



BOARD OPERATIONS & PROCEDURES MANUAL

ANTI-DOPING CODE

Adopted 2006

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WHAT IS SOUTHLAND BASKETBALL AND BBNZ's POSITION ON DOPING?

- 1.1 THE SBA and BBNZ condemn 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.
- 1.2 THE SBA and BBNZ aim to stop doping practices in sport by:
 - (a) Imposing sanctions on persons who commit doping offences (as defined in clause 3.1 and 3.2)
 - (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*
- 1.2 THE SBA and BBNZ 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 medical and health practitioners
 - (d) Develop and implement, in co-operation with NZSDA and FIBA, drug education and information programmes for competitors, coaches, officials, and its medical and health advisors, and
 - (e) Support the initiatives of the SPARC, FIBA, the IOC and WADA to stop doping in sport
- 1.4 Competitor (as defined in the New Zealand Sport Drug Agency Act) and other persons (under Clause (2) may be subject to investigation and disciplined under this Code.
- 1.5 THE SBA and BBNZ will not disclose or use information about a person who has committed a doping offence except (for a purpose under this Code) to:
 - (a) SPARC
 - (b) Another personuntil after disciplinary proceedings have been completed unless the person has agreed or authorised otherwise.

WHO DOES THIS CODE APPLY TO?

2. This code applies to:
 - (a) all persons including, in particular, all competitors (as defined in the NZSDA Act) who are within the jurisdiction of the Constitution, Rules and Regulations of The SBA and BBNZ
 - (b) employees and contractors of The SBA and BBNZ, in accordance with the Employment Relations Act
 - (c) coaches, officials, administrators or any other persons involved with the sport of basketball governed by The SBA and BBNZ

WHAT IS A DOPING OFFENCE?

3. A doping offence occurs if either:
 - 3.1 A competitor commits a doping offence (as defined by the NZSDA Act) when:
 - (a) there is a determination made under section 16(1) of the New Zealand Sports drug Agency Act that the competitor has used a Scheduled Drug or doping method or exceeded the permitted level of any Scheduled Drug, or
 - (b) the competitor refuses to provide a sample or fails to comply with a request to provide a sample for testing when requested by a drug testing authority.
 - (c) there is a positive test received by a drug testing authority (as outlined in Clause 5.4)
 - 3.2 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 a doping offence by another person.

REFERRAL OF A DOPING OFFENCE TO HEARING

- 4.1 Where THE SBA or BBNZ receives information, (including, but not limited to, a notice regarding a doping offence from a drug testing agency) that a person has or may have committed a doping offence, The SBA or BBNZ will:
- (a) in the case of an alleged doping offence arising out of a doping control test carried out by or on behalf of FIBA, (whether during in out of competition), refer the matter to FIBA for determination in accordance with FIBA regulations governing doping control
 - (b) in all other cases, make application to the New Zealand Sports Tribunal for the matter to be heard and determined by it, in accordance with its rules. The SBA or BBNZ shall send a copy of its application to the person against whom it alleges has committed a doping offence (“the defendant”)
- 4.2 At any time prior to the commencement of a hearing under clause 4.1 (b), the defendant may acknowledge in writing to the SBA or BBNZ and the Registrar of the New Zealand Sports Tribunal, that;
- (a) they admit the doping offence
 - (b) they accept the imposition of sanctions set out in this Regulation and in the manner described in the rules of the Tribunal

HOW ARE HEARINGS CONDUCTED?

- 5.1 A referral to FIBA under clause 4.1 (a) shall be heard and determined in accordance with FIBA regulations governing doping control.
- 5.2 An application by The SBA or BBNZ to the New Zealand Sports Tribunal to hear and determine an alleged doping offence, shall be heard and determined in accordance with the rules of the tribunal. (Copies of which are available from BBNZ)

WHAT SANCTIONS APPLY FOR DOPING OFFENCES?

- 6.1 The New Zealand Sports Disputes 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 conducted by or under the auspices of The SBA or BBNZ (as set out in clause 7)
 - (c) Make the person ineligible to receive direct or indirect funding or assistance from the SBA or BBNZ

- (d) Ban the person from holding any position within The SBA or BBNZ or being involved in any other way within The SBA or BBNZ
- (e) 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 The SBA or BBNZ
- (f) Recommend that:
 - (i) SBA
 - (ii) BBNZ
 - (iii) SPARC

require the person to repay 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 The SBA or BBNZ from the date of the doping offence, and/or
- (i) Reprimand the person
- (j) Fine the person or direct the person to pay costs
- (k) Suspend the person from membership of The SBA or BBNZ

6.2 Where the committee confirms a doping offence by an employee or contractor of The SBA or BBNZ, The SBA or BBNZ will take disciplinary action against the employer or contractor, having regard to the Employment Relations Act.

HOW LONG DO SANCTIONS APPLY?

