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# Code of Integrity for Sport and Recreation

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# Preamble

## Whiria te tangata Weave the people together

The Integrity Sport and Recreation Commission (the Commission) exists to enhance integrity within sport and recreation in Aotearoa New Zealand. This Code of Integrity for Sport and Recreation (Integrity Code) supports that purpose and furthers the collective aspiration of sport and recreation communities to create environments where all participants:

- can take part in safe environments where they can fully enjoy all the benefits sport and recreation offers
- are respected for who they are, where they come from, and their inherent value and identity
- can trust each other, their organisations and the Commission to behave with integrity
- are confident harm and unfair treatment is taken seriously, people are held to account, and integrity issues are addressed, including through restorative approaches.

The Integrity Code also responds to the harm experienced in sport and recreation, and the significant concerns participants have raised. This includes 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.

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

## Purpose

The purpose of the Integrity Code is to protect the safety and wellbeing of participants. This includes athletes, coaches, instructors, volunteers, officials, administrators and others who take part in sport and recreation at any level.

The Integrity Code will help protect participants by preventing and addressing “threats to integrity” through setting minimum standards for organisations in the sport and recreation sector.

Threats to integrity include bullying, violence, abuse, 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 and young people in sport and recreation.

The Integrity Code also promotes 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, it provides guidance for participants and organisations in a sport and recreation context. While grounded in and respecting te ao Māori, this approach seeks to ensure these values resonate with all sport and recreation communities.

## Content

The Integrity Code has six minimum standards with proactive measures to help prevent threats to integrity, and requirements to respond to integrity issues when they happen.

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

The Integrity Code articulates the Commission's role to provide independent oversight of the Integrity Code's implementation, including complaints and dispute resolution processes, investigations and disciplinary panel.

The Integrity Code provides for sanctions and remedies when threats to integrity or breaches of the minimum standards occur.

## Applying the Integrity Code

For the Integrity Code to have effect, organisations in the sport and recreation sector must adopt it. Once adopted, the organisation and its members are bound by the Integrity Code, and anyone who agrees with the organisation that the Integrity Code applies.

### Anti-doping

The Integrity Code supports the Sports Anti-Doping Rules but does not contain specific provisions relating to anti-doping. Where there is an integrity issue that occurs in connection with anti-doping, it may be dealt with under the Integrity Code (eg, 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 way that is responsive to te Tiriti o Waitangi – including 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 Code of Integrity for Sport and Recreation (Integrity Code) comes into force 28 days from its publication.

## 3. Purpose

- (1) The 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 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) The Integrity Code also promotes the following values and principles in the sport and recreation sector:
  - (a) whanaungatanga: fostering positive relationships, connections and a sense of community between participants, particularly for people who are disadvantaged or at risk;
  - (b) manaakitanga: participants are treated, and treat each other, with dignity and respect;
  - (c) hauora: physical, psychological, spiritual, family and social wellbeing of participants and recognising sport and recreation should make a positive contribution to participants’ wellbeing;
  - (d) haumarutanga: the importance of protecting the safety and wellbeing of participants, particularly when they are at risk;
  - (e) mokopunatanga: an emphasis on the wellbeing of children and young people, and ensuring future generations thrive;
  - (f) pono: acting in a way that is trustworthy, honest and fair;
  - (g) utu and ea: 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 tikanga Māori as determined by whānau, hapū and iwi.

## 4. Interpretation

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



**Act** means the Integrity Sport and Recreation Act 2023;

**adult** means a person who is 18 years or over;

**adult at risk** means any adult who needs care and support, is experiencing or is at risk of abuse or neglect, and is unable to remove or protect themselves from that risk because of those needs

**children and young people** means people 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 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.

**harm** means physical or mental damage or injury resulting from a prohibited behaviour;

**in connection with sport and recreation** means that:

- (a) the behaviour occurs while a 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 in the context of their mutual involvement in sport and recreation; 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 14(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 identity, 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 Act;

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

**personal information** has the same meaning as the definition of personal information in [section 7](#) of the Privacy Act 2020;

**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;

**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 that 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;

**specified person** means anyone 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 adults at risk; and
- (b) takes place without a parent or guardian of a child or young person being present; or
- (c) takes place with an adult at risk without the presence of another adult.

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

**wellbeing** includes physical, psychological, emotional, spiritual and social wellbeing;

Nothing in the definitions limits or affects the meaning of terms used in the World Anti-Doping Code or the Sports Anti-doping Rules.

