



THE SPORTS DRUG (URINE TESTING) REGULATIONS 1994

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 5th day of December 1994

Present:

THE HON. DOUG KIDD PRESIDING IN COUNCIL

PURSUANT to section 31 of the New Zealand Sports Drug Agency Act 1994, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Sports Drug (Urine Testing) Regulations 1994.

(2) These regulations shall come into force on the 5th day of January 1995.

2. Interpretation—(1) In these regulations, unless the context otherwise requires,—

“Act” means the New Zealand Sports Drug Agency Act 1994:

“‘A’ bottle means a bottle that—

- (a) Is marked with a number prefixed by the letter ‘A’; and
- (b) Is designed to fit within a security transit container that bears the same number, and the same prefix to the number, as the bottle; and

(c) Is provided by the Agency:

“Agency’s representative” means a person who, by virtue of an appointment under regulation 6 (a) of these regulations, holds office as the Agency’s representative:

“‘B’ bottle means a bottle that—

- (a) Is marked with a number prefixed by the letter ‘B’; and
- (b) Is designed to fit within a security transit container that bears the same number, and the same prefix to the number, as the bottle; and

(c) Is provided by the Agency:

“Carrier bag” means a bag that—

- (a) Is used to carry security transit containers containing samples; and

(b) Is provided by the Agency:

“Competitor’s representative” means a person nominated by a competitor under subclause (1) or subclause (3) of regulation 8 of these regulations or appointed by the Agency under regulation 8 (2) of these regulations:

“Drug testing official” means an employee of the Agency designated as a drug testing official under regulation 4 (1) of these regulations:

“Drug control official” means a drug testing official designated as a drug control official under regulation 4 (2) of these regulations:

“International Olympic Committee Medical Commission” means the committee appointed by the President of the International Olympic Committee for the purposes of—

(a) Preparing the International Olympic Committee Medical Code; and

(b) Submitting the Medical Code to the executive board of the International Olympic Committee for approval; and

(c) Implementing the Medical Code in accordance with the instructions of the executive board of the International Olympic Committee:

“Interpreter” means—

(a) A person nominated by a competitor under regulation 8 (4) of these regulations; or

(b) If that person is not available or the competitor has not nominated such a person, a person appointed under regulation 6 (b) of these regulations:

“Register” means the Sports Drug Register established and maintained by the Agency under section 6 (1) (g) of the Act:

“Sample” means a sample of urine:

“Sample collection area” means an area of the kind described in regulation 14 (2) of these regulations:

“Sample collection container” means a container that—

(a) Is designed to contain a sufficient sample; and

(b) Is provided by the Agency:

“Sample collection station” means a place appointed as a sample collection station under regulation 14 (1) of these regulations; and “station” has a corresponding meaning:

“Sealed sample collection container” means a sample collection container that is either—

(a) Self-sealed; or

(b) Contained in a container sealed with a seal:

“Sealed security transit container” means a security transit container that is either—

(a) Self-sealed; or

(b) Sealed with a seal:

“Security transit container” means a container that—

(a) Is marked with a number prefixed by the letter ‘A’ or the letter ‘B’ or some other letter; and

(b) Is designed to contain an ‘A’ bottle or a ‘B’ bottle or a bottle; and

(c) Is provided by the Agency:

“Security transit container seal” means a seal that—

(a) Is marked with a number; and

(b) Is used to seal a security transit container; and

(c) Is provided by the Agency:

“Sufficient sample” means a sample of urine with a minimum volume of 80 millilitres.

(2) In these regulations, unless the context otherwise requires, expressions defined in or for the purposes of the Act have the meanings so defined.

3. Forms—(1) In these regulations, a reference to a numbered form is a reference to the form so numbered in the Schedule to these regulations.

(2) The forms to be used for the purposes of these regulations shall be those prescribed in the Schedule to these regulations.

(3) Where any form is so prescribed, such variations may be made in the form as the circumstances of any particular case may require.

(4) Strict compliance with prescribed forms is not necessary and substantial compliance, or such compliance as the particular circumstances of the case allow, is sufficient.

PART I

ADMINISTRATIVE PROVISIONS

4. Designation of drug testing officials—(1) The Executive Director shall designate such number of employees of the Agency as drug testing officials as the Executive Director thinks necessary.

(2) The Executive Director shall designate such number of drug testing officials as drug control officials as the Executive Director thinks necessary.

(3) The Executive Director may from time to time designate such number of drug testing officials as the Executive Director thinks necessary as chaperones or as any other kind of official.

5. Identification of drug testing officials—(1) The Executive Director shall ensure that every drug testing official is issued with an identity card.

(2) Every drug testing official shall produce his or her identity card to a competitor or any of the competitor's representatives—

(a) On the first occasion on which the drug testing official meets the competitor or any of the competitor's representatives in the course of carrying out a function or power of the Agency in relation to that competitor; and

(b) On any subsequent occasion on which the competitor or any of the competitor's representatives requests the drug testing official to produce his or her identity card.

6. Representatives or interpreters appointed by Executive Director—The Executive Director may from time to time appoint—

(a) A person as the Agency's representative to attend at the testing of a sample under regulation 37 of these regulations; and

(b) A person to act as an interpreter for a competitor who requires assistance to understand or comply with the procedures prescribed by these regulations because his or her first language is not English or he or she is deaf or mute.

7. Advice to competitors—(1) Every competitor who is liable for testing under an annual testing programme shall be given written advice of his or her liability, and of the requirements of the Act and these regulations, either—

(a) Before the time at which he or she is given a notice in form 1 pursuant to regulation 15 of these regulations, in which case either a national sporting organisation of which the competitor is a member or the Agency shall give the competitor the written advice; or

(b) At the time at which he or she is given a notice in form 1 pursuant to regulation 15 of these regulations, in which case the drug testing official giving the competitor the notice shall give the competitor the written advice.

(2) The Agency shall from time to time supply national sporting organisations to which subclause (1) (a) of this regulation applies with copies of the written advice that is to be given to competitors.

(3) Every competitor who is selected for testing not provided for under an annual testing programme shall be given written advice of the requirements of the Act and these regulations at the time at which he or she is given a notice in form 1 pursuant to regulation 15 of these regulations by the drug testing official giving the competitor the notice.

(4) Any written advice given to a competitor under this regulation shall be comprehensive and up-to-date.

8. Representatives and interpreters—(1) A competitor—

(a) May nominate a person to act as the competitor's representative—

(i) For the purposes of section 15 (2) (c) and (f) of the Act; or

(ii) For the purposes of section 21 (1) and (8) of the Act; or

(iii) To oversee any part of the collection or testing of the sample; and

(b) Shall notify the Agency of the name of any person so nominated.

(2) If—

(a) A competitor does not nominate a person to act as the competitor's representative for the purposes of section 15 (2) (c) of the Act; and

(b) The competitor notifies the Agency that the competitor does not seek attendance or representation at the further testing of a sample provided by the competitor,—

the Agency shall appoint a person as the competitor's representative to attend at the second testing of the sample.

(3) Where any competitor—

(a) Is under the age of 18 years; or

(b) Has a physical or mental handicap,—

that competitor may nominate a person as a representative.

(4) Where any competitor requires assistance to understand or comply with the procedures prescribed by these regulations because—

(a) His or her first language is not English; or

(b) He or she is deaf or mute,—

that competitor may nominate a person as an interpreter.

(5) A person nominated under subclause (3) or subclause (4) of this regulation shall notify the Agency of his or her name.

(6) A competitor may under any of the provisions of subclauses (1), (3), and (4) of this regulation nominate one person to carry out all the functions in respect of which a nomination may be made or may appoint different persons to carry out different functions.

(7) A competitor may at any time revoke a nomination made under any of the provisions of subclauses (1), (3), and (4) of this regulation and nominate another person under any of those provisions, and the provisions of this regulation shall apply accordingly.

9. Functions of representatives nominated under regulation 8—

(1) A representative nominated under regulation 8 (1) of these regulations shall carry out the functions conferred on such a representative by

section 15 (2) (c) or section 15 (2) (f) or section 21 (1) or section 21 (8) of the Act, as the case may be, or shall oversee such part of the collection or testing of the sample as is authorised by the competitor.

(2) A representative nominated under regulation 8 (3) of these regulations shall provide such assistance as the competitor may require from time to time for the purpose of enabling the competitor to understand or comply with the procedures prescribed by these regulations.

