

NEW ZEALAND RUGBY ANTI-DOPING REGULATIONS 22 February 2024

1. The Rules

Subject to regulations 4 and 5, the regulations of New Zealand Rugby Union Incorporated (“NZR”) for anti-doping shall be the Sports Anti-Doping Rules (“SADR”) made by Drug Free Sport New Zealand (“DFSNZ”) (until this is succeeded by the Integrity Sport and Recreation Commission), pursuant to the Sports Anti-Doping Act 2006 (until the Integrity Sport and Recreation Act 2023 comes into force), and any amendments to or replacements of SADR, as its Bylaws on anti-doping, as amended from time to time (“the Rules”).

2. Persons Affected

All persons, including minors, who are participants in the game of rugby in New Zealand are, by virtue of such participation, and/or membership of an affiliated Provincial Union and/or rugby Club and/or who are otherwise bound by the rules and regulations of NZR, are deemed to have agreed to be subject to these NZR Anti-Doping Regulations (“Regulations”), and will, on request, provide written acknowledgement to that effect.

3. Existing Regulations

For the avoidance of doubt, subject to regulation 5, the Rules shall replace all existing anti-doping rules, policies, by-laws or regulations of NZR, and to the extent of any inconsistency between the Rules and any rule, policy, regulation or by-law of NZR, the Rules shall apply.

4. World Rugby Regulations

Where there is an inconsistency between the Rules and the World Rugby regulations that apply with respect to anti-doping matters, the applicable World Rugby regulation/s will apply provided it is, or they are, consistent with the World Anti-Doping Code (“the Code”).

5. Additional Regulations

The following Regulations apply in addition to the Rules:

5.1. Anti-Doping Judicial Committee

NZR will establish Anti-Doping Judicial Committees to act as National Sporting Organisation Anti-Doping Tribunals in accordance with the

Rules, and all references in the Rules to the Sports Tribunal of New Zealand (“Sports Tribunal”) or the NSO Anti-Doping Tribunal, will be deemed to be to references to those Anti-Doping Judicial Committees.

- 5.1.1. The Anti-Doping Judicial Committee established in terms of regulation 5.1 shall:
- (a) comply with the all the requirements of the Rules (including all the requirements relating to the Sports Tribunal) and the Code in all aspects of its consideration of an alleged violation; and
 - (b) accept the authority of DFSNZ to notify and bring violation proceedings, and to appear before it to present evidence in support of such violation proceedings.
- 5.1.2. No later than 31 March at least every two years, NZR shall publicly advertise for expressions of interest for individuals to be members of the Anti-Doping Judicial Committee Panel. The NZR CEO (or nominee) shall assess all applications taking into account the specialist skills and experience required (pursuant to regulation 5.1.5) as well as the gender and ethnicity of existing panel members. The NZR CEO (or nominee) shall then provide the Chairperson of the NZR Board (or nominee) with its recommended appointees for the panel.
- 5.1.3. The Chairperson of the NZR Board (or nominee), shall appoint individuals to the Anti-Doping Judicial Panel from the recommended appointees of such number as he or she decides. The Chairperson of the NZR Board (or nominee), will designate one appointee to be the Chairperson of the Anti-Doping Judicial Panel. The Chairperson of the NZR Board (or nominee) shall have the discretion to co-opt from time to time additional individuals with specialist skills and experience to the Anti-Doping Judicial Panel at any time.
- 5.1.4. Members of the Anti-Doping Judicial Panel shall be appointed for a period of up to three years, following which they shall, unless reappointed by the Chairperson of the NZR Board (or nominee), automatically cease to be a member of the panel. The Chairperson of the NZR Board (or nominee) may, at his or her discretion, remove any member of the Anti-Doing Judicial Panel at any time for any reason.
- 5.1.5. The Chairperson of the Anti-Doping Judicial Panel (or his or her nominee) shall appoint three (3) members from the Anti-Doping Committee Panel to comprise an Anti-Doping Judicial Committee as and when required. Those members must include:

- (a) a senior legal practitioner who shall act as Chair; and
 - (b) an experienced medical practitioner with knowledge of doping in sport and the Code; and
 - (c) either a second person from category (a) or (b) above or an ex-player or rugby administrator with relevant knowledge and experience.
- 5.1.6. If a member of the Anti-Doping Judicial Committee is unable or unwilling, for whatever reason, to hear the case, then the Chairperson of the NZR Board (or nominee) may, in his or her absolute discretion:
- (a) appoint a replacement;
 - (b) appoint a new Anti-Doping Judicial Committee; or
 - (c) allow the remaining members of the Anti-Doping Judicial Committee to hear the case.
- 5.1.7. Anti-Doping Judicial Committees shall be entitled to call on experts to provide specialist advice, including legal advice.
- 5.1.8. Without limitation to the role of DFSNZ, Anti-Doping Judicial Committees may request that an NZR representative or any other person attend and present information in relation to the anti-doping rule violation or any other matter arising under these Regulations.
- 5.1.9. Subject to compliance with the requirements of the Rules, an Anti-Doping Judicial Committee shall have the power to regulate its own procedure in each case, provided it shall conform generally with the procedural guidelines set out in schedule 1.
- 5.1.10. The decision of an Anti-Doping Judicial Committee shall be advised to all parties as soon as practicable after the conclusion of the hearing. When it considers it appropriate, an Anti-Doping Judicial Committee may deliver a short oral decision at the conclusion of the hearing with its reasons to be put in writing and communicated to the parties at a later date, or it may reserve its decision. The decision of an Anti-Doping Judicial Committee shall be binding upon notification to the person in relation to whom the allegation was made (“the Person”) and/or the rugby body to which he or she belongs.
- 5.1.11. In the event that an Anti-Doping Judicial Committee establishes that an anti-doping rule violation has been committed, the Anti-Doping Judicial Committee that heard the evidence shall impose sanctions on

the Person in accordance with the Rules. The Anti-Doping Judicial Committee may also impose sanctions on the Person's team, such as loss of points or disqualification, in certain circumstances.

- 5.1.12. A Person's costs associated with any proceedings before an Anti-Doping Judicial Committee dealing with an anti-doping rule violation shall ordinarily be borne by the Person, including travel/accommodation costs of the Person, his or her representative and his or her witnesses, as well as his or her legal costs.
- 5.1.13. An Anti-Doping Judicial Committee dealing with an anti-doping rule violation may, in its discretion, make an award of costs against the Person in respect of costs incurred by the Anti-Doping Judicial Committee or other costs in relation to the investigation and/or proceedings where a sanction is imposed on the Person by the Anti-Doping Judicial Committee.
- 5.1.14. Notwithstanding the provisions of regulations 5.1.12 and 5.1.13 above, an Anti-Doping Judicial Committee shall retain absolute discretion in relation to the awarding of costs associated with the case and may make such order as to costs as it sees fit.

5.2. Appeal

- 5.2.1. The rights of appeal to the Court of Arbitration for Sport (CAS) are as set out in the Rules.
- 5.2.2. As World Rugby will be a participant in any appeal to CAS originating under these regulations, NZR will nominate English law as the governing law for such proceedings where it is able to do so.

5.3. Transfer of Proceedings

- 5.3.1. Where any matter is referred to an Anti-Doping Judicial Committee in respect of a Person who is not under the jurisdiction of NZR or a rugby body affiliated to NZR, NZR shall report the matter to the Union or National Anti-Doping Organisation that normally exercises jurisdiction over such Person.
- 5.3.2. A Person referred to in regulation 5.3.1 may elect to have his or her own Union conduct the appropriate investigation and hearing procedures and, where an anti-doping rule violation is found to have been committed, impose the applicable sanctions, provided that Union's processes are consistent with the Code. Such an election may only be made in a case where there has been an *Adverse Analytical*

Finding, if the person acknowledges in writing that at the hearing no issue will be taken as to the:

- (a) qualifications or authority of any official of any *Doping Control*/collection agency or WADA accredited laboratory;
- (b) sample collection procedures;
- (c) custody or transmission of any *Sample*; and
- (d) analysis of any *Sample* by a testing agency or WADA accredited laboratory.

5.3.3. Where a Person elects to have his or her own Union conduct the appropriate investigation and hearing pursuant to regulation 5.3.2, such election must be confirmed to his or her Union or *National Anti-Doping Organisation* within 14 days of being notified of the *Adverse Analytical Finding* and/or the alleged *Anti-Doping Rule Violation*. The Person's own Union must notify NZR of such election. If a Person does not elect to have the hearing procedures carried out by his or her own Union, then the investigation and hearing procedures will be conducted and (where an *Anti-Doping Rule Violation* is found to have been committed) the applicable sanctions will be imposed, in accordance with these Regulations.

