



# ***ADVISORY CIRCULAR***

## **ANTI-DOPING POLICY**

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Holder's Name: \_\_\_\_\_

Address: \_\_\_\_\_

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## 1. Statement of Position

- 1.1 Gliding New Zealand (GNZ) as the recognised governing body of gliding in New Zealand:

*Condemns* the use of Prohibited Substances and Prohibited Methods in sport;

*Seeks* to protect the health and welfare of Athletes by removing the use of potentially dangerous Prohibited Substances and Prohibited Methods from sport;

*Seeks* to ensure that Athletes are able to compete in fair and equitable sporting events; and

*Recognises* that Doping is fundamentally contrary to the spirit of sport.

## 2. Purpose

- 2.1 The purpose of this Policy is to:

2.1.1 Protect the Athletes' fundamental right to participate in doping-free sport and thus promote health, fairness and equality for Athletes worldwide;

2.1.2 Ensure harmonised, coordinated and effective anti-doping programmes (including enforcement) at the international and national level in the sport of gliding; and

2.1.3 Give effect to the core aspects of the World Anti-Doping Code (the WADA Code) and achieve compliance with the New Zealand Sports Drug Agency Act 1994 (the Act) and the Fédération Aéronautic Internationale (FAI) anti-doping rules to achieve practical application of the WADA Code in New Zealand.

- 2.2 This Policy:

2.2.1 Incorporates by specific reference those Articles of the WADA Code that apply in this Policy.

2.2.2 Includes the WADA Code as a Schedule to this Policy to assist the reader to refer to specific Articles of the WADA Code ([www.wada-ama.org](http://www.wada-ama.org)).

## 3. Application

- 3.1 This Policy applies to:

3.1.1 All Athletes who are within the jurisdiction of GNZ or GNZ Member Organisations;

3.1.2 All Athlete Support Personnel within the jurisdiction of GNZ or GNZ Member Organisations; and

3.1.3 All other persons who have acknowledged in writing that they are bound by this Policy or who are otherwise bound.

- 3.2 Notwithstanding anything stated or required in this Policy, all athletes who are within the jurisdiction of GNZ or GNZ Member Organisations are subject to the Civil Aviation Act 1990 and the Civil Aviation Rules (CAR).
- 3.2.1 The Civil Aviation Authority (CAA) of New Zealand is responsible for the enforcement of anti-doping policies in aviation in New Zealand.
- 3.2.2 CAR Part 61.13 provides that a person with a conviction for any offence relating to alcohol or drugs may be refused a licence or rating, or have an existing licence or rating suspended or revoked.
- 3.2.3 Athletes found to have breached the anti-doping policy may be refused a rating by GNZ, where GNZ has the authority to grant such a rating, or refused a licence or rating, or have a licence or rating revoked, by the Director, CAA in accordance with the Civil Aviation Act 1990.
- 3.2.4 Athletes have the right to appeal any sanctions so imposed in accordance with the provisions of the Civil Aviation Act 1990.
- 3.2.5 Athletes who are sanctioned under the Civil Aviation Act 1990 have no right of appeal under the WADA Code to the Sports Disputes Tribunal of New Zealand (the Tribunal) or to the Court for Arbitration in Sport (CAS).

## **4. Roles and Responsibilities**

- 4.1 To achieve the purpose of this Policy GNZ will:
- 4.1.1 Educate and inform Athletes and Athlete Support Personnel about issues concerning doping in sport in accordance with Paragraph 5 of this Policy;
- 4.1.2 Assist the New Zealand Sports Drug Agency (NZSDA), FAI, and other relevant Anti-Doping Organisations to conduct Doping Control in accordance with Paragraph 6 of this Policy;
- 4.1.3 Forward to the NZSDA for investigation in accordance with Paragraph 11 of this Policy any allegations that a person to whom this Policy applies has or may have committed an Anti-Doping Rule Violation;
- 4.1.4 Forward to the Tribunal, or FAI as required, for a hearing in accordance with Paragraph 12 of this Policy any determinations from the NZSDA that a person to whom this Policy applies has allegedly committed an Anti-Doping Rule Violation; and
- 4.1.5 Enforce in accordance with Paragraph 14 of this Policy the sanctions imposed by the Tribunal or FAI on person to whom this Policy applies who is found to have committed an Anti-Doping Rule Violation.
- 4.2 In the event that GNZ does not have jurisdiction in respect of a person to whom this Policy applies but a GNZ Member Organisation does have jurisdiction in respect of that person, the GNZ Member Organisation must assist GNZ to comply with all of its obligations in respect of that person as set out in this Policy.
- 4.3 To achieve the purpose of this Policy all Athletes to whom this Policy applies must:

- 4.3.1 Ensure that they are knowledgeable of, and comply with, this Policy and all applicable anti-doping policies and rules adopted pursuant to the WADA Code;
  - 4.3.2 Ensure that they read and understand the Prohibited List as it relates to them; and
  - 4.3.3 Take responsibility, in the context of anti-doping, for what they ingest and use.
- 4.4 To achieve the purpose of this Policy all International Level Athletes, National Level Athletes and other Athletes who are included in the Registered Testing Pool must:
- 4.4.1 Provide GNZ and the NZSDA with accurate and up-to-date contact information to enable Out-of-Competition Testing to be undertaken;
  - 4.4.2 Ensure that they are available for Sample collection and for In-Competition or Out-of-Competition Testing to be undertaken;
  - 4.4.3 Inform medical personnel of their obligations not to Use a Prohibited Substance or Prohibited Method and to take responsibility to ensure that any medical treatment they receive does not violate this Policy and all applicable anti-doping policies and rules adopted pursuant to the WADA Code; and
  - 4.4.4 Apply to the NZSDA, FAI or any relevant Anti-Doping Organisation for a Therapeutic Use Exemption for any documented medical condition which requires the Use of a Prohibited Substance or Prohibited Method in accordance with Paragraph 8 of this Policy.
- 4.5 To achieve the purpose of this Policy all Athlete Support Personnel to whom this Policy applies must:
- 4.5.1 Ensure that they are knowledgeable of, and comply with, this Policy and all applicable anti-doping policies and rules adopted pursuant to the WADA Code which apply to them or any Athletes they support;
  - 4.5.2 Support and assist the NZSDA, FAI, and other relevant Anti-Doping Organisations to conduct Doping Control; and
  - 4.5.3 Encourage any Athletes they support to comply with this Policy and adopt anti-doping attitudes.

## **5. Anti-Doping Education**

- 5.1 GNZ or GNZ Member Organisations will educate and inform Athletes and Athlete Support Personnel about issues concerning doping in sport, including by:
  - 5.1.1 Circulating or providing Athletes and Athlete Support Personnel with information materials and resources on doping in sport; and
  - 5.1.2 Cooperating with the NZSDA, FAI the World Anti-Doping Agency (WADA) and other relevant Anti-Doping Organisations to implement drug education and information programmes for Athletes and Athlete Support Personnel.

## 6. Testing

- 6.1 GNZ will assist the NZSDA to develop an Annual Testing Programme, including by:
  - 6.1.1 Providing, in accordance with the Act, the NZSDA and FAI with the names of the Athletes, number of Athletes and classes of Athletes to whom this Policy applies for Out-of-Competition Testing;
  - 6.1.2 Identifying the sporting Events, Competitions, and activities at which In-Competition Testing may be undertaken;
  - 6.1.3 Collecting or assisting with the collection of accurate and up-to-date Athlete contact information for all International Level Athletes, National Level Athletes, and other Athletes included in the Registered Testing Pool to be Tested Out-of-Competition;
  - 6.1.4 Providing the NZSDA, WADA and FAI with, or assisting with the provision of, accurate and up-to-date Athlete contact information (provided for in Paragraph 6.1.3 of this Policy) to enable Out-of-Competition Testing to be undertaken; and
  - 6.1.5 Informing the NZSDA as soon as possible in writing Federation Aeronautic Internationale an Athlete retires, is no longer to be included in the Registered Testing Pool, or is no longer to be Tested Out-of-Competition.
- 6.2 GNZ and GNZ Member Organisations will cooperate with the NZSDA, in respect of Testing to be undertaken by the NZSDA, using best efforts to ensure that Athletes are made available for Testing conducted in accordance with the Act.
- 6.3 GNZ and GNZ Member Organisations will cooperate with FAI, WADA and any relevant Anti-Doping Organisation in respect of Testing to be undertaken using best efforts to ensure that Athletes are made available for Testing conducted in accordance with the WADA Code.