(3) Where a competitor nominates a representative under regulation 8 (3) of these regulations, that representative may, if the competitor so wishes,—

- (a) Wait with the competitor at the sample collection station until the competitor is ready to provide a sample; and
- (b) Accompany the competitor to the sample collection area; and
- (c) Adjust the competitor's clothing to ensure that the drug testing official has an unobstructed view of the passing of the sample into the sample collection container; and
- (d) Assist the competitor with any actions necessary to ensure that the sample is passed into the sample container; and
- (e) Accompany the competitor from the sample collection area; and
- (f) Where the competitor is waiting to provide a further sample or a new sample, wait with the competitor until the competitor is ready to provide a further sample or a new sample; and
- (g) Where the competitor is ready to provide a further sample or a new sample, carry out any of the actions described in paragraphs (b) to (e) of this subclause in relation to the providing of that further sample or that new sample; and
- (h) Check the information in form 2 and, if appropriate, add comments relating to any of the information in the form or to the manner in which any of the procedures prescribed by these regulations has been carried out.

(4) A representative nominated under regulation 8 (3) of these regulations carrying out any action referred to in paragraph (d) of subclause (3) of this regulation shall not prevent the drug testing official from having an unobstructed view of the passing of the sample into the container.

(5) Where a competitor nominates a representative under regulation 8 (3) of these regulations, that representative may, on behalf of the competitor, if the competitor so wishes and if a drug testing official or, as the case may be, a drug control official consents,—

- (a) Carry out one or more of the actions referred to in regulations 21 (2), 22, and 23 (3) of these regulations; and
- (b) Provide the drug control official with the information on the competitor sought in form 2; and
- (c) Seal the part of form 2 that relates to medication; and
- (d) Sign form 2.

10. Functions of interpreter—(1) An interpreter shall provide such assistance by way of interpretation as the competitor may require from time to time for the purpose of enabling the competitor to understand or comply with the procedures prescribed by these regulations.

(2) An interpreter may, if the competitor so wishes,—

- (a) Wait with the competitor at the sample collection station until the competitor is ready to provide a sample; and

- (b) Accompany the competitor to the sample collection area; and
- (c) While the competitor is providing the sample, carry out such interpretation as may be necessary; and
- (d) Accompany the competitor from the sample collection area; and
- (e) Where the competitor is waiting to provide a further sample or a new sample, wait with the competitor until the competitor is ready to provide a further sample or a new sample; and
- (f) While the competitor is providing the further sample or the new sample, carry out such interpretation as may be necessary; and
- (g) Check the information in form 2 and, if appropriate, add comments relating to any of the information in the form or to the manner in which any of the procedures prescribed by these regulations has been carried out.

11. Persons who may be in sample collection area—The only persons who may be present in a sample collection area while a competitor is providing a sample, a further sample, or a new sample are—

- (a) In all cases, the competitor and a drug testing official; and
- (b) In any case where a competitor is under the age of 18 years or has a mental or physical handicap, the competitor, a drug testing official, and any person nominated by the competitor as a representative under regulation 8 (3) of these regulations, if the competitor wishes that person to be present; and
- (c) In any case where a competitor requires assistance to understand or comply with the procedures set out in these regulations because his or her first language is not English or he or she is deaf or mute, the competitor, a drug testing official, and an interpreter, if the competitor wishes an interpreter to be present; and
- (d) In any case where a competitor is a person to whom both paragraphs (b) and (c) of this regulation apply, the competitor, a drug testing official, and, at the competitor's option, any person nominated by the competitor as a representative under regulation 8 (3) of these regulations or an interpreter.

12. Competitors with special needs or concerns—(1) Where a drug testing official believes that a competitor does not understand any procedure prescribed by these regulations because the competitor is under the age of 18 years or has a physical or mental handicap, that official shall ask any person nominated by the competitor as a representative under regulation 8 (3) of these regulations or, if that person is not available or the competitor has not nominated a representative under regulation 8 (3) of these regulations,—

- (a) The competitor's parent or guardian; or
- (b) The competitor's spouse; or
- (c) A member of the competitor's immediate family who is of or over 18 years of age; or
- (d) The competitor's coach or team manager or a person who occupies a similar position—

to use his or her best endeavours to explain the procedure to the competitor.

(2) Where a drug testing official believes that a competitor does not understand any procedure prescribed by these regulations because his or

her first language is not English or he or she is deaf or mute, that official shall ask—

(a) An interpreter; or

(b) If an interpreter is not available, the competitor's coach or team manager or a person who occupies a similar position—

to act as an interpreter.

(3) A drug testing official collecting a sample from a competitor who has special concerns relating to the collection of the sample may take measures to meet those concerns, but shall not take measures that jeopardise the integrity of the sample or the validity of the sample collection procedure.

13. Personal notification—A drug testing official seeking to give or supply a notice to a competitor personally, or to serve a notice on a competitor personally, shall not disclose the contents of the notice to any person other than the competitor or any of the competitor's representatives or an interpreter.

PART II

COLLECTION OF SAMPLES

14. Sample collection stations—(1) The Agency shall from time to time appoint places as sample collection stations for the collection of samples under these regulations.

(2) The Agency shall not appoint a place as a sample collection station under subclause (1) of this regulation unless the place has within or near it an area or areas that is or are arranged or constructed in such a way as to ensure the privacy of each of the persons who may, under regulation 11 of these regulations, be present in an area.

(3) Where testing is to be carried out at a sporting event, competition, or other activity, the national sporting organisation conducting the event, competition, or activity shall use its best endeavours to make available to the Agency a place suitable for appointment as a sample collection station.

(4) The Agency shall provide all the equipment necessary for a sample collection station.

15. Requirement to provide sample—(1) A competitor who has been selected to provide a sample for testing shall be notified of the requirement to provide a sample by means of a notice in form 1, which notice shall be signed by a drug control official.

(2) A notice in form 1 shall specify—

(a) The location of the sample collection station at which the competitor is to provide a sample; and

(b) The date on which and the time at which the competitor is to attend at the sample collection station to provide a sample.

(3) A notice given under subclause (1) of this regulation may be withdrawn at any time by a notice given to the competitor in writing, which notice shall be signed by a drug control official.

16. Out-of-competition testing—(1) Where—

(a) A competitor is given a notice under regulation 15(1) of these regulations; and

(b) The location of the sample collection station at which the competitor is required to provide the sample is not at or near a sporting event, competition, or activity in which the competitor is participating; and

(c) Either—

(i) The competitor is required to travel more than 50 kilometres to reach the sample collection station; or

(ii) The Agency considers it reasonable to do so,—
the Agency shall, either before or after the date on which the competitor is required to attend at the station, pay or tender to the competitor a reasonable amount to meet his or her travelling expenses.

(2) Where—

(a) A competitor is given a notice under regulation 15 (1) of these regulations; and

(b) The location of the sample collection station at which the competitor is required to provide the sample is not at or near a sporting event, competition, or activity in which the competitor is participating; and

(c) The competitor objects, for any reason accepted by the Agency, to attending at the location, date, or time specified in the notice,—
a drug control official may withdraw the notice and give the competitor another notice in form 1 specifying another location, date, or time.

17. In-competition testing—(1) Where a competitor is given a notice under regulation 15 (1) of these regulations at a sporting event, competition, or activity in which the competitor is participating and the location of the sample collection station at which the competitor is required to provide a sample is at or near the sporting event, competition, or activity, the notice shall specify,—

(a) As the date on which the sample is to be provided, the day on which the notice is given to the competitor; and

(b) As the time at which the competitor is to attend at the sample collection station to provide a sample, as soon as practicable after the competitor receives the notice or within 60 minutes after the competitor receives the notice, whichever is the sooner.

(2) A competitor to whom subclause (1) of this regulation applies shall, from the time he or she receives the notice until the time the competitor either receives a copy of form 2 under regulation 27 (7) of these regulations or declines to continue with the procedure prescribed by regulations 19 to 27 of these regulations, remain within the sight of a drug testing official.

(3) A drug testing official may permit the competitor to attend at the sample collection station after the period of 60 minutes referred to in subclause (1) (b) of this regulation has expired.