## 5. Scope and application of the Integrity Code

(1) The Integrity Code relates to:

- (a) the whole of the sport and recreation sector; and
- (b) threats to integrity other than doping in sport, which is managed 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 Integrity Sport and Recreation Act 2023 (the Act), the Integrity Code binds:

- (a) an organisation that adopts it; and
- (b) any participant, other person, or body of persons that—
  - (i) is a member of the organisation; or
  - (ii) agrees with the organisation the Integrity Code applies 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](#).

## **6. Applying the Integrity Code to acts and omissions outside New Zealand**

- (1) The Integrity Code applies to any relevant act or omission, in connection to 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\(6\)](#).

## **7. The Integrity Code does not apply to historical behaviour**

- (1) For the avoidance of doubt, an organisation or participant is not in breach of the Integrity Code for acts or omissions that happened before:
  - (a) the commencement of the Integrity Code; and
  - (b) the date the 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 the Integrity Code affects or limits the Commission's ability to:
  - (a) investigate under [section 32](#) of the Act, including into acts or omissions that happened wholly or partly before or after the commencement date; or
  - (b) provide advice, support, education or guidance on matters happening before the application of the Integrity Code.

## **8. Sports Anti-Doping Rules are 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 matter must be managed under the Sports Anti-Doping Rules.

Compare: Integrity Sport and Recreation Act 2023, [section 19\(5\)](#).

## **9. Application of the Privacy Act 2020**

- (1) All personal information collected, used or held by the Commission, or any organisation or agency in connection with Integrity Code obligations or activities:
  - (a) must be managed in accordance with the Privacy Act 2020; and
  - (b) will be used only for the purpose of the Integrity Code as set in clause 3.

- (2) Anyone who provides personal information to the Commission or to an organisation that has adopted the Code in connection with any Integrity Code obligations or activities will be advised about:
- (a) the purpose of collecting the personal information;
  - (b) what it will be used for;
  - (c) how it will be stored;
  - (d) how long it will be kept for; and
  - (e) whether the information will be shared or disclosed.

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

## 10. Overview

This Part comprises six minimum standards to ensure organisations in the sport and recreation sector:

- (a) prohibit the behaviours that are a threat to integrity in sport and recreation;
- (b) put in place proactive safeguarding measures for children, young people and adults at risk;
- (c) implement an effective and fair dispute resolution process in relation to threats to integrity;
- (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 to your members about the Integrity Code.

## Required minimum standards to prevent and address threats to integrity

### 11. Minimum standard 1: Prohibit behaviours that are 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) discrimination, bullying, violence, abuse, sexually harmful behaviour, intimidation, or harassment;
  - (b) child abuse, child sexual abuse, or child neglect;
  - (c) manipulation or attempted manipulation of the result or course of a sporting competition or activity;
  - (d) sports betting activity connected with competition manipulation or the misuse of inside information connected with competition manipulation or sports betting; and
  - (e) corruption, fraud, and other forms of deception or breach of trust in sport or organised recreation.
- (2) Prohibit means to formally forbid the behaviour in the organisation, and sport and recreation activity, through rules, policies or procedures.
- (3) To comply with the minimum standard, the organisation must have and apply policies that prohibit the behaviours as defined in Schedule 1.
- (4) Organisations that do not organise, sanction or authorise sporting competitions, events or activities do not need to prohibit the behaviours in clause 11 (1) (c) or (d).

- (5) This clause does not prevent an organisation from also prohibiting other behaviours the organisation considers necessary or desirable:
- (a) to prevent misconduct;
  - (b) uphold its duties or obligations including to any governing or other body; or
  - (c) promote its members' rights and interests.

## **12. Minimum standard 2: Proactively safeguard children, young people and adults at risk**

- (1) An organisation must take reasonable measures to safeguard children, young people and adults at risk in sport and recreation.
- (2) To comply with this minimum standard, the organisation must have and implement policies to:
- (a) require a safety check in relation to specified persons (including volunteers) that:
    - (i) verifies that person's identity (eg, a passport or driver licence);
    - (ii) includes an official background or criminal record check (eg, Ministry of Justice criminal record check or Police vet); and
    - (iii) has criteria for when a person is disqualified from working with children, young people or adults at risk (eg, if they have been convicted of an offence under the Children's Act 2014, [Schedule 2](#));
  - (b) ensure specified persons complete education in relation to safeguarding children, young people, and adults at risk:
    - (i) before, or as soon as reasonably practicable after, starting their role or duties; and
    - (ii) at least annually thereafter;
  - (c) specify safe and inclusive practices for children, young people, and adults at risk for:
    - (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;
  - (d) appoint a safeguarding lead at a national or regional level responsible for overseeing the obligations required by this minimum standard.
- (3) The safety check described in paragraph (2)(a):
- (a) must be started before the specified person commences their role or duties;
  - (b) does not need to be completed before the specified person commences 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 education referred to in paragraph (2)(b) must cover, without limitation:

