

Code of Integrity for Sport and Recreation

Discussion document

September 2024



Sport Integrity
Commission
Te Kahu Raunui

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Foreword

Kupu whakataki

For most New Zealanders, sport and recreation is a positive experience. Aotearoa New Zealand is known internationally for our approach to sport and recreation. We're passionate, fair, clean, and inclusive.

Yet there are still significant shortcomings in how we take care of people in sport and recreation environments. Some people have experienced significant harm from sexual abuse, bullying, violence, discrimination, and racism. We are also not immune to other threats to integrity such as match-fixing.

To address this, the Commission has developed the Code of Integrity for Sport and Recreation (the Integrity Code). The Integrity Code is a tool to build a positive culture of integrity.

The concept of a national code that sets integrity standards for the whole sport and recreation sector was first recommended by the Play, Active Recreation and Sport Integrity Working Group in April 2022. The sector told the Integrity Working Group that it wanted greater clarity on what is acceptable and unacceptable behaviour, and what should be done when an integrity issue arises. It also wanted the ability to involve an entity like the Commission when matters became difficult.

At its heart, the Integrity Code protects participants by making clear what behaviours are unacceptable in sport and recreation environments, and what organisations need to have in place to prevent and respond to integrity issues.

It has been drafted from a strong values base and is underpinned by human rights. In particular, the Integrity Code is interwoven with the Commission's te Tiriti o Waitangi commitments.

We are grateful for the contributions that the sector, Te Ope Tāmiro, the Athlete Reference Group, and the Integrity Code Reference Group have already made in



developing the Integrity Code. The draft weaves together feedback, insights, stories, and experiences – both good and bad – from many people and organisations.

This is your opportunity to tell us what you think about the draft Integrity Code. Your feedback will help ensure the Integrity Code makes a positive and meaningful impact on sport and recreation in New Zealand. Please take the opportunity to give that feedback, we will value it deeply.

Don Mackinnon
Chair, Sport Integrity Commission Te Kahu Raunui

Have your say

We are seeking your feedback on the Code of Integrity for Sport and Recreation (the Integrity Code) by **5pm on 1 November 2024**.

Your feedback might be about some or all of the topics discussed in this discussion document, or about your views on the Integrity Code more generally.

You can provide your feedback:



online at haveyoursay.sportintegrity.nz



by email to consultation@sportintegrity.nz



by post to PO Box 17 451, Greenlane, Auckland 1546

Find the draft Integrity Code and more information about the consultation process here: haveyoursay.sportintegrity.nz

Use and release of information

We are collecting your personal information for the purpose of developing the Integrity Code. We will manage any personal information you supply in your submission securely and in accordance with the Privacy Act 2020.

Your submission and name may be made publicly available on our website at sportintegrity.nz, but your personal contact details will not be disclosed. We may use your contact details to contact you about your submission if necessary (or in exceptional situations for other reasons permitted under the Privacy Act 2020).

You have the right to access the personal information we hold about you and to ask for it to be corrected if it is wrong. If you would like to access your personal information, or have it corrected, please contact us at privacy@sportintegrity.nz

We may also make your submission available in response to a request under the Official Information Act 1982 (OIA). If you think there are any reasons to withhold specific information you have provided from publication on our website or from release in the event of a request under the OIA, please make this clear in your submission. Reasons may include, for example, that the information discloses commercially sensitive information.

If you would like more information about how we treat confidential information, see our privacy policy at sportintegrity.nz

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Introduction

This discussion document seeks your feedback on Aotearoa New Zealand's first Code of Integrity for Sport and Recreation (the Integrity Code).

Integrity in sport and recreation means:

- ensuring the safety, wellbeing, and inclusion of all participants
- safeguarding children, young people, and vulnerable adults
- respecting human rights and te Tiriti o Waitangi
- rejecting discrimination, harassment, violence, abuse, corruption, cheating, competition manipulation, and doping
- promoting fairness, transparency, accountability, and a right for participants to be heard.

Integrity includes the integrity of people, organisations, and competition.

The Integrity Code is designed to strengthen integrity for the sport and recreation sector. It responds to ongoing calls for:

- clear and consistent standards about what is and what is not acceptable behaviour
- accessible, safe, and fair processes for making complaints about unacceptable behaviour
- clarity for organisations about what good looks like, and where to focus their time and resources to improve integrity in sport and recreation,

The Integrity Code has six minimum integrity standards designed to respond to those concerns and that sit at the heart of what we are trying to achieve: to ensure all participants can take part in safe environments where they can enjoy all the benefits sport and recreation have to offer.



Minimum standards

Standard 1: Prohibit behaviours that are a threat to integrity

Standard 2: Implement an effective and fair dispute resolution process in relation to threats to integrity

Standard 3: Proactively safeguard children, young people and vulnerable adults

Standard 4: Notify the Commission of issues of serious concern

Standard 5: Cooperate with the Commission in relation to dispute resolution, investigations, and monitoring activity

Standard 6: Provide information to your members about the Integrity Code.

The Integrity Code has been drafted with the safety and wellbeing of participants at the centre.

The success of the Integrity Code relies on the buy-in of everyone involved in the sport and recreation sector to achieve safer and fairer experiences for everyone.

How to use this document

This consultation document is in two parts.

- Part 1 provides background information and an overview of about the Integrity Code.
- Part 2 provides detailed information about the areas of the Integrity Code we are specifically seeking feedback on.

Making a submission

We encourage you to make a submission. You can answer some or all the questions in this discussion document.

As well as the specific feedback on how the Integrity Code is drafted, you may want to share your views on how the Integrity Code could work in your club or organisation. For example:

- Would the Integrity Code have a positive impact in your club, organisation, or activity? Why or why not?
- Would you or your organisation support the adoption of an Integrity Code? Why or why not?
- Would your club, organisation or activity be able to implement the Integrity Code (as drafted)? Why or why not?
- How long do you think it will take your organisation to implement the minimum standards required under the Integrity Code?
- How prepared do you think your organisation is for implementing the minimum standards?

Next steps

Submissions close at 5pm on Friday 1 November 2024.

We will analyse and use the feedback we receive to see what improvements we can make to the Integrity Code before it is finalised.

We will publish a summary of submissions on our website later in 2024. Everyone who makes a submission will be kept updated as the Integrity Code is finalised.

Depending on the feedback we receive, we plan to finalise and issue the Integrity Code in early 2025.