(4) A drug testing official may give permission under subclause (3) of this regulation if he or she is satisfied that such permission is necessary to enable the competitor to—

(a) Arrange for his or her representative nominated under regulation 8 (1) (a) (iii) or regulation 8 (3) of these regulations or an interpreter, or all these persons, to accompany him or her to the sample collection station; or

(b) Receive medical treatment; or

(c) Attend a victory ceremony; or

(d) Fulfil media commitments; or

(e) Compete in a further event or further events; or

(f) Complete a current training session; or

(g) Perform a warm down; or

(h) Carry out any other activity—

and, in the case of the activities referred to in paragraphs (c) to (h) of this subclause, the drug testing official consents to the competitor carrying out the activity in question.

(5) A drug testing official shall not unreasonably refuse consent to the competitor carrying out an activity referred to in paragraphs (c) to (h) of subclause (4) of this regulation.

(6) The refusal by a drug testing official to consent to a competitor carrying out an activity referred to in paragraphs (c) to (h) of subclause (4) of this regulation shall not be a point of appeal in support of an appeal on a ground contained in section 20 (2) (b) of the Act.

18. Competitor may consume drinks—(1) A competitor waiting at a sample collection station to provide a sample may consume drinks provided by the Agency.

(2) The Agency shall ensure that drinks provided to a competitor waiting at a sample collection station to provide a sample are in sealed containers.

(3) A competitor—

(a) Who is waiting at a sample collection station to provide a sample; and

(b) Who indicates an intention to consume drinks not provided by the Agency, or any food,—

shall be given a warning by a drug control official to the effect that the fact that such drinks or food were consumed may prejudice any appeal that the competitor may make under section 20 of the Act in relation to the sample that the competitor is about to provide.

19. Preparing to provide sample—(1) A competitor waiting at a sample collection station to provide a sample shall wait with a drug testing official until the competitor is ready to provide a sample.

(2) When the competitor is ready to provide a sample, the competitor shall tell a drug testing official.

(3) At the direction of a drug testing official, the competitor shall select a sealed sample collection container from among a number of sealed sample collection containers.

(4) A drug testing official of the same gender as the competitor shall accompany the competitor to the sample collection area.

20. Provision of sample—(1) At the direction of a drug testing official, the competitor shall break the seal securing the sample collection container and pass the sample into the container in the direct view of a drug testing official.

(2) A drug testing official may require the competitor to adjust the competitor's clothing to ensure that the drug testing official has an unobstructed view of the passing of the sample into the container.

21. Identification and sealing of sample—(1) When a sample has been provided, the competitor and any drug testing official shall leave the sample collection area.

(2) At the direction of a drug testing official, the competitor shall—

(a) Select a pair of sealed security transit containers, one with a number prefixed by the letter 'A' and the other with a number prefixed by the letter 'B', from among a number of pairs of sealed security transit containers; and

(b) Break the seals securing the security transit containers; and

(c) Open each container; and

(d) Take the bottle in each of the containers out of the container; and

- (e) Check that the number and the prefix to the number on the bottle is the same as the number and the prefix to the number on the container; and
- (f) If the number and the prefix to the number on the bottle is the same as the number and the prefix to the number on the container, pour the sample into the 'A' bottle and the 'B' bottle up to either the level marked on each bottle or a level indicated by a drug control official; or
- (g) If the number and the prefix to the number on the bottle is not the same as the number and the prefix to the number on the container, select another pair of sealed security transit containers, one with a number prefixed by the letter 'A' and the other with a number prefixed by the letter 'B', from among a number of pairs of sealed security transit containers and comply with paragraphs (b) to (f) of this subclause; and
- (h) Secure the cap on each bottle; and
- (i) Check that each bottle does not leak; and
- (j) Put each bottle into the container bearing the same number and the same prefix to the number as the bottle; and
- (k) If the containers are self-sealing, seal each container by closing it; or
- (l) If the containers are designed to be sealed with a seal, select 2 security transit container seals from among a number of security transit container seals, close each container, and seal each security transit container by placing a security transit container seal in each security transit container clasp.

22. Insufficient sample to be put into bottle—Where the competitor does not provide a sufficient sample, the competitor shall, at the direction of a drug testing official,—

- (a) Select a sealed security transit container with a number prefixed by a letter from among a number of sealed security transit containers; and
- (b) Break the seal securing the security transit container; and
- (c) Open the container; and
- (d) Take the bottle in the container out of the container; and
- (e) Check that the number and the prefix to the number on the bottle is the same as the number and the prefix to the number on the container; and
- (f) If the number and the prefix to the number on the bottle is the same as the number and the prefix to the number on the container, pour the entire sample or as much of it as possible into the bottle and discard any of the sample that is left; or
- (g) If the number and the prefix to the number on the bottle is not the same as the number and the prefix to the number on the container, select another sealed security transit container with a number prefixed by a letter from among a number of sealed security transit containers and comply with paragraphs (b) to (f) of this regulation; and
- (h) Secure the cap on the bottle; and
- (i) Check that the bottle does not leak; and
- (j) Put the bottle into the container; and
- (k) If the container is self-sealing, seal the container by closing it; or

- (l) If the container is designed to be sealed with a seal, select a security transit container seal from among a number of security transit container seals, close the container, and seal the security transit container by placing a security transit container seal in the security transit container clasp; and
- (m) Record the number of the container or the seal, as the case may be, on form 2.

23. Obtaining sufficient sample—(1) A competitor who has completed the procedures in regulation 22 shall wait with a drug testing official until the competitor is ready to provide a further sample.

(2) When the competitor is ready to provide a further sample, the competitor and a drug testing official shall follow the procedures in regulations 19 (3) and (4), 20, and 21 (1) of these regulations.

(3) At the direction of a drug testing official, the competitor shall—

- (a) Check that the number of the security transit container that was sealed under regulation 22 (k) of these regulations matches the number that is recorded on form 2 or, as the case may be, that the number of the security transit container seal that seals a container sealed under regulation 22 (1) of these regulations matches the number that is recorded on form 2; and
- (b) If the number checked under paragraph (a) of this subclause matches the number that is recorded on form 2, open the security transit container that was sealed under regulation 22 (k) or (l), as the case may be, of these regulations; and
- (c) Take the bottle in the container out of the container; and
- (d) Pour the sample that is in the sample collection container that contains the further sample into the bottle that was in the security transit container; and
- (e) If the sample in the bottle is a sufficient sample, secure the cap on the bottle, shake the bottle until it can reasonably be assumed that the 2 samples are mixed, take the cap off the bottle, and follow the procedure in regulation 21 (2) of these regulations; or
- (f) If the sample in the bottle is not a sufficient sample, repeat or attempt to repeat the procedures referred to in subclause (2) of this regulation and in subclause (3) (a) to (d) of this regulation until either—
 - (i) The procedures in regulation 21 (2) of these regulations are completed; or
 - (ii) A drug testing official decides that the competitor is unable to provide a sufficient sample on the current occasion.

(4) Where subclause (3) (f) (ii) of this regulation applies, a drug testing official shall discard any sample that the competitor has provided on the current occasion.

(5) If the number checked under paragraph (a) of subclause (3) of this regulation does not match the number that is recorded on form 2, a drug control official shall either—

- (a) Correct form 2 and require the competitor to complete the procedures in paragraphs (b) to (f) of subclause (3) of this regulation; or
- (b) Discard any sample that the competitor has provided and require the competitor to repeat the procedures in regulations 19 (3) and (4), 20, and 21 of these regulations.

