
 - (a) racism, **discrimination**, bullying, violence, abuse, sexual misconduct, intimidation, or harassment in sport or organised physical **recreation**;
 - (b) manipulation or attempted manipulation of the result or course of a sporting competition or activity;
 - (c) sports betting activity connected with competition manipulation or the misuse of inside information connected with competition manipulation or sports betting; and
 - (d) corruption, fraud, and other forms of deception or breach of trust in sport or organised physical **recreation**.
- (2) **Prohibit** means to formally forbid the behaviour within the **organisation** and sport and **recreation** activity through rules, **policies** or procedures.
- (3) To comply with the minimum standard, the **organisation** must have and adhere to **policies** which **prohibit** the **prohibited behaviours** as defined in Schedule 1.
- (4) This clause does not prevent an **organisation** from also prohibiting other behaviours which the **organisation** considers is necessary or desirable to prevent misconduct, uphold its duties, or promote its **members'** rights and interests.

10. Implementing an effective and fair dispute resolution process

- (1) An **organisation** must implement an effective and fair **dispute resolution** process to address **complaints** or **disclosures** in relation to threats to integrity.
- (2) To comply with this minimum standard, the **organisation** must have and implement **policies** for **dispute resolution** that:
 - (a) provide a mechanism for making **complaints** and **disclosures** to the **organisation**;
 - (b) are consistent with the principles of natural justice (for example, that parties to a dispute have a fair opportunity to be heard by an impartial decision-maker);
 - (c) require that, as soon as reasonably practicable after receiving a **complaint** or **disclosure**, or otherwise becoming aware of a **threat to integrity**, appropriate steps are taken to resolve the matter, including through consent-based **dispute resolution** or an investigation and disciplinary process;

- (d) provide for the imposition of the sanctions in accordance with Part 4 if the **participant** is found, on the balance of probabilities, to have engaged or attempted to engage in a **prohibited behaviour**;
 - (e) provide for consultation with those involved in the process about their **needs** (for example, by trauma-informed processes, **tikanga Māori**-based practice or other culturally appropriate processes to help resolve a dispute);
 - (f) reflect that **participants** may make a **complaint** or **disclosure** to the **Commission**, regardless of whether they have first sought to resolve the matter with the **organisation**;
 - (g) expressly recognises that the **Commission** may assume responsibility for the matter, including through an investigation and disciplinary process;
 - (h) requires the **organisation** to keep adequate records of **complaints** or **disclosures**; and
 - (i) expressly recognise that a decision of an **organisation's** disciplinary body may be appealed to the **Sports Tribunal** in accordance with [section 38\(ac\)](#) of the Sports Tribunal Act 2006.
- (3) Personal information collected or held by an **organisation** in relation to **dispute resolution** must be managed in accordance with the Privacy Act 2020.

11. Safeguarding children, young people and vulnerable adults

- (1) An **organisation** must take reasonable measures to safeguard children, young people and **vulnerable adults** in sport and **recreation**.
- (2) To comply with this minimum standard, the **organisation** must have and implement **policies** to:
 - (a) require a safety check to be undertaken in relation to specified persons (including volunteers) that includes:
 - (i) verification of that person's identity (for example, a passport or driver's licence);
 - (ii) an official background or criminal record check (for example, Ministry of Justice criminal record check or Police vet); and
 - (iii) criteria for when a person is disqualified from working with children, young people or **vulnerable adults** (for example, if they have been convicted of an offence under the Children's Act 2014, [Schedule 2](#));
 - (b) specify safe practices for children, young people, and **vulnerable adults** in relation to:

- (i) coaching, training and instructing;
 - (ii) one-on-one interactions;
 - (iii) taking, sharing or storing images;
 - (iv) transport and travel;
 - (v) overnight stays and accommodation, including sleeping arrangements; and
 - (vi) changing room (or equivalent) arrangements;
- (c) ensure specified persons complete training in relation to **safeguarding** children, young people, and **vulnerable adults**:
- (i) prior to, or as soon as reasonably practicable after, commencing their role or duties; and
 - (ii) at least on an annual basis thereafter.
- (3) The safety check described in paragraph (2)(a):
- (a) must be initiated prior to the specified person commencing their role or duties;
 - (b) does not need to have been completed prior to the specified person commencing their role or duties if it is impracticable in the circumstances to do so; and
 - (c) must be re-done at least every three years.
- (4) The training referred to in paragraph (2)(c) must cover, without limitation:
- (a) **prohibited behaviours** with a focus on the safety and **well-being** of children, young people and **vulnerable adults**; and
 - (b) the safe practices referred to in paragraph (2)(b) to prevent these **prohibited behaviours**;
- (5) For the purposes of this provision, **specified person** includes any **adult** who works in, volunteers for, or provides services to, the **organisation** where such involvement:
- (a) may or does involve regular or overnight contact with children, young people or **vulnerable adults**; and
 - (b) takes place without a parent or guardian of a child or young person being present; or
 - (c) takes place with a **vulnerable adult** without the presence of another **adult**.

12. Organisations must notify Commission of issues of serious concern

- (1) An **organisation** must notify the **Commission** where issues of serious concern (outlined below in clause 12 (2) (a)) regarding integrity arise to enable the **Commission** to:
 - (a) monitor the frequency and nature of serious threats to integrity; and
 - (b) assess whether the **Commission** needs to intervene in the matter.
- (2) To comply with this minimum standard, the **organisation** must have and implement **policies** to notify the **Commission** when:
 - (a) an **issue of serious concern** arises, which includes:
 - (i) abuse, intimidation or violence affecting one or more children, young people, or **vulnerable adults**;
 - (ii) sexual misconduct;
 - (iii) any **prohibited behaviour** that gives rise to an imminent risk of serious harm to a **participant**;
 - (iv) that the **organisation** has breached its obligations in relation to **safeguarding** children, young people and **vulnerable adults** under clause 11;
 - (v) an **organisation** retaliating, or threatening to retaliate against, a **participant** in breach of [section 39](#) of the **principal Act**; and
 - (vi) victimisation of a person in breach of [section 40](#) of the **principal Act**; or
 - (b) it imposes one or more of the following sanctions in accordance with clause 34:
 - (i) suspension from participation; and
 - (ii) exclusion from participation.
- (3) The notification to the **Commission** must:
 - (a) be made as soon as reasonably practicable:
 - (i) after the **organisation** becomes aware of the **issue of serious concern** (for example, upon receipt of a **complaint** or **disclosure** relating to the matter); or
 - (ii) after the imposition of the suspension or exclusion; and
 - (b) in relation to an issue of serious concern, contain at a minimum:
 - (i) a description of the **issue of serious concern**;

- (ii) any information, if known, about the period of time in which the **issue of serious concern** occurred;
 - (iii) what, if any, action has been taken in response to the matter; and
 - (c) be made in the manner prescribed by the **Commission**.
- (4) For the avoidance of doubt, the notification to the **Commission** must be made regardless of what, if any, other action the **organisation** has taken, or intends to take, to resolve the matter.
- (5) Nothing in this clause prevents an **organisation** from notifying any other person, body or public sector agency (for example, New Zealand Police or a professional regulatory body) if that notification is:
- (a) permitted under the Privacy Act 2020 (for example, because a person consents to their information being shared or it is necessary to prevent or lessen a serious threat to public health or public safety); or
 - (b) required under another enactment or legal obligation.