Part 1: About the Integrity Code

Background

Over recent years, we have seen many reports of poor behaviour in sport and recreation in Aotearoa New Zealand and overseas. This includes bullying and abuse of athletes, child abuse, match-fixing, racism, use of prohibited substances, and various forms of discrimination.

These behaviours are found across nearly every sporting code or activity. Some of the causes include where there's an imbalance of power, a lack of transparency, and an attitude of "winning at all costs" – even when it's at the cost of the safety and wellbeing of participants.

A national code of integrity

In 2022, the Government agreed to establish a new integrity organisation to lead a strengthened integrity approach for sport and recreation in New Zealand. The legislation to establish the Commission, the Integrity Sport and Recreation Act 2023 (the Act), was passed in 2023. The Sport Integrity Commission Te Kahu Raunui commenced operations in July 2024.

Find our legislation here: **Integrity Sport and Recreation Act 2023**

The legislation enables us to develop one or more integrity codes. These codes are a form of secondary legislation that set minimum standards for integrity. They can apply to the whole of the sport and recreation sector, a part of the sector (e.g. an integrity code that applies to sport, but not to recreation), but they cannot apply to a single sport or recreation activity.

Other countries have taken a similar approach. Australia, Canada, Singapore, and the United States have all developed integrity codes or frameworks that prohibit certain behaviours, and outline how to manage breaches to integrity.



This is the first step in an ongoing capability journey

Developing New Zealand's first Integrity Code is an important milestone in our collective effort to improve safety and fairness in sport and recreation.

A good integrity and safeguarding culture is key to providing people and communities with safe and positive experiences so that everyone can enjoy the benefits that sport and recreation provide.

We know that most people and organisations want to do the right thing by their participants and communities. And we acknowledge that organisations juggle a range of priorities.

But in the absence of clear standards, it can be difficult to know what to do when a serious issue arises.

The Integrity Code helps by setting clear minimum standards for organisations and will ensure participants can safely raise issues and have them dealt with appropriately. We will also provide a suite of resources and guidance to help organisations implement the Integrity Code, and to lift their integrity capability.

Building integrity capability is an ongoing and long-term journey for many organisations. An important first step is adopting the Integrity Code.

How the Integrity Code works

The Integrity Code:

- is voluntary – more information about adopting the Integrity Code is on page 25
- covers sport and recreation, but not school sport which is already regulated through the education system
- applies to all threats to integrity except anti-doping – this is covered by the Sports Anti-Doping Rules
- applies to behaviour by members of organisations signed up to the Integrity Code that occurs outside of New Zealand – this reflects the Act and the international nature of sport and recreation
- does not apply to behaviour that took place before the Integrity Code applied to the person or organisation – this is because people cannot breach standards that didn't exist at the time of the behaviour.

How we drafted the Integrity Code

This is New Zealand's first Integrity Code. We took time to draft it, and we listened carefully to feedback from participants and organisations. We have:

- surveyed the public about what integrity means to them
- consulted sport and recreation organisations
- held online discussion forums to get the views of participants, including rangatahi
- heard from Māori in online and kanohi ki te kanohi hui, including engaging with Te Huinga Tākaro

- heard from Pacific peoples through talanoa and fono
- engaged with high-performance athletes through the Athlete Reference Group
- sought expert input from organisations such as the Human Rights Commission.

We worked with Te Ope Tāmiro, which provided tikanga and te ao Māori expertise, and the Integrity Code Reference Group, which provided technical legal and drafting expertise, to the drafting team.

More information about the consultation and engagement to date is available at sportintegrity.nz/the-integrity-code/integrity-code-consultation.

Overview of the Integrity Code

The Integrity Code is for participants

Better outcomes for participants are most likely to be achieved by supporting organisations to improve how they prevent and respond to integrity issues.

Safety and human rights are at the centre, including the right to be free from discrimination and to be treated fairly.

As a participant, benefits of the Integrity Code are that it:

- sets out guiding values you can use to advocate for safe and fair treatment
- sets consistent standards your sport and recreation organisations need to meet to prevent and address harmful behaviour
- sets clear expectations about how you should expect to be treated by your organisation and fellow participants
- gives the Commission powers to intervene on your behalf where things have gone wrong and hold people accountable where necessary.

Participants includes:

- players, competitors, and anyone who takes part in sport or recreation
- their parents and caregivers
- officials and administrators
- coaches, trainers, instructors
- manager, agent, or team staff
- volunteers
- medical staff or anyone working with or assisting players, competitors or anyone taking part in sport or recreation.

Questions / Pātai

1. Do you think the Integrity Code adequately protects participants? Why or why not?
2. What else could the Integrity Code include or do to protect participants?

The guiding values of the Integrity Code

Clause 3 of the Integrity Code sets out its purpose. It has two parts:

- what the Integrity Code seeks to do in practice (ie, set minimum standards)
- guiding values to enhance integrity in the sport and recreation sector.

The guiding values describe the positive, aspirational outcomes the Integrity Code supports, and guide its interpretation. The values don't create obligations on organisations or participants. For example, a person cannot be in breach of the Integrity Code because they didn't behave consistently with the guiding values.

The kupu Māori (Māori words) for the guiding values are followed by an explanation that sets out our understanding of their meaning in this context. Tikanga Māori varies among whānau, hapū and iwi and the concepts are not always easily translated into English. Clause 3 therefore also recognises that the explanations do not constrain tikanga as defined by whānau, hapū and iwi.

The Integrity Code responds to our Tiriti o Waitangi obligations

We heard from Māori how positive experiences in sport and recreation are often those that are strongly values based and outcomes focused. We also heard that many Māori have had poor experiences in sport and recreation, commonly with racism and discrimination.

The Integrity Code enhances integrity by promoting values in the sport and recreation sector. These values, which include whanaungatanga, manaakitanga and hauora, are drawn from te a o Māori but are relevant for everyone in sport and recreation. The Integrity Code also incorporates tikanga Māori into how the Integrity Code is implemented, both within the sport and recreation sector and by us. This includes, for example, requiring our disciplinary panel to consider opportunities to incorporate tikanga Māori.

Clause 19 of the Integrity Code elaborates on our te Tiriti o Waitangi obligations. This includes working in partnership with Māori organisations, recognising the autonomy of Māori sport and recreation organisations, and facilitating tikanga-based dispute resolution. This clause only applies to the Commission.