- (a) prohibited behaviours with a focus on the safety and wellbeing of children, young people and adults at risk; and
  - (b) safe practices referred to in paragraph (2)(c) to prevent these prohibited behaviours.
- (5) The organisation must have a child protection policy that provides for how the organisation identifies, reports, and responds to suspected or real cases of child abuse, child sexual abuse and child neglect.

### **13. Minimum standard 3: Implement an effective and fair dispute resolution process in relation to threats to integrity**

- (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) ensure the mechanism for making complaints and disclosures takes into account the needs of children, young people and adults at risk;
  - (c) are consistent with the principles of natural justice;
  - (d) require that, as soon as reasonably practicable after receiving a complaint or disclosure, or becoming aware of a threat to integrity, steps are taken to resolve the matter, including through consent-based dispute resolution or an investigation and disciplinary process;
  - (e) provides that sanctions are imposed 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;
  - (f) provides for those involved in the process to be consulted with about their needs and preferences in addressing the matter;
  - (g) reflect participants may make a complaint or disclosure to the Commission, regardless of whether they have first sought to resolve the matter with the organisation;
  - (h) expressly recognise that the Commission may assume responsibility for dealing with the matter in whole or in part, including through an investigation or disciplinary process;
  - (i) require the organisation to keep records of complaints or disclosures; and
  - (j) expressly recognise a decision of an organisation's disciplinary body may be appealed to the Sports Tribunal of New Zealand in accordance with [section 38\(ac\)](#) of the Sports Tribunal Act 2006.
- (3) Personal information collected or held by an organisation must be managed in accordance with the Privacy Act 2020.

### **14. Minimum standard 4: Notify the Commission of issues of serious concern**

- (1) An organisation must notify the Commission of issues of serious concern (see clause 14(2)(a)) to allow the Commission to:

- (a) monitor the frequency and nature of serious threats to integrity; and
  - (b) assess whether the Commission needs to intervene.
- (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, including:
    - (i) abuse, intimidation or violence affecting one or more children, young people, or adults at risk;
    - (ii) child abuse, child sexual abuse or child neglect;
    - (iii) sexually harmful behaviour;
    - (iv) competition manipulation and associated activity;
    - (v) any prohibited behaviour that gives rise to an imminent risk of serious harm to a participant;
    - (vi) an organisation breaching its obligations to safeguard children, young people and adults at risk under clause 12;
    - (vii) an organisation retaliating, or threatening to retaliate, against a participant in breach of [section 39](#) of the Act; and
    - (viii) victimisation of a person in breach of [section 40](#) of the Act; or
  - (b) it imposes one or more of the following sanctions in accordance with clause 39:
    - (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 (eg, upon receiving a complaint or disclosure); or
    - (ii) if the issue is not an issue of serious concern, after a suspension or exclusion is imposed; and
  - (b) in relation to an issue of serious concern contain at a minimum:
    - (i) a description of the issue of serious concern;
    - (ii) when the issue of serious concern happened, if known; and
    - (iii) what, if any, action was taken to respond to the issue of serious concern.
  - (c) be made in the manner prescribed by the Commission.
- (4) The Commission must be notified regardless of any other action the organisation has taken, or intends to take, to resolve the matter. For the avoidance of doubt, where an organisation suspects criminal behaviour, including but not limited to allegations of suspected abuse or sexual abuse against children, young people, and adults at risk, the organisation must immediately report it to the New Zealand Police.
- (5) Nothing in this clause prevents an organisation from notifying any other person, body or public sector agency (eg, New Zealand Police or a professional regulatory body) if it is:



- (a) permitted under the Privacy Act 2020 (eg, 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.

### **15. Minimum standard 5: Cooperate with the Commission in relation to dispute resolution, investigations, and monitoring activity**

- (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 the Commission considers necessary for any investigation it conducts, in accordance with Part 3;
  - (c) cooperate with an investigation or disciplinary panel undertaken in accordance with Part 3 and Schedule 3;
  - (d) take any remedial action required by the Commission in accordance with Part 4 as soon as reasonably practicable;
  - (e) provide information, guidance or education to its members about the Integrity Code as required by the Commission; and
  - (f) provide information to the Commission as required for the purpose of the assessing the organisation's compliance with any of the minimum standards.