24. Provision of new sample—A drug control official may discard a sample, or an insufficient sample, and require the competitor to repeat the procedures in regulations 19 (3) and (4), 20, and 21 of these regulations, where the official believes on reasonable grounds that—

- (a) A person other than the competitor, the competitor's representative nominated under regulation 8 (1) (a) (iii) or regulation 8 (3) of these regulations, or any drug testing official having the competitor's consent handled the sample collection container between the time when the container was selected and the time when the security transit containers containing the 'A' and 'B' bottles were sealed or, as the case may be, the security transit container containing the bottle was sealed; or
- (b) The competitor or the competitor's representative nominated under regulation 8 (1) (a) (iii) or regulation 8 (3) of these regulations or a drug testing official handling the sample collection container with the competitor's consent did not keep the sample collection container within the sight of a drug testing official at all times between the time when the container was selected and the time when the sample in the container was poured into the 'A' and 'B' bottles or, as the case may be, into a bottle; or
- (c) The contents of the sample collection container were completely spilt, destroyed, or otherwise lost, or were interfered with, between the time when the competitor passed the sample into the container and the time when the sample in the container was or would have been poured into the 'A' and 'B' bottles or, as the case may be, into a bottle; or
- (d) The contents of the 'A' bottle or the 'B' bottle or, as the case may be, a bottle were completely spilt, destroyed, or otherwise lost, or were interfered with, between the time when the competitor poured the sample into the bottles or bottle and the time when the security transit containers were or would have been sealed or, as the case may be, the security transit container was or would have been sealed; or
- (e) A person other than the competitor, the competitor's representative nominated under regulation 8 (1) (a) (iii) or regulation 8 (3) of these regulations, or any drug testing official having the competitor's consent carried out any of the actions in paragraphs (a) to (l) of regulation 21 (2) of these regulations; or
- (f) Any person interfered with the carrying out of the actions in paragraphs (a) to (l) of regulation 21 (2) of these regulations by the competitor or the competitor's representative nominated under regulation 8 (1) (a) (iii) or regulation 8 (3) of these regulations or any drug testing official having the competitor's consent; or
- (g) The competitor's representative nominated under regulation 8 (3) of these regulations carried out any of the actions in paragraphs (a) to (l) of regulation 21 (2) of these regulations without the consent of a drug testing official; or
- (h) A drug testing official, without the competitor's consent, handled the sample collection container between the time when the container was selected and the time when the security transit containers containing the 'A' and 'B' bottles were sealed or, as the case may

be, the security transit container containing the bottle was sealed; or

- (i) A drug testing official, without the competitor's consent, carried out any of the actions in paragraphs (a) to (l) of regulation 21 (2) of these regulations.

25. Spilt sample—Where—

- (a) Some of the contents of the sample collection container are spilt between the time when the competitor passes the sample into the container and the time when the sample in the container is poured into the 'A' and 'B' bottles; or
- (b) Some of the contents of the 'A' bottle or the 'B' bottle are spilt between the time when the competitor pours the sample into the bottles and the time when the security transit containers are sealed—
- a drug control official may either—
- (c) Require the competitor to follow the procedures prescribed in regulations 22 and 23 of these regulations; or
- (d) Follow the procedure prescribed in regulation 24 of these regulations.

26. Acidity and specific gravity tests—(1) Where a sufficient sample has been provided, a drug control official may test the sample remaining in the sample collection container to determine its relative acidity and specific gravity.

(2) If a drug control official carries out such tests, he or she shall—

- (a) Carry out the tests using reagent strips provided by the Agency; and
- (b) Record the results of the tests on form 2.

(3) If the relative acidity or specific gravity of the sample is outside the limits set by the Agency, the drug control official may require the competitor to provide a new sample and, in any such case, the provisions of regulations 18 to 25 of these regulations shall apply.

(4) If the new sample provided pursuant to subclause (3) of this regulation is not within the limits referred to in that subclause, the drug control official may require the competitor to provide a second new sample and, in any such case, the provisions of regulations 18 to 25 of these regulations shall apply; but the drug control official shall not require the competitor to provide another new sample if the second new sample is not within the limits referred to in subclause (3) of this regulation.

(5) The failure of a drug control official to perform the tests referred to in subclause (1) of this regulation shall not be a point of appeal in support of an appeal on a ground contained in section 20 (2) (b) of the Act.

27. Completion of form—(1) When—

- (a) The procedure in regulation 21 (2) of these regulations has been completed; or
- (b) In the case of a competitor to whom regulation 23 (3) (f) (ii) of these regulations applies, the procedure in regulation 22 of these regulations has been completed; and
- (c) A drug control official has either carried out the tests referred to in regulation 26 of these regulations or has decided not to carry out such tests—

a drug control official shall finalise the completion of form 2 in respect of the competitor and his or her sample.

(2) The competitor shall provide the drug control official with the information on the competitor sought in the form.

(3) The drug control official shall advise the competitor that it may be to the competitor's advantage to disclose in the part of the form relating to medication any medication or similar substance that the competitor has taken within the previous 7 days, but that such disclosure is not required by the Act or these regulations.

(4) Where the competitor completes the part of form 2 relating to medication, the competitor may seal that part.

(5) The drug control official and the competitor and, if the competitor has nominated a person as a representative under regulation 8 (1) (a) (iii) of these regulations and that person is present, that person—

(a) Shall check the information in the form; and

(b) May add comments relating to any of the information in the form or to the manner in which any of the procedures prescribed by these regulations has been carried out.

(6) The drug control official and the competitor and, if the competitor has nominated a person as a representative under regulation 8 (1) (a) (iii) of these regulations and that person is present, that person shall sign the form.

(7) The drug control official shall give a copy of the completed form to the competitor and, in the case of a competitor who is a member of a national sporting organisation or national sporting organisations, shall send a copy of the completed form to the national sporting organisation or organisations of which the competitor is a member.

28. Failure to provide sample—(1) For the purposes of section 13 (1) of the Act, a competitor fails to comply with a request to provide a sample if the competitor—

(a) Fails to attend at the sample collection station whose location was specified in the notice in form 1 given to the competitor and not withdrawn; or

(b) Fails to attend at the sample collection station at the date specified in the notice in form 1 given to the competitor and not withdrawn; or

(c) Fails to attend at the sample collection station at the time specified in the notice in form 1 given to the competitor (in any case in which the notice has not been withdrawn and a drug testing official has not under regulation 17 (3) of these regulations permitted the competitor to attend at a later time); or

(d) Declines to commence or continue with or complete the procedure prescribed by regulations 19 to 27 of these regulations; or

(e) Deliberately fails to provide a sufficient sample within a reasonable time of arriving at the sample collection station; or

(f) Opens a sealed security transit container containing some or all of the competitor's sample, in circumstances other than those set out in regulation 23 (3) (b) of these regulations; or

(g) Deliberately fails to provide a new sample when required by the drug control official to do so under regulation 24 or regulation 26 (3) or regulation 26 (4) of these regulations; or

(h) Fails to provide, or to request the competitor's representative nominated under regulation 8 (3) of these regulations to provide,

on behalf of the competitor, the drug control official with the information on the competitor sought by form 2; or

- (i) Fails to sign form 2 or to request the competitor's representative nominated under regulation 8 (3) of these regulations to sign form 2 on behalf of the competitor; or
- (j) Being a competitor to whom regulation 17 (1) of these regulations applies, fails to remain within the sight of a drug testing official from the time he or she receives the notice in form 1 until the time he or she receives a copy of form 2 under regulation 27 (7) of these regulations; or
- (k) Deliberately does an action or allows or encourages another person to do an action that would give a drug control official cause to act under regulation 24 of these regulations.

(2) The Agency shall give a notice in form 3 to any competitor to whom subclause (1) of this regulation applies.

29. Despatch of samples to Agency—A drug control official at the sample collection station shall, from time to time,—

- (a) Complete and sign form 4 in respect of each group of samples, being samples that were collected at the station, that are to be put into the same carrier bag; and
- (b) Put the sealed security transit containers containing the samples into the carrier bag; and
- (c) Put into the carrier bag—
 - (i) Form 4; and
 - (ii) The copies of form 1 that relate to the competitors whose samples are in the bag; and
 - (iii) The original copies of form 2 that relate to the samples in the bag; and
- (d) Deliver the bag personally, or send the bag by a secure means, to the Agency.

30. Despatch by Agency of samples to laboratory—(1) As soon as practicable after the receipt at the Agency of any carrier bag delivered or sent to it under regulation 29 of these regulations, a drug testing official at the Agency shall—

- (a) Remove the sealed security transit containers and the forms that relate to them from the carrier bag in which they arrived at the Agency; and
- (b) Put the sealed security transit containers into a carrier bag; and
- (c) Complete and sign form 5 in respect of the containers in the bag; and
- (d) Put form 5 into the bag that contains the containers to which it relates; and
- (e) Put copies of form 2 that have no information that might identify a competitor into the bag that contains the containers to which they relate; and
- (f) Send the bag by a secure means to a laboratory chosen from the list maintained under section 6 (1) (b) of the Act.

(2) The drug testing official shall ensure that—

- (a) No information that might identify a competitor is included in the bag sent to the laboratory under subclause (1) of this regulation; and

- (b) No sample is sent to a laboratory under subclause (1) of this regulation if the official has reasonable grounds to believe that the sample was not collected in a manner that was substantially in accordance with the requirements of these regulations; and
- (c) Any sample held until it is practicable to send that sample to a laboratory under subclause (1) of this regulation is stored in a secure place.