Question / Pātai

3. What more could we do to ensure the rights and interests of Māori are considered in implementing the Integrity Code?
-

The Integrity Code addresses inequity

The Integrity Code acknowledges and identifies that groups within the sport and recreation sector need attention because they are disproportionately impacted by integrity failures. The table below identifies relevant clauses in the Integrity Code.

Children and young people	Purpose (clause 3) Minimum standard 3 – proactive safeguarding measures (clause 11)
Māori	Purpose (clause 3) Minimum standard 1 - Prohibiting behaviours which constitute a threat to integrity (clause 9) and Schedule 1 Te Tiriti o Waitangi (clause 19) Principles relating to sanctions and remedies (clause 30) Schedule 3 – Commission’s disciplinary panel
Disabled people	Minimum standard 1 - Prohibiting behaviours which constitute a threat to integrity (clause 9) and Schedule 1 Schedule 3 – Commission’s disciplinary panel
Vulnerable adults	Minimum standard 1 - Prohibiting behaviours which constitute a threat to integrity (clause 9) and Schedule 1 Minimum standard 3 – proactive safeguarding measures (clause 11)
Pasifika	Purpose (clause 3) Minimum standard 1 - Prohibiting behaviours which constitute a threat to integrity (clause 9) and Schedule 1 Schedule 3 – Commission’s disciplinary panel
Women and girls	Minimum standard 1 - Prohibiting behaviours which constitute a threat to integrity (clause 9) and Schedule 1 Minimum standard 3 – proactive safeguarding measures (clause 11)

The Integrity Code will benefit organisations that adopt it

We want to see organisations adopt the Integrity Code because they recognise that it is the right thing to do for the participants in their sport and recreation activity.

Equally, we believe there are significant practical benefits for organisations – whether they adopt the Integrity Code or are bound by it through their membership of, or agreement with, an organisation that adopts it. For example, adopting the Integrity Code means that we:

- can provide support and resources to help organisations implement the minimum standards
- can assist organisations to deal effectively and appropriately with complaints they receive

- may take on more complex, serious investigations at our cost, which can be resource-intensive and hard to manage for organisations
- can provide access to an independent disciplinary panel comprising experts in fields relevant to resolving integrity disputes
- may publish names of participants who are sanctioned or excluded under the Integrity Code so other organisations are aware and can manage risks accordingly.

Wherever possible we will support organisations to manage integrity issues even if they are not bound by the Integrity Code. However, our ability to support an organisation is more limited if it is not bound by the Integrity Code.

Example

Two organisations receive complaints about sexually inappropriate behaviour towards participants by a senior official.

Organisation A has adopted the Integrity Code and notifies us of the complaint, as required under the minimum standards. After initial triage, we decide that the matter is serious enough that we assume responsibility for the investigation into the incident. We bear the cost of that investigation, and may also facilitate an independent disciplinary process too.

Organisation B has not adopted the Integrity Code, nor is it bound by it through membership of another organisation. It approaches us to assist with the matter. We don't consider the legal test for launching an investigation has been met. We encourage the organisation to conduct its own investigation and we provide them guidance on how to do so. The organisation bears the cost of the investigation and any disciplinary processes that follow.

We provide guidance and support to help organisations implement the Integrity Code

We recognise that adopting and implementing the Integrity Code is a significant investment of time and resources for many organisations. We are committed to supporting organisations throughout the process. This includes:

- tailored guidance through the adoption process
- policy templates to implement the minimum standards
- guidance and learning content (eg, online courses) to support implementation of the minimum standards and general capability uplift.

We have developed a draft model policy for minimum standard 3 proactive measures to safeguard children, young people, and vulnerable adults. This is to provide an example of the model policies we will develop to support implementation of the minimum standards. The draft model policy is available here:

haveyoursay.sportintegrity.nz/resources

Questions / Pātai

4. What support and resources will organisations need to implement the Integrity Code?
-

Part 2: Key topics for feedback

This part of the discussion document seeks your feedback on three areas:

- minimum standards
- adopting the Integrity Code
- complaints, investigations, and disciplinary panels.

Minimum standards for preventing and addressing threats to integrity

Part 2 of the Integrity Code contains the core obligations for sport and recreation organisations that adopt and/or are bound by the Integrity Code. These are the six minimum standards. For each standard, the Integrity Code provides detail about what organisations need to do to comply.

Of course, we encourage organisations to go, or continue to go, beyond these minimum standards to create the safest and fairest sport and recreation environments possible.

Minimum standards

Standard 1: Prohibit behaviours that are a threat to integrity

Standard 2: Implement an effective and fair dispute resolution process in relation to threats to integrity

Standard 3: Proactively safeguard children, young people and vulnerable adults

Standard 4: Notify the Commission of issues of serious concern

Standard 5: Cooperate with the Commission in relation to dispute resolution, investigations, and monitoring activity

Standard 6: Provide information to your members about the Integrity Code.



Minimum standard 1 – Prohibit behaviours that are a threat to integrity

(Clause 9 of the Integrity Code)

Minimum standard 1 requires an organisation to prohibit behaviours that are a threat to integrity under the Act. Having a common language about what is and is not appropriate behaviour helps participants and organisations to prevent, identify, and call out wrongdoing.

The prohibited behaviours are:

- bullying, violence, abuse, intimidation, or harassment
- sexual misconduct
- racism and other forms of discrimination
- corruption, fraud, and other forms of deception or breach of trust
- competition manipulation
- sports betting activity connected with competition manipulation, or the misuse of inside information connected with competition manipulation or sports betting.

To comply with minimum standard 1, organisations must formally state that the behaviour is unacceptable (eg, in a policy) and may result in sanctions. It does not mean completely stopping the behaviour from ever occurring. While a focus on preventing prohibited behaviours is important, we recognise that no organisation can guarantee that harm will never occur. This is why the Integrity Code also has a strong focus on responding appropriately to harm.

To also comply with minimum standard 1, organisations must align their definitions of prohibited behaviours with the definitions in Schedule 1 of the Integrity Code (see Appendix 1). The Schedule 1 definitions provide more helpful detail on what, for example, constitutes bullying or harassment.