### **16. Minimum standard 6: Provide information to your members 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 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) how to access the policies and make them available (eg, by publishing the policies on the organisation's website for free); and
  - (d) of their right to make a complaint or disclosure to the organisation and the Commission.
- (3) The requirement to provide information and access to policies includes the parent or guardian of a child or young person.

## Complying with minimum standards

### 17. Timeframes to comply with minimum standards

- (1) An organisation must have and implement the policies in clauses 11 to 14 as soon as reasonably practicable, and no later than 12 months after the organisation is bound by the Integrity Code.
- (2) The minimum standards in paragraph (1) apply from the date that is the earlier of:
  - (a) the relevant policy being formally adopted; or
  - (b) 12 months after the organisation is bound by the Integrity Code.
- (3) An organisation must comply with clauses 15 and 16 from the time it is bound by the Integrity Code.

### 18. Organisations decide on the form policies take

- (1) To comply with the minimum standards required in this Part, an organisation may:
  - (a) implement model policies issued by the Commission;
  - (b) implement its own policies; or
  - (c) with the agreement of another organisation (eg, the relevant national sport or recreation organisation), implement that organisation's policies.
- (2) The policies an organisation uses to comply with the Integrity Code may be in one or more documents, provided the minimum standards are met.

### 19. Presumption of compliance 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 11, where the organisation's policies define the prohibited behaviours consistently with Schedule 1;
  - (b) for clauses 12 to 14, where the organisation implements a model policy issued by the Commission (eg, in relation to dispute resolution); and
  - (c) for the purposes of clause 12(2)(b), where an organisation ensures that specified persons complete the Commission's education modules.
- (2) The presumption that the organisation has complied with the minimum standards may be displaced where the organisation has failed to implement the policy (eg, by failing to implement the model dispute resolution policy by acting contrary to the principles of natural justice).

### 20. Commission can review compliance with minimum standards

- (1) The Commission can require an organisation that has adopted the Integrity Code to provide information for the purpose of the Commission assessing the organisation's compliance with any of the minimum standards.

# Part 3 – Oversight role of the Commission

## 21. Overview

This Part prescribes how the Commission exercises its functions, powers and services relating to the Integrity Code, including for:

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

## 22. Te Tiriti o Waitangi

In accordance with [section 15](#) of the Act, the Commission exercises 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 (eg, Māori participants and organisations);
- (b) recognising the autonomy of kaupapa Māori approaches to sport and recreation, including 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; and
- (f) providing tikanga Māori-based dispute resolution services.

## 23. Presumption of cooperation

- (1) The Commission will address complaints and disclosures, and investigations, through informed consent and cooperation of all affected parties and organisations unless it is considered inappropriate or not reasonably practicable to do so.

## 24. Observing the principles of natural justice

- (1) In exercising its functions and powers the Commission will observe the principles of natural justice. This will include ensuring:
  - (a) affected parties are given the opportunity to be heard in relation to any matter which affects that person's rights, obligations, or interests protected or recognised by law; and
  - (b) decision makers are unbiased.

## 25. Principles for determining the appropriate action under this Part

- (1) In accordance with [section 29](#) of the 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 takes into account:
  - (a) the purposes of the 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

### 26. Making complaints and disclosures to the Commission

- (1) Anyone can 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 Act.
- (2) The Commission may receive complaints and disclosures from an identified person, or on an anonymous basis in line with its operating procedures. These operating procedures are 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 14 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.

### 27. 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 prohibited behaviours; or
    - (iii) be relevant to the Integrity Code or the Commission's functions under the Act; and
  - (b) what, if any, action the Commission wishes to take under:
    - (i) the Integrity Code; or
    - (ii) the Act.
- (2) The Commission will:
  - (a) conduct an initial assessment to decide on the action it considers appropriate in the circumstances; and
  - (b) inform the relevant organisation and participants it has received a complaint or disclosure unless it is considered inappropriate or not reasonably practicable in all the circumstances for this to occur.
- (3) Where the matter appears, in whole or in part, to be more properly within the scope of the functions of another person or body, the Commission will consider whether to refer the matter in accordance with [section 36](#) of the Act.

- (4) For the avoidance of doubt, notwithstanding instances where the Commission refers a matter to another person or body, it may still act in relation to any matters for which it has responsibility.

