

## 12. ANTI-DOPING REGULATION

### 12.1 Purpose of this Regulation

12.1.1 **Purpose:** The purpose of this Regulation is to promote the health and safety of all participants in Surf Life Saving in a manner that is free from doping. It is made to comply with, and give effect to, the obligations of SLSNZ under the latest applicable versions of:

- (a) the World Anti-Doping Code;
- (b) the ILS Anti-Doping Rules;
- (c) the Sports Anti-Doping Act 2006; and
- (d) the Sports Anti-Doping Rules.

### 12.2 Commencement Date

12.2.1 This Regulation shall take effect and come into force on 12 December 2020.

### 12.3 Application of this Regulation

12.3.1 **Application:** This Regulation applies to:

- (a) all Members of SLSNZ; and
- (b) all other persons who have acknowledged in writing that they are bound by this Regulation, or who are otherwise bound in accordance with the World Anti-Doping Code, the ILS Anti-Doping Rules and/or the Sports Anti-Doping Rules, which includes, but is not limited to, all Athlete Support Personnel.

### 12.4 Definitions

12.4.1 The words and phrases used in this Regulation shall have the same meanings as defined in the Sports Anti-Doping Rules, Sports Regulations and the Constitution unless specified otherwise.

12.4.2 The following words and phrases used in this Regulation shall mean as follows:

“**Board**” means the Board of Surf Life Saving New Zealand

“**DFS**” means Drug Free Sport New Zealand, the crown entity empowered under the Sports Anti-Doping Act 2006 (and its predecessor legislation) to be an independent body in New Zealand to implement the World Anti-Doping Code including undertaking testing, investigation and other activities, including educational programmes, to deter and punish doping.

**“ILS Anti-Doping Rules”** means the anti-doping rules of the ILS, as amended from time to time. This may be obtained from <https://www.ilsf.org/lifesaving-sport/rules/anti-doping/>

**“ILS Registered Testing Pool”** means the registered testing pool established by ILS in accordance with the ILS Anti-Doping Rules.

**“Sports Anti-Doping Rules”** means the rules made under the Sports Anti-Doping Act 2006, as amended from time to time by DFS. These may be obtained from <http://www.drugfreesport.org.nz>.

**“TUE”** means Therapeutic Use Exemption.

**“WADA”** means the World Anti-Doping Agency.

**“World Anti-Doping Code”** means the World Anti-Doping Code approved by the World Anti-Doping Agency, as amended from time to time. This may be obtained from <https://www.wada-ama.org/en/resources/world-anti-doping-program/world-anti-doping-code>

## **12.5 Incorporation of Other Anti-Doping Rules**

12.5.1 This Regulation incorporates the World Anti-Doping Code, the ILS Anti-Doping Rules and the Sports Anti-Doping Rules.

## **12.6 Application of Sports Anti-Doping Rules**

12.6.1 By agreeing to the Sports Anti-Doping Rules, SLSNZ, its Members, and all other persons to whom this Regulation applies:

- (a) recognise and accept the authority and responsibility of DFS as the sole National Anti-Doping Organisation in New Zealand for implementing the World Anti-Doping Code; and
- (b) authorise DFS to carry out Doping Control and to investigate Anti-Doping Rule Violations before the Sports Tribunal.

12.6.2 SLSNZ also agrees to take all reasonable steps to ensure that any Person who wishes to take part in any event, competition or activity organised or authorised by it, who is not a Member of SLSNZ, or who has not otherwise agreed to be bound by the Sports Anti-Doping Rules, agrees to be bound by the Sports Anti-Doping Rules.

12.6.3 SLSNZ will ensure that any Person, who is not a Member of SLSNZ but who wishes to participate in International Events or Events organised, sanctioned or authorised by SLSNZ and who fulfils the requirements to be part of DFS’s Registered Testing Pool, becomes either a Member of SLSNZ and/or agrees to make himself or herself available for Testing, at least 12 months before participating in any International Event or any Event.

## **12.7 Inconsistencies**

12.7.1 Where there is a conflict or inconsistency between this Regulation, the World Anti-Doping Code, the ILS Anti-Doping Rules and the Sports Anti-Doping Rules, then to the extent of any inconsistency or conflict, the following order of priority shall apply:

- (a) the World Anti-Doping Code;
- (b) the ILS Anti-Doping Rules;
- (c) the Sports Anti-Doping Rules; and
- (d) this Regulation.

