

# Terms of Reference for Integrity in Sport and Recreation Establishment Board

## Purpose

The Integrity in Sport and Recreation Establishment Board (the Establishment Board) is a Ministerial Advisory Committee set up by the Minister for Sport and Recreation (the Minister) pursuant to the Public Service Commission's Ministerial Advisory Committee Guidelines to oversee the establishment of a new independent crown entity for sport and active recreation integrity and to support the design and implementation of the new entity, including by:

- overseeing the phase of work required to establish the new integrity entity, ahead of legislation being passed to create and confer statutory powers on a new entity Board
- providing advice to the Minister and, as appropriate Manatū Taonga, and preparing advice for the incoming entity board, on the entity's accountability framework, financial model, design and operations, and respective responsibilities.

## Role and responsibilities

The Establishment Board will report directly to the Minister and will be responsible for:

- developing advice and making recommendations to the Minister as required during the establishment phase and adhering to public service principles
- ensuring establishment activity remains aligned to the intent, and supports the progression, of legislation to establish the new entity
- overseeing the organisational design of the new entity and the transitional planning
- approving the establishment work programme and Integrity Transition Programme (ITP) activities
- liaise with the Boards of Drug Free Sport New Zealand (DFSNZ) and Sport and Recreation New Zealand (Sport New Zealand), as appropriate, to provide progress of the establishment work programme
- ensuring good change management practices are followed so that the key entities Sport NZ and DFSNZ are appropriately supported during this phase
- overseeing development of the National Code for Integrity in Sport and Recreation (the Code) and other integrity codes and rules
- working with the already established Māori Advisory Group to ensure establishment activity is aligned with the new entity's proposed duties and obligations with respect to the rights and interests of Māori, tikanga Māori and te Tiriti o Waitangi.

## **Operating principles for the Establishment Board**

Members are individually and collectively responsible for ensuring that the establishment work programme remains aligned to the Cabinet decisions<sup>1</sup> for Protecting and Promoting the Integrity of Sport and Active Recreation and any subsequent decisions and progresses Government policy.

This includes collectively acting to ensure successful outcomes by:

- providing oversight and support to ensure its work meets the objectives, quality standards and timeframes required by the Minister
- ensuring that the entity is set up to support the Māori-Crown relationship and is responsive to the rights and interests of Māori in sport and active recreation.
- identifying and responding to barriers to progress and success
- ensuring appropriate engagement with stakeholders, and the range of stakeholder perspectives are adequately considered
- ensuring that the approach being taken is fit for purpose
- ensuring that the ITP is supported to succeed
- ensuring that the establishment work programme activities and timelines remain aligned to the progression of legislation to establish the new entity.

Members must ensure that they do not let advocacy of a particular interest override or undermine their responsibilities as members of the Establishment Board.

### **Duration**

The Establishment Board will operate until the new integrity entity is established, and the statutory entity Board is appointed. The end date will be set by the Minister after consultation to allow for transition and operationalisation of the statutory entity Board and its management team.

### **Decision-making**

The Establishment Board will attempt to reach decisions by consensus in the first instance, but if this is not possible, will revert to majority vote with the Chair having the casting vote if required. The Chair will inform the Minister of any substantive differences of opinion.

The Chair is responsible for signing off the Establishment Board's advice to respectively the Minister, Sport NZ, and the new entity's incoming statutory Board.

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<sup>1</sup> <https://integritytransition.org.nz/wp-content/uploads/2022/11/Cabinet-Paper-%E2%80%93-Protecting-and-Promoting-the-Integrity-of-Sport-and-Active-Recreation.pdf>

## **Respective Roles of Sport NZ, the Establishment Board, and Manatū Taonga**

Sport NZ is the Crown entity set up to promote, encourage, and support physical recreation and sport, and provides support to the Minister in relation to his portfolio responsibilities.

Sport NZ will support the establishment of the Establishment Board and will be responsible for providing it with ongoing support, including a secretariat and any necessary delegated authority. Sport NZ will:

- resource and staff the ITP to enable it to: work with the Establishment Board on the transition programme; manage the legislative process; and work with Manatū Taonga, Public Service Commission and Treasury on issues as required
- administer the funding for the Board as agreed with the Minister, facilitate procurement of other services as required, and procure services as needed by the Board
- ensure appropriate resources to support the Establishment Board including payment of fees and expenses under the Cabinet Fees Framework for members.
- manage the passage of legislation to establish the new integrity entity.

The Establishment Board is responsible for:

- all matters detailed under 'Role and Responsibilities' of these Terms of Reference.

