

GymSports NZ Incorporated

Anti-Doping Regulation

Commencement Date

24 June 2011

(Revised June 2011)

(Issued 1st December 2008)

GymSports New Zealand Incorporated Anti-Doping Regulation

1. Purpose and Status of Regulation

- 1.1 The purpose of this Regulation is to meet one of the objects of GymSports NZ to encourage and promote Gymsports as an activity that is free from doping.
- 1.2 This Regulation is also made to comply with GymSports NZ's obligations under, and to give effect to:
 - a. the Code;
 - b. the FIG Anti-Doping Rules;
 - c. the Sports Anti-Doping Act 2006 and
 - d. the Sports Anti-Doping Rules.
- 1.3 This Regulation replaces the previous GymSports New Zealand Anti-Doping Rules (June 2007).
- 1.4 This Regulation was adopted by the Board on 17 June 2011 in accordance with Rules 15.16 and 25 of the Constitution.

2. Commencement Date

- 2.1 This Regulation shall take effect and come into force on 24 June 2011.

3. Definitions

- 3.1 The words and phrases used in this Regulation shall have the same meanings as defined in the Sports Anti-Doping Rules, unless specified otherwise.
- 3.2 The following words and phrases used in this Regulation shall mean as follows:

"Act" means the Sports Anti-Doping Act 2006, as amended from time to time.

"Board" the Board of GymSports NZ.

“Constitution” means the constitution of GymSports NZ as amended from time to time.

“DFSNZ” means Drug Free Sport New Zealand.

“Member” means any person or organisation who is a member of GymSports NZ under the Constitution.

“FIG” means the Federation Internationale de Gymnastique.

“FIG Anti-Doping Rules” means the anti-doping rules promulgated by FIG as amended from time to time. These can be obtained from <http://www.fig-gymnastics.com>.

“FIG Registered Testing Pool” means the Registered Testing Pool established by FIG in accordance with the FIG Anti-Doping Rules.

“Sports Anti-Doping Rules” means the Sports Anti-Doping Rules which took effect from 1 July 2007 (made under the Act) and as amended from time to time by DFS. These may be obtained from <http://www.drugfreesport.org.nz>.

“TUE” means Therapeutic Use Exemption.

“WADA” means the World Anti-Doping Agency.

4. Application of Regulation

4.1 This Regulation applies to:

- a. All Members of GymSports NZ; 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 FIG Anti-Doping Rules or the Sports Anti-Doping Rules, which shall include all Athletes, and Athlete Support Personnel.

- 4.2 All Athletes subject to doping control by FIG and Athlete Support Personnel for such Athletes, must sign the FIG Acknowledgment and Agreement form attached as **Appendix 1** to this Regulation.

5. Incorporation of other Anti-Doping Rules

- 5.1 This Regulation incorporates by reference:
- a. The FIG Anti-Doping Rules;
 - b. The Sports Anti-Doping Rules;
- 5.2 By agreeing to the Sports Anti-Doping Rules, GymSports NZ, its Members and all persons to whom this Regulation applies to:
- a. Recognise and accept the authority and responsibility of DFS as the sole National Anti-Doping Organisation in New Zealand for implementing the Code; and
 - b. Authorise DFS to carry out Doping Control, to investigate Anti-Doping Rule Violations before the Sports Tribunal.
- 5.3 Where there is a conflict or inconsistency between this Regulation, the FIG Anti-Doping Rules and the Sports Anti-Doping Rules, then to the extent of any inconsistency or conflict, the following shall apply in the following order:
- a. The FIG Anti-Doping Rules;
 - b. The Sports Anti-Doping Rules;
 - c. This Regulation.