- 7.1 Where the doping offence involves ephedrine, phenylpropanolamine, pseudoephedrine, caffeine, strychnine or related substances, the following sanctions under Clauses 6.1(a), (b), (c), (d) and (e) will apply for
- (a) three months or less for the first doping offence
 - (b) two years for a second doping offence
 - (c) life for a third doping offence

7.2 Where the doping offence involves

- (a) a prohibited substance other than one of those identified in Clause 7.1 above
- (b) a prohibited method
- (c) a refusal to provide a sample
- (d) trafficking
- (e) any other cases

sanctions under clauses 6.1(a), (b), (c), (d) and (e) will apply for

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

7.3 The sanction will apply from the date of the doping offence and take account of any period of suspension unless the New Zealand Sports Disputes Tribunal decides otherwise.

HOW WILL The SBA or BBNZ ENFORCE SANCTIONS?

8.1 The SBA or BBNZ will enforce the sanction decided by the New Zealand Sports Disputes Tribunal if the sanction is consistent with this Code.

8.2 The SBA or BBNZ will recognize and enforce the sanction properly imposed on a person who has committed a doping offence under anti-doping rules or Code of:

- (a) FIBA
- (b) The IOC, or
- (c) Another NSO, who will then apply an equivalent sanction in its own sport

where the offence would be doping offence under this Code.

8.3 The SBA or BBNZ must inform:

- (a) the person
- (b) any sports organizations as appropriate
- (c) SPARC
- (d) NZSDA

(e) FIBA

of the doping offence and the sanction applied by the Committee. The SBA or BBNZ may then inform other persons or organizations, as The SBA or BBNZ thinks appropriate.

8.4 The SBA or BBNZ may reinstate financial or other assistance to the person, which The SBA or BBNZ suspended under clause 4.5.

APPEALS

9.1 A person (including The SBA or BBNZ) aggrieved by a decision of the New Zealand Sports Disputes Tribunal made to the Court of Arbitration for Sport upon the grounds, and in the manner described in the rules of the New Zealand Sports Tribunal

9.2 The decision of the Appeal Committee will be final and binding on the parties of the appeal.

9.3 Any sanction imposed by the Committee pursuant to clause 6.1 will remain in force during the appeal unless the Appeal Committee decides otherwise.

RETIREMENTS AND COMEBACKS

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

10.1 A person may retire from competition by notifying SBA or BBNZ in writing.

10.2 The person's retirement date will be the date SBA or BBNZ receives the notice.

10.3 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.

10.4 A person may make a written request to The SBA or BBNZ for reinstatement one year before their retirement date (unless otherwise provided for in SBA or BBNZ rules). The request is taken to be made on the date SBA or BBNZ receives the request.

10.5 Reinstatement will be at the discretion of The SBA or BBNZ.

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

10.7 During the six-month period following the reinstatement request the person may be tested:

- (a) as required by The SBA, BBNZ and FIBA rules, and
- (b) at the discretion of NZSDA.

10.8 A retired person may not compete in competitions and events conducted by or under the auspices of The SBA or BBNZ 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

10.9 A person may apply to the New Zealand Sports Disputes Tribunal to be eligible to compete in international competitions and events before the period set out in clause 10.8 expires.

10.10 A person may apply to the New Zealand Sports Disputes Tribunal to be eligible to compete in domestic competitions and events before the period set out in clause 10.8 expires.

WHAT DO WORDS IN THIS CODE MEAN?

11.1 In this Code:

- “*SPARC*” means the Sport and Recreation NZ established under the Sport and Recreation New Zealand ACT 2002 established by the *Sport and Fitness and Leisure Act 1987*.
- “*NZSDA*” means the New Zealand Sports and Drug Agency established by the *New Zealand Sports Drug Agency Act 1994*.
- “*coach, official and administrator*” means a person who administers, coaches, manages assists or is otherwise involved in the sport of BBNZ other than as a competitor.
- “*Competitor*” means a competitor as defined under the New Zealand
- “*doping offence*” means as defined in Clause 3.
- “*drug testing authority*” means:
 - (a) NZSDA, or
 - (b) An agency appointed or contracted by NZSDA, FIBA or BBNZ or a national drug *testing* authority which:
 - (i) Operates under its own statute, rules and regulations, and
 - (ii) Has *samples* analyzed by a *FIBA* approved or an *IOC* 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 *FIBA* or *IOC* procedures, and
 - (ii) The *sample* is analyzed by a *FIBA* approved or an *IOC* accredited laboratory.
- “*FIBA*” means International Basketball Federation
- “*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.
- “*SBA*” means Southland Basketball Association and includes its members and affiliates
- “*BBNZ*” means Basketball New Zealand Inc. and includes its member and affiliated organizations.
- “*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*.

- “*prohibited method*” means a method prohibited under the anti-doping Code of:
 - (a) *FIBA*, or
 - (b) If *FIBA* does not have an anti-doping Code, the *IOC* and includes a method contained in the schedule of the *NZSDA*.
- “*prohibited substance*” means a substance prohibited under the antidoping Code of:
 - (a) *FIBA*, or
 - (b) If *FIBA* does not have an anti-doping Code, the *IOC*
 - (c) Or a substance contained in the schedule of the *NZSDA*
- “*sample*” means human biological fluid or tissue.
- “*testing*” means the requesting, collecting and analyzing of a *sample*.
- “*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, commercializing, 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.
- “*WADA*” means World Anti Doping Agency.

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

11.3 A person includes a body corporate.