13. Cooperation with the Commission

- (1) An **organisation** must cooperate with the **Commission** in the performance of the **Commission's** functions and powers.
- (2) To comply with this minimum standard, the **organisation** must:
- (a) engage in good faith with the **Commission** to resolve matters the **Commission** has under consideration;
 - (b) provide information or documents which the **Commission** considers is necessary for the purposes of any investigation conducted by the **Commission** in accordance with Part 3;
 - (c) cooperate with an investigation or **disciplinary panel** process undertaken in accordance with Part 3 and Schedule 3 of the **Integrity Code**;
 - (d) take any remedial action required by the **Commission** in accordance with Part 4 as soon as reasonably practicable; and
 - (e) provide information, guidance or training to its **members** about the **Integrity Code** as required by the **Commission** from time-to-time.

14. Providing information about the Integrity Code

- (1) An **organisation** must provide information to help its **members** and other persons understand and implement the **Integrity Code**.

- (2) To comply with this minimum standard, the **organisation** must inform its **members** and any other person who has agreed with the **organisation** to be bound by the **Integrity Code**:
- (a) that the **organisation** is bound by the **Integrity Code**;
 - (b) of any new or amended **policies** the **organisation** has, or intends to make, to implement the **Integrity Code**;
 - (c) of the **policies** the **organisation** has to implement the **Integrity Code** (for example, by publishing the **policies** free of charge on a website maintained by the **organisation**); and
 - (d) of their right to make a **complaint** or **disclosure** to the **organisation** and the **Commission**.
- (3) For the purposes of this provision, the requirement to provide information and access to **policies** includes the parent or guardian of a child or young person.

Compliance with minimum standards

15. Timeframes for compliance with minimum standards

- (1) An **organisation** must have and implement the **policies** in clauses 9 to 12 as soon as reasonably practicable, and no later than 12 months after the **Integrity Code** binds that **organisation**.
- (2) The minimum standards in paragraph (1) will apply from the date that is the earlier of:
- (a) the relevant policy being formally adopted; or
 - (b) 12 months after the **Integrity Code** binds the **organisation**.
- (3) An **organisation** must comply with clauses 13 and 14 from the time it is bound by the **Integrity Code**.

16. Organisations to decide on form of policies

- (1) To comply with the minimum standards required in this Part, an **organisation** may:
- (a) implement model **policies** issued by the **Commission** to assist **organisations** to comply with the **Integrity Code**;
 - (b) implement its own **policies** to comply with the **Integrity Code**; or
 - (c) with the agreement of another **organisation** (for example, the relevant national sport or recreation **organisation**), implement the **policies** that **organisation** has made to comply with the **Integrity Code**.

- (2) The **policies** an **organisation** uses to comply with the **Integrity Code** may be in one or more documents, provided that the minimum standards are met.

17. Safe harbour presumptions in relation to minimum standards

- (1) An **organisation** will be presumed to comply with the minimum standards in this Part in the following circumstances:
- (a) for the purposes of clause 9, where the **organisation's policies** define the **prohibited behaviours** consistently with Schedule 1;
 - (b) for clauses 10 – 12, where the **organisation** implements a model policy issued by the **Commission** (for example, in relation to **dispute resolution**); and
 - (c) for the purposes of clause 11(2)(c), where an **organisation** ensures that specified persons complete specified training modules provided by the **Commission**.
- (2) The presumption that the **organisation** has complied with the minimum standards may be displaced where the **organisation** has failed to implement the policy (for example, by failing to implement the model **dispute resolution** policy it has adopted by acting contrary to the principles of natural justice).

Part 3 – Oversight role of the Commission

18. Overview of this Part

This Part prescribes how the **Commission** will exercise functions, powers and services relating to the **Integrity Code**, including in relation to:

- (a) **complaints and disclosures**;
- (b) investigations.

19. Te Tiriti o Waitangi

In accordance with [section 15](#) of the **principal Act**, the **Commission** will exercise its functions and powers under the **Integrity Code** in a manner that is responsive to te Tiriti o Waitangi, **tikanga Māori**, and the rights and interests of Māori, including by:

- (a) working in partnership with Māori (for example, Māori **participants and organisations**);
- (b) recognising the autonomy of kaupapa Māori approaches to sport and recreation, including of Māori sport and **recreation organisations**;
- (c) promoting te reo Māori, **tikanga Māori** and mātauranga Māori;
- (d) recognising that **tikanga Māori** is determined by whānau, hapū and iwi;

- (e) ensuring that Māori are treated equitably under the Integrity Code; and
- (f) facilitating the provision of tikanga Māori-based dispute resolution services.

20. Principles for determining the appropriate action under this Part

- (1) In accordance with [section 29](#) of the principal Act, the Commission may take all steps necessary to comply with and implement this Integrity Code.
- (2) When determining the steps to take under this Part, the Commission will take into account:
 - (a) the purposes of the principal Act;
 - (b) the purposes of the Integrity Code set out in clause 3; and
 - (c) any other matters which the Commission considers relevant.

Complaints and dispute resolution mechanisms under the Integrity Code

21. Making complaints and disclosures to the Commission

- (1) Any person may make a **complaint** or **disclosure** to the Commission about a **threat to integrity**, or any other matter covered by the Integrity Code, through the **dispute resolution** service established in accordance with [section 13](#) of the principal Act.
- (2) The Commission may receive **complaints** and **disclosures** on an anonymous basis in accordance with its operating procedures. These operating procedures will be published by the Commission and updated as required.
- (3) The Commission may, where it considers it is necessary or desirable, treat the following matters as if they were a **complaint** or **disclosure**:
 - (a) a notification required under clause 12 of the Integrity Code; or
 - (b) a referral of a matter to, or request for assistance from, the Commission by an **organisation** or any other person.
- (4) The person making the **complaint** or **disclosure** to the Commission is not required to first make the **complaint** or **disclosure** to the relevant **organisation**.