## 7. Anti-Doping Rule Violations

- 7.1 All persons to whom this Policy applies may be subject to investigation and sanction under this Policy Federation Aeronautic Internationale they commit or are party to any one or more of the Anti-Doping Rule Violations as set out in Article 2 of the WADA Code.

## 8. Therapeutic Use Exemptions

- 8.1 Athletes with a documented medical condition requiring the Use of a Prohibited Substance or Prohibited Method must obtain a Therapeutic Use Exemption in accordance with the *WADA International TUE Standard*.
  - 8.1.1 All National Level Athletes to whom this Policy applies must obtain a Therapeutic Use Exemption from the NZSDA in accordance with the *WADA International TUE Standard*.
  - 8.1.2 All International Level Athletes to whom this Policy applies must obtain a Therapeutic Use Exemption from FAI in accordance with the *WADA International TUE Standard*.

- 8.2 For appeals from decisions granting or denying a Therapeutic Use Exemption, see Paragraph 13.3 of this Policy.

## **9. Disqualification of Results, Consequences to Teams**

- 9.1 An Anti-Doping Rule Violation in connection with an In-Competition Test automatically incurs the consequences as set out in Article 9 of the WADA Code.
- 9.2 The consequences to teams for an Anti-Doping Rule Violation apply in accordance with Article 11 of the WADA Code.

## **10. Sanctions for Anti-Doping Rule Violations**

- 10.1 Every person who commits an Anti-Doping Rule Violation is liable for sanction in accordance with Article 10 of the WADA Code.
- 10.2 GNZ will withdraw awards, placings and records won by an Athlete and the Athlete's team (where applicable – see FAI rules) in Events and Competitions conducted by, or under, the auspices of GNZ from the date of the Anti-Doping Rule Violation.
- 10.3 Every person who is found to have committed an Anti-Doping Rule Violation is:
- 10.3.1 Ineligible to receive direct or indirect funding or assistance from GNZ, GNZ Member Organisations, Sport and Recreation New Zealand (SPARC) and the New Zealand Olympic Committee (NZOC) for the complete period of any ineligibility;
  - 10.3.2 Ineligible from holding any position within GNZ or GNZ Member Organisations or being involved in any other way within GNZ and GNZ Member Organisations for the complete period of any ineligibility; and
  - 10.3.3 Ineligible from utilising any facilities, premises, grounds or resources of GNZ or GNZ Member Organisations for a sporting purpose for the complete period of any ineligibility, except as a spectator or supporter or as allowed by Paragraph 10.4 of this Policy.
- 10.4 An Athlete who is found to have committed an Anti-Doping Rule Violation may, during any period of ineligibility or sanction, participate in doping education programmes or counselling run or authorised by GNZ and the NZSDA.

## **11. Investigation of Anti-Doping Rule Violations**

- 11.1 The NZSDA will investigate any allegations that a person to whom this Policy applies has or may have committed an Anti-Doping Rule Violation.
- 11.2 A person to whom this Policy applies shall assist, to the extent that such assistance is not a breach of any statute or regulation, and not obstruct, the NZSDA and/or their agents to undertake investigations of any Anti-Doping Rule Violation, such assistance may include:
- 11.2.1 Providing copies of any and all relevant documents; and

11.2.2 Preparing written statements or providing witness testimony at any hearing convened by the Tribunal to determine Federation Aeronautic Internationale an Anti-Doping Rule Violation took place.

11.3 GNZ and GNZ Member Organisations will not publicly disclose or use information about a person who is alleged to have or has committed an Anti-Doping Rule Violation, except for a purpose under this Policy to the NZSDA, the NZOC and the Tribunal, until after the Tribunal has made a determination whether an Anti-Doping Rule Violation took place.

## **12. Hearing of Anti-Doping Rule Violations**

12.1 Any person to whom this Policy applies who is alleged to have committed an Anti-Doping Rule Violation has a right to a fair hearing as detailed in Article 8 of the WADA Code.

