



**drug free sport**  
new zealand

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Ms Sarah Baddeley  
Martin Jenkins

Response submitted via email to [sarah.baddeley@martinjenkins.co.nz](mailto:sarah.baddeley@martinjenkins.co.nz)

8 August 2018

Dear Ms Baddeley

I am responding to the correspondence received from Martin Jenkins dated 23 July 2018, regarding the use of external security consultants by State Sector agencies.

For context, Drug Free Sport New Zealand (DFSNZ) is an independent crown entity constituted under the Sports Anti-Doping Act of 2006, and subject to all of the rules, protocols and responsibilities of such an entity, including as defined by the Crown Entities Act 2004. We have an independent Board, appointed by the Governor General, on recommendation of the responsible Minister.

DFSNZ is responsible for implementing the world anti-doping code in New Zealand. With other national anti-doping agencies around the world, we share a vision that sport should be characterised by clean athletes and fair competition. To achieve this, and help protect the integrity and reputation of sport, and the health of athletes, we educate, support and advocate for clean athletes; deter and detect doping through a risk-based testing programme; pursue sanctions for athletes who are in breach of the Code; and engage with our wider sporting communities to promote and gain support for our vision.

Given the nature of our work, it is necessary, from time to time, to engage investigators to support DFSNZ's pursuit of individuals where there has been credible evidence or information that a breach of the Sports Anti-Doping Rules has occurred. In such circumstances, it can be necessary to gather evidence and information which goes beyond the scientific evidence we obtain from a laboratory confirming that a sample provided to us contains substances which are prohibited for athletes and those others bound by the World Anti-Doping Code (the Code) and the NZ Sports Anti-Doping Rules. For example, the Code contains ten situations where a breach of the Code may occur and only one of which relates to the actual consumption or application of substances which are on the prohibited list. In these other situations, evidence must be gathered to support the establishment of a case against the athlete in question.

The reason we engage external investigators is that we have had little or no inhouse expertise to perform this work (the total headcount in our agency is 12). We only engage external investigators in support of the situations described above, where we are required to build information in support of our statutory responsibility to pursue sanctions for athletes who are, in our belief, in breach of the

Code. We do not engage investigators for any other purposes. Each engagement is in relation to a specific athlete who has come to our attention. We certainly do not engage in “fishing expeditions”.

Historically, we have used external investigators that are known to us, and with whom we undertake repeat assignments as mutual confidence increases. In support of your enquiries, I confirm we have:

1. Made enquiries of long-standing members of DFSNZ, including Board members, to recall investigators we have used in the past
2. Reviewed the financial accounts back to 2010, looking for instances of known investigators to ascertain the extent of our use of them
3. Reviewed material available in our shared electronic storage repositories, looking for actual contracts with investigators, or names of investigators on registers of contracts
4. Asked long-standing staff to search their email repositories for instances of communications with known investigators
5. Reviewed our Public Records Act information register, including archives, to scan for information about investigators

In this work, we have found no references to Thompson Clark, TCIL, or any of the other associated companies or manifestations of TCIL, as identified in the appendix to your letter.

We have found information relating to Omega Investigations, who we used consistently in the years from 2013-2017. On review and reflection, we believe we may have engaged Omega to investigate perhaps between 6-8 cases for us in that time. The principal of Omega is Phil Jones. Our review of information identified financial transactions relating to Omega as follows:

- 2013 = \$21,056.78
- 2014 = 0
- 2015 = \$24,780.73
- 2016 = \$97,132.71
- 2017 = \$115,479.46

By way of illustration, we used Omega Investigations in relation to the Karl Murray case, which entailed investigative work spanning several years, and which ultimately culminated this year in the Sports Tribunal banning Mr Murray for a period of eight years for his breaches of the Code.

We have not been able to identify a contract between Omega and DFSNZ, but we can confirm we no longer use them.

More recently, and in particular in support of the large number of cases (107) as part of the NZ Clenbuterol investigation we have addressed, and continue to address, , we have engaged an investigator who was previously employed by Omega Investigations and more recently has worked directly for us as an independent contractor. We have had a close association with this individual – Ms Lisa Grace – in the past and have built an excellent working relationship with her. We contracted with Lisa directly as an independent contractor, under a contract for service.

Her work has, as above, been focused on a case-by-case basis on specific individuals for whom we are obligated to investigate and pursue sanctions as stipulated by the Code and mandated by our statute. She has not performed any work for us beyond these specific briefs, and all her findings and case notes are reviewed and retained by DFSNZ within our secure information repositories. There is direct

weekly (often daily) oversight of the work Lisa performs for us, and the material she accesses and provides.

We have made use of ShareFile software to exchange information electronically with investigators, lawyers and other national anti-doping organisations. We have selected this tool because it is the preferred software used by WADA and other NADOs, and accordingly we have confidence that it is fit for our purposes.

It should also be noted that the material sourced by our investigators is used, and typically presented through statements of evidence, in the cases we advance to the Sports Tribunal of New Zealand (who have responsibility for determining any sanctions for athletes). We are not aware of any cases where the Sports Tribunal has had cause to express reservations about the methods we have used to gather the necessary evidence to support the cases in question.

In summing up, we believe that our use of private security and investigator personnel is appropriate and reasonable given our mandate. We have engaged a very limited number of external investigators and have developed a close working relationship with them. All of their work has been focused on specific individuals that have come to our attention through the various techniques we use to detect dopers. We retain information in secure and confidential repositories, and no concern has been expressed about our techniques by the independent NZ Sports Tribunal.

We trust that this satisfies your enquiries, but if you require further information please do not hesitate to get in touch.

Yours sincerely



Nick Paterson  
Chief Executive