6. Roles and Responsibilities of GymSports NZ

- 6.1 To achieve the objectives of this Regulation, GymSports NZ will:
- a. Comply with its obligations under the FIG Anti-Doping Rules and Sports Anti-Doping Rules including:
 - i. reporting to FIG or have DFS report to FIG, the results of all doping controls (as described in article 7.3 of the FIG Anti-Doping Rules);

- ii. keeping FIG and WADA fully apprised as to the status of any pending case and the results of any hearings (as described in article 8.2.3 of the FIG Anti-Doping Rules);
 - iii. reporting to FIG, or have DFS report to FIG, at least twice per year the results of all anti-doping controls (as described in article 14.2 of the FIG Anti-Doping Rules); and
 - iv. reporting to FIG and WADA, or have DFS report to FIG and WADA, information regarding Adverse Analytical Findings (as described in article 14.3 of the FIG Anti-Doping Rules).
- b. Educate and inform Members about issues concerning doping in sport;
 - c. Assist DFS, FIG, and other relevant anti-doping organisations to develop and undertake testing programmes and assist with any Anti-Doping Rule Violation investigations;
 - d. Enforce the sanctions imposed by the Sports Tribunal, FIG or other national or international sporting bodies, or national doping organisations, on any Member, or other persons over whom GymSports NZ has jurisdiction, who is found by a competent authority to have committed an Anti-Doping Rule Violation.

7. Anti-Doping Education

- 7.1 Gymsports NZ will educate and inform Members about issues concerning doping in sport by:
 - a. Circulating or providing Members with information, materials and resources on doping in sport; and
 - b. Cooperating with DFS, FIG, WADA and other relevant Anti-Doping Organisations to implement drug education and information programmes for Members.

8. Application for a TUE

- 8.1 Athletes who form part of the FIG Registered Testing Pool or who intend to participate in an International Event who wish to apply for a TUE must apply to FIG in accordance with the procedures prescribed by FIG (regardless of whether the Athlete has received a TUE by DFS).
- 8.2 All other Athletes may apply to the TUE Committee established by DFS.

9. Whereabouts Information

- 9.1 Athletes who form part of the FIG Registered Testing Pool must comply with the gymnast whereabouts requirements as set out in the FIG Anti-Doping Rules and must provide a copy of such information to DFS at the same time.
- 9.2 Athletes who form part of the DFS Registered Testing Pool must comply with the whereabouts information requirements as set out in the Sports Anti-Doping Rules.

10. Hearing of Anti-Doping Rule Violations

- 10.1 With the exception of Anti-Doping Rule Violations arising from testing or investigations carried out by FIG (which shall be dealt with in accordance with the FIG Anti-Doping Rules) all Anti-Doping Rule Violations shall be heard before the Sports Tribunal in accordance with the Sports Anti-Doping Rules.
- 10.2 Any appeal from a decision of the Sports Tribunal shall be in accordance with any appeal rights conferred by the Sports Anti-Doping Rules.

11. Sanctions

- 11.1 In addition to the sanctions prescribed by the FIG 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 GymSports NZ and SPARC for the complete period of ineligibility; and/or
 - b. From holding any position within GymSports NZ or being involved in any other way within GymSports NZ for the complete period of ineligibility; and
 - c. From utilising any facilities, premises, grounds or resources of GymSports NZ and/or Member Clubs and/or Associate Members of GymSports NZ 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;
 - iii. To participate in out of competition testing to facilitate a reinstatement after the period of ineligibility expires.
- 11.2 Before making any decision under clause 11.1, 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 FIG Anti-Doping Rules or Sports Anti-Doping Rules.

12. Amendments

- 12.1 This Regulation may be amended by the GymSports NZ Board in accordance with Rule 25 of the Constitution provided that such amendments are not inconsistent with the Constitution.

Appendix 1

FIG Acknowledgment and Agreement Form

I, as a member of GymSports NZ and/or a participant in GymSports NZ or FIG authorized or recognized events, hereby acknowledge and agree as follows:

- 1.** I have received and had the possibility to review the FIG Anti-Doping Rules.
- 2.** I consent and agree to comply with and be bound by all of the provisions of the FIG Anti-Doping Rules, including but not limited to, all amendments to the FIG Anti-Doping Rules and all International Standards incorporated in the FIG Anti-Doping Rules.
- 3.** I agree that GymSports NZ and FIG have jurisdiction to impose sanctions as provided in the FIG Anti-Doping Rules.
- 4.** I also acknowledge and agree that any dispute arising out of a decision made pursuant to the FIG Anti-Doping Rules, after exhaustion of the process expressly provided for in the FIG Anti-Doping Rules, may be appealed exclusively as provided in Article 13 of the FIG 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 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)