Questions / Pātai

5. Do you agree with minimum standard 1? Why or why not?
 6. Is it sufficiently clear what a prohibited behaviour is?
 7. Are the Schedule 1 definitions helpful? Are there any behaviours you think should be included in the definitions that aren't?
-

Minimum standard 2 – Implement an effective and fair dispute resolution process

(clause 10 of the Integrity Code)

Minimum standard 2 requires that an organisation must implement an effective and fair dispute resolution process. Dispute resolution refers to any formal or informal processes that are used to resolve complaints. Having an effective and fair way to resolve integrity complaints is important as it can help complaints get sorted quicker and with less harm to the people involved. It can also help people have trust and confidence in the organisations they are members of.

The purpose of this minimum standard is to help organisations handle complaints better by having clear and appropriate dispute resolution processes. It also recognises that organisations will still be responsible for managing most integrity issues, but we may step in if necessary. We will also support organisations to improve their ability to handle complaints through guidance and education.

To comply, an organisation must have and implement policies that meet certain requirements. For example, the organisation must have policies for dispute resolution that:

- provide a process for making complaints and disclosures to the organisation
- are consistent with the principles of natural justice by giving everyone a chance to be heard about issues that affect them
- recognise that we may intervene in integrity complaints if the Integrity Code applies.

Definitions

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

Questions / Pātai

8. Do you agree with minimum standard 2? Why or why not?
9. Are there other requirements that should be included in minimum standard 2?
10. Do you think minimum standard 2 will help integrity complaints to be dealt with fairly, effectively and quickly?
11. What support do you think organisations will need to implement policies and handle complaints?

Minimum standard 3 – Proactive safeguarding measures

(clause 11 of the Integrity Code)

Minimum standard 3 requires an organisation to put in place measures to safeguard children, young people, and vulnerable adults.

The purpose of this minimum standard is to help prevent some of the risks to children, young people, and vulnerable adults.

To comply, the organisation must have and implement policies to:

- require safety checks for “specified persons”, including a background check and setting criteria for when a person is disqualified from working with children, young people and vulnerable adults
- ensure specified persons complete relevant training
- specify safe practices in relation to: coaching, training and instructing, one-on-one interactions, taking, sharing or storing images, transport and travel, overnight stays and accommodation and changing rooms.

We have developed a draft model policy for minimum standard 3. This is available here: haveyoursay.sportintegrity.nz

The definition of specified persons

Specified persons are defined similarly to “children’s workers” under the Children’s Act 2014. That is, it covers those people who have regular or overnight contact with children, young people or vulnerable adults that takes place without a parent, guardian, or another adult present.

Example

Alex occasionally volunteers at their local sports club, helping to organise fundraising activities for the junior teams. There are parent-coaches who work with the junior teams who are always around when Alex is in the clubrooms. Alex is not required to be safety checked or undergo additional training.

The club decides to bring in a specialist coach to work on some technical skills with the junior teams, which they run on their own. Because this specialist coach is working with children without a parent or guardian present, they need to be safety checked and will need to complete the required training.

We are interested in your feedback on the definition of specified persons and whether it is fit for purpose. This includes whether the definition is too narrow (eg, it doesn’t capture enough of the people who have contact with children, young people or vulnerable adults) or is too broad (eg, it captures a large number or range of people unnecessarily).

We are trying to strike a balance between ensuring that the definition captures people who are most likely to be in situations where harm can occur, and making sure it is not impractical or overly difficult for clubs and organisations to implement.

Safety checks for specified persons

A safety check is a process for assessing whether a person is suitable to work with children, young people, and vulnerable adults. Its purpose is to reduce the risk of harm.

Completing a safety check can sometimes be time consuming, but it helps flag any immediate or serious risks. Clause 11 gives the example of a Police vet or a Ministry of Justice criminal records check. However, there is flexibility to allow for another type of check if that is more appropriate for the organisation.

Clause 11 requires the organisation to set criteria in its policy for when a person will be disqualified from working with children. It does not say categorically when a person must not be allowed to work with children, young people, or vulnerable adults. This is because a previous conviction might have nothing to do with a person's suitability to work with vulnerable people, or be so far in the past as to no longer indicate a particular risk. Equally, a lack of a conviction does not necessarily mean that a person is safe – hence the requirements for robust safety practices that apply to everyone in the organisation.

An organisation will still be required to exercise its own good judgement, but under the Integrity Code it can do so within a robust framework for assessing risk.

Questions / Pātai

12. Do you think that the definition of specified persons is fit for purpose? Why or why not?
13. Do you agree with the requirement for safety checks for specified persons? Why or why not?
14. Do you think the training requirements for specified persons are suitable? Why or why not?
15. Does the requirement to specify safe practices cover the situations you expect? Is there anything missing?
16. What support should we provide to help organisations meet the training requirements for specified persons?

Other measures for safeguarding children, young people, and vulnerable adults

During development of the Integrity Code, we considered a variety of measures for safeguarding children, young people and vulnerable adults drawing on evidence and best practice. In addition to the requirements set out in minimum standard 3, we considered requiring organisations to have a:

- safeguarding officer to lead and coordinate the actions an organisation takes to prevent harm to children, young people and vulnerable adults and to promote their overall wellbeing
- child protection policy to identify and report suspected child abuse or harm.

On balance, we decided not to include these requirements. We received feedback on early drafts of the Integrity Code from organisations who were concerned about the ability to implement the requirement for a safeguarding officer, particularly in small or predominantly volunteer-run sports or activities.

We consider that having a child protection policy depends on, to some extent, having a safeguarding officer (eg, being the main contact person for people who suspect abuse or harm of a child).

Questions / Pātai

17. Should minimum standard 3 require organisations to have a safeguarding officer? Why or why not?
18. Should minimum standard 3 require organisations to have a child protection policy? Why or why not?

Minimum standard 4 – Notify the Commission of issues of serious concern

(Clause 12 of the Integrity Code)

Minimum standard 4 requires an organisation to notify us about serious integrity issues.

The purpose of notifying us is to:

- help us perform our monitoring role and, if necessary, step in to resolve or investigate the issue
- help build a more accurate understanding of serious issues in the sector and how often they happen.

To comply, organisations must notify us:

- of issues of serious concern
- when it imposes a suspension or exclusion under the Integrity Code.

This definition (see box at right) does not mean that other matters are not also serious. An organisation may still contact us about other serious issues but it is not required to unless it falls within the definition in the Integrity Code.

Notifying us does not mean we will necessarily intervene. However, it ensures we are aware of the issue and, if required, can work with the organisation on appropriate next steps.

The notification must be made as soon as practicable after the organisation becomes aware of the issue. Even if the organisation intends to address the matter itself, it must notify us.

