

## **REGULATION**

### **Use of Drugs and Drug Testing**

#### **1. Statement of Position**

- 1.1 NZS is committed to ensuring that Soccer played at all levels by its Members both in New Zealand and overseas is free from the use of drugs in order to protect:
- (a) the health of players;
  - (b) the values of fair play in competition;
  - (c) the rights of all players;
- and to uphold and preserve the ethics of sport.
- 1.2 NZS acknowledges that the NZSDA has a statutory right to test competitors for the use of drugs and to notify the relevant national sporting organisations of DRO's under the NZSDA Act. Where necessary, NZS will appoint NZSDA as its agent to carry out drug testing on its behalf.
- 1.3 NZS supports both the role of the NZSDA and drug testing carried out by ODA's and wishes to establish procedures to be followed in the event that it receives Notification of a DRO.
- 1.4 NZS has expressly undertaken to comply with the Doping Control Regulations promulgated by FIFA.

#### **2. Definitions and Interpretation**

- 2.1 "Drug Related Offence" means the circumstance where a player either commits a doping infraction and/or refuses to supply a sample for testing resulting in NZS receiving a Notification.
- 2.2 "DRO" means a Drug Related Offence.
- 2.3 "FIFA" means Federation Internationale de Football Association.
- 2.4 "Notification" means either a notification received from the NZSDA that it has made a determination and has entered the name of a player in its register for committing a doping infraction or failing to provide a sample for testing or equivalent notification received from an ODA.
- 2.5 "NZSDA Act" means the New Zealand Sports Drug Agency Act 1994.
- 2.6 "NZSDA" means the New Zealand Sports Drug Agency established under the NZSDA Act.

- 2.7 "ODA" means an overseas drug agency established for the purpose of testing players for the use of drugs and which NZS considers, in its sole discretion, has the authority to find that a player has committed a DRO.
- 2.8 "Special Disciplinary Committee" means the committee established under clause 5 of this Regulation.
- 2.9 Where the terms "drug testing", "doping infraction", "drugs", "determination", "sample" and "Register" are used in this regulation, they shall have the same meaning as that given to them in the NZSDA Act.

### **3. Testing of Players**

- 3.1 All players must provide samples to the NZSDA or to an ODA when requested to do so by NZS, the NZSDA or the ODA and must comply with the particular agency's procedures for providing samples for testing.

### **4. Receipt by NZS of a Notification**

- 4.1 Where NZS receives Notification of a DRO this shall be considered serious misconduct by NZS and the player concerned shall be subject to disciplinary action.
- 4.2 Upon receipt of a Notification of a DRO by NZS the player concerned shall forthwith be suspended pending the convening of the Special Disciplinary Committee.

### **5. Special Disciplinary Committee**

- 5.1 On receiving a Notification, the NZS Board shall as soon as reasonably practicable convene a Special Disciplinary Committee to impose a penalty on the player in accordance with this Regulation and shall notify the District Federation of which the player is a member that a DRO has been committed by that player.
- 5.2 The Special Disciplinary Committee shall consist of not less than three (3) members, one of whom shall be a registered medical practitioner.
- 5.3 The Special Disciplinary Committee shall regulate its own procedure at its meetings, providing that the procedure is not inconsistent with the Rules or the normal rules of fair hearing and natural justice. The Special Disciplinary Committee must also make and preserve a written note of any evidence heard by it and shall also retain all reports and statements presented at the hearing in accordance with the requirements of the Rules of NZS.
- 5.4 The player shall be entitled to appear before the Special Disciplinary Committee and be heard on his or her own behalf and to be