## **12.8 Roles and Responsibilities of SLSNZ**

12.8.1 To achieve the purpose of this Regulation, SLSNZ will:

- (a) comply with its obligations under the ILS Anti-Doping Rules and the Sports Anti-Doping Rules;
- (b) assist DFS, ILS and other relevant Anti-Doping Organisations to develop and undertake testing programmes, and assist with any Anti-Doping Rule Violation investigations; and
- (c) enforce the sanctions imposed by the Sports Tribunal, ILS or other national or international sporting bodies, or national doping organisations, on any Member (or other persons over whom SLSNZ has jurisdiction) who is found by a competent authority to have committed an Anti-Doping Rule Violation.

## **12.9 Anti-Doping Education**

12.9.1 SLSNZ will use best efforts to educate and inform its Members, Athletes and those other people who this Regulation applies to, about issues concerning doping in sport by:

- (a) circulating or providing information, materials and resources on doping in sport, and in particular on the following issues:
  - i. substances and methods on the Prohibited List;
  - ii. anti-doping rule violations;
  - iii. consequences of doping, including sanctions, health and social consequences;
  - iv. Doping Control procedures;

- v. the rights and responsibilities of Members and Athlete Support Personnel;
  - vi. TUEs;
  - vii. managing the risks of nutritional supplements; and
  - viii. harm of doping to the spirit of sport; and
- (b) co-operating with DFS, ILS, WADA and other relevant Anti-Doping Organisations to implement drug education and information programmes for Members and those other people who this Regulation applies to.

#### **12.10 Application for a TUE**

- 12.10.1 Athletes who intend to participate in International Events must obtain a TUE from ILS, in accordance with the procedures prescribed by ILS, regardless of whether the Athlete has received a TUE by DFS.
- 12.10.2 All Athletes with a medical condition requiring the use of a Prohibited Substance or a Prohibited Method, may apply to the TUE Committee established by DFS, in accordance with the Sports Anti-Doping Rules.

#### **12.11 Whereabouts Information**

- 12.11.1 Athletes who form part of the ILS Registered Testing Pool must comply with the whereabouts requirements as set out in the ILS Anti-Doping Rules and must provide a copy of such information to DFS at the same time.
- 12.11.2 Athletes who form part of the DFS Registered Testing Pool must comply with the whereabouts information requirements as set out in the Sports Anti-Doping Rules.

#### **12.12 Hearing of Anti-Doping Rule Violations**

- 12.12.1 With the exception of Anti-Doping Rule Violations arising from testing or investigations carried out by the ILS (which shall be dealt with in accordance with the ILS Anti-Doping Rules) all Anti-Doping Rule Violations shall be heard before the Sports Tribunal in accordance with the Sports Anti-Doping Rules.
- 12.12.2 Any appeal from a decision of the Sports Tribunal shall be in accordance with any appeal rights conferred by the Sports Anti-Doping Rules.

#### **12.13 Sanctions**

- 12.13.1 Where a Member or other person bound by this Regulation is found to have committed an Anti-Doping Rule Violation, the Board may direct that the person be ineligible:

- (a) to receive direct or indirect funding or assistance from SLSNZ and/or Sport NZ for the complete period of ineligibility; and/or
- (b) from holding any position within SLSNZ or being involved in any other way within SLSNZ for the complete period of ineligibility; and/or
- (c) from utilising any facilities or resources of SLSNZ or its Member(s) for a sporting purpose for the complete period of ineligibility, except:
  - i. as a spectator or supporter; or
  - ii. for participating in a doping education programme or counselling; or
  - iii. to participate in out of competition testing to facilitate a reinstatement after the period of ineligibility expires.

12.13.2 Before making any decision under paragraph 12.13.1 of this Regulation, the Board shall give 14 days' notice of its intention to the person so affected. The person so affected may provide written submissions to the Board prior to the Board's decision. The decision of the Board under this clause shall be final and not subject to appeal except to the extent that the person is successfully able to appeal to the Anti-Doping Rule Violation in accordance with the ILS Anti-Doping Rules or Sports Anti-Doping Rules.