22. Triage and assessment of complaints and disclosures

- (1) The Commission will assess:
 - (a) whether the matter is or may:
 - (i) be a breach of a minimum standard by an **organisation** or the **policies** an **organisation** has implemented to achieve a minimum standard;

- (ii) involve a **participant** having engaged, or attempted to engage in, one or more of the **prohibited behaviours**; or
 - (iii) otherwise be relevant to the **Integrity Code** or the **Commission's** functions under the **principal Act**; and
- (b) what, if any, action the **Commission** wishes to take in relation to the **complaint** or **disclosure** under:
 - (i) the **Integrity Code**; or
 - (ii) the **principal Act**.
- (2) The **Commission** may:
 - (a) conduct an initial assessment of the matter to form an opinion on the action the **Commission** considers appropriate in the circumstances; and
 - (b) where necessary or appropriate, inform the relevant **organisation** and **participants** that it has received a **complaint** or **disclosure**.
- (3) Where the matter appears, in whole or in part, to be a matter that is more properly within the scope of the functions of another person or body, the **Commission** will consider whether to refer the matter to another person or body in accordance with [section 36](#) of the **principal Act**.
- (4) For the avoidance of doubt, notwithstanding instances where the **Commission** refers a matter to another person or body, the **Commission** may still take action in relation to any matters for which it has responsibility.

23. Action in relation to complaint or disclosure

- (1) The **Commission** may decide to take any one or more of the following actions in response to a **complaint** or **disclosure**:
 - (a) take no action or take no further action (for example, because the **complaint** is vexatious, has been appropriately dealt with already, or does not relate to integrity in sport and recreation);
 - (b) refer the matter to the relevant **organisation** for it to decide whether to take action in accordance with its **policies**;
 - (c) write to the **participant** or **organisation** to notify them of their obligations under the **Integrity Code**;
 - (d) refer the matter to **dispute resolution** services provided by the **Commission**, which may include culturally responsive **dispute resolution** processes (for example, a process guided by **tikanga Māori**);

- (e) support an **organisation** to resolve the matter itself and monitor their progress;
 - (f) provide any support to a **participant** involved in the process the **Commission** considers necessary or desirable;
 - (g) initiate an investigation under [section 31](#) of the **principal Act**;
 - (h) take any other action provided for in the **principal Act**; and
 - (i) take any other steps necessary to comply with or implement the **Integrity Code**.
- (2) The **Commission** will inform the relevant people and **organisations** in writing as soon as reasonably practicable after deciding on the action it has taken or intends to take.
- (3) The **Commission** may, where it considers it is necessary or desirable, suspend or defer any formal action until the completion of an investigation by another person or body (for example, a criminal investigation by New Zealand Police).

Investigations into breach of the Integrity Code

24. Conduct of investigation

- (1) In accordance with section 33 of the **principal Act**, the **Commission** may initiate an investigation in response to a **complaint** or on its own initiative.
- (2) The **Commission** will:
- (a) notify the relevant people and **organisations** of the initiation of an investigation in writing as soon as reasonably practicable;
 - (b) wherever it considers it reasonably practicable and appropriate, engage with the relevant people and **organisations**, including any relevant **participant** associations, about the nature and scope of the investigation prior to conducting the investigation.
- (3) The **Commission** may take steps to investigate a **complaint** or **disclosure** as it considers necessary, including:
- (a) reviewing publicly available information;
 - (b) requesting or requiring cooperation (for example, through a formal interview) by parties and witnesses in accordance with clause 25;
 - (c) requesting or requiring the provision of information in accordance with clause 26; and
 - (d) seeking expert advice or opinion.
- (4) The **Commission** will, where reasonably practicable and appropriate:

- (a) conduct investigations through the consent and cooperation of the relevant people and **organisations**; and
 - (b) keep the relevant people informed about the progress of an investigation.
- (5) For the avoidance of doubt, [section 36](#) (referrals of matters to body or person) of the **principal Act** applies at any stage during the process in the course of conducting or proposing to conduct an investigation.

25. Cooperation with investigation

- (1) The **Commission** may issue a direction to any **organisation** or person to formally cooperate with an investigation, including attendance at an interview or disciplinary hearing, where:
- (a) the **organisation** or person is bound by the **Integrity Code**; and
 - (b) the **Commission** believes on reasonable grounds that:
 - (i) the direction is necessary to the investigation or disciplinary hearing; and
 - (ii) it is consistent with the relevant **participants' needs** to issue the direction.
- (2) A failure to abide by a direction issued by the **Commission** under paragraph (1) may be treated as a breach of the **Integrity Code** in accordance with Part 4.
- (3) A person refusing to comply with a direction to cooperate does not prevent the **Commission** from taking action it considers necessary under the **Integrity Code**.

26. Power to require information

- (1) The **Commission** may require a **participant** or **organisation** to provide information as part of an investigation where:
- (a) the **participant** or **organisation** is bound by the **Integrity Code**; and
 - (b) the **Commission** believes on reasonable grounds that:
 - (i) the information is relevant to the investigation;
 - (ii) the information cannot be obtained by consent; and
 - (iii) the **participant** or **organisation** holds or is likely to hold the information.
- (2) A failure to provide information required by the **Commission** under paragraph (1) may be treated as a breach of the **Integrity Code** in accordance with Part 4.
- (3) Nothing in the **Integrity Code** requires a person or **organisation** to provide information that is subject to privilege (for example, legal privilege).

- (4) Where a person wishes to claim privilege, [section 45](#) of the **principal Act** applies.
- (5) A person refusing to provide information requested or required by the **Commission** does not prevent the **Commission** from taking any action that it considers necessary under the **Integrity Code**.
- (6) Nothing in this clause limits or affects the ability of the **Commission** to require information from specified persons under [section 34](#) of the **principal Act**.

27. Outcome of an investigation

- (1) Following an investigation, the **Commission** may take one or more of the following actions:
 - (a) publish a report on the investigation in accordance with [section 37](#) of the **principal Act**;
 - (b) in relation to a **participant** either:
 - (i) refer the matter to the relevant **organisation's** disciplinary process;
 - (ii) refer the matter to the **Commission's** disciplinary panel established in accordance with Schedule 3;
 - (c) in relation to an **organisation**, require that **organisation** to take one or more remedial actions set out in clause 32 of the **Integrity Code**;
 - (d) take any other action consistent with the **Integrity Code** (for example, referring the matter to **dispute resolution**).
- (2) Before commenting adversely about an **organisation** or person in a report published in accordance the **principal Act**, the **Commission** will:
 - (a) take all reasonable steps to notify the **organisation** or person of the proposed comment; and
 - (b) give the person or **organisation** a reasonable opportunity to be heard in relation to the proposed comment.

Disputes arising in relation to application of the Integrity Code

28. Disputes arising from the application of the Integrity Code

In accordance with [section 38](#) of the **Sports Tribunal Act 2006**, the **Sports Tribunal** may determine disputes arising from the application of the **Integrity Code**.

Compare: Sports Tribunal Act 2006, section 38(aa).

Part 4 – Remedial actions and sanctions

29. Overview of this Part

This Part:

- (a) sets out principles for determining remedies and sanctions under the **Integrity Code**;
- (b) prescribes what constitutes a breach of the **Integrity Code** by an **organisation** and the remedial actions the **Commission** may require as a consequence of a breach; and
- (c) prescribes when a **participant** may be sanctioned and what sanctions are permitted under the **Integrity Code**.