31. Despatch by drug control official of samples to laboratory—

(1) A drug control official at a sample collection station may, at the direction of the Executive Director,—

- (a) Complete and sign form 4 in respect of each group of samples, being samples that were collected at the station, that are to be put into the same carrier bag; and
- (b) Put the sealed security transit containers containing the samples into the carrier bag; and
- (c) Complete and sign form 5 in respect of the containers in the bag; and
- (d) Put form 5 into the bag that contains the containers to which it relates; and
- (e) Put copies of form 2 that have no information that might identify a competitor into the bag that contains the containers to which they relate; and
- (f) Send the bag by a secure means to a laboratory specified by the Executive Director, which laboratory shall be chosen from the list maintained under section 6 (1) (b) of the Act.

(2) A drug control official to whom subclause (1) of this regulation applies shall ensure that—

- (a) No information that might identify a competitor is included in the bag sent to the laboratory under subclause (1) of this regulation; and
- (b) No sample is sent to a laboratory under subclause (1) of this regulation if the official has reasonable grounds to believe that the sample was not collected in a manner that was substantially in accordance with the requirements of these regulations; and
- (c) The following forms are sent to the Agency:
 - (i) Form 4;
 - (ii) The copies of form 1 that relate to the competitors whose samples are in the bag sent to the laboratory under subclause (1) of this regulation;
 - (iii) The original copies of form 2 that relate to the samples in the bag sent to the laboratory under subclause (1) of this regulation.

PART III

TESTING OF SAMPLES

32. Laboratory to which carrier bag is sent—In regulations 33 to 39 of these regulations, the term “laboratory” means a laboratory to which a carrier bag containing samples is sent under regulation 30 (1) or regulation 31 (1) of these regulations.

33. Laboratory not to test sample—(1) The laboratory shall not test a sample contained in a security transit container that, at the time it is received by the laboratory, has been opened or has a broken seal.

(2) A laboratory to which subclause (1) of this regulation applies shall—

- (a) Advise the Agency if a sample is received in a security transit container to which that subclause applies; and
- (b) Discard the sample.

(3) On receiving advice under subclause (2)(a) of this regulation, the Agency shall—

- (a) Ensure that the chairperson of the Board is aware of the advice; and
- (b) Notify the competitor who provided the sample and the national sporting organisation or organisations of which the competitor is a member.

34. Testing 'A' bottle sample—(1) The laboratory shall—

- (a) Remove from the carrier bag the forms and the security transit containers containing the 'A' bottle and the 'B' bottle; and
- (b) Check that the number of the security transit container containing the 'A' bottle matches the number that is recorded on form 2 or, as the case may be, that the number of the security transit container seal of the container containing the 'A' bottle matches the number that is recorded on form 2; and
- (c) Open the security transit container containing the 'A' bottle or, as the case may be, break the security transit container seal of the container containing the 'A' bottle and open the container; and
- (d) Remove the 'A' bottle from the security transit container; and
- (e) Check that the number and the prefix to the number on the bottle matches the number and the prefix to the number recorded on form 2; and
- (f) Check that the cap on the bottle is secured in such a way as to prevent the bottle from leaking; and
- (g) Test the sample in the 'A' bottle by methods recognised from time to time by the International Olympic Committee Medical Commission.

(2) Where—

- (a) The number of the security transit container containing the 'A' bottle does not match the number that is recorded for the security transit container on form 2 or, as the case may be, the number of the security transit container seal of the container containing the 'A' bottle does not match the number that is recorded for the security transit container seal on form 2; or
- (b) The number and the prefix to the number on the 'A' bottle does not match the number and the prefix to the number recorded for the 'A' bottle on form 2; or
- (c) The cap on the 'A' bottle is not secured in such a way as to prevent the bottle from leaking,—

the laboratory shall—

- (d) Test the sample in the 'A' bottle in accordance with paragraph (g) of subclause (1) of this regulation; and
- (e) Include, in the advice referred to in regulation 36(1) of these regulations, a statement recording the fact referred to in paragraph (a) or paragraph (b) or paragraph (c) of this subclause.

35. Negative test result from 'A' bottle sample—(1) If the laboratory does not obtain a positive test result from the sample in the 'A' bottle, the laboratory shall—

- (a) Advise the Agency in writing that the sample provided a negative test result; and
- (b) Discard the sample; and
- (c) If the part of form 2 relating to medication was provided in a sealed form, destroy it without unsealing it; and
- (d) Return any other forms to the Agency by a secure means.

(2) On receiving advice under subclause (1)(a) of this regulation, the Agency shall give a notice in form 6 to the competitor who provided the sample and to the national sporting organisation or organisations of which the competitor is a member.

36. Positive test result from 'A' bottle sample—(1) If the laboratory obtains a positive test result from the sample in the 'A' bottle, the laboratory shall advise the Agency in writing of—

- (a) The number of the security transit container that contained the sample and, where applicable, the number on the security transit container seal; and
- (b) The name of each scheduled drug or doping method for which a positive test result was obtained; and
- (c) If the schedule maintained by the Agency under section 6(1)(a) of the Act contains a permitted level in relation to any drug or doping method, and a positive test result has been obtained for any such drug or doping method showing that the permitted level was exceeded, the fact that the permitted level was exceeded.

(2) On receiving advice under subclause (1) of this regulation, the Agency shall give a notice in form 7 to the competitor.

(3) If the laboratory receives, in response to the advice given to the Agency under subclause (1) of this regulation, a written request from the Agency to test the sample in the 'B' bottle, the laboratory shall test the sample in the 'B' bottle.

37. Testing 'B' bottle sample—(1) The laboratory shall, in the presence of either the competitor or the competitor's representative nominated under regulation 8(1)(a)(i) of these regulations or the competitor's representative appointed under regulation 8(2) of these regulations, and the Agency's representative, if any,—

- (a) Check that the number of the security transit container containing the 'B' bottle matches the number that is recorded on form 2 or, as the case may be, that the number of the security transit container seal of the container containing the 'B' bottle matches the number that is recorded on form 2; and
- (b) Open the security transit container containing the 'B' bottle or, as the case may be, break the security transit container seal of the container containing the 'B' bottle and open the container; and
- (c) Remove the 'B' bottle from the security transit container; and
- (d) Check that the number and the prefix to the number on the bottle matches the number and the prefix to the number recorded on form 2; and
- (e) Check that the cap on the bottle is secured in such a way as to prevent the bottle from leaking; and
- (f) Test the sample in the 'B' bottle by methods recognised from time to time by the International Olympic Committee Medical Commission.

(2) Where—

- (a) The number of the security transit container containing the 'B' bottle does not match the number that is recorded for the security transit container on form 2 or, as the case may be, the number of the security transit container seal of the container containing the 'B' bottle does not match the number that is recorded for the security transit container seal on form 2; or
- (b) The number and the prefix to the number on the 'B' bottle does not match the number and the prefix to the number recorded for the 'B' bottle on form 2; or
- (c) The cap on the 'B' bottle is not secured in such a way as to prevent the bottle from leaking,—

the laboratory shall—

- (d) Test the sample in the 'B' bottle in accordance with paragraph (f) of subclause (1) of this regulation; and
- (e) Include, in the written notice referred to in regulation 39 (b) of these regulations, a statement recording the fact referred to in paragraph (a) or paragraph (b) or paragraph (c) of this subclause.

38. Negative test result from 'B' bottle sample—If the laboratory does not obtain a positive test result from the sample in the 'B' bottle, the laboratory shall—

- (a) Advise the Agency in writing that the sample provided a negative test result; and
- (b) Discard the sample, if any remains, in the 'A' bottle and the 'B' bottle; and
- (c) If the part of form 2 relating to medication was provided in a sealed form, destroy it without unsealing it; and
- (d) Return any other forms to the Agency by a secure means.

