



# **ANTI-DOPING CODE**

**November 2001**

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# 1. Definitions

## 1.1 In this Code:

1.1.1 **“HC”** means the Hillary Commission established by the Sport and Fitness and Leisure Act 1987.

1.1.2 **“NZSDA”** means the New Zealand Sports and Drug Agency established by the New Zealand Sports Drug Agency Act 1994.

1.1.3 **“CAS”** means the Court of Arbitration for Sport (Oceania Registry).

1.1.4 **“coach, official and administrator”** mean a person who administers, manages, assists or is otherwise involved in the sport of Hockey other than as a competitor.

1.1.5 **“Competitor”** means a competitor as defined under the New Zealand Sports Drug Agency Act 1994

1.1.6 **“doping offence”** as defined in Clause 4

1.1.7 **“drug testing authority”** means:

- (a) NZSDA, or
- (b) an agency appointed or contracted by NZSDA, FIH or Hockey NZ or a national drug testing authority which:
  - (i) operates under its own rules and regulations, and
  - (ii) has samples analysed by an FIH approved or an IOC/WADA accredited laboratory, or
- (c) an agency which conducts testing on competitors for the detection of prohibited substances where:
  - (i) the methods of testing substantially accord with FIH or IOC procedures, and
  - (ii) the sample is analysed by an FIH

approved or an IOC accredited laboratory.

- 1.1.8 **“FIH”** means [International Hockey Federation].
- 1.1.9 **“IOC”** means the International Olympic Committee created by the Congress of Paris of 23 June 1894 which is entrusted with the control and development of the Modern Olympic Games pursuant to the Olympic Charter.
- 1.1.10 **“Hockey NZ”** means Hockey New Zealand and includes its member and affiliated organisations.
- 1.1.11 **“positive test result”** means a result of a test by a drug testing authority which shows the presence of a prohibited substance in a sample or the use of a prohibited method.
- 1.1.12 **“prohibited method”** means a method prohibited under the anti-doping Code of:
- (a) FIH, or
  - (b) if FIH does not have an anti-doping Code, the IOC
- and includes a method contained in the schedule of the NZSDA.
- 1.1.1 **“prohibited substance”** means a substance prohibited under the anti-doping Code of:
- (a) FIH, or
  - (b) if FIH does not have an anti-doping Code, the IOC.
  - (c) or a substance contained in the schedule of the NZSDA
- 1.1.14 **“sample”** means human biological fluid or tissue.
- 1.1.15 **“testing”** means the requesting, collecting and analysing of a sample.
- 1.1.16 **“trafficking”** means:
- (a) manufacturing, extracting, transforming, preparing storing, expediting, transporting, importing,

transiting, offering, (whether subject to payment or free of charge), distributing, selling, exchanging, brokering, obtaining in any form, prescribing, commercialising, making over, accepting, possessing, holding, buying or acquiring in any manner a prohibited substance

- (b) financing or serving as an intermediary for the finance of any of the activities in paragraph (a)
- (c) being knowingly concerned or involved in a prohibited method other than for personal use by a person who is not a competitor, for personal use by a competitor where the competitor has approval for therapeutic use, or in the course of the lawful exercise of professional medical, pharmaceutical or analogous activities.

1.1.17 “**WADA**” means World Anti Doping Agency.

1.1.18 “**recognised medical authority**” means:

- (a) The New Zealand Sports Drug Agency medical advisory panel; or
- (c) An authority recognised by FIH which may authorise the use of a scheduled drug or doping method.

1.1.19 “**tribunal**” means the Hockey NZ appointed committee comprising a qualified medical practitioner, a qualified lawyer, and a Hockey NZ Board member

1.1.20 “**appeals tribunal**” means the Hockey NZ appointed committee comprising the Hockey NZ President, Hockey NZ Chairperson and a qualified lawyer (different to the lawyer on the Tribunal)

1.1.21 “**in competition**” means the date on which a hockey competition, event, game or trial is to be held and in which a player is to, or does compete

1.1.22 “**out of competition**” means at any time, other than a tournament, the NZSDA or its appointed agency, notifies the player of their requirement for a test

1.1.23 Words in the singular include the plural and vice versa.

1.1.24 person includes a body corporate.