The definition of issues of serious concern includes:

- abuse, intimidation or violence affecting one or more children, young people, or vulnerable adults
- sexual misconduct
- any prohibited behaviour that gives rise to an imminent risk of serious harm to a participant
- an organisation breaching its obligations in relation to safeguarding children, young people and vulnerable adults retaliation or victimisation in breach of the Act.

We will provide a secure, accessible way for organisations notify us. We are required to store information securely, and only use it to carry out our role under the Act. Our privacy policy is available on our website: <https://sportintegrity.nz/privacy-policy>.

Questions / Pātai

19. Do you agree with minimum standard 4? Why or why not?
20. Are there other behaviours that you think should be included in the definition of issue of serious concern?
21. What role(s) do you think we should have in relation to issues of serious concern that we are notified of?

Minimum standard 5 – Cooperate with the Commission

(clause 13 of the Integrity Code)

Minimum standard 5 requires that an organisation must cooperate with us when we are performing our role and functions in relation to the Integrity Code.

This is to facilitate our role overseeing the implementation of the Integrity Code, including through education, dispute resolution and investigation. It also provides a way to hold organisations to account if they obstruct our efforts to investigate and resolve an issue. We expect this will be rarely used but it is an important backstop.

To comply, organisations must:

- provide us information when requested or required to
- engage in good faith in dispute resolution
- impose sanctions on participants when required by the disciplinary panel (see page 36)
- take steps to put things right (remedial action) when there are breaches of the Integrity Code.

Questions / Pātai

22. Do you agree with minimum standard 5? Why or why not?
23. What do you think might prevent organisations from cooperating with us?

Minimum standard 6 – Provide information to members about the Integrity Code

(Clause 14 of the Integrity Code)

Minimum standard 6 requires that an organisation must provide information to its members and other people who have agreed to be bound by the Integrity Code to help them understand and implement the Integrity Code.

The purpose of this is to make sure that people know their rights under the Integrity Code, but also what is expected of them. This is important both in terms of fairness – people should know the rules by which they are held accountable – but also to prevent poor behaviour.

Organisations must advise their members and other relevant people:

- that the organisation is bound by the Integrity Code
- of the policies the organisation uses to implement the Integrity Code (eg, by publishing the policies on the organisation's website)
- of their right to make a complaint or disclosure to the organisation and us.

Questions / Pātai

24. Do you agree with minimum standard 6? Why or why not?
25. What support or resources would be required from us to help an organisation properly inform its members about the Integrity Code?

Adopting the Integrity Code

The Integrity Code does not bind participants or organisations unless it is adopted

The Integrity Code is voluntary so organisations can choose whether or not to adopt it. Adoption refers to the process of a sport or recreation organisation formally agreeing that the Integrity Code applies to it and its members (whether those members are individuals or organisations).

Clause 4 and Schedule 2 of the Integrity Code set out the process for organisations to adopt the Integrity Code, and what it means for organisations and those bound by the Integrity Code.

We recommend that national-level bodies adopt the Integrity Code

Technically, any organisation in the sport and recreation sector may choose to adopt the Integrity Code, provided they follow the steps set out in Schedule 2 of the Integrity Code.

However, we strongly recommend that national-level organisations adopt the Integrity Code and cascade adoption down through to regional or local organisations within their activity. This is because club-by-club adoption would be very resource intensive (for us and the sector) and would mean that the Integrity Code would apply inconsistently across the sport or recreation activity. This could potentially lead to unfair or inconsistent outcomes for participants and organisations.

Other organisations may have an interest in the Integrity Code but it may not be possible or appropriate for them to adopt it. This includes some peak bodies whose members are primarily other national organisations (e.g. the New Zealand Olympic Committee) or school sport organisations whose members and participants are primarily schools and school students. These organisations still have an important role as advocates for the Integrity Code and can align their own policies with the minimum standards.

Questions / Pātai

26. Do you agree with the approach of national-level organisations adopting the Integrity Code first and then cascading this down through their membership structure? Why or why not?
 27. What challenges do you see with this approach?
 28. Are there other approaches to adoption that should be considered?
-

There is a three-step adoption process

The adoption process has three steps, set out below.



Step 1 – Notify the Commission

The organisation needs to give us at least one month's notice in writing that it intends to adopt the Integrity Code. It will need to provide us information about its structure and membership, any practical barriers to implementation, and any dispensations or exceptions it might seek.

This is so we can support and guide the organisation during the adoption process. There are no formal consequences if the organisation doesn't provide the one-month notice but it does mean that they may not benefit from our guidance.

Sport and recreation organisations vary in terms of their structure and membership so there's not a one size fits all approach. It is expected we'll work closely together on the adoption process.

We recommend that organisations start planning and preparing as early as possible after they have notified us. Again, we can provide support and guidance on this.

Step 2 – Formally adopt the Integrity Code

To formally adopt the Integrity Code the organisation must:

- amend its constitution, or equivalent governing document, and ensure it has the authority to adopt an integrity code and its members understand and agree they are bound by it
- decide the date when the Integrity Code takes effect (called the effective adoption date).

The constitutional amendment needs to:

- expressly agree to adopt the Integrity Code
- require the organisation take reasonable steps to make sure the Integrity Code applies to its own members (whether an organisation or participant).

This is to ensure the Integrity Code applies throughout the sport or recreation activity.

Step 3 – Provide a copy of the resolution or constitution to the Commission

To complete the adoption process, the organisation needs to provide us a copy of the formal resolution adopting the Integrity Code. We may also require a copy of the constitution, if necessary. This ensures we have a record demonstrating that the organisation has adopted the Integrity Code.

We will check the resolution and/or constitution is in order, and add the organisation to the public list of organisations that have adopted the Integrity Code.

It is at this point that the organisation and its members become bound by the Integrity Code, and will start formally implementing the minimum standards.

An organisation has 12 months from when it adopts the Integrity Code to when it must comply with the minimum standards.

This also gives the adopting organisation control over when the clock starts ticking on the adoption process. Organisations that need a longer period to implement the minimum standards can choose a date further away by delaying their formal agreement to adopt and the notification to the Commission, while some organisations may be well placed for the Integrity Code to come into effect a short time after the effective date of adoption.

Questions / Pātai

29. Do you agree with the proposed adoption process? Why or why not?
30. What are the advantages or disadvantages with this adoption process?
31. What role, if any, do you think participants should have in the adoption process?
32. What support do you think we should provide for organisations going through the adoption process?

