

drug free sport

new zealand

Briefing to Incoming Minister

November 2020

Introduction/ background

1. The DFSNZ Board, Chief Executive and team send our warm congratulations on your re-appointment as Minister for Sport and Recreation. This *Briefing to Incoming Minister* covers the work of Drug Free Sport New Zealand (DFSNZ).
2. DFSNZ is the organisation responsible for keeping sport clean in New Zealand, and free from doping. We work across New Zealand's sporting community to protect clean athletes and promote clean sport.
3. DFSNZ is an Independent Crown Entity (ICE) under the Crown Entities Act 2004, and its day-to-day operations are conducted independently from Government. It was established initially under the NZ Sports Drug Agency Act 1994 and continued under the Sports Anti-Doping Act 2006.
4. New Zealanders greatly value success with integrity, and our work contributes strongly to our expression of what it means to be a New Zealander. Furthermore, our work in protecting the integrity of sport and the health of active kiwis complements Sport New Zealand's work and contributes directly to the government's objectives of improving wellbeing, and having safer, healthier and more connected communities.

DFSNZ's strategic challenges

5. In the last few years DFSNZ has moved away from being seen as solely a testing agency to one centred around our athletes, where our responsibilities are in protecting and supporting clean Kiwi athletes and promoting clean sport. Every decision we make affects an athlete in one way or another. This is reflected in DFSNZ's 2020-2024 Strategic Plan/ Statement of Intent, a summary of which is **appended** to this paper.
6. At the same time, DFSNZ's testing programme and independence in its role in holding athletes, sports and other countries to account is vital. This is particularly so at a time when the delineation between the promotion of sport and the policing of sport internationally has been compromised, leading to issues such as seen in weightlifting, cycling and within Russia.
7. For the purposes of this briefing, we have set out below some of our more immediate strategic priorities and challenges:
 - a. Engaging with and educating athletes and sports

We continue to work closely with athletes, NSOs, NZOC and Paralympics NZ ahead of Tokyo 2020. Our primary role is to support and protect clean Kiwi athletes through an increased education programme both in person and online. Our aim is to have every athlete who leaves NZ for Japan to have had clean sport education from DFSNZ in the 12 months prior to the games. We will also run an increased testing programme to establish and demonstrate the integrity in our athletes, as well demanding more of international counterparts in terms of their testing programmes.

We are holding our second annual clean sport symposium in Auckland on 26 November 2020. You will shortly receive a formal invitation to attend and open this forum for athletes and sports. International speakers are likely to include Sport Integrity Australia and UK Anti-Doping (by video conference) and domestic experts and an athlete panel.

b. The Impact of COVID-19 on our work

Because our work relies on access to NSOs and athletes, the current pandemic has meant that our traditional operational output has been significantly impacted when sport has not been possible or normal competition has been compromised. However, we have also been challenged to adapt and create new contingencies, such as our webinar education series.

c. New World Anti-Doping Code 2021

The international anti-doping rules – the World Anti-Doping Code – is reviewed and updated every four-to-five years: the next version will take effect from 1 January 2021. The material changes to this code of relevance to NZ relate to:

- The introduction of a new category of recreational athletes that we have been petitioning WADA about for some time.
- The recognition of social drugs e.g. cannabis and MDMA as a societal problem rather than a sporting problem.
- The protection of whistle-blowers from retaliation.
- A greater requirement on DFNSZ to carry out increased costly additional testing on NZ athletes.

DFNSZ is currently working with National Sport Organisations (NSOs) and athletes, to explain these changes in preparation for 2021.

d. Sports Anti-Doping Rules 2021

One of DFNSZ's primary task is implementing the World Anti-Doping Code, which we do through the Sports Anti-Doping Rules. These are made annually after consultation with the Sports sector and the Privacy Commissioner, promulgated by DFNSZ and adopted by NSOs.

The 2021 Rules are currently being consulted on and, after approval from the DFNSZ Board, will be provided to your office for presentation to the House later this month.

e. DFNSZ's continuing contribution to Integrity in Sport in NZ

Protecting the integrity and reputation of sport is our fundamental mission at DFNSZ. Accordingly, we are committed to supporting Sport NZ's ongoing integrity in sport project, which we understand is a priority for the Minister.

The Australian approach to sports integrity has been to build on existing anti-doping education, investigation and whistleblowing capability, as well as solid relationships with sports. If this is an option under consideration, then DFNSZ has a strong established relationship with Sport Integrity Australia through sharing of human and technological resources which have led to innovation in anti-doping.