5.4. Requirement to report to World Rugby

In addition to the reporting requirements set out in the Rules, NZR shall submit to the World Rugby's CEO a full report of the proceedings and conclusions of all hearings regarding alleged anti-doping rule violations arising out of or within its jurisdiction within 72 hours of the final decision having been made. Such cases shall be considered by the World Rugby Anti-Doping Manager who, on behalf of World Rugby, shall be entitled to:

- (a) accept the result and decision; or
- (b) refer the matter to the representatives of the World Rugby Board's Anti-Doping Advisory Committee who on behalf of World Rugby may accept the result and decision or appeal the matter to CAS. The World Rugby Anti-Doping Manager and/or representatives of the World Rugby Board's Anti-Doping Advisory Committee may take such other steps and/or make such other recommendations to World Rugby as they deem appropriate, subject to such steps or recommendations not being inconsistent with the Code.

5.5. Exceptional Circumstances

In exceptional circumstances, where World Rugby has grounds to believe that there has been a misapplication of the applicable anti-doping regulations and acting on the advice of the World Rugby Anti-Doping Committee, World Rugby shall be entitled to require as it deems fit, that NZR provisionally suspend relevant persons from any involvement in rugby pending final determination of the relevant matter, and NZR will be entitled to impose such suspension.

5.6. Definitions

Capitalised terms in italics are defined in the Rules.

Schedule 1

Procedural Guidelines for Anti-Doping Judicial Committees

- (1) As soon as reasonably practicable following the referral of the matter, an Anti-Doping Judicial Committee Chair, or his or her designee, shall notify the person who is alleged to have committed an anti-doping rule violation (“the Person”) of the date, place and time of the hearing. The Person shall be informed that he or she is required to attend the hearing.
- (2) The Person shall be entitled to be represented by an official of his or her Union, rugby body, or by legal counsel at the hearing. Where necessary an independent interpreter shall be present at a hearing of the Anti-Doping Judicial Committee.
- (3) In the interests of time and minimising inconvenience, a Person whose hearing is pending can be required by the Anti-Doping Judicial Committee, prior to the hearing, to supply it with full particulars of the case that will be presented on his or her behalf at the hearing.
- (4) An Anti-Doping Judicial Committee shall have the power to postpone or adjourn proceedings.
- (5) An Anti-Doping Judicial Committee shall be entitled to receive such evidence as it thinks fit (including evidence in writing), notwithstanding the evidence may not be legally admissible and shall be entitled to attach such weight to that evidence as it sees fit.
- (6) Generally an Anti-Doping Judicial Committee shall apply the Best Evidence Rule. This means that first-hand accounts from persons present at the hearing as to their observations/knowledge of the alleged anti-doping rule violation in question should be preferred. Hearsay evidence may be accepted however, caution will be exercised before hearsay evidence is accepted in preference to first hand evidence and generally less weight is likely to be given to hearsay evidence. Further, as a general rule, Anti-Doping Judicial Committees should not permit the introduction of opinion evidence other than expert opinion evidence. Expert opinion evidence is only likely to be permitted when the evidence falls outside the everyday knowledge of members of the Anti-Doping Judicial Committee.
- (7) An Anti-Doping Judicial Committee shall be entitled to determine whether witnesses that give evidence are able to remain in the room in which the hearing is being heard after their evidence has been given.

- (8) An Anti-Doping Judicial Committee shall endeavour to ensure that proceedings are not heard in the absence of the Person, however, the non-attendance of the Person or his or her representative, after notice of the hearing has been provided, will not prevent an Anti-Doping Judicial Committee from proceeding with the hearing in his or her absence. In arriving at its decision, an Anti-Doping Judicial Committee may, however, take into account any written statement submitted by the Person or his or her representatives.
- (9) At any hearing an Anti-Doping Judicial Committee will not be bound by rules governing the procedure or the admissibility of evidence other than those set out in the Rules, provided that the hearing is conducted in a fair manner with a reasonable opportunity for the Person to submit evidence, address the Anti-Doping Judicial Committee and present his or her case.
- (10) In respect of any hearing in relation to an anti-doping violation before an Anti-Doping Judicial Committee the following will apply:
- (a) the hearing shall be held in private and may take place remotely by the participants joining together using technology;
 - (b) depending on the circumstances of a case, it may be fair or necessary – for example, where all the facts are agreed and the only issue is as to the consequences – for an Anti-Doping Judicial Committee to decide (after consulting with the Person and other parties to the hearing) to conduct a hearing “in writing”, based on written materials without an oral hearing;
 - (c) decisions may be made by majority; and
 - (d) the Anti-Doping Judicial Committee’s deliberations on its decision shall take place in private.