12.2 Where GNZ receives a determination from the NZSDA, FAI or Anti-Doping Organisation that a person to whom this Policy applies is alleged to have or has committed an Anti-Doping Rule Violation it must refer the matter to the Tribunal for a hearing.

12.3 In hearing alleged Anti-Doping Rule Violations the Tribunal may determine its own procedure that, as far as reasonably possible, gives effect to the WADA Code.

12.4 The Tribunal will accept as a proven fact a Positive Test Result determined by a Test conducted by the NZSDA in accordance with the Act (subject to sections 20 and 23 of the Act).

12.5 The burdens and standards of proof and the methods of establishing facts and presumptions shall be as set out in Article 3 of the WADA Code.

12.6 Federation Aeronautic Internationale the Tribunal determines that an Anti-Doping Rule-Violation has been committed, the Tribunal shall impose sanctions in accordance with Paragraph 10 of this Policy.

12.7 The Tribunal shall give notice of any determination in accordance with its rules. Where the Tribunal determines that an Anti-Doping Rule Violation has been committed it will record the name of the person who committed an Anti-Doping Rule Violation, the nature of the Anti-Doping Rule Violation and the sanction imposed.

## **13. Appeals**

13.1 In respect of appeals, Article 13 of the WADA Code applies. The practical application of Article 13.1 of the WADA Code for New Zealand is set out in Paragraph 13.2 of this Policy.

13.2 The following parties shall have the right to appeal the decision of the Tribunal to CAS within 10 working days of the date of the Tribunal's written decision:

13.2.1 The person to whom this Policy applies who is the subject of the decision being appealed;

13.2.2 GNZ;

13.2.3 NZSDA;

13.2.4 NZOC, International Olympic Committee or International Paralympic Committee as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games;

13.2.5 FAI; and

13.2.6 WADA.

13.3 An appeal to CAS shall not operate as a stay of proceedings on the decision to which the appeal relates unless the Tribunal or the Court of Arbitration for Sport so orders.

13.4 Appeals from decisions granting or denying a Therapeutic Use Exemption are as set out in Article 13.3 of the WADA Code.

## **14. Enforcement of Sanctions**

14.1 The Tribunal will provide GNZ with a copy of its decision and GNZ will enforce the sanction imposed by the Tribunal.

14.2 GNZ will recognise and enforce a sanction properly imposed by FAI in accordance with the WADA Code on a person to whom this Policy applies who has committed an Anti-Doping Rule Violation.

14.3 GNZ will recognise and enforce a sanction properly imposed by another International Federation, Anti-Doping Organisation or national sports organisation in accordance with the WADA Code on a person to whom this Policy applies who has committed an Anti-Doping Rule Violation.

## **15. Retirement**

15.1 International Level Athletes and National Level Athletes who retire must do so by notifying GNZ in writing.

15.2 The Athlete's retirement date will be the date GNZ receives the notice, however, retirement will not:

15.2.1 Excuse an Athlete from submitting to Testing or giving a Sample requested on or before the retirement date;

15.2.2 Prevent the analysis of a Sample given by the person on or before their retirement date;

15.2.3 Affect the results of testing referred to in Paragraphs 15.2.1 and 15.2.2 of this Policy; and

15.2.4 Prevent an Athlete from being found to have committed an Anti-Doping Rule Violation, and being liable for the appropriate ineligibility period and sanction, on or before their retirement date.

15.3 A retired International Level Athlete or National Level Athlete must notify GNZ in writing if they seek to return to international level or national level Competition.

- 15.4 Any retired International Level Athlete or National Level Athlete must be entered in the Registered Testing Pool and must provide accurate and up-to-date contact information for a full six months before participating as an International Level Athlete or National Level Athlete.

## **16. Reinstatement**

- 16.1 Subject to compliance with Article 10 of the WADA Code, a person to whom this Policy applies, and who has been found to have committed an Anti-Doping Rule Violation, may apply in writing to GNZ for reinstatement after serving all sanctions and at the conclusion of any ineligibility period. Reinstatement of this person is then at the discretion of GNZ.