30. Principles relating to remedies and sanctions

In reaching a determination on sanction or remedial action, the relevant decision-maker may consider:

- (a) the seriousness of the breach and the harm caused by it;
- (b) whether the breach was a one-off incident or part of an overall pattern of behaviour;
- (c) any vulnerability of **participants** to whom the matter relates;
- (d) any power imbalance between the relevant parties;
- (e) any remorse expressed or attempts to make amends, including the outcome of any restorative process, **tikanga Māori**-based process, or other cultural process;
- (f) whether the breach was an honest and reasonable mistake;
- (g) the views of the complainant and any other persons harmed by the breach;
- (h) any relevant precedents which help to guide a proportionate remedy or sanction;
- (i) any cultural considerations that are relevant in the context; and
- (j) any relevant aggravating or mitigating factors.

31. Breach of the Integrity Code by organisations

- (1) The **Commission** may find that an **organisation** has breached the **Integrity Code** where the **Commission** is satisfied, on the balance of probabilities, that:
 - (a) the **organisation** does not have **policies** in place to implement the minimum standards in clauses 9 – 12 of the **Integrity Code**;

- (b) the **organisation** has **policies** in place, but they do not meet the minimum standards specified in clauses 9 – 12 of the **Integrity Code**;
- (c) the **organisation** has **policies** in place to implement the minimum standards in clauses 9 – 12 of the **Integrity Code**, but it fails to adhere to those **policies**;
- (d) the **organisation** fails, without reasonable excuse, to:
 - (i) cooperate with the **Commission** in accordance with clause 13 of the **Integrity Code**;
 - (ii) provide information to its **members** in accordance with clause 14 of the **Integrity Code**;
 - (iii) enforce a sanction imposed by the **Commission's disciplinary panel** under Part 3 and Schedule 3 of the **Integrity Code**; or
- (e) the **organisation** breaches [section 39](#) of the **principal Act** (no retaliation against **participant** who makes **complaint** or provides information to the **Commission**).

32. Remedial action by organisation

- (1) The **Commission** may require that the **organisation**, as soon as reasonably practicable or within a time specified by the **Commission**, take one or more of the following actions to remedy a breach of the **Integrity Code**:
 - (a) issue an apology to any people affected by the breach;
 - (b) engage in a **dispute resolution** process with **participants**;
 - (c) provide relevant training to people who hold an official position in the **organisation**;
 - (d) amend to **policies** in order to comply with the **Integrity Code**; and
 - (e) take any other action which the **Commission** considers is necessary to remedy the harm.
- (2) The **Commission** may recommend that the **organisation** pay compensation that is reasonably related to the harm caused by the breach (for example, partial or full payment of psychological treatment required due to trauma).
- (3) The **Commission** may review an **organisation's** progress in implementing any required actions or recommendations.
- (4) The **Commission** may not require an **organisation** to take any action which affects an employment relationship (for example, requiring termination of an employment agreement or reinstating a person to employment).

33. Breaches for which a participant may be sanctioned

- (1) A **participant** may be sanctioned in accordance with clause 34 where they are found, on the balance of probabilities, to have:
 - (a) breached **the Integrity Code** by failing, without reasonable excuse, to:
 - (i) provide information or cooperate with an investigation by the **Commission** conducted in accordance with Part 3;
 - (ii) abide by a sanction imposed on them in accordance with **the Integrity Code**; or
 - (b) breached a policy an **organisation** has in place to give effect to **the Integrity Code** (for example, by engaging or attempting to engage in one or more **prohibited behaviours** as defined in Schedule 1); or
 - (c) breached [section 40](#) of the **principal Act**.
- (2) The burden of proof for demonstrating that a breach referred to in paragraph (1) occurred rests on either the **organisation** or the **Commission**, as the circumstances require.
- (3) For the avoidance of doubt:
 - (a) a **participant** must be bound by **the Integrity Code** to be found in breach;
 - (b) the act or omission must occur **in connection with sport and recreation**; and
 - (c) the physical location where the behaviour occurred is not determinative; and
 - (d) **prohibited behaviours** may involve different forms of contact (for example, physical contact, verbal comments, written communications).

34. Sanctions for participants

- (1) The sanctions which may be imposed on a **participant** by an **organisation** or the **Commission's disciplinary panel** for a breach referred to in clause 33 include:
 - (a) a reprimand or warning;
 - (b) a requirement to complete an available course of training relating to the behaviour in question;
 - (c) conditions on participation in sport and recreation to which **the Integrity Code** applies;
 - (d) suspension from some or all participation in sport or recreation to which **the Integrity Code** applies; and

- (e) exclusion from some or all participation in sport or recreation to which the **Integrity Code** applies.
- (2) For the avoidance of doubt, the **Commission's disciplinary panel** may not:
- (a) impose a fine or other form of monetary penalty on a **participant**; or
 - (b) deal with any matter arising between an employer and the employer's employee concerning the terms and conditions of the employee's employment, a dispute relating to the interpretation, application, or operation of an employment agreement, or a personal grievance.
- (3) Nothing in this clause affects the ability of an **organisation** to:
- (a) impose another sanction or penalty on a **participant** if that is provided for in their constitution or **policies** of the **organisation** (for example, expulsion from the society or imposition of a fine);
 - (b) take separate disciplinary action in relation to a **participant** who is an employee of an **organisation**.

35. Publication of sanctions

- (1) The **Commission** may publish a list of all suspensions and exclusions imposed in accordance with the **Integrity Code**, whether as a result of a **disciplinary panel** determination or an **organisation's** disciplinary process.
- (2) Before identifying any **participant** who is subject to a suspension or exclusion under the **Integrity Code**, the **Commission** must:
- (a) be satisfied that naming the **participant** is consistent with the purposes of the **Integrity Code** and the **principal Act**;
 - (b) have regard to the **needs** of the **participant**; and
 - (c) act in accordance with the principles of natural justice (for example, by ensuring the affected **participant** has an opportunity to be heard in relation to the decision to publish the sanction).

36. Enforcement and mutual recognition of sanctions

- (1) An **organisation** which is bound by the **Integrity Code** must enforce the sanction determined by the **Commission's disciplinary panel**, unless that sanction is successfully appealed.
- (2) A suspension or exclusion imposed on a **participant** by an **organisation** in accordance with the **Integrity Code** may be recognised and enforced by any **organisation** which is bound by the **Integrity Code**.

