



# ANTI-DOPING POLICY



## 1. Statement of Position

- 1.1 Clubs New Zealand Darts Association & Dart Players New Zealand are both recognised governing bodies over the sport of darts within New Zealand.

We both *condemn* the use of Prohibited Substances and Prohibited Methods within the sport.

We both *seek* to protect the health and welfare of Athletes and Players by removing the use of potentially dangerous Prohibited Substances and Prohibited Methods from sport.

Also we *seek* to ensure that Athletes and Players are able to compete in fair and equitable sporting events, and do *recognise* 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 and Players fundamental right to participate in a doping-free sport, thus promote health, fairness and equality for Athletes worldwide;
- 2.1.2 Ensure harmonised, coordinated and effective anti-doping programmes (including enforcement) at International, National, Island and Area level with in the sport of darts.
- 2.1.3 Give effect to the core aspects of the World Anti-Doping Agency (the WADA Code) and achieve compliance with the Drug Free Sport New Zealand (DFS NZ Act 2006) (the Act) and the IF anti-doping rules to achieve practical application of the WADA Code in New Zealand.

- 2.2 This Policy:

- 2.2.1 Incorporates both DPNZ & CNZDA 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 will assist the reader to refer to specific Articles of the WADA Code at, [www.drugfreesport.org.nz](http://www.drugfreesport.org.nz)

## 3. Application

- 3.1 This Policy applies to:

- 3.1.1 All Athletes and Players who are within the jurisdiction of CNZDA, DPNZ or Member Organisations;
- 3.1.2 All Athlete and Player Support Personnel within the jurisdiction of CNZDA, DPNZ or 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.

## **4. Roles and Responsibilities**

- 4.1 To achieve the purpose of this Policy CNZDA & DPNZ will:
  - 4.1.1 Educate and inform Athletes, Players and Support Personnel about issues concerning doping in sport in accordance with Paragraph 5 of this Policy;
  - 4.1.2 Assist the Drug Free Sport New Zealand (DFSNZ), IF, and other relevant Anti-Doping Organisations to conduct Doping Control in accordance with Paragraph 6 of this Policy;
  - 4.1.3 Forward to the DFSNZ 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 Sports Disputes Tribunal of New Zealand (the Tribunal), or IF as required, for a hearing in accordance with Paragraph 12 of this Policy any determinations from the DFSNZ 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 IF the person to whom this Policy applies who is found to have committed an Anti-Doping Rule Violation.
- 4.2 In the event that CNZDA & DPNZ do not have jurisdiction in respect of a person to whom this Policy applies but the Club or Member Organisation does have jurisdiction in respect of that person, then the Club and Member Organisation must assist CNZDA and DPNZ to comply with all of their 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, National, Island and Area Level Athletes and other Athletes who are included in the Registered Testing Pool must:
  - 4.4.1 Provide CNZDA & DPNZ and also DFSNZ 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 DFSNZ, IF 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 polices and rules adopted pursuant to the WADA Code which apply to them or any Athletes they support;
  - 4.5.2 Support and assist the DFSNZ, IF, 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 CNZDA & DPNZ will educate and inform Clubs, Athletes, Players and Support Personnel about issues concerning doping in sport, by:
  - 5.1.1 Circulating or providing Athletes, Players and Support Personnel with information materials and resources on doping in sport; and
  - 5.1.2 Co-operating with the DFSNZ, IF the World Anti-Doping Agency (WADA) and other relevant Anti-Doping Organisations to implement drug education and information programmes for Athletes, Players and Support Personnel.

## **6. Testing**

- 6.1 CNZDA & DPNZ will assist DFSNZ to develop an Annual Testing Programme, by:
  - 6.1.1 Providing, in accordance with the Act, the DFSNZ and IF with the names of the Athletes or Players, with also the number of Athletes and Players classes 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 and Player contact information for all International, National, Island and Area Level of Athletes and Players and other Athletes and Players included in the Registered Testing Pool to be Tested Out-of-Competition;
  - 6.1.4 Providing the DFSNZ, WADA and IF with, or assisting with the provision of, accurate and up-to-date Athlete and Players 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 DFSNZ as soon as possible in writing if an Athlete or Player retires, is no longer to be included in the Registered Testing Pool, or is no longer to be Tested Out-of-Competition.

- 6.2 CNZDA & DPNZ also Member Organisations will co-operate with the DFSNZ, in respect of Testing to be undertaken by DFSNZ, using best efforts to ensure that Athletes and Players are made available for Testing conducted in accordance with the Act.
- 6.3 CNZDA & DPNZ Member Organisations will cooperate with IF, WADA and any relevant Anti-Doping Organisation in respect of Testing to be undertaken using best efforts to ensure that Athletes and Players 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 if 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 and Players 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 and Players to whom this Policy applies must obtain a Therapeutic Use Exemption from the DFSNZ in accordance with the *WADA International TUE Standard*.
- 8.1.2 All International Level Athletes and Players to whom this Policy applies must obtain a Therapeutic Use Exemption from the DFSNZ in accordance with the *WADA International TUE Standard*.
- 8.1.3 All Area Level Athletes and Players to whom this Policy applies must obtain a Therapeutic Use Exemption from the DFSNZ in accordance with the *WADA International TUE Standard*.
- 8.2 For decisions and information on granting or denying a Therapeutic Use Exemption, please go on line at [www.drugfreesport.org.nz](http://www.drugfreesport.org.nz)