## 28. Action in relation to a complaint or disclosure

- (1) The Commission may decide to take one or more of the following actions in response to a complaint or disclosure:
  - (a) take no further action (eg, because the complaint is vexatious, has been dealt with appropriately already, or does not relate to integrity in sport and recreation);
  - (b) refer the matter to the organisation for it to decide whether to take action in accordance with its policies;
  - (c) contact the participant or organisation to notify them of their obligations under the Integrity Code;
  - (d) refer the matter to the Commission's dispute resolution services, which may include culturally responsive dispute resolution processes (eg, a process guided by tikanga Māori);
  - (e) support an organisation to resolve the matter and monitor its progress;
  - (f) provide support to a participant involved in the process the Commission considers necessary or desirable;
  - (g) investigate under [section 31](#) of the Act;
  - (h) take any other action provided for in the 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 on the action it takes or intends to take.
- (3) The Commission may, where it considers it is necessary or desirable, suspend or defer any formal action until an investigation is completed by another person or body (eg, a criminal investigation by the New Zealand Police).

## Investigations into a breach of the Integrity Code

### 29. Conducting an investigation

- (1) In accordance with [section 33](#) of the Act, the Commission may start an investigation in response to a complaint, or on its own initiative.
- (2) The Commission will:
  - (a) notify the relevant people and organisations in writing as soon as reasonably practicable;
  - (b) engage with the relevant people and organisations, including relevant participant associations, about the nature and scope of the investigation before starting an investigation, unless inappropriate or not reasonably practicable in all the circumstances for this to occur.
- (3) The Commission may investigate a complaint or disclosure by:

- (a) reviewing publicly available information;
  - (b) requesting or requiring cooperation (eg, through a formal interview) by parties and witnesses in accordance with clause 30;
  - (c) requesting or requiring information in accordance with clause 31; and
  - (d) seeking expert advice or opinion.
- (4) The Commission will, unless inappropriate or not reasonably practicable in all the circumstances:
- (a) conduct investigations through the consent and cooperation of the relevant people and organisations; and
  - (b) keep 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 Act applies at any stage while conducting or proposing to conduct an investigation.

### **30. Cooperating with an investigation**

- (1) The Commission may issue a direction to any organisation or person to formally cooperate with an investigation, including attending 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 (eg, the Commission may still advance or conclude an investigation when requested information has not been provided).

### **31. 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 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 (eg, legal privilege).

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

### **32. Outcome of an investigation**

- (1) Following an investigation and subject to observing the principles of natural justice, 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 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 it to take remedial action set out in clause 37;
  - (d) take any other action consistent with the Integrity Code (eg, referring the matter to dispute resolution).
- (2) Before commenting adversely about an organisation or person in a published report, the Commission will:
  - (a) take all reasonable steps to notify the organisation or person; 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**

### **33. 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

## 34. Overview

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; and
- (c) prescribes when a participant may be sanctioned and what sanctions are permitted under the Integrity Code.

## 35. Principles relating to remedies and sanctions

In reaching a determination on a sanction or remedial action, the relevant decision-maker will observe principles of natural justice and 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) whether participants are vulnerable or at risk;
- (d) any power imbalance between the 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) relevant precedents which help guide a proportionate remedy or sanction;
- (i) cultural considerations;
- (j) identity-based considerations; and
- (k) aggravating or mitigating factors.

## 36. Breach of the Integrity Code by organisations

- (1) The Commission may find 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 11 to 14 of the Integrity Code;
  - (b) the organisation has policies in place, but they do not meet the minimum standards specified in clauses 11 to 14 of the Integrity Code;
  - (c) the organisation has policies in place to implement the minimum standards in clauses 11 to 14 of the Integrity Code, but fails to adhere to those policies;



- (d) the organisation fails, without reasonable excuse, to:
  - (i) cooperate with the Commission in accordance with clause 15 of the Integrity Code;
  - (ii) provide information to its members in accordance with clause 16 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 [sections 39 or 40](#) of the Act (no retaliation or victimisation against a participant who makes a complaint or provides information to the Commission).

### **37. Remedial action by an organisation**

- (1) The Commission may require 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 anyone affected by the breach;
  - (b) engage in a dispute resolution process with participants;
  - (c) provide relevant education to people within the organisation;
  - (d) amend policies to comply with the Integrity Code; and
  - (e) take any other action which the Commission reasonably considers is necessary and practicable in all the circumstances to remedy the harm.
- (2) The Commission may review an organisation's progress in implementing required actions or recommendations.
- (3) The Commission may not require an organisation to take any action that affects an employment relationship (eg, requiring termination of an employment agreement or reinstating a person to employment).

