

Canoe Racing New Zealand Incorporated

Anti-Doping Regulation

Commencement Date 1 September 2010

Issued 1 September 2010

Canoe Racing New Zealand Incorporated

Anti-Doping Regulation

1. Purpose and Status of this Regulation

- 1.1 The purpose of this Regulation is to promote the health and safety of all participants in Canoe Racing in a manner that is free from doping. This Regulation is made to comply with, and give effect to, CRNZ's obligations under:
- a. the World Anti-Doping Agency Code;
 - b. the ICF Anti-Doping Rules;
 - c. any applicable rules of the NZCF;
 - d. any applicable rules of the IOC or the NZOC;
 - e. the Sports Anti-Doping Act 2006; and
 - f. the Sports Anti-Doping Rules.
- 1.2 This Regulation was adopted by the Board on 30 August 2010 in accordance with the CRNZ Constitution.

2. Commencement Date

- 2.1 This Regulation shall take effect and come into force on 1 September 2010.

3. Application of this Regulation

- 3.1 This Regulation applies to:
- a. all Members of CRNZ; and
 - b. all other persons who have acknowledged in writing that they are bound by this Regulation, or who are otherwise deemed to be bound by reason of the ICF Anti-Doping Rules or the Sports Anti-Doping Rules, which shall include all Athletes and Athlete Support Personnel.

4. Incorporation of Other Anti-Doping Rules

- 4.1 The Sports Anti-Doping Rules are adopted and incorporated into this Regulation, together with the ICF Anti-Doping Rules and any applicable NZCF, IOC or NZOC rules.
- 4.2 By agreeing to the Sports Anti-Doping Rules, CRNZ, 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 Agency Code; and
 - b. authorise DFS to carry out Doping Control and to investigate Anti-Doping Rule Violations before the Sports Tribunal.
- 4.3 Where there is a conflict or inconsistency between this Regulation, the ICF Anti-Doping Rules, the Sports Anti-Doping Rules, and any applicable NZCF, IOC or NZOC rules, then to the extent of any such inconsistency or conflict, the following order of priority shall apply:
- a. the ICF Anti-Doping Rules;
 - b. any applicable rules of the NZCF;
 - c. the Sports Anti-Doping Rules;
 - d. any applicable rules of the IOC or the NZOC; and
 - e. this Regulation.

5. Roles and Responsibilities of CRNZ

- 5.1 To achieve the purpose of this Regulation, CRNZ will (either directly or via the NZCF):
- a. comply with the obligations specified in the ICF Anti-Doping Rules (particularly Article 14 – National Federations’ Incorporation of ICF Rules, Reporting and Recognition) and the Sports Anti-Doping Rules including:
 - i. reporting to the ICF (or having DFS report to the ICF) the results of all Doping Controls;
 - ii. adhering to the requirements of the ICF regarding confidentiality and public disclosure;
 - iii. keeping the ICF and WADA fully apprised as to the status of any pending case and the results of any hearings; and

- iv. reporting to the ICF and WADA (or having DFS report to them) information regarding Adverse Analytical Findings;
- b. educate and inform CRNZ Members about issues concerning doping in sport by:
 - i. circulating or providing CRNZ Members with information, materials and resources on doping in sport; and
 - ii. cooperating with DFS, the ICF, WADA and other relevant Anti-Doping Organisations to implement drug education and information programmes for CRNZ Members;
- c. assist DFS, the ICF, the NZCF, and other relevant Anti-Doping Organisations to develop and undertake testing programmes, and assist with any Anti-Doping Rule Violation investigations; and
- d. enforce the sanctions imposed by the Sports Tribunal, the ICF, or other national or international sporting bodies, or national doping organisations, on any Member (or other persons over whom CRNZ has jurisdiction) who is found by a competent authority to have committed an Anti-Doping Rule Violation.

6. Roles and Responsibilities of Athletes, Athlete Support Personnel & Others Bound by this Regulation

- 6.1 **General:** To achieve the purpose of this Regulation, all Athletes and Athlete Support Personnel (and any other person to whom this Regulation applies) acknowledge and agree to comply with their obligations under the ICF Anti-Doping Rules, the Sports Anti-Doping Rules, and this Regulation.
- 6.2 **ICF Form:** All Athletes subject to Doping Control by the ICF and all Athlete Support Personnel must sign the ICF Acknowledgement and Agreement form attached as **Appendix 1** to this Regulation, unless otherwise directed by the ICF or DFS.
- 6.3 **TUE Applications:** Athletes who form part of the ICF Registered Testing Pool (or who intend to participate in an International Event) who wish to apply for a TUE must apply to the ICF in accordance with the procedures prescribed by the ICF, regardless of whether the Athlete has received a TUE by DFS. All other Athletes may apply to the TUE Committee established by DFS.
- 6.4 **Whereabouts Information:** Athletes who:

- a. form part of the ICF Registered Testing Pool must comply with the whereabouts requirements in the ICF Anti-Doping Rules and must provide a copy of such information to DFS at the same time; and
- b. form part of the DFS Registered Testing Pool must comply with the whereabouts information requirements in the Sports Anti-Doping Rules.