39. Positive test result from 'B' bottle sample—If the laboratory obtains a positive test result from the sample in the 'B' bottle, the laboratory shall—

- (a) Unseal the part of form 2 relating to medication, if provided in a sealed form; and
- (b) Advise the Agency, in a written notice signed by 2 representatives of the laboratory, of—
 - (i) The number of the security transit container that contained the sample and, where applicable, the number on the security transit container seal; and
 - (ii) The name of each scheduled drug or doping method for which a positive test result was obtained from the sample in the 'B' bottle; and
 - (iii) If the schedule maintained by the Agency under section 6 (1) (a) of the Act contains a permitted level in relation to any drug or doping method, and a positive test result has been obtained from the sample in the 'B' bottle for any such drug or doping method showing that the permitted level was exceeded, the fact that the permitted level was exceeded; and
 - (iv) Any other information obtained from the testing of the sample in the 'B' bottle that the laboratory considers relevant to the test result; and
 - (v) Any information on any medication or other substances given by the competitor in the part of form 2 relating to

medication that the laboratory considers relevant to the test result on the sample in the 'B' bottle; and

- (vi) The fact that the procedure in regulation 37 of these regulations was followed; and
- (c) Discard the sample, if any remains, in the 'A' bottle and the 'B' bottle; and
- (d) Return the forms that accompanied the sample to the Agency by a secure means.

PART IV

DETERMINATIONS AND ENTRIES IN SPORTS DRUG REGISTER

40. Determination by Board on failure to provide sample—

(1) Where the Board makes a determination under section 14 (3) of the Act, the Agency shall, after entering on the Register the particulars required by regulation 42 (1) of these regulations, give a notice in form 8 to the competitor and to the national sporting organisation or organisations of which the competitor is a member.

(2) The notice to be given to a competitor under section 14 (4) of the Act shall be in form 9.

41. Determination by Board in regard to testing of sample—

(1) Where the Board makes a determination under section 16 (4) of the Act, the Agency shall, after entering on the Register the particulars required by regulation 42 (2) of these regulations, give a notice in form 10 to the competitor and to the national sporting organisation or organisations of which the competitor is a member.

(2) The notice to be given to a competitor and to the national sporting organisation or organisations of which the competitor is a member under section 16 (5) of the Act shall be in form 11.

(3) A notice in form 11 sent to a national sporting organisation or to national sporting organisations may contain a summarised version of the reasons for the Board's determination.

42. Particulars to be entered on Register—(1) As soon as practicable after the Board has made a determination under section 14 (3) of the Act, the Agency shall enter the following particulars on the Register:

- (a) The competitor's name; and
- (b) The name or, as the case may be, the names of the national sporting organisation or organisations of which the competitor is a member; and
- (c) The date on which, and the place at which, the competitor was required to provide a sample; and
- (d) The fact that the competitor's name is entered on the Register pursuant to a determination of the Board that the competitor did not have reasonable cause to fail to provide a sample; and
- (e) The way in which the competitor failed, under regulation 28 of these regulations, to comply with a request to provide a sample.

(2) As soon as practicable after the Board has made a determination under section 16 (4) of the Act, the Agency shall enter the following particulars on the Register:

- (a) The competitor's name; and
- (b) The name or, as the case may be, the names of the national sporting organisation or organisations of which the competitor is a member; and

- (c) The date on which, and the place at which, the competitor was required to provide a sample; and
- (d) The fact that the competitor's name is entered on the Register pursuant to a determination of the Board that the competitor committed a doping infraction; and
- (e) The name or class of the scheduled drug or doping method that the competitor used or, as the case may be, the name of the scheduled drug, the permitted level for which the competitor exceeded.

PART V

APPEALS TO DISTRICT COURT

43. Notice of appeal—(1) A notice of appeal filed under section 21 (1) of the Act shall be in form 12.

(2) At the foot of the notice of appeal there shall be a memorandum stating—

- (a) That the notice is filed by the competitor or the competitor's representative nominated under regulation 8 (1) (a) (ii) of these regulations or the competitor's solicitor, as the case may be; and
- (b) Where it is filed by a solicitor,—
 - (i) The name of the solicitor; and
 - (ii) If the solicitor is a member of a firm or practises under a firm name, the name of the firm; and
- (c) Where it is filed by a solicitor who has another solicitor acting as his or her agent in the proceeding,—
 - (i) The name of the agent, and of his or her firm (if any); and
 - (ii) The postal address of the party's solicitor; and
- (d) An address for service (which address shall be that of a place in New Zealand); and
- (e) Where it is filed by a solicitor, any Post Office box address, document exchange box number, or facsimile number by which the solicitor will accept service of documents in the course of the proceeding.

(3) Documents for service on the competitor or the competitor's representative nominated under regulation 8 (1) (a) (ii) of these regulations, as the case may be, may be left at the address for service given in the memorandum or may be—

- (a) Posted to the competitor's solicitor at the Post Office box address given in the memorandum; or
- (b) Left for the solicitor at a document exchange for direction to the document exchange box number given in the memorandum; or
- (c) Transmitted to the solicitor by facsimile to the facsimile number given in the memorandum.

(4) For the purposes of section 21 (4) and (5) of the Act, a notice of the time and place fixed for hearing the appeal shall be in form 13.

44. Fees—(1) The appellant shall pay a fee on the filing of a notice in form 12, the amount of which fee shall be the amount of the fee prescribed by the District Courts Fees Rules 1992* for the filing of the original document commencing any proceedings.

(2) The appellant shall pay a hearing fee in respect of the first half day of the hearing, the amount of which fee shall be the amount of the fee

prescribed by the District Courts Fees Rules 1992* for the hearing fee for each half day or part thereof.

(3) The fee required to be paid under subclause (2) of this regulation shall be prepaid not later than the beginning of the hearing.

(4) The fees fixed by this regulation are inclusive of goods and services tax under the Goods and Services Tax Act 1985.

45. Dismissal of appeal—(1) If the appellant does not appear at the time and place fixed for hearing the appeal, the Court may dismiss the appeal.

(2) If the appellant does not prosecute the appeal with due diligence, the Court may, on the application of the Agency, dismiss the appeal.

46. Costs—(1) On the hearing of an appeal under section 21 of the Act, the Court may award such costs as the Court thinks fit.

(2) Without limiting the generality of subclause (1) of this regulation, the Court may refuse to award costs to a successful party or may award costs to an unsuccessful party against a successful party.

(3) An award of costs under this regulation may be enforced in the same manner as an order of a District Court for the payment of money.

SCHEDULE

FORMS

Form 1

Reg. 15

SAMPLE COLLECTION NOTIFICATION

Section 10, New Zealand Sports Drug Agency Act 1994

NOTIFICATION

To: [Full name of competitor]

You are required to provide a sample of urine for analysis. You are required to attend at a sample collection station to provide the sample.

The purpose of the analysis is to detect the presence or otherwise of a drug or doping method that is on the schedule of drugs and doping methods maintained by the New Zealand Sports Drug Agency.

You are required to attend at the sample collection station located at: [Location]

You are required to be there on [Date]

* As soon as practicable after you receive this notice or within 60 minutes after you receive this notice, whichever is sooner.

* At [Time]

**Delete whichever is inapplicable.*

.....
Drug control official

.....
Date

ACKNOWLEDGEMENT OF RECEIPT

I received this notice on [Date] at [Time].

.....
Competitor

.....
Date

INFORMATION FOR COMPETITOR

If you do not attend at the sample collection station when this notice tells you to, your name may be entered in the Sports Drug Register and you may be disciplined by your sporting organisation or organisations.

If you have any difficulty about attending, discuss it at once with any official of the New Zealand Sports Drug Agency.

SCHEDULE—continued

FORMS—continued

Form 1—continued

In-competition testing

You are required to remain within the sight of a drug testing official from the time you get the notice until the time a drug control official gives you form 2 or you decide not to continue with the procedure.

Further information

You will find more information on sports drug testing attached to this notice. If you are included in an annual testing programme your sporting organisation should already have given you this information. You can get more copies of the information at the sample collection station.

CERTIFICATION OF NOTIFICATION

I certify that the competitor was notified of—

- (a) The requirement to attend at the sample collection station to provide a sample of urine; and
- (b) The location of the station at which the competitor was to attend, the date on which the competitor was to attend, and the time at which the competitor was to attend—

* By a copy of this notice being given to the competitor in person on [Date] at [Time].

* By a copy of this notice being left on [Date] at [Time] at the competitor's usual or last known place of residence or business.

* By a copy of this notice being left on [Date] at [Time] at the address specified by the competitor in a document received from the competitor.

* By a copy of this notice being posted on [Date] at [Time] in a letter addressed to the competitor at the competitor's usual or last known place of residence or business.

* By a copy of this notice being posted on [Date] at [Time], in a letter addressed to the competitor at the address specified by the competitor in a document received from the competitor.