### **38. Breaches where a participant may be sanctioned**

- (1) A participant may be sanctioned in accordance with clause 39 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 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 (eg, by engaging or attempting to engage in one or more prohibited behaviours as defined in Schedule 1); or
  - (c) breached [sections 39 or 40](#) of the Act.
- (2) The burden of proof for demonstrating a breach referred to in paragraph (1) happened rests on either the organisation or the Commission, depending on the circumstances.

- (3) For the avoidance of doubt:
- (a) a participant must be bound by the Integrity Code to be in breach;
  - (b) the act or omission must be in connection with sport and recreation; and
  - (c) the physical location where the behaviour happened is not determinative; and
  - (d) prohibited behaviours may involve different forms of contact (eg, physical contact, verbal comments, written communications).

### **39. Sanctions for participants**

- (1) The sanctions that may be imposed on a participant by an organisation or the Commission's disciplinary panel for a breach referred to in clause 38 include:
- (a) a reprimand or warning;
  - (b) a requirement to complete education that relates to the behaviour in question;
  - (c) conditions on participating 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;
  - (b) impose a sanction in respect of an organisation; or
  - (c) deal with any matter arising between an employer and employee concerning the terms and conditions of employment, a dispute relating to the interpretation, application, or operation of an employment agreement, or a personal grievance.
- (3) Nothing in this clause affects an organisation's ability to:
- (a) impose another sanction or penalty on a participant if provided for in their constitution or policies (eg, expulsion from the society or imposing a fine);
  - (b) take separate disciplinary action in relation to a participant who is an employee.

### **40. Publishing sanctions**

- (1) The Commission may publish a list of all suspensions and exclusions imposed in accordance with the Integrity Code, whether because of a disciplinary panel determination or an organisation's disciplinary process.
- (2) Before identifying a participant who is suspended or excluded 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 Act;
  - (b) have regard to the needs and circumstances of the participant;
  - (c) have regard to the interests of any impacted organisations; and

- (d) act in accordance with the principles of natural justice (eg, by ensuring the affected participant has an opportunity to be heard in relation to the decision to publish the sanction).

#### **41. Enforcement and mutual recognition of sanctions**

- (1) An organisation bound by the Integrity Code must enforce the sanction determined by the Commission's disciplinary panel, unless the 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 bound by the Integrity Code.

# Schedule 1 – Minimum standards of behaviour in sport and recreation

## 1. Overview

- (1) Clause 11 of the Integrity Code requires an organisation bound by the Integrity Code to have and implement policies to prohibit behaviour that constitutes a threat to integrity.
- (2) The organisation will be presumed to comply with clause 11 if its policies prohibit breaches of the Integrity Code consistently with this Schedule.
- (3) For the avoidance of doubt, prohibited behaviour includes online conduct.

## 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 within sport or recreation.
- (2) For the purposes of this provision—
  - (a) abuse includes physical, psychological, emotional 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 (including harassment that is sexual in nature) 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 unwanted and repeated contact with a person but may be a serious single incident;
  - (d) intimidation means behaviour that is intended to cause fear or distress (eg, 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, sexually or socially;
    - (ii) does not include:
      - (A) force or aggression that is permitted under the rules or required during a sport or recreation activity (eg, a regulation tackle in rugby union or rugby league);

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

### **3. Prohibition of child abuse, child sexual abuse and child neglect in sport and recreation**

- (1) A person who is bound by the Integrity Code must not engage in or attempt to engage in child abuse, child sexual abuse or child neglect sport and recreation.
- (2) For the purposes of this provision:
  - (a) child abuse means harming (whether physically, emotionally, psychologically, or sexually), ill-treatment, abuse, neglect or deprivation of any child or young person under 18 years of age
  - (b) child sexual abuse means acts or behaviours where an adult, older or more powerful person uses a child or young person under 18 years of age for a sexual purpose
  - (c) child neglect means the persistent failure to meet the physical and/or psychological needs of children and young people under 18 years of age, and not doing or providing the things they need to stay safe and be healthy.

### **4. Prohibition of sexually harmful behaviour in sport and recreation**

- (1) A person who is bound by the Integrity Code must not engage in or attempt to engage in sexually harmful behaviour in connection with sport and recreation.
- (2) For the purposes of this provision, sexually harmful behaviour means any verbal, visual or physical sexual contact or activity that is not freely consented to and includes—
  - (a) any non-consensual touching, contact or behaviour (verbal, visual or physical) of a sexual nature;
  - (b) forcing, coercing, pressuring or manipulating a person (whether directly or indirectly) into sexual activity;
  - (c) sexual attention or comments that are unwelcome and offensive and are either repeated, or of such a significant nature that it has a detrimental effect on that person, including about a person's sexual orientation, gender identity, gender expression, variations of sex characteristics, or sexual 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, authority or power (perceived or actual) to enter into a sexual or intimate relationship with a participant; and
  - (g) taking, sharing or displaying images of a sexual nature without consent.