## **2. Position Statement**

2.1 Hockey NZ condemns the use of performance enhancing drugs and doping practices in sport. The use of performance enhancing drugs and doping practices is contrary to the ethics of sport and potentially harmful to the health of athletes.

2.2 Hockey NZ aims to stop doping practices in sport by:

- (a) imposing sanctions on persons within its jurisdiction who commit doping offences;
- (b) educating and informing persons about drugs in sport issues; and
- (c) supporting the drug testing programmes and education initiatives of NZSDA and other drug testing authorities

2.3 Hockey NZ will:

- (a) give NZSDA timely and accurate competitor contact information
- (b) support and assist NZSDA to conduct doping control
- (c) make this Code available to members, competitors, coaches, officials and administrators and its medical and health advisers
- (d) develop and implement, in co-operation with NZSDA and the FIH, drug education and information programs for competitors, coaches, officials and administrators and its medical and health advisers, and
- (e) support the initiatives of the HC, the FIH, the IOC and WADA to stop doping offences in sport.

## **3. Code Application**

This Code applies to:

- (a) all those persons, including particularly competitors, who are within the jurisdiction of the Constitution, Rules and Regulations of Hockey NZ
- (b) employees and contractors of Hockey NZ, in accordance with the Employment Relations Act.
- (c) coaches, officials, administrators or any other persons involved with the sport governed by Hockey NZ.

#### **4. Events for Dope Testing**

- 4.1 Olympic Games
- 4.2 Events under the control of the FIH
- 4.3 Events under the control of a Continental Federation
- 4.4 Events under the control of Hockey NZ.

#### **5. Doping Offence**

- 5.1 A doping offence occurs if either:
  - 5.1.1 A competitor has been notified that:
    - (a) there is a determination made under section 16B of the NZSDA Act that the competitor has committed a doping infraction, or
    - (b) there is a determination made under section 14 of the NZSDA Act that the competitor did not have reasonable cause to fail to comply with a request to provide a sample, or
    - (c) there is a report to Hockey NZ by a Drug Testing Authority other than the NZSDA that the competitor has taken a prohibited substance or used a prohibited method or there is an excess of any permitted level of a substance (as set out in the NZSDA Schedule), or
    - (d) there is a report to Hockey NZ by a Drug Testing Authority other than the NZSDA that the competitor has refused to provide a sample or failed to comply with a request to provide a sample when requested to do so by that Drug Testing Authority.

or

5.1.2 A person (including a competitor):

- (a) is knowingly involved in or has admitted trafficking of “drugs” (as defined in the New Zealand Sports Drug Agency Act) , or
- (b) knowingly assists, or is knowingly involved in the commission of any activity as listed in clause 5.1 1 by another person.

## **6. Therapeutic Purposes**

A person uses a scheduled drug or doping method for a therapeutic purpose if:

- (a) The person had written approval prior to testing from a recognised medical authority for the therapeutic use of the scheduled drug or doping method; and
- (b) The level of the scheduled drug or doping method in the sample is consistent with the approved therapeutic use; and
- (c) The therapeutic use of the scheduled drug or doping method is not inconsistent with FIH rules from time to time in force.

## **7. Referral of a Doping Offence to Hearing**

7.1 Where Hockey NZ receives information that a person might have committed a doping offence it will refer the matter to a hearing to be conducted under clause 8

7.2 When Hockey NZ refers the matter to a hearing, Hockey NZ will deliver the person a letter which:

- (a) sets out the nature and details of the doping offence; and
- (b) says that, within 14 days, Hockey NZ will refer the matter to a hearing ; and
- (c) encloses a copy of this Code.