6.5 **Personal Responsibility:** Nothing in this Regulation overrides the requirement that all Athletes, Athlete Support Personnel, and others to whom this Regulation applies are personally responsible for ensuring they are familiar with and adhere to their obligations in this Regulation, the ICF Anti-Doping Rules, the Sports-Anti-Doping Rules, and the World Anti-Doping Agency Code.

7. Olympic Games

7.1 CRNZ acknowledges and agrees that the IOC and/or the NZOC may impose additional requirements on Athletes and Athlete Support Personnel relating to anti-doping and the Olympic Games.

8. Hearing of Anti-Doping Rule Violations

8.1 With the exception of Anti-Doping Rule Violations arising from testing or investigations carried out by the ICF (which shall be dealt with in accordance with the ICF Anti-Doping Rules) all Anti-Doping Rule Violations shall be heard before the Sports Tribunal in accordance with the Sports Anti-Doping Rules.

8.2 Any appeal from a decision of the Sports Tribunal shall be in accordance with any appeal rights conferred by the Sports Anti-Doping Rules.

9. Sanctions

9.1 In addition to the sanctions prescribed by the ICF Anti-Doping Rules and the Sports Anti-Doping Rules, 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 CRNZ, the NZCF, and/or SPARC for the complete period of ineligibility; and/or
- b. from holding any position within CRNZ or being involved in any other way within CRNZ for the complete period of ineligibility; and/or

- c. from utilising any facilities or resources of CRNZ or CRNZ Members 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.

9.2 Before making any decision under paragraph 9.1 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 in mitigation prior to the Board's decision. The decision of the Board under this clause shall be final and not subject to appeal save to the extent that the person is successfully able to appeal to the Anti-Doping Rule Violation in accordance with the ICF Anti-Doping Rules or Sports Anti-Doping Rules.

10. Amendment

10.1 This Regulation may be amended by the Board in accordance with the CRNZ Constitution provided that such amendments are not inconsistent with the CRNZ Constitution, the ICF Anti-Doping Rules, any applicable rules of the NZCF, or the Sports Anti-Doping Rules.

11. Definitions

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

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

“Board” means the Board of CRNZ.

“Canoe Racing” has the meaning specified in the CRNZ Constitution.

“CRNZ” means Canoe Racing New Zealand Incorporated.

“CRNZ Constitution” means the Constitution of CRNZ.

“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 Agency Code including undertaking testing, investigation and other activities, including educational programmes, to deter and punish doping.

“**ICF**” means the International Canoe Federation, which is the international federation governing the sport of canoeing which includes (but is not limited to) Canoe Racing.

“**ICF Anti-Doping Rules**” means the anti-doping rules of the ICF as amended from time to time. These can be obtained from:

<http://www.canoeicf.com/icf/elitecanoeing/MedicalAntidoping/Rules---Regulations.html>.

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

“**IOC**” means the International Olympic Committee.

“**Members**” has the meaning specified in the CRNZ Constitution.

“**NZCF**” means the New Zealand Canoeing Federation Incorporated.

“**NZOC**” means the New Zealand Olympic Committee Incorporated.

“**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/Drug+Testing/Sports+Anti-Doping+Rules+2010.html>.

Appendix 1

ICF Acknowledgment and Agreement Form

I, as a member of Canoe Racing New Zealand Incorporated and/or a participant in a Canoe Racing New Zealand Incorporated or ICF authorized or recognized event, hereby acknowledge and agree as follows:

1. I have received and had the possibility to review the ICF Anti-Doping Rules.
2. I consent and agree to comply with and be bound by all of the provisions of the ICF Anti-Doping Rules, including but not limited to, all amendments to the ICF Anti-Doping Rules and all International Standards incorporated in the ICF Anti-Doping Rules.
3. I agree that Canoe Racing New Zealand Incorporated and the ICF have jurisdiction to impose sanctions as provided in the ICF Anti-Doping Rules.
4. I also acknowledge and agree that any dispute arising out of a decision made pursuant to the ICF Anti-Doping Rules, after exhaustion of the process expressly provided for in the ICF Anti-Doping Rules, may be appealed exclusively as provided in Article 13 of the ICF Anti-Doping Rules to an appellate body for final and binding arbitration, which in the case of International-Level Athletes is the Court of Arbitration for Sport.
5. I acknowledge and agree that the decisions of the arbitral appellate body referenced above shall be final and enforceable, and that I will not bring any claim, arbitration, lawsuit or litigation in any other court or tribunal.
6. I have read and understand this Acknowledgement and Agreement.

Date

Print Name (Last Name, First Name)

Date of Birth (Day/Month/Year)

Signature (or, if a minor, signature of legal guardian)