**Delete whichever is inapplicable.*

.....
Signature of person certifying

.....
Date



SCHEDULE—continued

FORMS—continued

Form 2

Reg. 27

SAMPLE COLLECTION

Section 11, New Zealand Sports Drug Agency Act 1994

SPORT _____ COLLECTION DATE _____

SECURITY TRANSIT CONTAINERS

Competitor selected a pair of Security Transit Containers correctly sealed and numbered

SEALS [Where applicable]

Competitor resealed Security Transit Containers with seals numbered

SEAL 'B'

Male Female

Approximate volume of urine

Reagent Strips

A _____ mls B _____ mls

Specific gravity _____ pH _____

ARRIVAL TIME at Sample Collection Station am/pm	VENUE	IDENTIFICATION
--	-------	----------------

COMMENTS: _____

Signed: _____

PARTIAL SAMPLING

Competitor's Signature _____
 Competitor's Signature _____
 Competitor's Signature _____

THE COMPETITOR PROVIDED A URINE SAMPLE IN MY DIRECT VIEW. Collection Time _____ am/pm

Drug Testing Official [Print full name] _____ Signature _____

Competitor's Address _____

City/Town _____ Country _____

Phone (H) _____ (Wk.) _____

CERTIFIED BY:

Competitor [Print full name] _____ Signature _____

Competitor's representative nominated under regulation 8 (3) of the Sports Drug (Urine Testing) Regulations 1994, on behalf of the competitor.

[Print full name] _____ Signature _____

Competitor's representative nominated under regulation 8 (1) (a) (iii) of the Sports Drug (Urine Testing) Regulations 1994.

[Print full name] _____ Signature _____

Drug Control Official [Print full name] _____ Signature _____

I [Print full name] _____

consent to the New Zealand Sports Drug Agency collecting the details provided above together with the urine sample described, forwarding the sample for analysis, collecting and retaining the information I have provided in this form, and providing information and results to my national sporting organisations. This consent is given in accordance with the Privacy Act 1993.

Competitor's Signature: _____

SCHEDULE—continued

FORMS—continued

Form 2—continued

MEDICATION (This part of the form is to be capable of being sealed.)

Declaration of medications used by the competitor in the last week, including over-the-counter medications, prescription drugs, and any other substance taken by mouth, inhalation, injection, or suppository.

Name of Medication	Dosage	Last Taken	Comments
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Copies of this form are supplied to the competitor, the competitor's national sporting organisations, the New Zealand Sports Drug Agency, and the laboratory that tests the sample. The copy supplied to the laboratory contains no information that might identify the competitor.

SCHEDULE—continued

FORMS—continued

Form 3

Reg. 28 (2)

NOTICE TO COMPETITOR CONCERNING FAILURE TO PROVIDE A SAMPLE
Section 13 (1), New Zealand Sports Drug Agency Act 1994

To: [Full name of competitor]

You have failed to comply with a request to provide a sample by:
[Insert the way in which the competitor failed, under regulation 28 (1) of the Sports Drug (Urine Testing) Regulations 1994, to comply with a request to provide a sample.]

You may, before 5.00 p.m. on [Date*] advise the Agency in writing of the grounds on which you had reasonable cause for failing to comply with the request.

* This date is to be the date of the 5th working day following the date on which this notification is given to the competitor in accordance with section 30 of the New Zealand Sports Drug Agency Act 1994.

.....
Executive Director, New Zealand Sports Drug Agency

.....
Date

Form 4

Reg. 29

RECORD OF SAMPLES

Section 11, New Zealand Sports Drug Agency Act 1994

To: Executive Director, New Zealand Sports Drug Agency

The samples in this carrier bag were collected at the sample collection station at [Location] on [Date].

Number of samples in this bag:

Security transit containers	‘A’	‘B’
numbers:	[List below]	[List below]

Security transit container seal numbers: [Insert numbers or “Not applicable”].

.....
Drug control official

.....
Date

SCHEDULE—continued

FORMS—continued

Reg. 30

Form 5

ADVICE TO LABORATORY

Section 11, New Zealand Sports Drug Agency Act 1994

To: [Name of laboratory]

Number of samples in this bag:

Security transit container numbers:	‘A’	‘B’
	[List below]	[List below]

Security transit container seal numbers: [Insert numbers or “Not applicable”.]

The samples in this bag are to be screened for the following classes of banned or restricted substances and methods:

[List]

.....
Drug testing official

.....
Date



Reg. 35 (2)

Form 6

NOTICE OF NEGATIVE TEST RESULT

Section 15 (1), New Zealand Sports Drug Agency Act 1994

To: [Full name of competitor]

To: [Name and address of national sporting organisation]

To: [Name and address of national sporting organisation]

The testing of the sample provided by [Full name of competitor] on [Date] and numbered [Number] returned a negative test result.

The personal information contained in this notice is protected by the Privacy Act 1993.

.....
Executive Director, New Zealand Sports Drug Agency

.....
Date



SCHEDULE—continued

FORMS—continued

Form 7

Reg. 36 (2)

NOTICE OF POSITIVE TEST RESULT

Section 15 (2), New Zealand Sports Drug Agency Act 1994

To: [Full name of competitor]

RESULT OF TESTING OF 'A' BOTTLE SAMPLE

The testing of the 'A' bottle sample number [Number] provided by you at the sample collection station at [Place] on [Date] returned a positive test result for [Insert sample or method].

TESTING OF 'B' BOTTLE SAMPLE

The testing of the 'B' bottle sample number [Number] will be conducted on [Date] at the IOC accredited laboratory at [Address].

You may attend the testing of the 'B' bottle sample or you may send a representative. You are responsible for any expenses incurred by you or your representative in attending the testing.

If you notify the New Zealand Sports Drug Agency that you will not attend the testing and you will not send a representative, the Agency will appoint an independent representative to attend the testing on your behalf. The Agency is responsible for any expenses incurred by the representative in attending the testing.

The New Zealand Sports Drug Agency wishes to know whether or not you are to attend the testing personally or are to send a representative. Please contact the Agency about this as soon as possible.

MATTERS TO BE TAKEN INTO ACCOUNT

You may, by 5.00 p.m. on [Date*], advise the New Zealand Sports Drug Agency, in writing, of any matters which you consider the Board of the Agency should, before making a determination, take into account, if the testing of the 'B' bottle sample is also positive.

You or your representative may, within 2 working days after the testing of the 'B' bottle sample, advise the New Zealand Sports Drug Agency, in writing, of any matters concerning the second testing which you or your representative consider the Board of the Agency should take into account before making a determination.

* This date is to be the date of the 5th working day following the date on which this notification is given to the competitor in accordance with section 30 of the New Zealand Sports Drug Agency Act 1994.

.....
Executive Director, New Zealand Sports Drug Agency

.....
Date



SCHEDULE—continued

FORMS—continued

Reg. 40 (1)

Form 8

NOTICE OF DETERMINATION AND ENTRY IN SPORTS DRUG REGISTER THAT
COMPETITOR DID NOT HAVE REASONABLE CAUSE TO FAIL TO PROVIDE A
SAMPLE

Sections 14 (3) and 18 (1), New Zealand Sports Drug Agency Act 1994

To: [Full name of competitor]

To: [Name and address of national sporting organisation]

To: [Name and address of national sporting organisation]

The Board of the New Zealand Sports Drug Agency has determined that [Full name of competitor] did not have reasonable cause to fail to provide a sample at the sample collection station at [Location] on [Date].

The Board's reasons are:

The Agency has entered the following particulars in the Sports Drug Register:

.....
Executive Director, New Zealand Sports Drug Agency

.....
Date

INFORMATION FOR COMPETITOR

You may appeal to a District Court against this determination. If the determination is quashed by the District Court, the New Zealand Sports Drug Agency will delete from the Sports Drug Register the entry relating to the determination.

If you wish to appeal to a District Court, you must act promptly. The provisions relating to the appeal are sections 20 to 24 of the New Zealand Sports Drug Agency Act 1994 and regulations 43 to 46 of the Sports Drugs (Urine Testing) Regulations 1994.

You may apply to the New Zealand Sports Drug Agency at any time for deletion of the entry concerning you from the Sports Drug Register. The Agency will consider any such request and the reasons given in support of it.