7.3 Hockey NZ will wait 14 days (or a shorter period agreed between



Hockey NZ and the person) after sending a letter mentioned above and then will:

- (a) appoint a Tribunal established in accordance with its rules and/or the rules of the FIH to conduct a hearing; or
  - (b) appoint any other Tribunal recognised by Hockey NZ and HC for the purposes of hearing doping-related cases.
- 7.4 At any time prior to the commencement of the hearing, the person to whom the notice has been sent may admit in writing the commission of the doping offence.
- 7.5 Until the determination of the hearing, Hockey NZ may, in accordance with its Rules:
- (a) suspend financial or other assistance to the person; and/or
  - (b) suspend the person from competing in events and competitions conducted by or under the auspices of Hockey NZ.
- 7.6 Except for a purpose under this Code, Hockey NZ will not disclose or use information about a person accused of committing a doping offence to:
- (a) HC
  - (b) another person
- until after disciplinary proceedings have been completed unless the person has agreed or authorised otherwise.

## **8. Hearings**

- 8.1 The Tribunal will determine:
- (a) whether a doping offence has been committed (subject to Clause 7.4); and
  - (b) what sanction will apply ; and
  - (c) how long any sanction will apply.
- 8.2 A person who has committed or is alleged to have committed a doping

offence has a right to a hearing and representation.

8.3 The Tribunal will accept as a proven fact the result of a test conducted by a drug testing authority and/or a determination of a doping infraction under section 16(B) of the NZSDA Act or a determination under section 14 of the NZSDA Act made by the New Zealand Sports Drug Agency.

8.4 The Tribunal:

- (a) will conduct the hearing in accordance with Hockey NZ rules or , where those rules are silent on a point, in such manner as the Tribunal determines
- (b) where the hearing relates solely to sanction i.e. there has been an admission by the person of a doping offence, may conduct the hearing by telephone or other conference facility
- (c) may ask questions of witnesses
- (d) may appoint a legal representative or other person to assist it.

8.5 The Tribunal will give Hockey NZ a written statement of:

- (a) the findings of the hearing
- (b) its determination as to sanction, if any.

## **9. Sanctions**

9.1 The Tribunal will apply one or more of the following sanctions:

- (a) ban the person from selection to represent New Zealand in international competition
- (b) ban the person from competing in any events and competitions (including training sessions) conducted by or under the auspices of Hockey NZ.
- (c) declare the person ineligible to receive direct or indirect funding or assistance from Hockey NZ

- (d) ban the person from holding any position within Hockey NZ or being involved in any other way within Hockey NZ.
- (e) for such period as the Tribunal thinks fit, require that the person remain on NZSDA's annual testing programme for the purpose of out-of-competition testing and be subject to the rules of Hockey NZ
- (f) recommend that:
  - (i) Hockey NZ; and/or
  - (ii) HC

require the person to repay any financial assistance given to the person from the date of the doping offence.

- (g) require the person go to counselling for a specified period
- (h) withdraw awards, placings and records won by the competitor or the competitor's team in events and competitions conducted by or under the auspices of Hockey NZ from the date of the doping offence
- (i) reprimand the person.
- (j) fine the person and/or direct the person to pay costs
- (k) suspend the person from membership of Hockey NZ.

9.2 Where the Tribunal confirms a doping offence by an employee or contractor of Hockey NZ, Hockey NZ will take disciplinary action against the employee or contractor, having regard to the Employment Relations Act.

## **10. Applying Sanctions**

10.1 Where the doping offence involves ephedrine, phenylpropanolamine, pseudoephedrine, caffeine, strychnine or related substances, as listed and defined as stimulants, class A, in the Olympic Movement Anti-Doping Code, sanctions under Clauses 9.1(a), (b), (c), (d), and (e) will be imposed by the Tribunal as follows:

- (a) one to three months for the first doping offence
- (b) minimum of four years for a second doping offence

- (c) minimum of five years for a third doping offence

10.2 Where the doping offence involves:

- (a) a prohibited substance other than one of those identified in Clause 10.1 above; or
- (b) a prohibited method; or
- (c) a refusal to provide a sample; or
- (d) trafficking; or
- (e) any other cases

sanctions under clauses 9.1(a), (b), (c), (d) and (e) will be imposed by the Tribunal as follows:

- (i) a minimum of two years for a first doping offence
- (ii) four years to life for the second doping offence.