## **17. Limitations**

- 17.1 A period of limitation for commencement of actions applies as set out in Article 17 of the WADA Code.
- 17.2 This Policy shall not apply retrospectively to matters pending before the date that this Policy came into effect.

## **18. Interpretation and Definitions**

- 18.1 The WADA Code in the Schedule to this Policy applies to the specific extent stated in Paragraph 2.2.1 and the comments annotating various provisions of the WADA Code may be used to assist in the understanding and interpretation of this Policy.
- 18.2 If there is any inconsistency between the WADA Code and this Policy, this Policy applies.
- 18.3 If any Article of, or Appendix to the WADA Code is amended, then any reference in this Policy is a reference to the then current Article or Appendix.
- 18.4 This Policy is to be interpreted as an independent and autonomous text.
- 18.5 Words in the singular include the plural and vice versa.
- 18.6 Words defined in this Policy have the meaning ascribed to them.
- 18.7 Words in this Policy which are not defined in this Policy but which are defined in the WADA Code have the meaning ascribed to them in the WADA Code.
- 18.8 "Act" means the New Zealand Sports Drug Agency Act 1994 including any amendments and any Act which may be passed in substitution for it.
- 18.9 "Annual Testing Programme" means the programme developed under the Act.
- 18.10 "Anti-Doping Rule Violation" means the occurrence of one or more of the Anti-Doping Rule Violations as set out in Article 2 of the WADA Code.
- 18.11 "Athlete" means a competitor as defined by the Act.
- 18.12 "Attempting" has a corresponding meaning to Attempt.

- 18.13 "CAA" means the Civil Aviation Authority of New Zealand.
- 18.14 "CAR" means the Civil Aviation Rules.
- 18.15 "CAS" means the Court of Arbitration for Sport which operates under the Code of Sports Related Arbitration.
- 18.16 "The Director" means the Director of the Civil Aviation Authority.
- 18.17 "Doping" means the occurrence of one or more of the Anti-Doping Rule Violations.
- 18.18 "FAI" means Fédération Aéronautique Internationale.
- 18.19 "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.
- 18.20 "National Level Athlete" means Athletes designated by the NZSDA as being within the Registered Testing Pool for GNZ.
- 18.21 "GNZ Member Organisations" means those organisations which operate within the hierarchy of member organisations below GNZ, including by way of example, regional bodies and clubs.
- 18.22 "NZSDA" means the New Zealand Sports and Drug Agency established by the Act.
- 18.23 "Policy" means this policy.
- 18.24 "Positive Test Result" means a result of a Test by NZSDA, WADA or Anti-Doping Organisation which shows the presence of a Prohibited Substance in a Sample or the Use of a Prohibited Method.
- 18.25 "Registered Testing Pool" means the pool of Athletes established by GNZ and the NZSDA who are subject to Out-of-Competition Testing as part of the NZSDA's Annual Testing Programme.
- 18.26 "Sample" means any biological material collected for the purposes of Doping Control.
- 18.27 "SPARC" means Sport and Recreation New Zealand established by the Sport and Recreation New Zealand Act 2002.
- 18.28 "Tamper" has a corresponding meaning to Tampering.
- 18.29 "Test" and "Tested" have a corresponding meaning to Testing.
- 18.30 "Therapeutic Use Exemption" means an exemption obtained in accordance with the WADA International TUE Standard.
- 18.31 "Tribunal" means the Sports Disputes Tribunal of New Zealand established by SPARC.
- 18.32 "WADA Code" means the World Anti-Doping Code 2003 issued by the World Anti-Doping Agency; ([www.wada-ama.org](http://www.wada-ama.org)) and automatically includes any amendments adopted by the World Anti-Doping Agency from time to time.

18.33 "WADA International Standard for Testing" means the specific International Standard adopted by WADA under that name.

18.34 "WADA International TUE Standard" means the specific International Standard adopted by WADA under that name.

## **19 Execution**

19.1. GNZ will cooperate fully with SPARC to meet all terms, conditions and contractual obligations concerning doping including implementing and maintaining this Policy (and any future amendments).

19.2 In accordance with Rule 27 (D) of the GNZ Rules, Gliding New Zealand adopts this Policy with effect from the 18th day of September 2004.