Part 5 – Definitions in the Integrity Code

37. Interpretation

(1) In the Integrity Code, unless the context otherwise requires:

adult means a person who is 18 years or over;

children and young people means people who are under the age of 18 years;

Commission means the Integrity Sport and Recreation Commission established under the Integrity Sport and Recreation Act 2023;

complaint means an expression of dissatisfaction with an explicit or implicit expectation of a response or resolution;

disciplinary panel means a disciplinary panel established by the Commission;

disclosure means a disclosure of information relating to an alleged or actual breach of the Integrity Code, a policy required under the Integrity Code, or the principal Act;

discrimination means discrimination that is unlawful under Part 2 of the Human Rights Act 1993;

dispute resolution means any process used to respond to or resolve a complaint or disclosure, including:

- (a) consent based processes such as mediation, restorative processes or arbitration; or
- (b) determinative processes such as investigation and disciplinary processes.

in connection with sport and recreation means that:

- (a) the behaviour occurs while the person is engaging in sport and recreation to which the Integrity Code applies; or
- (b) the behaviour occurs while a participant is dealing with an organisation, its employees, volunteers, contractors, or representatives; or
- (c) a person is acting in their capacity as a participant, member, officer, or representative of an organisation; or
- (d) the behaviour occurs between people interacting with each other primarily because of their mutual involvement in sport and recreation;

integrity code has the same meaning as the Integrity Sport and Recreation Act 2023;

the Integrity Code means the Code of Integrity for Sport and Recreation issued in accordance with the Integrity Sport and Recreation Act 2023;

issue of serious concern has the meaning given in clause 12(2)(a);

member means a person or a body of persons that has agreed to be, and has been accepted as, a member of an organisation;

needs of participants includes their psychological needs and other needs such as those based on vulnerability, age, culture, language, gender identity and expression, sexual orientation, sex characteristics, and disability;

organisation means any body of persons, whether incorporated or unincorporated, that is bound by the Integrity Code in accordance with [section 21](#) of the principal Act;

participant has the same meaning as the definition of “participant” in [section 4](#) of the principal Act;

policies includes any rules, policies or procedures made or amended by the organisation in accordance with its constitution (or equivalent governing document) and includes regulations, by-laws or other equivalent obligations;

principal Act means the Integrity Sport and Recreation Act 2023;

prohibit means to formally forbid the behaviour within the organisation and sport and recreation activity through rules, policies or procedures

prohibited behaviour means a behaviour which an organisation is required to prohibit as defined in Schedule 1 of the Integrity Code;

recreation means physical recreation;

safeguarding means actions to reduce the risk of harm to participants, including children and young people;

sport and recreation sector has the same meaning as the definition of “sport and physical recreation sector” in [section 4](#) of the principal Act;

Sports Tribunal means the Tribunal established under the Sports Tribunal Act 2006;

threat to integrity has the same meaning as in [section 5](#) of the Integrity Sport and Recreation Act 2023;

tikanga Māori means Māori customary law and practices;

vulnerable adult means a person who is unable, by reason of age, disability, health status, impairment, or any other cause (for example, detention), to withdraw themselves from the care or charge of another person;

well-being includes physical, psychological, emotional, spiritual and social well-being;

- (2) Nothing in the definitions limits or affects the meaning of terms used in the World Anti-Doping Code or the anti-doping rules.

Schedule 1 – Minimum standards of behaviour in sport and recreation

1. Overview of this Schedule

- (1) Clause 9 of the **Integrity Code** requires an **organisation** bound by the **Integrity Code** to have and implement **policies** to **prohibit** behaviours that constitute a **threat to integrity**.
- (2) The **organisation** will be presumed to comply with clause 9 if its **policies prohibit** breaches of the **Integrity Code** consistently with this Schedule.

2. Prohibition of bullying, violence, abuse, intimidation and harassment in sport and recreation

- (1) A person who is bound by the **Integrity Code** must not engage in or attempt to engage in bullying, violence, abuse, intimidation, or harassment in connection with sport or **recreation**.
- (2) For the purposes of this provision—
 - (a) **abuse** includes physical, psychological, and sexual abuse;
 - (b) **bullying**—
 - (i) means unreasonable behaviour directed towards a person or people that does, or is likely to, lead to physical or psychological harm;
 - (ii) includes repeated behaviour but may be a serious single incident;
 - (c) **harassment**—
 - (i) means unwelcome or unwanted behaviour that is offensive, threatening, or degrading and that has had, or is likely to have, a harmful effect on the person or group the behaviour is targeted at; and
 - (ii) includes repeated behaviour but may be a serious single incident;
 - (d) **intimidation** means behaviour that is intended to cause fear or distress (for example, threatening an act of violence, or watching, following or accosting a person);
 - (e) **violence**—
 - (i) means the intentional use of force or aggression (including verbal) to harm a participant physically, psychologically, emotionally, spiritually, or socially;
 - (ii) does not include:
 - (A) force or aggression that is permitted under the rules or required in the course of a sport or **recreation** activity (for example, a regulation tackle in rugby union or rugby league);

- (B) force or aggression that is not permitted under the rules or required in the course of a sport or **recreation** activity, but which can be, or was, resolved within the ordinary course of the sport or **recreation** activity (for example, a yellow or red card for a non-regulation tackle).

3. Prohibition of sexual misconduct in sport and recreation

- (1) A person who is bound by **the Integrity Code** must not engage in or attempt to engage in sexual misconduct in connection with sport and recreation.
- (2) For the purposes of this provision, **sexual misconduct** includes—
 - (a) any non-consensual touching or contact of a sexual nature;
 - (b) forcing, pressuring or manipulating a person into sexual activity;
 - (c) sexual attention or comments that are unwelcome or unwanted, including questions about a person's sexual preferences or history, or sexual comments about a person's body, personality or other characteristics;
 - (d) any sexual contact or conduct, including sexual attention or comments, by an **adult** with a child or young person under 16 years of age regardless of whether the person consents;
 - (e) an **adult** building a relationship with a child or young person that is, or appears to a reasonable person to be, for the purposes of instigating sexual contact or sexual attention;
 - (f) using a position of trust or authority to enter into a sexual or intimate relationship with a **participant**; and
 - (g) taking, sharing or displaying images of a sexual nature without consent.

4. Prohibition of racism and other forms of discrimination in sport and recreation

- (1) A person who is bound by **the Integrity Code** must not engage in or attempt to engage in racism or any other form of **discrimination** in connection with sport or **recreation**.
- (2) For the purposes of this provision, **racism and discriminatory behaviour** includes:
 - (a) slurs, derogatory language or other offensive behaviour directed at a person or group of people because of their race or another prohibited ground of **discrimination** under the Human Rights Act 1993 (for example, disability, gender, sexual orientation);
 - (b) excluding, neglecting, or refusing to participate with other people on the basis of their race or another prohibited ground of **discrimination**;

- (c) inciting or encouraging others to behave in a racist or discriminatory manner; and
 - (d) any other **prohibited behaviours in the Integrity Code** (for example, bullying, harassment, sexual misconduct, or retaliation) directed at a person or group of people on the basis of their race or another prohibited ground of **discrimination**.
- (3) For the avoidance of doubt, an act or omission does not constitute racism or discriminatory behaviour if it is covered by an exception in the Human Rights Act 1993 (for example, to conduct competitive sporting events or activities in which only disabled people take part).