We believe this would be a cost-effective approach, even as an interim measure as the project continues. DFNSZ is keen to actively contribute and support any outcome of the Integrity in Sport project.

f. International advocacy including WADA and Russia

Despite the current pandemic conditions, DFSNZ continues to work with peers around the world to share best practice and advocate for consistently standards to be applied to all athletes and interpedently from their sports.

This work includes supporting both you in your current role on the WADA Foundation Board, and on the Executive Committee for 2021. DFSNZ also provides support where we can to Ben Sandford in his role as Chair of the WADA Athletes' Commission.

We continue to call for greater governance reforms within WADA, and better representation and involvement of athletes. We were very pleased to support Maria Clarke being appointed to the WADA Governance Review committee.

Of immediate note, the appeal by the Russian Anti-Doping Agency to the Court of Arbitration for Sport against the WADA proposed ban from the Olympic and Paralympic games is being heard currently i.e. the first week of November. It is unclear at this stage when a decision might be made in this regard, but it is likely to attract media interest.

DFSNZ's role

The Sports Anti-Doping Act 2006 sets out DFSNZ's functions, with the main ones being to:

- make rules in accordance with sections 16 to 23
- do all things necessary to comply with and implement the rules
- consult with, advise, and assist government departments Sport NZ and the sector on any matters concerned with doping in sport, and related matters; and
- advise the Minister on any matters related to doping in sport, and related matters.

In practical terms we do that by:

- engaging and educating with athletes, support personnel and sports administrators to protect and support them
- providing medical support for athletes through therapeutic use exemptions and medication checking
- running a testing programme to deter and detect doping in NZ sport
- oversee an athlete biological passport programme
- carry out investigations into and bring proceeding against athletes as appropriate where we see breaches of the Rules
- advocate internationally for clean sport, on behalf of Kiwi athletes and sports, to seek consistently applied standards and approaches.

DFSNZ Governance and staff

Board members	Term expires
Tim Castle (Chair)	31 July 2021
Sarah Ulmer ONZM	31 July 2021
Keven Mealamu MNZM	31 July 2022
Professor Patria Hume	31 December 2022
Vacancy	To be appointed

Other

Nick Paterson (Chief Executive)

The Chief executive is supported by a team of 14 in the head office in Ellerslie, Auckland, and a further approximately 120 contracted field staff around New Zealand.

Biographical note on Tim Castle, Chair

Tim is a Wellington barrister, whose practice includes complex civil and criminal litigation, sports law and Maori and indigenous peoples' rights. Tim is a member of the Court of Arbitration for Sport in Lausanne and a member of the Waitangi Tribunal. He is also a former First Vice President, chair and board member of the NZ Olympic Committee and is currently Chairman of the Pacific Games Sports Disputes Tribunal. Tim has served on the DFSNZ Board since July 2015 and became Chair in August 2020.

Biographical note on Nick Paterson, Chief Executive

Nick Paterson joined Drug Free Sport New Zealand in July 2017 from the Serious Fraud Office, where he was General Manager, Investigations responsible for corruption investigations and prosecutions. In that role, he also spent nine months on secondment as the Executive Director of the Gambling Commission, looking at casino and class 4 gambling throughout NZ. Prior to that Nick was Executive Director/NZ Lead, Fraud Investigation and Dispute Services at EY.



Our vision

Clean athletes. Clean sport.

Our mission

To help protect the integrity and reputation of sport, and the health of athletes by:

- Educating, supporting and advocating for clean athletes;
- Deterring and detecting doping, holding dopers to account; and
- Engaging with our wider sporting communities.

Engagement

We will build relationships and engage with athletes so that they are leaders in a culture of clean sport in NZ

We will build strong partnerships with our priority stakeholders so they understand their doping risk, and actively want our support to protect their sport

Testing

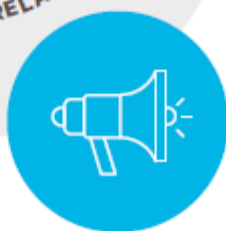
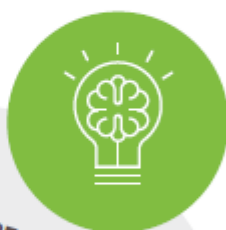
Every national representative believes they might be tested at any time

Athletes have full confidence in the quality and integrity of our user-friendly, focussed testing programme and personnel in NZ

Intelligence and Investigations

We will develop a culture in sport where athletes and stakeholders are confident to raise concerns about doping and "Speaking Out" is normalised

We will disrupt the supply chain and protect athletes at risk of doping



Education

We will engage with every athlete in the country, providing them with the information they need to support clean sport

Our education programme and team will be recognised internationally as amongst best-in-class

Advocacy

We will serve clean kiwi athletes by relentlessly advocating for high and consistently applied standards in anti-doping world-wide