

CONFIDENTIAL

**Terms of Reference
Audit of Systems and Processes at
High Performance Sport New Zealand**

15 September 2020

Introduction

1. Reports containing allegations of bullying, intimidation and emotional manipulation within Canoe Racing New Zealand first appeared in the media on 30 August 2020.¹
2. On Sunday 6 September 2020, Stuff published an article under the headline “*HPSNZ facing revolt within its ranks with claims senior leadership ignore athlete welfare concerns*”.² This article included the following statements:
 - (a) *Some at the government agency claim there has long been a “disconnect” between the senior leadership of high performance sports and service providers working with the athletes in their training environments;*
 - (b) *Stuff is now aware of at least four people who escalated issues about the canoe racing programme to senior leaders at High Performance Sport... The staff... are furious the senior leadership team is not only prepared to dismiss the concerns of the athletes, it is also ignoring the advice of its own experts on the ground; and*
 - (c) *The idea that they have taken ‘proactive steps’ is so, so far removed from reality.*
3. HPSNZ is committed to continuous improvement. This is aligned with HPSNZ’s values and the ongoing strive for excellence. As such, HPSNZ seeks to use this moment as an opportunity to seek an independent audit of its practices and processes, including any recommendations as to how those practices and processes may be improved (the **Audit**).

Auditor

4. The Audit will be carried out by Don Mackinnon (**Auditor**). The Auditor will liaise with HPSNZ Director Ian Hunt and General Counsel Neena Ullal (the **Key Contacts**) on any matters relating to the Audit.

Scope & Process

5. It is anticipated that the Audit will:
 - (a) Identify whether the systems in place within HPSNZ for escalating issues brought to the attention of HPSNZ are robust and how they may be improved;
 - (b) Consider whether proposed interventions were appropriately implemented;
 - (c) Identify opportunities for HPSNZ to improve the way in which it monitors the effectiveness of interventions made to address concerns that are raised;
 - (d) Identify whether it would be appropriate for HPSNZ to provide service providers with greater visibility over interventions as they are implemented; and
 - (e) Identify whether, and if so to what extent, Board reporting and oversight could be improved.

¹ Refer: <https://www.stuff.co.nz/sport/122604637/canoe-racing-nz-facing-athlete-welfare-crisis-as-two-thirds-of-elite-womens-team-quit> and <https://www.stuff.co.nz/sport/122606146/canoe-racing-nz-call-on-hpsnz-to-facilitate-mediation-with-top-paddler>

² <https://www.stuff.co.nz/sport/122669449/hpsnz-facing-revolt-within-its-ranks-with-claims-senior-leadership-ignored-athlete-welfare-concerns>

6. If any new and relevant issues come to the Auditor's attention during the course of the Audit, the Auditor may raise these matters with the Key Contacts, who will decide whether or not to incorporate them into the scope of the Audit and to amend these terms of reference accordingly.
7. The Auditor is to be provided access to all relevant information related to the matter. If any person believes their ability to provide relevant information is restricted by a professional obligation to maintain privacy and confidentiality, this shall be discussed with the Auditor and if appropriate, the Auditor will note the implications of this in his report.

Approach

8. At this stage, the following persons have been identified as potentially being able to assist the Auditor (**Interviewees**):
 - (a) Michael Scott
 - (b) Neena Ullal
 - (c) Eddie Kohlhase
 - (d) Martin Dowson
 - (e) Bruce Hamilton
 - (f) Kylie Wilson
 - (g) Campbell Thompson
 - (h) Adrian Blincoe
9. The Auditor will also contact each member of the HPSNZ Board to offer them the opportunity to be included in the list of Interviewees. The Board members are:
 - (a) Bill Moran
 - (b) Hilary Poole
 - (c) Ian Hunt
 - (d) Kylie Clegg
 - (e) Alison Shanks
 - (f) Waimarama Taumaunu
 - (g) Chelsea Grootveld
 - (h) Rowan Simpson
 - (i) Hetty Van Hale
 - (j) Peter Miskimmin
 - (k) Annette Purvis
10. If the Auditor identifies any other person whom they believe can assist, they will seek approval from the Key Contacts before interviewing those persons.
11. The following provides guidance as to the approach to be adopted in this Audit:
 - (a) The Auditor will contact the Interviewees to ask them to attend an interview with the Auditor to provide relevant information;
 - (b) The Auditor will provide each Interviewee with a written summary of the main points raised in the interview and provide the Interviewee with the opportunity to comment as to its accuracy;
 - (c) If the Auditor considers it necessary to do so, they may provide copies of written statements to other Interviewees for their comment;
 - (d) The Auditor's final report of findings will be provided in writing to the Key Contact.

Timing

12. The Auditor will send the final report to the Key Contacts as soon as practical after the conclusion of the Audit process and will endeavour to do so by 31 October 2020.

Role of Investigator

13. The Auditor is to follow these terms of reference.
14. If the Auditor requires clarity on the role of the Auditor or the scope of the Audit, the Auditor should contact the Key Contacts who will respond to the Auditor as soon as practicable.

Use of the Report

15. HPSNZ will use the report to determine what steps could be implemented to improve the robustness of its systems and processes.
16. Any recommendations shall be considered by HPSNZ in good faith but for the avoidance of doubt, there shall be no obligation to implement all or any such recommendations.

Confidentiality

17. While the intention is for HPSNZ to publish the results of the Audit in the interests of transparency, to the extent that any matters referred to relate to individuals or specific concerns, these matters will be redacted in the published version to protect their privacy and in recognition of the sensitive nature of some of the matters at issue.