SCHEDULE—*continued*

FORMS—*continued*

Form 8—*continued*

INFORMATION FOR NATIONAL SPORTING ORGANISATION

You have a duty under section 19 of the New Zealand Sports Drug Agency Act 1994 to advise the Agency in writing, within 1 month of receiving this notice, of any action taken by you in relation to the competitor, administrator, or coach concerned as a result of this notice.

The personal information contained in this notice is protected by the Privacy Act 1993.

Form 9

Reg. 40(2)

NOTICE OF DETERMINATION THAT COMPETITOR HAD REASONABLE CAUSE TO FAIL TO PROVIDE A SAMPLE

Section 14 (4), New Zealand Sports Drug Agency Act 1994

To: *[Full name of competitor]*

The Board of the New Zealand Sports Drug Agency has determined that you had reasonable cause for failing to provide a sample at the sample collection station at *[Location]* on *[Date]*.

The Board's reasons are:

.....
Executive Director, New Zealand Sports Drug Agency

.....
Date

INFORMATION

This determination means that the Agency will not make an entry concerning this matter in the Sports Drug Register.

SCHEDULE—continued

FORMS—continued

Reg. 41 (1)

Form 10

NOTICE OF DETERMINATION AND ENTRY IN SPORTS DRUG REGISTER THAT COMPETITOR HAS COMMITTED A DOPING INFRACTION

Sections 16 (4) and 18 (1), New Zealand Sports Drug Agency Act 1994

To: [Full name of competitor]

To: [Name and address of national sporting organisation]

To: [Name and address of national sporting organisation]

The Board of the New Zealand Sports Drug Agency has determined that [Full name of competitor] committed a doping infraction, evidenced by the sample provided by [Full name of competitor] at the sample collection station at [Location] on [Date].

The Board's reasons are:

The Agency has entered the following particulars in the Sports Drug Register:

.....
Executive Director, New Zealand Sports Drug Agency

.....
Date

INFORMATION FOR COMPETITOR

You may appeal to a District Court against this determination. If the determination is quashed by the District Court, the New Zealand Sports Drug Agency will delete from the Sports Drug Register the entry relating to the determination.

If you wish to appeal to a District Court, you must act promptly. The provisions relating to the appeal are sections 20 to 24 of the New Zealand Sports Drug Agency Act 1994 and regulations 43 to 46 of the Sports Drugs (Urine Testing) Regulations 1994.

You may apply to the New Zealand Sports Drug Agency at any time for deletion of the entry concerning you from the Sports Drug Register. The Agency will consider any such request and the reasons given in support of it.

SCHEDULE—continued

FORMS—continued

Form 10—continued

INFORMATION FOR NATIONAL SPORTING ORGANISATION

You have a duty under section 19 of the New Zealand Sports Drug Agency Act 1994 to advise the Agency in writing, within 1 month of receiving this notice, of any action taken by you in relation to the competitor, administrator, or coach concerned as a result of this notice.

The personal information contained in this notice is protected by the Privacy Act 1993.

Form 11

Reg. 41 (2)

NOTICE OF DETERMINATION THAT COMPETITOR HAS NOT COMMITTED A DOPING INFRACTION

Section 16 (5), New Zealand Sports Drug Agency Act 1994

To: [Full name of competitor]

To: [Name and address of national sporting organisation]

To: [Name and address of national sporting organisation]

The Board of the New Zealand Sports Drug Agency has determined that [Full name of competitor] has not committed a doping infraction. The Board made this determination in respect of the sample provided by [Full name of competitor] at the sample collection station at [Location] on [Date].

The Board's reasons are:

[A notice sent to a national sporting organisation or to national sporting organisations may contain a summarised version of the reasons for the Board's determination.]

.....
Executive Director, New Zealand Sports Drug Agency

.....
Date

INFORMATION FOR COMPETITOR

This determination means that the Agency will not make an entry concerning this sample in the Sports Drug Register.

INFORMATION FOR NATIONAL SPORTING ORGANISATION

The personal information contained in this notice is protected by the Privacy Act 1993.

SCHEDULE—continued

FORMS—continued

Form 12

Reg. 43 (1)

NOTICE OF APPEAL TO DISTRICT COURT

Section 21 (1), New Zealand Sports Drug Agency Act 1994

No.

In the District Court
at

In the Matter of an Appeal
Between [Full name], of [Place of residence],
[Occupation],
Appellant
And the New Zealand Sports Drug Agency,
Respondent

TAKE notice that

*I, the above-named appellant,

*I, [full name], of [Place of residence], [Occupation], the appellant's representative nominated under regulation 8 (1) (a) (ii) of the Sports Drug (Urine Testing) Regulations 1994,

**Delete whichever is inapplicable*

appeal to the Court against the determination of the Board of the New Zealand Sports Agency that [Full name of appellant]

*did not have reasonable cause to fail to provide a sample at the sample collection station at [Location] on [Date].

*has committed a doping infraction, evidenced by the sample provided by [Full name of appellant] at the sample collection station at [Location] on [Date].

**Delete whichever is inapplicable*

The grounds on which the appeal is made are:

[State the grounds on which the appeal is made, referring to section 20 (2) of the New Zealand Sports Drug Agency Act 1994.]

I say:

[If the Registrar so requires under section 21 (7) of the New Zealand Sports Drug Agency Act 1994, set out sufficient information to inform the Court of the points of appeal in support of the appeal.]

The following documents accompany this notice of appeal: [List below]

.....
*Appellant

.....
*Appellant's representative nominated under regulation 8 (1) (a) (ii) of the Sports Drug (Urine Testing) Regulations 1994

.....
*Solicitor for the appellant

**Delete whichever is inapplicable*

SCHEDULE—*continued*FORMS—*continued*Form 12—*continued*

To the Registrar of the District Court at
 and
 to the New Zealand Sports Drug Agency
 and
 To: [*Name and address of national sporting organisation*]
 To: [*Name and address of national sporting organisation*]

MEMORANDUM

This notice of appeal is filed by

*the above-named appellant

*the appellant's representative nominated under regulation 8 (1) (a) (ii) of the Sports Drug (Urine Testing) Regulations 1994

*the solicitor for the appellant, [*Name*], of the firm of [*Name, if any*].

The address for service of *the above-named appellant *the appellant's representative nominated under regulation 8 (1) (a) (ii) of the Sports Drug (Urine Testing) Regulations 1994 is

Documents for service on *the above-named appellant *the appellant's representative nominated under regulation 8 (1) (a) (ii) of the Sports Drug (Urine Testing) Regulations 1994 may be left at that address for service or may be—

(a) Posted to the solicitor at [*Insert Post Office box address*]; or

(b) Left for the solicitor at a document exchange for direction to [*Insert document exchange box number*]; or

(c) Transmitted to the solicitor by facsimile to [*Insert facsimile number*].

The solicitor's agent is [*Insert name, or "Not applicable"*] of the firm of [*Name, if any*].

*Delete whichever is inapplicable.

SCHEDULE—continued

FORMS—continued

Form 13

Reg. 43 (4)

NOTICE OF TIME AND PLACE FOR HEARING

Section 21 (4), New Zealand Sports Drug Agency Act 1994

No.

In the District Court
at

In the Matter of an Appeal
Between [Full name], of [Place of residence],
[Occupation],
Appellant
And the New Zealand Sports Drug Agency,
Respondent

TAKE notice that this appeal has been set down for hearing in chambers at the District Court at..... on the..... [State date or dates] at the hour of..... in the..... noon.

.....
(Deputy) Registrar
.....

Date

To [Here set out the name and postal address of the above-named appellant or the appellant's representative nominated under regulation 8 (1) (a) (ii) of the Sports Drug (Urine Testing) Regulations 1994 or the solicitor for the appellant, as appropriate, the New Zealand Sports Drug Agency, and the national sporting organisation or organisations with whom a copy of the notice of appeal was lodged.]

Notice to Appellant

If you fail to attend, or fail to prosecute the appeal with due diligence, the Court may dismiss the appeal.

MARIE SHROFF,
Clerk of the Executive Council.



EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 5 January 1995, set out the procedure for collecting and testing samples of urine from competitors selected by the New Zealand Sports Drug Agency. The samples are tested to see whether they reveal the presence of a drug in the sample or the use by the competitor of a doping method. If the testing reveals a drug or a doping method included in a schedule that the Agency maintains (having regard to drugs or methods listed by the International Olympic Committee), the name of the competitor may be entered in the Sports Drug Register maintained by the Agency.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 8 December 1994.
These regulations are administered in the Department of Internal Affairs.