## **9. Disqualification of Results, Consequences to Teams (And Optional Suspensions )**

- 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.
- 9.3 Optional CNZDA & DPNZ may impose a provisional suspension on any Athlete or Player who turned a positive test result, or on any person who has received an Infraction or is under investigation by the DFSNZ, [IF] or Anti-Doping Organisation for an alleged Anti-Doping.  
Prior to the imposition of a provisional suspension on a person to whom this paragraph 9.3 applies, is that person must be given the opportunity for a provisional hearing. The Hearing can be held in the absence of that person

## **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 CNZDA & DPNZ will withdraw awards, placings, records and money won by an Athlete and or the Athlete's team (where applicable) in Events and Competitions conducted by, or under, the auspices of CNZDA & DPNZ 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 CNZDA & DPNZ or their Member Organisations, Sport and Recreation New Zealand (SPARC) and the Professional Darts Corporation (PDC) for the complete period of any ineligibility;
  - 10.3.2 Ineligible from holding any position within CNZDA & DPNZ or their Member Organisations or being involved in any other way within CNZDA & DPNZ or their Member Organisations for the complete period of any ineligibility; and
  - 10.3.3 Ineligible from utilising any facilities, premises, grounds or resources of CNZDA & DPNZ or their 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 or Player 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 CNZDA & DPNZ and the DFSNZ.

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

- 11.1 The DFSNZ 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 DFSNZ 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 if an Anti-Doping Rule Violation took place.
- 11.3 CNZDA & DPNZ and their 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 DFSNZ, the PDC 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 CNZDA & DPNZ receive a determination from the DFSNZ, IF 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 DFSNZ 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 If 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 the Court for Arbitration in Sport (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 CNZDA;
  - 13.2.3 DPNZ;
  - 13.2.4 DFSNZ
  - 13.2.5 IF; 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 CNZDA & DPNZ with a copy of its decision and CNZDA or DPNZ will enforce the sanction imposed by the Tribunal.
- 14.2 CNZDA & DPNZ will recognise and enforce a sanction properly imposed by IF in accordance with the WADA Code on a person to whom this Policy applies who has committed an Anti-Doping Rule Violation.
- 14.3 CNZDA & DPNZ 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 Players, also National Level Athletes and Players who retire must do so by notifying CNZDA & DPNZ in writing.
- 15.2 The Athlete's or Players retirement date will be the date CNZDA or DPNZ receive the notice, however, retirement will not:
  - 15.2.1 Excuse an Athlete or Player 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 or Player 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 or National Level Athlete or Player must notify CNZDA & DPNZ in writing if they seek to return to international level or national level Competition.
- 15.4 Any retired International or National Level Athlete or Player 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 at an International Level or National Level.

## **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 CNZDA or DPNZ for reinstatement after serving all sanctions and at the conclusion of any ineligibility period. Reinstatement of this person is then at the discretion of CNZDA or DPNZ

## **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 Drug Free Sport New Zealand (Act 2006) 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 or Player" means a competitor as defined by the Act.
- 18.12 "Attempting" has a corresponding meaning to Attempt.
- 18.13 "CAS" means the Court of Arbitration for Sport which operates under the Code of Sports Related Arbitration.
- 18.14 "Doping" means the occurrence of one or more of the Anti-Doping Rule Violations.
- 18.15 "IF" means International Federation.
- 18.16 "PDC" means the Professional Darts Corporation
- 18.17 "International and National Athlete or Player" means Athlete or Player designated by the DFSNZ as being within the Registered Testing Pool for CNZDA & DPNZ.
- 18.18 "CNZDA & DPNZ Member Organisations" means those organisations which operate within the hierarchy of member organisations including by way of example, regional bodies and clubs.
- 18.19 "DFSNZ" means the Drug Free Sport New Zealand established by the Act.



18.20 "Policy" means this policy.

18.21 "Positive Test Result" means a result of a Test by DFSNZ, WADA or Anti-Doping Organisation which shows the presence of a Prohibited Substance in a Sample or the Use of a Prohibited Method.

18.22 "Registered Testing Pool" means the pool of Athletes or Players established by CNZDA, DPNZ and the DFSNZ who are subject to Out-of-Competition testing as part of the DFSNZ's Annual Testing Programme.

18.23 "Sample" means any biological material collected for the purposes of Doping Control.

18.24 "SPARC" means Sport and Recreation New Zealand established by the Sport and Recreation New Zealand Act 2002.

18.25 "Tamper" has a corresponding meaning to Tampering.

18.26 "Test" and "Tested" have a corresponding meaning to Testing.

18.27 "Therapeutic Use Exemption" means an exemption obtained in accordance with the WADA International TUE Standard.

18.28 "Tribunal" means the Sports Disputes Tribunal of New Zealand established by SPARC.

18.29 "WADA Code" means the World Anti-Doping Code 2003 issued by the World Anti-Doping Agency; and automatically includes any amendments adopted by the World Anti-Doping Agency from time to time.

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

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

## **19 Execution**

19.1. CNZDA & DPNZ will cooperate fully with DFSNZ 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 [insert rule number of constitution, regulations etc] of the CNZDA and DPNZ's Constitution's, Regulations & Bylaws, will both move to adopt this Policy at Board Level which will set to effectively take place as from **1st day of August 2014**