5. Prohibition of competition manipulation and associated activity

- (1) A person who is bound by **the Integrity Code** must not engage in or attempt to engage in:
- (a) the manipulation of the result or course of a sporting competition or activity; or
 - (b) sports betting activity connected with competition manipulation or the misuse of inside information connected with competition manipulation or sports betting.
- (2) For the purposes of this provision:
- (a) **manipulation of the result or course of a sporting competition or activity** means an intentional arrangement, act or omission aimed at an improper alteration of the result or the course of a sporting competition in order to remove all or part of the unpredictable nature of the sporting competition with a view to obtaining an undue benefit for oneself or for others;
 - (b) **sports betting activity connected with competition manipulation** includes betting in relation to:
 - (i) a competition in which the **participant** is directly participating; or
 - (ii) any event of a multisport competition in which they are a **participant**;
 - (c) **inside information** means information relating to any competition that a person possesses by virtue of their position in relation to a sport or competition, excluding any information already published or common knowledge, easily accessible to interested **members** of the public or disclosed in accordance with the rules and regulations governing the relevant competition;
 - (d) **misuse of inside information** means:
 - (i) using inside information for the purposes of betting, any form of manipulation of sporting competitions or any other corrupt purpose whether by the **participant** or via another person and/or entity;

- (ii) disclosing inside information to any person, with or without a benefit, where the **participant** knew or should have known that such **disclosure** might lead to the information being used for the purpose of betting, any form of manipulation of competitions or any other corrupt purposes;
 - (iii) giving or receiving a benefit for the provision of inside information, regardless of whether any inside information is actually provided.
- (3) For the avoidance of doubt, conduct which is permitted under the rules or required in the course of a sport or **recreation** activity cannot be considered improper.
- (4) **Organisations** which do not organise, sanction or authorise sporting competitions, events or activities do not need to implement this clause of the **Integrity Code**.

6. Prohibition of corruption, fraud, deception and breach of trust

- (1) A person who is bound by the **Integrity Code** must not engage in or attempt to engage in corruption, fraud and other forms of deception or breach of trust **in connection with sport and recreation**.
- (2) For the purposes of this provision **corruption, fraud and other forms of deception or breach of trust** in sport and **recreation** includes—
- (a) offering, promising or giving an undue benefit to a person in a position of trust or authority;
 - (b) the solicitation, acceptance or receipt of an undue benefit by a person in a position of trust or authority;
 - (c) abusing or misusing a position of trust or authority to obtain an undue benefit;
 - (d) obtaining a benefit, or causing loss or injury to another person, through deception;
 - (e) an intentional failure to disclose a conflict of interest or abide by plans to manage a conflict of interest; and
 - (f) using or disclosing any confidential information to obtain an advantage;
- (3) For the purposes of paragraph (2):
- (a) **benefit** includes a financial benefit, valuable consideration, office, or employment, or any other benefit, whether direct or indirect; and
 - (b) **undue benefit** means any benefit which is improperly or unlawfully obtained, accepted, offered, given, or agreed to.

7. Prohibition of victimisation in relation to complaints and dispute resolution

- (1) A person who is bound by **the Integrity Code** must not engage in, or attempt to engage in, victimisation of any person because that person makes or intends to make a **complaint** to an **organisation** which is bound by **the Integrity Code**.
- (2) For the purposes of this provision, victimisation has the same meaning as in [section 40](#) of the **principal Act**, with any necessary modifications.

Schedule 2 – Adoption of the Integrity Code

1. Overview of this Schedule

- (1) The purpose of this Schedule is to prescribe the manner in which **the Integrity Code** may be adopted by **organisations**.
- (2) For the purposes of this Schedule, an **organisation** means any body of persons, whether incorporated or unincorporated, with a primary purpose of:
 - (a) providing opportunities for participation in sport or organised physical recreation; or
 - (b) providing services to **organisations** described in paragraph (a) or to **participants** (for example, **participant** associations, the New Zealand Olympic Committee Incorporated, and Paralympics New Zealand).

2. General provisions relating to adoption of Integrity Code

- (1) An **organisation** may adopt **the Integrity Code** in the manner provided in this Schedule.
- (2) The **Commission** or the **organisation** may initiate the process for adoption of **the Integrity Code**.
- (3) The **Commission** will provide a reasonably practicable level of support to an **organisation** which notifies the **Commission** of its intention to adopt **the Integrity Code**.
- (4) The **Commission** will publish a list of **organisations** that have adopted **the Integrity Code**.
- (5) Where an **organisation** fails to comply with this Schedule, any statement in a constitution (or equivalent governing document), resolution or policy which purports to have adopted **the Integrity Code** is invalid.
- (6) For the avoidance of doubt, a body of persons that is a **member** of the **organisation** which adopts **the Integrity Code**, or a body of persons that otherwise agrees to the application of **the Integrity Code**, does not also need adopt **the Integrity Code** in accordance with this Schedule.

3. Organisation to notify Commission of intention to adopt Integrity Code

- (1) An **organisation** must provide the **Commission** written notice of its intention to adopt **the Integrity Code**.
- (2) The written notice must be provided at least one month before the **organisation** intends to adopt **the Integrity Code** in accordance with clause 4 of this Schedule.
- (3) The written notice of an **organisation's** intention to adopt **the Integrity Code** must provide a reasonable level of detail about:

- (a) the nature of the **organisation's** responsibility for the sport and **recreation** activity it is involved in (for example, whether it is a national, regional or local body);
 - (b) whether the **organisation** is a **member** of another body (for example, a national sport **organisation** or national **recreation organisation**);
 - (c) which **organisations**, if any, are **members** of the **organisation** and would be bound as a consequence of the **organisation** adopting **the Integrity Code**;
 - (d) whether the **organisation** is authorised to bind its **members** (whether an **organisation** or a **participant**) by adopting **the Integrity Code**;
 - (e) the estimated number of **participants** in the sport or **recreation** who will, or may, become bound by **the Integrity Code**;
 - (f) the steps the **organisation** has taken, or intends to take, to enable it to adopt and comply with **the Integrity Code** (for example, reviewing and amending its **policies** in advance of adoption to ensure they will comply with the minimum standards);
 - (g) the dates on which the **organisation** intends to adopt **the Integrity Code** and for it to take effect; and
 - (h) whether the **organisation** intends to seek a dispensation from **the Integrity Code** in accordance with clause 6 of this Schedule, including its reasons for seeking the dispensation.
- (4) On receipt of written notice from an **organisation** of its intention to adopt **the Integrity Code**, the **Commission** will, as soon as reasonably practicable:
- (a) review the information provided by the **organisation**; and
 - (b) provide guidance, information or support to the **organisation** in relation to the adoption process.
- (5) The **Commission** may seek further information from the **organisation** or its **members**, where it considers that this is necessary or desirable.