## **5. Prohibition 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 any form of discrimination in connection with sport or recreation.
- (2) For the purposes of this provision, discriminatory behaviour includes:
  - (a) slurs, derogatory language or other offensive behaviour directed at a person or group of people because of a prohibited ground of discrimination under the Human Rights Act 1993);
  - (b) excluding, neglecting, or refusing to participate with other people based on a prohibited ground of discrimination;
  - (c) inciting or encouraging others to behave in a discriminatory manner; and
  - (d) any other prohibited behaviour in the Integrity Code (eg, bullying, harassment, sexually harmful behaviour, or retaliation) directed at a person or group of people based on a prohibited ground of discrimination.
- (3) For the avoidance of doubt, an act or omission does not constitute discriminatory behaviour if it is covered by an exception in the Human Rights Act 1993 (eg, to conduct competitive sporting events or activities that only disabled people take part in) or is a query reasonably made to determine eligibility to participate in competitive sporting events or activities.

## **6. 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) manipulating 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 improperly changing the result or 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 the participant is directly participating in; or
    - (ii) any event of a multisport competition they are a participant of;
  - (c) inside information means information relating to any competition that a person possesses by virtue of their position in a sport or competition, excluding any information:
    - (i) already published or common knowledge;
    - (ii) easily accessible to interested members of the public; or
    - (iii) disclosed in accordance with the rules and regulations governing the competition;
  - (d) misuse of inside information means:

- (i) using inside information for betting, any form of manipulation of sporting competitions or any other corrupt purpose, whether by the participant or another person 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 providing inside information, regardless of whether any inside information is actually provided.
- (3) For the avoidance of doubt, conduct that is permitted under the rules or required during a sport or recreation activity cannot be considered improper.
- (4) Organisations that do not organise, sanction or authorise sporting competitions, events or activities do not need to implement this clause of the Integrity Code.

## **7. 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 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, employment, or any other benefit, whether direct or indirect; and
  - (b) undue benefit means any benefit that is improperly or unlawfully obtained, accepted, offered, given, or agreed to.

## **8. Prohibition of retaliation or 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, retaliation against or victimisation of any person because that person makes or intends to make a complaint or disclosure to an organisation bound by the Integrity Code.

(2) For the purposes of this provision, retaliation and victimisation have the same meanings as in [sections 39 and 40](#) of the Act, with any necessary modifications.



# Schedule 2 – Adoption of the Integrity Code

## 1. Overview

- (1) The purpose of this Schedule is to prescribe how organisations may adopt the Integrity Code.
- (2) For the purposes of this Schedule, an organisation means any body of persons, whether incorporated or unincorporated, with its primary purpose being to provide:
  - (a) opportunities for participation in sport or organised physical recreation; or
  - (b) services to organisations described in paragraph (a) or to participants (eg, participant associations, the New Zealand Olympic Committee Incorporated, Paralympics New Zealand).

## 2. General provisions relating to the adoption of the Integrity Code

- (1) An organisation may adopt the Integrity Code in the manner provided in this Schedule.
- (2) The organisation initiates the process for adoption of the Integrity Code.
- (3) The Commission provides a reasonable level of support to an organisation that notifies the Commission of its intention to adopt the Integrity Code.
- (4) The Commission publishes the 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 that 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 that adopts the Integrity Code, or a body of persons that otherwise agrees to the application of the Integrity Code, does not need to adopt the Integrity Code in accordance with this Schedule.

## 3. Organisation to notify Commission of its intention to adopt the 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 in accordance with clause 4 of this Schedule.
- (3) The written notice 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 (eg, whether it is a national, regional or local body);
  - (b) whether the organisation is a member of another body (eg, a national sport organisation or national recreation organisation);

- (c) which organisations, if any, are members of the adopting organisation and would be bound because 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 is taking to adopt and comply with the Integrity Code (eg, reviewing and amending its policies to comply with the minimum standards);
  - (g) the dates 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 the reasons for seeking a dispensation.
- (4) On receiving written notice from an organisation of its intention to adopt, the Commission will, as soon as reasonably practicable:
- (a) review the information; and
  - (b) provide a reasonable level of guidance, information or support to the organisation about the adoption process.
- (5) The Commission may seek further information from the organisation or its members, where it considers this is necessary or desirable.