Manatū Taonga is responsible for:

- the monitoring of Sport NZ, DFSNZ and the future integrity entity
- supporting and advising the Minister in respect to the establishment of and appointments to the Establishment Board
- supporting and advising the Minister in respect to related matters including the earlier or later determination of expiry dates
- supporting and advising the Minister in respect to appointments to the new entity's statutory board.

To ensure alignment, and continuity of all work within the establishment work programme, the Chair of the Establishment Board, the ITP Director, and Manatū Taonga's Associate Deputy Chief Executive (Policy and Sector Performance) will liaise frequently and share information as appropriate to maintain 'no surprises'.

### **Board membership**

Board members are appointed by the Minister for Sport and Recreation (in accordance with the Cabinet Appointments process) for a defined term until the new integrity entity is established in law and the statutory entity Board is appointed, subject to the following:

- any member, including the Chair, may resign by giving notice in writing to the Minister

- the Minister may advise any member, including the Chair, in writing, that their term is to expire on a specified date that is earlier than the expiry date in their letter of appointment
- in the event of any vacancy, the Minister may appoint a replacement Chair or members following Cabinet approval
- in the event the statutory Board of the new integrity entity is appointed and operational before the expiry date of these appointments (30/06/2024), this Establishment Board may be dissolved at an earlier date, and
- if there continues to be a role for Establishment Board members after the expiry date, specifically named members may continue in office, at the discretion of the Minister.

The Establishment Board will consist of up to nine members, including the Chair.

Collectively the members of the Establishment Board will possess the following:

- leadership experience and strategic perspective
- experience and understanding of the objectives and function of the new statutory Crown entity including integrity matters and human rights.
- new entity establishment experience and/or expertise in change management
- diverse representation that reflects New Zealand and an understanding of te ao Māori and te Tiriti o Waitangi/the Treaty of Waitangi
- sport, active recreation, and other related sector participation and administration experience, including within Māori organisations in the sector
- machinery of government expertise.

### ***Fees***

Fees will be determined according to the Cabinet Fees Framework.

### ***Specialist or technical advice***

The Chair may request that Sport NZ provide or engage specialist or technical advice to support the work of the Establishment Board for a defined purpose if required, to ensure that it can discharge its role.

### ***Meetings***

Regular meetings every six weeks are anticipated and will be chaired by the Chair appointed by the Minister.

Additional meetings will be called at the discretion of the Chair if required and Establishment Board members will participate in working groups aligned with key programme workstreams

to enable major decisions to be made in a timely way or if more support is needed by the programme.

## **Code of Conduct**

Members agree to behave in accordance with the Standards of Integrity and Conduct for the Public Service. They should perform their functions in good faith, honestly and impartially and avoid situations that might compromise their integrity or otherwise lead to conflicts of interest.

## **Conflict of Interest**

A Register of Interests will be established on appointment of the initial members. A declaration of a conflict of interest must be made as soon as the member becomes aware of the conflict, and if possible, prior to discussions commencing. The Chair will decide what action to be taken, regarding the member, to withdraw or limit participation if the member has a conflict of interest. Any declaration will be recorded in the Register of Interests.

## **No surprises' Convention and Management of Information**

The Chair, on behalf of the Establishment Board, is to observe the "no surprises" convention in relation to the Minister.

The Chair is the spokesperson for the Establishment Board.

The Minister is to be informed of any public comment either prior to, or as soon as possible after comment is made. All written press releases will be provided to the Minister in advance.

The Establishment Board may request and receive information held by the Minister, and/or government agencies. Such information may be provided subject to an obligation of confidence. Board members will sign non-disclosure agreements and commit that information obtained in their capacity on the Board will not be shared with other agencies or used for other purposes without prior approval.

The information held by the Board is subject to the Official Information Act 1982 and is deemed to be information held by the Minister (see section 2(2) of the OIA).

Note that once the Establishment Board is disestablished, information held that is of public interest may be proactively released.

## **The role of the ITP**

The ITP will have the primary role to support the Establishment Board in fulfilling its responsibilities including by:

- drafting agendas and papers for meetings
- providing advice in relation to organisational design of the new entity and on change management processes
- advising on the design and implementing, the Establishment Board's public engagement in relation to the Code

- providing advice on the design of the Code and preparing drafts of the Code, as appropriate
- providing operational and strategic policy advice on any other relevant matters (e.g., design of the disciplinary panel, investigative processes, and the new entity's strategic direction)
- working with Sport NZ officials on the drafting and progress of the legislation
- providing advice on the provision or engagement of specialist or technical expertise for a defined purpose, if required
- collaborating with DFSNZ relating to the transition of functions and employees to the new entity
- liaising with relevant public sector stakeholders, in particular Manatū Taonga and Public Service Commission, in relation to the establishment of the new entity.