The Integrity Code sets out a timeframe to comply with the minimum standards

Organisations have up to 12 months to implement policies

Minimum standards 1–4 require organisations develop policies to meet the minimum standards. It must be as soon as practicable, and within 12 months of adopting or becoming bound by the Integrity Code.

We know that some people in the sector consider that 12 months may not be long enough to roll out the policies, particularly for large national bodies with lots of members.

However, organisations do not need to wait until after they adopt the Integrity Code. Organisations can start reviewing and revising policies at any time before adoption takes effect.

We also have policy templates that organisations can use to help reduce the time and effort to develop and implement policies.

Organisations can choose what type of policy to use

Organisations can choose whether to use:

- our policy templates
- its own policies
- another organisation's (ie, its national or regional organisation's) policies, with its agreement.

If an organisation decides to use our policies, training or other material, it will be presumed to comply with the minimum standards – at least in terms of the requirement to have the relevant policy or training in place. The organisation still needs to demonstrate it has implemented the minimum standard in practice – otherwise, it may be breaching the requirement to implement the policy.

Organisations may apply for a dispensation from provisions in the Integrity Code

Schedule 2 of the Integrity Code describes the process for obtaining dispensations from a provision of the Integrity Code (in full or in part). This step is optional and we expect that dispensations will be uncommon as the Integrity Code has been drafted to be broadly applied across the sector.

The dispensation will only apply if we agree to grant it. If we don't agree, and the organisation adopts the Integrity Code, it will apply in full despite anything the organisation's constitution or policy says to the contrary.

While a dispensation can be sought at any point, we recommend that it is sought before adoption. This ensures that organisations are clear on what their obligations are before they are bound by the Integrity Code.

The criteria for dispensation is where the Commission is satisfied that:

- the provision is not relevant to that organisation or its members
- the provision cannot be complied with because it is inconsistent with another legal obligation (eg, a collective agreement or the rules of an international federation that the organisation is a member of)
- there are any other reasonable grounds where dispensation is necessary or desirable, and granting the dispensation is consistent with the purposes of the Integrity Code.

Questions / Pātai

33. Do you agree with the dispensation criteria? Why or why not?
 34. Are there other criteria that should be included?
-

Organisations may revoke their adoption

Schedule 2 of the Integrity Code also reflects that organisations may revoke their adoption of the Integrity Code. Effectively, organisations can do this as and when they choose to (again by amending their constitution), given that adoption is voluntary.

Example of an adoption process

A national sport organisation decides to adopt the Integrity Code. It has worked hard over many years to improve the safety of its members but thinks that it would benefit from working towards shared national standards and accessing the support of the Commission.

It notifies us of its intention to adopt, and provides information about its membership which includes five regional sport organisations and some elite athletes who are direct members. The national sport organisation, regional sport organisations and elite athletes will automatically be bound by the Integrity Code.

Local clubs and the members of those clubs (participants) belong to the regional sport organisation, but not the national sport organisation. So they need to agree with either the national sport organisation or the regional sport organisation to be bound by the Integrity Code.

The national sport organisation also identifies the need for a dispensation from a provision of the Integrity Code which it thinks might conflict with the requirements of its international federation.

We consider the request for a dispensation but decline it as the requirement of the international federation is not inconsistent with the provision in the Integrity Code.

The national sport organisation decides to use our policy templates. They begin the process of reviewing and revising their existing policies immediately as they are a large organisation and may need longer than the 12-month implementation period.

At its AGM, the national sport organisation formally adopts the Integrity Code by amending its constitution. It specifies that its adoption will take effect on 1 March 2025. The national sports organisation provides us with a copy of the formal resolution and the amended constitution which confirms the adoption process.

The regional sport organisations and member clubs undertake the same process, amending their constitutions (or similar governing documents) to adopt the Integrity Code. For efficiency, many local clubs undertake this at the same as the changes required to comply with the new requirements for incorporated societies.

The national sport organisation, the regional sport organisation and clubs that have agreed to be bound by the Integrity Code need to have and implement the required policies by 1 March 2026.

Complaints and investigations

Part 3 of the Integrity Code describes our role for responding to integrity issues. It focuses on complaints, dispute resolution and investigations.

High-level overview of the complaints and investigations process



We can't resolve all integrity issues and complaints

The Integrity Code is trying to strike a balance. It is important the Commission is accessible to those people and organisations that require its help and support, however, we will not be able to deal with every integrity issue that arises.

Minimum standard 2 requires that organisations have an effective and fair dispute resolution process to handle integrity issues. This will help organisations manage and resolve most integrity complaints that they receive, particularly those that are less serious or less complex.

The Integrity Code sets a framework so we can take any necessary steps when issues arise, and where people or organisations cannot resolve them adequately without our support or intervention. As far as possible, this will be with the cooperation and consent of the parties and relevant organisations involved.

Receiving and triaging complaints

The Integrity Code sets out how we receive and triage complaints. As the complaints mechanisms will be used by people and organisations regardless of Integrity Code adoption, the Integrity Code does not set out specific guidance about how our complaints process operates. (e.g. it does not set out how to make a complaint or timeframes for when the Commission will respond). This is provided in other ways such as on our website.

We can receive complaints directly from participants. This means that people do not have to complain to their organisation or club first. This is important to ensure that our services are accessible, and we address the concerns of participants who are not confident that their integrity issue will be taken seriously by their club or organisation.

Just because we receive a complaint or disclosure does not mean we will act on it. Triage refers to the assessment of complaints against a range of factors, for example, seriousness or urgency, to identify next steps. This helps us decide if we can resolve matter or if it is better dealt with in another way. Such as referral back to the sport or recreation organisation or to another organisation (e.g. police or Oranga Tamariki).

If during the triage process, potentially criminal conduct is identified then we may refer this to the Police or another appropriate body (e.g. Serious Fraud Office). This doesn't necessarily mean that we won't take any action on the complaint. If the Police decide not to investigate (e.g. the behaviour is not criminal, or does not meet the threshold for investigating), then we may continue to progress the complaint. Or if a participant commits a crime which also constitutes a breach of the Integrity Code, we may investigate the circumstances to understand what happened and what can be done to prevent it from happening again in future (e.g. changes to a club's recruitment policy to prevent child abuse).

During development of the draft Integrity Code, some organisations expressed concern that:

- organisations may be cut out of the dispute resolution process if complainants make a complaint directly to us, or
- we will accept trivial or vexatious complaints or complaints already resolved through an organisation's process .