accompanied by and represented by a representative of his or her choice

## 6. Penalties

- 6.1 The penalty to be imposed on a player for committing a DRO shall be suspension of the player for such period as the Special Disciplinary Committee shall impose having regard to the Schedule of Penalties annexed hereto. If the Special Disciplinary Committee determines that extraordinary circumstances exist it may impose such additional penalty as it considers in its sole discretion to be just and reasonable in all of the circumstances.
- 6.2 The effect of suspension for any period shall be that the player may not during the period of suspension take part in the Game, nor be in any way connected with the administration or coaching of the Game in any capacity whatsoever. The player may also be banned from attendance as a spectator at any ground or any fixture should the Special Disciplinary Committee deem such action appropriate.
- 6.3 In addition to any penalty imposed pursuant to the Schedule of Penalties the Special Disciplinary Committee:
- (i) shall require the player to remain on NZSDA's annual testing programme for the purpose of out-of-competition testing
  - (ii) may recommend that the player repay any financial assistance received from NZS after the date of the DRO.
  - (iii) may recommend that the player undertake a programme of specialist counselling and support (at the players expense).
- 6.4 No player who has committed a DRO and is serving a suspension shall be eligible to receive direct or indirect funding or assistance from NZS.
- 6.5 As soon as is reasonably practicable following making a decision, the Special Disciplinary Committee shall notify the NZS Board of its decision. The Board shall then be responsible for notifying the District Federation of which the player is a member and the NZSDA (or the ODA if appropriate) of the action taken against the player, within one month of the date of the Special Disciplinary Committee's decision.
- 6.6 The NZS Board reserves the right to publicise the decision of the Special Disciplinary Committee and/or the name of the player concerned if it considers, in its sole discretion, that it is appropriate and in the best interest of the Game to do so.

**7. No right of Appeal**

7.1 Notwithstanding any rights of appeal in the Rules, players shall not have a right of appeal to the Appeals Committee following a decision of the Special Disciplinary Committee under this Regulation.

**8. Sole Regulation relating to the use of drugs in the Game**

8.1 This Regulation shall be the sole Regulation establishing the procedure to be followed in the event of a DRO involving any NZS Member and takes the place of other provisions in the Rules and Regulations relating to misconduct which shall not apply to DRO's.

8.2 District Federations and other Members are not authorised or required to put in place alternative regulations or procedures relating to the matters governed by this Regulation.

**9. Involvement of Members other than players in the use of drugs in the Game**

9.1 NZS shall investigate the circumstances relating to all DRO's and where NZS becomes aware that Members other than players are involved in any way whatsoever in the use of drugs in the Game this shall be serious misconduct bringing the Game into disrepute, and the Member shall be subject to disciplinary action in the manner set out in the Rules.

## SCHEDULE OF PENALTIES

### Penalties

The minimum penalty which shall be imposed on a player pursuant to clause 6.1 of these regulations is as follows:

1. For DRO's involving ephedrine, phenylpropanolamine, pseudoephedrine, caffeine, shychnine or related substances (listed or defined as stimulants, Appendix A in the Doping Control Regulations (FIFA).
  - (i) For a first offence – six (6) months
  - (ii) For a second offence – two (2) years
  - (iii) For a third offence – life
  
2. For DRO's involving:
  - (a) A prohibited substance listed or defined in the Doping Control Regulations, FIFA (other than those referred to above);
  - (b) A prohibited method;
  - (c) A refusal to provide a sample to the NASDA or to an ODA when requested by NZS to do so;
  - (d) Trafficking;
  - (e) Any other circumstance.

as follows:

- (i) For a first offence – two (2) years
- (ii) For a subsequent offence – life

### Definition of Terms

For the purpose of this Regulation and this Schedule the following definitions shall apply:

*“prohibited method”* means a method prohibited under the Doping Control Regulations of FIFA and includes a method contained in the schedule maintained by NZSDA pursuant to s.6(1) NZSDA Act.

*“prohibited substance”* means a substance prohibited under the Doping Control Regulations of FIFA and includes all substances contained in the Schedule maintained by NZSDA pursuant to s.6(1) NZSDA Act.

“*trafficking*” means:

- (i) 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, commercialising, making over, accepting, possessing, holding, buying or acquiring in any manner a *prohibited substance*;
- (ii) financing or serving as an intermediary for the finance of any of the activities in paragraph (i);
- (iii) 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.

#### **Duration of Suspension**

The effective period of suspension for the purposes of this Regulation shall commence from the date upon which the Notification is received by NZS and the player is suspended pursuant to clause 4.2 of this Regulation.