4. Adoption of Integrity Code by constitutional amendment or formal resolution

- (1) After the completion of the steps required in clause 3 of Schedule 2, in order for an **organisation** to adopt **the Integrity Code** it must:
- (a) amend its constitution or equivalent governing document; or
 - (b) make a formal resolution, in accordance with its constitution or equivalent governing document; and
- (2) The action taken in paragraph (1) must, at a minimum:

- (a) expressly adopt the **Integrity Code**;
 - (b) require its **member organisations** to take reasonable steps to bind their **members** (and their **members**, and so on) to the **Integrity Code** (for example, by amending their own constitutions or making compliance with the **Integrity Code** a condition of membership or participation); and
 - (c) specify the date on which the **organisation's** adoption of the **Integrity Code** will take effect.
- (3) The **Integrity Code** will bind the **organisation** and other persons, in accordance with [section 21](#) of the **principal Act**, from the date specified by the **organisation** under paragraph 2(c).

5. Recognition and publication of adoption

- (1) As soon as reasonably practicable after adopting the **Integrity Code** in accordance with clause 4, the **organisation** must provide written notice notifying the **Commission** of the steps it has taken to comply with clause 4, including a copy of relevant documentation (for example, an amended constitution or a formal resolution).
- (2) The **Commission** will confirm, as soon as reasonably practicable, whether the **organisation** has taken the necessary steps to adopt the **Integrity Code**.
- (3) Following confirmation that the **organisation** has taken the necessary steps to adopt the **Integrity Code**, the **Commission** will add the **organisation** to the public list of **organisations** referred to in clause 2, paragraph 4.
- (4) Where the **Commission** is of the opinion that the **organisation** has not taken the necessary steps to adopt the **Integrity Code**, the **Commission** will:
 - (a) notify the **organisation** of its view; and
 - (b) make any recommendations the **Commission** considers necessary or desirable.

6. Dispensation from provisions of the Integrity Code

- (1) An **organisation** may apply to the **Commission** for a dispensation from a provision of the **Integrity Code**, in whole or in part (for example, a specific requirement under a minimum standard).
- (2) The **Commission** may grant an **organisation** dispensation from a provision of the **Integrity Code** if the **Commission** is satisfied that granting the dispensation is consistent with the purposes of the **Integrity Code**; and
 - (a) the provision is not relevant to that **organisation** or its **members**;

- (b) the provision cannot be complied with because it is inconsistent with another legal obligation (for example, a collective employment agreement or the rules of an international federation of which the **organisation** is a **member**); or
 - (c) there are any other reasonable grounds to believe that a dispensation from the provision is necessary or desirable.
- (3) The **Commission** will provide its decision on whether to grant dispensation, and the reasons for its decision, to the **organisation** in writing.
- (4) Where the **Commission** grants dispensation from a provision of the **Integrity Code**, it may:
- (a) make that dispensation subject to conditions (for example, that it applies only for a certain period of time); and
 - (b) specify any necessary modifications to the **Integrity Code** that apply to that **organisation**.
- (5) Any statement in a constitution or equivalent governing document, resolution or policy which purports to exempt an **organisation** from a provision of the **Integrity Code** is invalid unless that dispensation has been granted by the **Commission**.

7. Revocation of adoption of Integrity Code

- (1) Once it is bound by the **Integrity Code**, an **organisation** may revoke its adoption of the **Integrity Code** at any time.
- (2) The **organisation** must notify the **Commission** as soon as reasonably practicable of:
- (a) its intention to revoke adoption of the **Integrity Code**; and
 - (b) revocation of the **Integrity Code**.
- (3) Where an **organisation** revokes its adoption of the **Integrity Code**, the **Integrity Code** ceases to bind:
- (a) the **organisation**;
 - (b) any **participant** or other person who, or body of persons that:
 - (i) is a **member** of the **organisation**; or
 - (ii) had agreed to the application of the **Integrity Code**, or was otherwise bound, as a consequence of the **organisation's** adoption of the **Integrity Code**.

Schedule 3 – Commission’s disciplinary panel

1. Overview of this Schedule

The purpose of this Schedule is to prescribe:

- (a) the composition of the **Commission’s disciplinary panel**;
- (b) the circumstances in which a matter may be referred to the **Commission’s disciplinary panel**; and
- (c) the procedure of the **Commission’s disciplinary panel**.

Establishment of disciplinary panel

2. Establishment of disciplinary panel

- (1) In accordance with [section 41](#) of the **principal Act**, the **Commission** establishes a **disciplinary panel** to consider and determine whether the **Integrity Code**, or an **organisation’s policy** made under the **Integrity Code**, has been breached by a **participant** and the sanction to be imposed for the breach.
- (2) The **disciplinary panel** is composed of as many **members** as the **Commission** considers are necessary or desirable to ensure the fair and efficient exercise of the **disciplinary panel’s** role.
- (3) **Disciplinary panels** must operate independently from the **Commission**.

Composition of Commission’s disciplinary panel

3. Eligibility for appointment to disciplinary panel

- (1) To be eligible for appointment to the **disciplinary panel**, the **Commission** must be satisfied that a person:
 - (a) is of good standing in the community; and
 - (b) has knowledge and experience that is relevant to the role of the **Commission’s disciplinary panel** (for example, experience in law, **tikanga Māori** or disciplinary processes);
- (2) In making appointments to the **disciplinary panel**, the **Commission** must have regard to the principle that the **disciplinary panel membership** should reflect the diversity of the **sport and recreation sector**, including:
 - (a) women;
 - (b) Māori;

- (c) Pacific peoples;
- (d) disabled people; and
- (e) rainbow people.

4. Appointment process for disciplinary panel

- (1) The **Commission** will, from time-to-time, seek nominations for appointments to the **disciplinary panel** from the **sport and recreation sector**, including without limitation:
 - (a) national sporting **organisations** and national **recreation organisations**;
 - (b) **participant** associations; and
 - (c) the New Zealand Olympic Committee Incorporated and Paralympics New Zealand.
- (2) The **Commission** must, in an accessible manner, publish and maintain:
 - (a) information relating to the nominations process for the **disciplinary panel**; and
 - (b) a list of people appointed to the **disciplinary panel**.

5. Chair and Deputy Chairs

- (1) The **Commission** will designate one person as the Chair of the **disciplinary panel** membership and at least one person as a Deputy Chair.
- (2) The Chair of the **disciplinary panel** is responsible for making such arrangements as are reasonably practicable to ensure that the **disciplinary panel** performs its role:
 - (a) in an orderly and efficient manner; and
 - (b) in a way that achieves the purposes of the **Integrity Code** and the **principal Act**.

6. Term of office for disciplinary panel

- (1) A person may be appointed to the **disciplinary panel** membership for a term not exceeding 5 years.
- (2) A person appointed to the **disciplinary panel** membership may be reappointed, but their total term must not exceed 10 years.
- (3) A person may resign from the **disciplinary panel** membership at any time by providing written notice to the **Commission**.
- (4) The **Commission** may revoke a person's appointment to the **disciplinary panel** membership for just cause.