#### **4. Adopting the Integrity Code by constitutional amendment or formal resolution**

- (1) After completing the steps required in clause 3 of this Schedule, an organisation must then:
- (a) amend its constitution or equivalent governing document; or
  - (b) make a formal resolution, in accordance with its constitution or equivalent governing document.
- (2) The action taken in paragraph (1) must:
- (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 (eg, by amending their own constitutions or making complying with the Integrity Code a condition of membership or participation); and
  - (c) specify the date the organisation's adoption of the Integrity Code will take effect.
- (3) The Integrity Code binds the organisation and other persons, in accordance with [section 21](#) of the 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 notify the Commission in writing of the steps it has taken

to comply with clause 4, including relevant documentation (eg, 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 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 organisation has not taken the necessary steps to adopt the Integrity Code, the Commission will:
  - (a) notify the organisation; 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 (eg, a specific requirement under a minimum standard).
- (2) The Commission may grant an organisation dispensation from a provision of the Integrity Code if it is satisfied that granting the dispensation is consistent with the purposes of the Integrity Code; and
  - (a) the provision is not relevant to the organisation or its members;
  - (b) the provision cannot be complied with because it is inconsistent with another legal obligation (eg, a collective employment agreement or the rules of an international federation that the organisation is a member of); or
  - (c) there are 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 the dispensation subject to conditions (eg, 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

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 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 comprises as many members the Commission considers necessary or desirable to ensure the fair and efficient exercise of the disciplinary panel’s role.
- (3) The disciplinary panel must operate independently from the Commission.

## Composition of Commission’s disciplinary panel

### 3. Eligibility for appointment to the 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 relevant knowledge and experience (eg, experience in law, tikanga Māori, knowledge of sport and recreation activities and rules, child safeguarding and protection, 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 sport organisations and national recreation organisations;
  - (b) participant associations; and
  - (c) the New Zealand Olympic Committee Incorporated and Paralympics New Zealand.
- (2) The Commission must, publish and maintain:
  - (a) the nomination process for the disciplinary panel; and
  - (b) the list of people appointed to the disciplinary panel.

#### **5. Chair and deputy chairs**

- (1) The Commission will designate one chair of the disciplinary panel and at least one deputy chair.
- (2) The chair is responsible for ensuring the disciplinary panel performs its role:
  - (a) in an orderly and efficient manner; and
  - (b) in a way that achieves the purpose of the Integrity Code and the Act.

#### **6. Term of office for the disciplinary panel**

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

#### **7. When matters may be referred to the disciplinary panel**

- (1) The Commission may refer a matter to the disciplinary panel where it considers the referral is necessary or desirable:
  - (a) following an investigation under [section 31](#) of the Act; or
  - (b) in response to a request to refer a matter.
- (2) The following persons may request the Commission refers 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 disciplinary panel must be made before any disciplinary hearing is 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 disciplinary panel, the Commission must consider if there is, or appears to be, a breach where sanctions may be imposed under Part 4 of the Integrity Code.
- (2) The Commission may also consider:
  - (a) the seriousness of the matter;
  - (b) what has been done to resolve or investigate the matter;
  - (c) the capability and capacity of the organisation to run an effective and fair disciplinary process;
  - (d) the views of the parties, 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 five 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 Act, if that action would otherwise be permitted.

## **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 is required.
- (3) The chair or deputy chair convening a disciplinary panel must consider:
  - (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 help the disciplinary panel on technical matters (eg, 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;
- (b) the proceedings comply with the provisions of this Schedule; and
- (c) it considers the reasonable needs of the parties, including whether processes should be adapted to consider cultural needs, for example, tikanga Māori.

## 11. Pre-hearing procedure

- (1) Before a hearing the disciplinary panel must:
  - (a) request the parties identify any tikanga Māori or other cultural processes that would be beneficial to the parties;
  - (b) decide:
    - (i) the forum for the hearing (eg, online 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; and
  - (c) notify the parties the time, date and forum of the hearing.
- (2) Before 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 a support person being present (eg, 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 disciplinary panel may exercise the powers provided in [section 42](#) of the Act.
- (2) The sanctions contained in clause 39 are the sanctions a disciplinary panel may require an organisation to impose.

## 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) the 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 of New Zealand**

- (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 the 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 was not in force.
- (2) For the avoidance of doubt, paragraph (1) applies to any matter being handled by a third-party provider on behalf of the Commission (eg, through the Sport and Recreation Complaints and Mediation Service).

## **2. Matters before an 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 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.