



NEW ZEALAND PONY CLUBS ASSOCIATION INC.

Policy on Competitor Anti-Doping

1. Introduction

- 1.1 This Competitor Anti-Doping Policy of the New Zealand Pony Clubs Association Inc. (NZPCA) is made to:
- a. recognise and agree to the change in functions of Drug Free Sport New Zealand ("DFS") under the Sports Anti-Doping Act 2006 ("Act");
 - b. give effect to the World Anti-Doping Code ("the Code");
 - c. record NZPCA's agreement to the adoption of the Anti-Doping Rules made by DFS to implement the Code which will come into force on July 1 2007.

2. Application of Policy

- 2.1 This Anti-Doping Policy ("**Anti-Doping Policy**") applies to all:
- a. members of NZPCA,
 - b. members of any members of NZPCA, and
 - c. any other person who agrees to the application of this Policy.
- 2.2 NZPCA will take all necessary steps to ensure that all persons taking part in any event, competition or other activity organised or authorised by NZPCA agree to be bound by this Anti-Doping Policy.
- 2.3 NZPCA will take all necessary steps to ensure that all persons subject to this Anti-Doping Policy cooperate in any investigation or testing carried out by DFS. All members and persons subject to this Anti-Doping Policy shall cooperate with any investigation or testing carried out by DFS.

3. Role of DFS

- 3.1 Until July 1 2007, DFS will continue to operate in accordance with the Code and relevant International Standards in exercising its statutory functions under the New Zealand Sports Drug Agency Act 1994 ("**NZSDA**"). By adopting this Anti-Doping Policy NZPCA agrees to the role of DFS as the National Anti-Doping Organisation responsible for implementing the Code and investigating anti-doping rule violations relating to all members of the NZPCA and any person who is bound by the rules of the NZPCA.
- 3.2 The functions of DFS under NZSDA include the carrying out of testing and sampling and the making of determinations whether a doping infraction has occurred, whether as a result of a positive test or a refusal to comply with a request to provide a sample. DFS will continue to exercise those functions under the NZSDA until July 1 2007.
- 3.3 NZPCA acknowledges that the Code contains further anti-doping rule violations under Article 2 - Article 2.2 (Use or attempted use of a prohibited substance or method), 2.4 (Violation of applicable requirements regarding Athlete availability for Out of Competition testing), 2.5 (Tampering or attempting to tamper with any part of Doping Control), 2.6 (Possession of Prohibited Substance and Methods), 2.7 (Trafficking in any Prohibited Substance or Prohibited Method) and 2.8 (Administration or Attempted administration of a Prohibited Substance or Prohibited Method to any Athlete).

- 3.4 The functions of DFS under the NZSDA have been extended by sections 48A and 48B of the Sports Anti-Doping Act 2006, so that, in the period before the Anti-Doping Rules come into force, DFS has the function of investigating the violations under Articles 2.2, 2.4 to 2.8 of the Code and providing evidence of a potential violation. DFS must perform these additional functions in accordance with the Code and the WADA International Standards.
- 3.5 NZPCA agrees that DFS may exercise all its functions under the NZSDA in relation to NZPCA, the members of NZPCA, all persons and participants in any competition or event organised or authorised by NZPCA. DFS will carry out testing by doping control and make determinations as provided under the NZSDA.
- 3.6 NZPCA agrees that DFS is solely responsible for the investigation of alleged breaches of Articles 2.2, 2.4 to 2.8 of the Code. Where DFS has obtained evidence as a result of any investigation which supports an allegation that there has been a breach of Articles 2.2, 2.4 to 2.8 of the Code by any person subject to this Anti-Doping Policy, DFS will notify NZPCA of the allegation and evidence.

4. Sports Tribunal

- 4.1 NZPCA agrees to DFS carrying out testing and exercising its functions to investigate the violations under the Code and for DFS to use the evidence obtained in any investigation to bring allegations on its behalf before the Sports Tribunal of New Zealand ("**Sports Tribunal**").
- 4.2 Accordingly the NZPCA, on behalf of its members and all persons who are bound by its rules, agrees to and recognises the authority and jurisdiction of DFS and the Sports Tribunal in this Anti-Doping Policy.
- 4.3 Where DFS makes a determination under the NZSDA which is referred to NZPCA, the NZPCA will refer the determination to the Sports Tribunal for hearing under the Rules of the Sports Tribunal. NZPCA agrees that DFS will present the evidence in support of such determination on its behalf before the Sports Tribunal.
- 4.4 NZPCA agrees that where DFS has obtained evidence as a result of any investigation which supports an allegation that there has been a breach of Articles 2.2, 2.4 to 2.8 of the Code by any person subject to this Anti-Doping Policy, DFS is authorised to refer the allegation to the Sports Tribunal and to present the evidence in support of the allegation before the Sports Tribunal on behalf of the NZPCA.
- 4.5 The Sports Tribunal has jurisdiction to hear any allegation referred to it by DFS as a result of any investigation under this Anti-Doping Policy. The Sports Tribunal will decide allegations brought by DFS and impose sanctions in accordance with the Code.
- 4.6 Any appeal from a decision of the Sports Tribunal in relation to an allegation referred to it under this Anti-Doping Policy will be to the Court of Arbitration for Sport ("**CAS**") and will be determined in accordance with the Rules of CAS.

5. The Code

- 5.1 NZPCA and all members and persons bound by this Anti-Doping Policy will comply with their various responsibilities under the Code.

6. **NZPCA Agrees to DFS Anti-Doping Rules**

6.1 When the Anti-Doping Rules made by DFS under the Act come into force on July 1 2007, the Anti-Doping Rules (as amended from time to time) will replace this policy and will form the NZPCA Sports Anti-Doping Policy.

6.2 NZPCA acknowledges that it has been, and will be consulted, regarding the Anti-Doping Rules and any amendments to them made by DFS from time to time.

7. **Other**

7.1 This Anti- Doping Policy commences with immediate effect.

7.2 This Anti-Doping Policy replaces any existing anti-doping policy, rule, regulation or by-law of NZPCA.

7.3 This Policy is intended to implement the Code on an interim basis and the Code and relevant International Standards may be referred to in order to interpret and apply this Anti-Doping Policy.

7.4 To the extent of any inconsistency between this Anti-Doping Policy and any rule of any applicable International Sports Federation, the latter shall apply.

Attachments: Sports Anti-Doping Rules (2007) - <http://www.drugfreesport.org.nz/index.html>
List of Banned Substances - <http://www.drugfreesport.org.nz/Drug+Testing/Banned+Substances.html>

References: NZPCA Rule Book

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Please refer to <http://www.nzpca.org/resources> for any updates or new developments.