10.3 The sanction will apply from the date of the doping offence and take account of any period of suspension unless the Tribunal decides otherwise.

## **11. Enforcing Sanctions**

11.1 Hockey NZ will enforce the sanction decided by the Tribunal if the sanction is consistent with this Code.

11.2 Hockey NZ will recognise and enforce a sanction properly imposed on a person who has committed a doping offence under the anti-doping rules or Code of:

- (a) FIH
- (b) IOC, or
- (c) another National Sporting Organisation

and Hockey NZ will then apply an equivalent sanction in its own sport where the offence would be a doping offence under this

Code.

11.3 Hockey NZ must inform:

- (a) the person
- (b) any sports organisations as appropriate
- (c) HC
- (d) NZSDA
- (e) FIH

of the doping offence and the sanction applied by the Tribunal and may inform other persons or organisations as Hockey NZ thinks appropriate.

11.4 Hockey NZ may reinstate financial or other assistance to the person which Hockey NZ suspended under clause 7.5.

## **12. Appeals**

12.1 A person (including Hockey NZ) aggrieved by a decision under this Code may appeal it to an Appeals Tribunal established in accordance with Hockey NZ rules and/or the rules of FIH.

12.2 The decision of the Appeals Tribunal will be final and binding on the parties to the appeal.

12.3 Any sanction(s) imposed by the Tribunal will remain in force during the appeal unless the Appeals Tribunal decides otherwise upon a formal application for stay being made.

## **13. Retirement and Comebacks**

(This section relates purely to retirements and comebacks for the purposes of the Code.)

13.1 A person may retire from competition or involvement in hockey such as to be covered by this code by notifying Hockey NZ in writing.

13.2 The person's retirement date will be the date Hockey NZ receives the notice.

13.3 Retirement does not:

- (a) excuse the person from giving a sample requested before the retirement date
- (b) prevent the analysis of a sample given by the person before their retirement date
- (c) affect the results of testing under (a) or (b) above, or
- (d) exempt the person from this Code in relation to a doping offence committed before their retirement date.

13.4 A person may make a written request to Hockey NZ for reinstatement one year after their retirement date (unless otherwise provided for in the Hockey NZ rules). The request is taken to be made on the date Hockey NZ receives the request.

13.5 Reinstatement will be at the discretion of Hockey NZ.

13.6 This Code will apply to the person from the date of their reinstatement request.

13.7 Immediately upon and during the six-month period following the request for reinstatement, the person may be tested:

- (a) as required by Hockey NZ and FIH rules, and
- (b) at the discretion of NZSDA.

13.8 A retired person may not compete in competitions and events (including trainings) conducted by or under the auspices of Hockey NZ until the following periods expire:

**For international competitions and events**

2 years from the date of the reinstatement request.

**For domestic competitions and events**

6 months from the date of the reinstatement request.

13.9 A person may apply to the Tribunal to be eligible to compete in international competitions and events before the period set out in clause 13.8 expires. Relevant matters for the Tribunal to consider in respect of such an application will include the following (non-exhaustive):

- a. No previous doping offence
- b. All previous sanctions from FIH for a doping offence have expired
- c. FIH Approval.

13.10 A person may apply to Hockey NZ to be eligible to compete in domestic competitions and events before the period set out in clause 13.8 expires. Relevant matters for Hockey NZ to consider in respect of such an application will include the following (non-exhaustive):

- a. No previous doping offence
- b. All previous sanctions from Hockey NZ for a doping offence have expired
- d. Hockey NZ Approval.

#### **14. FIH Doping Policy**

The Hockey NZ Anti-Doping Code recognises the FIH Doping Policy (August 2001) as applying to all FIH events and, as such, Hockey NZ will make all National Team members, Coaches, Officials and Administrators aware of that policy for all FIH events.