We have a strong interest in ensuring our resources are used for integrity issues that most need our intervention. Part of the triage process is to consider the seriousness of the complaint and what, if any, steps have already been taken to resolve the matter.

The Integrity Code also states we may inform the relevant organisation that a complaint has been received. In many cases, involving the organisation at the triage stage is important for understanding the issues, how the complaint could be resolved, and how the behaviour can be prevented in future.

Clause 13 of the Integrity Code requires that organisations engage with us in good faith to resolve complaints.

Actions we may take in relation to a complaint

The Integrity Code sets out a range of actions we may take in response to a complaint or disclosure. This is important to ensure we can respond appropriately to the issues and the needs of the parties.

The actions we can take include, but are not limited to:

- referring the complaint to the relevant organisation to deal with under its own policies
- supporting the organisation to resolve the matter itself and monitor progress
- facilitating a dispute resolution process such as early facilitation or mediation
- initiating an investigation under section 31 of the Act.

We keep parties informed throughout the triage process, and inform the relevant people and organisations as soon as we decide on the appropriate action to take.

Example

Moana is a participant at her local club. Charlie, one of the instructors at the club, has been bullying Moana. She complained to her national organisation but the matter wasn't taken seriously.

Moana decides to make a complaint directly to us. We receive Moana's complaint and decide that it falls within our jurisdiction. We talk to Moana, Charlie, and the national organisation to get more information about what has been going on. This helps us triage the complaint.

We work with all the parties to decide the best way forward. Moana, Charlie, and the national organisation agree to attend mediation as it will give them a confidential way to talk openly about what is going on and what should happen in future.

Questions / Pātai

35. Is our role in handling integrity complaints clear?
 36. Is there any additional information we could provide to make the process clearer?
-

Investigations into breaches of the Integrity Code

We can investigate breaches of the Integrity Code under section 31 of the Act. Clauses 24–27 of the Integrity Code set out in further detail how these investigations will be conducted.

The Integrity Code sets out that, wherever possible, we will investigate with the cooperation and consent of the parties. It also states we will engage with the relevant people and organisations, including relevant participant associations, about the nature and scope of an investigation before starting an investigation. This responds to feedback we received from organisations and participant associations that investigations might proceed without their knowledge or involvement.

This part of the Integrity Code also explains when we may require a person or organisation to cooperate or provide information as part of an investigation.

The person must be bound by the Integrity Code for these powers to apply and certain conditions need to be met. For example, we must believe on reasonable grounds that it is necessary to exercise the power. A failure to provide information, if required to do so, may be treated as a breach of the Integrity Code.

Outcomes of an investigation

Following an investigation, we can:

- publish an investigation report under section 37 of the Act
- refer a participant to the organisation's disciplinary panel
- refer a participant to the independent disciplinary panel convened by the Commission
- require an organisation to take remedial action (see below)
- take any other action consistent with the Integrity Code (eg, referring the matter to dispute resolution).

What, if any, action we take depends on the findings of the investigation and a range of factors, such as the seriousness of the alleged breach of the Integrity Code and the views of the parties.

Before publishing adverse comments, we will take reasonable steps to alert the organisation or person and give them a reasonable opportunity to be heard.

Remedial action and sanctions

Part 4 of the Integrity Code is about breaches of the Integrity Code and the consequences for a breach by participants or organisations.

Principles that apply to remedies and sanctions

Part 4 sets out principles that we, organisations, and disciplinary panels need to consider when deciding remedies and sanctions.

These are intended to guide decision makers and encourage consistency across the sector.

Principles include:

- the seriousness of the breach and the harm caused by it
- the vulnerability of participants to whom the matter relates
- any power imbalance
- remorse expressed or attempts to make amends, including the outcome of any restorative process, tikanga-based process, or other cultural process
- available precedents that help to guide a proportionate outcome
- cultural considerations.

Questions / Pātai

37. What do you think about the principles for applying remedies and sanctions?
38. Are there other principles that should be considered?

Breaches of the Integrity Code by an organisation

An organisation may be found to have breached the Integrity Code if we are satisfied, on the balance of probabilities, that the organisation:

- has no or inadequate policies in place to implement the minimum standards
- doesn't adhere to its policies that implement the minimum standards
- fails, without reasonable excuse, to implement minimum standards 5–6 or to enforce a sanction imposed by our disciplinary panel
- retaliates against a participant who makes complaint or provides us with information.

In essence, this means that if an organisation takes no action to implement the requirements of the Integrity Code, or does so in a way that is inconsistent with the required policies, then it may be found in breach.

If an organisation breaches the Integrity Code, we may require them to take steps to make things right. We call this remedial action. The remedial actions listed in the Integrity Code include:

- issuing an apology
- engaging in dispute resolution
- requiring people undergo training
- amending relevant policies
- recommending (but not requiring) the payment of compensation.

We would be responsible for this requirement. It does not need to be imposed by a disciplinary panel or an external body like the Sports Tribunal.

Questions / Pātai

39. Do you consider that the remedial actions available are appropriate? Why or why not?
40. Are there other remedial actions that should be included?
41. Should we be able to recommend that an organisation pay compensation?
42. In what circumstances do you think we should recommend that an organisation pay compensation?

Breaches of the Integrity Code by a participant

A participant may be sanctioned under the Integrity Code if they:

- breach the Integrity Code by failing without reasonable excuse to:
 - provide us with information or cooperate with an investigation
 - abide by a sanction imposed on them under the Integrity Code
- breach a policy an organisation has giving effect to the Integrity Code (eg, by engaging in a prohibited behaviour under minimum standard 1)
- victimise someone (eg, because they complain to us).

There are sanctions ranging from a warning to a ban. The Act requires that these sanctions relate to the conditions of a person's participation and so they do not, for example, include criminal or monetary penalties.

The sanctions may be imposed by either the organisation or by a disciplinary panel established by the Commission (see below for more detail). We cannot directly impose a sanction on a participant.

Questions / Pātai

43. Do you consider that the sanctions available are appropriate? Why or why not?
 44. Are there other sanctions that should be included?
-

The Integrity Code enables mutual recognition of sanctions between organisations

Organisations must impose a sanction imposed by a disciplinary panel. This is similar to when a sanction is imposed by the Sports Tribunal for an Anti-Doping Rule Violation.