- (5) For the purposes of this provision, **just cause** includes misconduct (for example, a finding that a **member** has breached the **Integrity Code**), inability to perform the duties of **disciplinary panel members**, or neglect of their duties.

Referral of matters to Commission's disciplinary panel

7. Circumstances in which matters may be referred to disciplinary panel

- (1) A matter may be referred to the **disciplinary panel** by the **Commission** where the **Commission** considers the referral is necessary or desirable:
- (a) following an investigation under [section 31](#) of the **principal Act**; or
 - (b) in response to a request to refer a matter to the **Commission's disciplinary panel**.
- (2) The following persons may request that the **Commission** refer a matter to its **disciplinary panel**:
- (a) an **organisation**;
 - (b) the complainant; and
 - (c) the respondent.
- (3) A request to refer the matter to the **Commission's disciplinary panel** must be made prior to any disciplinary hearing conducted by the **organisation**.

8. Considerations for making or agreeing to a referral to disciplinary panel

- (1) To determine whether it is necessary or desirable to refer, or agree to refer, a matter to the **Commission's disciplinary panel**, the **Commission** must consider that there has been, or appears to have been, a breach for which a sanction may be imposed under Part 4 of the **Integrity Code**.
- (2) The **Commission** may also take into account:
- (a) the seriousness of the matter;
 - (b) the steps which have been taken to resolve or investigate the matter;
 - (c) the capability and capacity of the **organisation** to facilitate an effective and fair disciplinary process;
 - (d) the views of the parties, the relevant **organisation** and other affected **participants**;
 - (e) whether the need for public confidence in the outcome warrants a greater level of independence; and
 - (f) any other matter the **Commission** considers relevant.

- (3) The **Commission** will provide a written response of its decision to refer the matter to its **disciplinary panel**, including its reasons, as soon as reasonably practicable and no later than 5 working days following the decision.
- (4) For the avoidance of doubt, where the **Commission** decides not to refer the matter to a **disciplinary panel** it may take any other action permitted under the **Integrity Code** or **principal Act**, if that action would otherwise be allowed.

Commission's disciplinary panel procedure

9. Convening a hearing of the disciplinary panel

- (1) Where a matter has been referred to the **Commission's disciplinary panel**, the Chair or a Deputy Chair will convene a **disciplinary panel** hearing to determine whether a breach has occurred and the sanction to be imposed for the breach.
- (2) A **disciplinary panel** hearing may be presided over by as many **disciplinary panel members** as the Chair or Deputy Chair considers that the circumstances require.
- (3) The Chair or Deputy Chair convening a **disciplinary panel** must take into account:
 - (a) whether the hearing will, or is likely to, require a **disciplinary panel member** with expertise in law, **tikanga Māori**, or both; and
 - (b) the potential for actual or perceived conflicts of interest.
- (4) The Chair or Deputy Chair may appoint a specialist advisor to assist the **disciplinary panel** on technical matters (for example, in relation to the rules of the sport or recreation).

10. Requirements of disciplinary panel proceedings

A **disciplinary panel** convened for a hearing may regulate its own procedure provided that:

- (a) the proceedings are consistent with the principles of natural justice; and
- (b) the proceedings comply with the provisions of this Schedule;
- (c) it takes into account the reasonable **needs** of the parties, including whether processes should be adapted to take into account cultural **needs**, for example, **tikanga Māori**.

11. Pre-hearing procedure

- (1) The **disciplinary panel** convened to determine a matter must:
 - (a) request that the parties to identify any **tikanga Māori** or other cultural processes that would be beneficial to the parties.

- (b) decide:
 - (i) the forum for the hearing (for example, a digital platform or face-to-face);
 - (ii) a suitable date for the hearing, taking into account any reasonable **needs** of the parties; and
 - (iii) what, if any, **tikanga Māori** or other culturally responsive processes are required for the hearing; and
 - (c) notify all the parties of the time, date and forum of the hearing.
- (2) Prior to a hearing, the **disciplinary panel** may request that the parties:
- (a) disclose a statement of their case;
 - (b) disclose relevant information and documents;
 - (c) identify who, if anybody, will provide witness testimony; and
 - (d) exchange witness statements.
- (3) The **disciplinary panel** must allow a reasonable period of time for the parties to examine any evidence or information required ahead of the hearing.

12. Conduct of hearing

- (1) The **disciplinary panel** must provide a reasonable opportunity for all parties to:
- (a) present their case; and
 - (b) respond to evidence presented by another party or witness;
- (2) **Participants** are entitled to the presence of a support person (for example, a whānau member) in addition to formal representation.
- (3) The proceedings of a **disciplinary panel** are confidential until it reaches a determination.

13. Powers of a disciplinary panel

- (1) The Commission's **disciplinary panel** may exercise the powers provided in [section 42](#) of the principal Act.
- (2) The sanctions which a **disciplinary panel** may require an **organisation** to impose are the sanctions contained in clause 34 of the **Integrity Code**.

14. Determination

The **disciplinary panel** must:

- (a) record its determination and its reasons in writing;
- (b) provide a copy of its determination to:
 - (i) the respondent;
 - (ii) complainant;
 - (iii) the relevant **organisation**; and
 - (iv) the **Commission**.

15. Publication of determination

A **disciplinary panel** must publish its determination, subject to any redactions that are necessary to:

- (a) protect the privacy of a complainant or victim; and
- (b) avoid prejudice to the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.

Appeals from the disciplinary panel

16. Appeals to the Sports Tribunal

- (1) A **disciplinary panel** decision may be appealed to the **Sports Tribunal**.
- (2) The grounds and procedure for an appeal are as established by the **Sports Tribunal**.

Compare: Integrity Sport and Recreation Act 2023, section 43; Sports Tribunal Act 2006, section 38(ab).

Schedule 4 – Transitional, savings, and related provisions

1. Matters before the Commission arising before Integrity Code takes effect

- (1) Any proceeding, investigation or matter before or with, or being considered or dealt with by, the **Commission** before a person is bound by the **Integrity Code** must be dealt with by the **Commission** as if the **Integrity Code** had not been enacted.
- (2) For the avoidance of doubt, paragraph (1) applies to any matters being handled by a third-party provider on behalf of the **Commission** (for example, through the Sport and Recreation Complaints and Mediation Service).

2. Matters before organisation arising before Integrity Code binds organisation

Any proceeding, investigation or matter before or with, or being considered or dealt with by, an **organisation** before it is bound by the **Integrity Code** must be dealt with by that **organisation** as if the **Integrity Code** was not in force.

3. Matters be arising between adopting the Integrity Code and implementing minimum standards

Any proceeding, investigation or matter before or with, or being considered or dealt with by, an **organisation** or the **Commission** between the **organisation** becoming bound by the **Integrity Code** and the **organisation** implementing required **policies** under Part 2 must be dealt with under the **policies** of the **organisation** that were in force at the time the behaviour in question occurred.