We will take into account rights of privacy, confidentiality, and any other relevant considerations relating to participants or organisations when deciding whether to publish details of a sanction. We will publish sanctions on our website.

The Integrity Code also empowers organisations to recognise sanctions that another organisation imposes in accordance with the Integrity Code. This addresses a situation of “code hopping” where, for example, a person is excluded from a sport for serious sexual misconduct and tries to coach in another activity bound by the Integrity Code.

Mutually recognising sanctions between organisations is not stated as a requirement. This is because there may be concerns among organisations about the adequacy of another organisation’s disciplinary process.

Questions / Pātai

45. Do you agree that organisations can recognise sanctions imposed by another organisation under the Integrity Code? Why or why not?
 46. What are the advantages or disadvantages of this approach?
-

Disciplinary panels

The Act enables us to establish independent disciplinary panels to decide whether an individual has breached the Integrity Code and how they should be sanctioned. Disciplinary panels are already commonplace in the sector, particularly in sport, to deal with both on-field and off-field breaches of the sport’s rules or policies. Disciplinary panels are generally a panel of people who decide whether the rules or policies have been breached and what sanctions should be applied.

It was included in the Act to ensure there are strong accountability mechanisms in place and integrity issues can be addressed appropriately. It also provides a practical

solution when an organisation doesn't have the capability to run a disciplinary process (eg, a complex disciplinary matter), or where there are actual or perceived conflicts of interest associated with the organisation's disciplinary process.

It is still expected that organisations will be mostly responsible for disciplining members that breach the Integrity Code. However, any independent disciplinary panel established by the Commission is available where it may not be practical or appropriate for the organisation to run the disciplinary process.

Schedule 3 of the Integrity Code establishes the disciplinary panel and provides detail on its composition, the referral process, and how the panel runs.

We appoint the panel but it operates independently

The Integrity Code enables us to appoint panel members. We anticipate there will be approximately 12 panel members. The panel must have a chair and may have one or more deputy chairs.

To be eligible for appointment, a person must:

- be of good standing in the community
- have knowledge and experience relevant to the disciplinary panel (eg, experience in law, tikanga Māori or disciplinary processes).

The disciplinary panel membership should also reflect the diversity of the sport and recreation sector (eg, women, Māori, Pacific peoples, disabled people, and rainbow people).

The disciplinary panels must operate independently. The members are not Commission staff and cannot be directed by the Chief Executive or the board. This is because we may be the one referring the matter to the disciplinary panel. It would be unfair to participants if the disciplinary panel did not operate independently from the people who investigate the matter.

Question / Pātai

47. Are there other appointment criteria that should be considered for the disciplinary panel?

Referrals to a disciplinary panel

Schedule 3 of the Integrity Code sets out when a referral may be made to a disciplinary panel for a hearing. These are where:

- we have investigated the matter under section 31 of the Act
- an organisation or a participant has requested that a matter be referred.

Before making a referral, we need to consider several factors, such as the steps that have been taken to investigate the matter or the capacity of the organisation to offer a fair, impartial and timely process.

If we don't refer the matter to our disciplinary panel, the organisation will need to undertake its own disciplinary process.

Questions / Pātai

48. Are there other circumstances where a referral should be made to the disciplinary panel for a hearing?
49. Are there other factors that we should consider when deciding whether or not to make a referral?

The Integrity Code sets out the disciplinary panel procedure

When a matter is referred to the disciplinary panel, the Chair or a Deputy Chair convenes a hearing.

They determine how many panel members are necessary.

The Integrity Code sets out procedural requirements including pre-hearing steps and what happens after a determination is reached. These will likely be added to by the disciplinary panel as it develops its processes. We expect the disciplinary panel will make its processes publicly available for the benefit of parties to a hearing.

The Integrity Code requires that disciplinary panel proceedings are confidential until it makes a decision. Once the decision is made, copies must be provided to the relevant people, including us, and the decision published, subject to any reasonable redactions (eg, to protect privacy).

In addition to not being able to impose monetary fines, the disciplinary panel can't order costs as this power is not included under the Act.

Example of an investigation and disciplinary process

Daniel is a national-level athlete. He is knowledgeable about his sport and has good friends across the competition.

Daniel started gambling a few years ago. Recently, this has become more of a problem and he started betting on his own competition. This is prohibited under the Integrity Code and by the rules of his sport.

His national sport organisation become aware of this and notifies the Commission - it is required to do this by the Integrity Code (minimum standard 4). After consulting with everyone involved, including Daniel, the national sport organisation, and the Police, we decide to investigate the alleged breach of the Integrity Code.

The investigation concludes that Daniel has betted on his own games and other games in his competition. This breaches the Integrity Code. We decide to refer Daniel to our independent disciplinary panel. The national sport organisation is supportive of this.

The disciplinary panel considers our investigation report and other information provided by Daniel and the national sport organisation. It concludes that Daniel has breached the Integrity Code and imposes a sanction to ban him from participating for a period of time.

During his ban, Daniel tries to register to play in another sport which has also adopted the Integrity Code. The sport does not let Daniel register. This is because it has decided to recognise sanctions imposed by other sports under the Integrity Code.

Other matters

Part 5 – Definitions

Part 5 of the Integrity Code contains the definitions used throughout the Integrity Code. Defined terms are in bold text in the Integrity Code so they can be easily identified. This Part does not include definitions of prohibited behaviours – they are in Schedule 1.

Some definitions are taken directly from the Act (eg, participant). Other definitions are specific to the Integrity Code, though in many cases are drawn from other legislation (eg, the definition of tikanga Māori comes from the Oranga Tamariki Act 1989).

Schedule 4 – Transitional provisions

Schedule 4 sets out transitional provisions. They indicate how the Integrity Code will apply to circumstances that arise before the Integrity Code comes into force or takes effect. For example, incidents or complaints arising before the commencement of the Integrity Code or it taking effect for the sport or recreation activity.

The general rule is that matters should be dealt with according to the rules that are in place for the affected people at the time of the incident or complaint. Holding people accountable for standards that did not apply to them at the time is generally considered to be unfair.

Question / Pātai

50. Are there any other transitional provisions that should be included?

Appendix 1 – Definitions of prohibited behaviour (Schedule 1 of the Integrity Code)

Schedule 1 – Minimum standards of behaviour in sport and recreation

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 (include 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.

For the purposes of this provision, victimisation has the same meaning as in section 40 of the principal Act, with any necessary modifications.

