

Anti-doping

Unintentional doping

A nuance to doping



**No fault /
negligence**
Faultless



**No significant
fault / negligence**
Careless



**Significant
fault / negligence**
Reckless

Planned and
deliberate violation
of WADA Code



Examples:

Using recreational drugs outside of sport but testing positive in competition

Incorrectly filing Whereabouts information

Unknowingly working with a banned coach

Physical contact with someone taking prohibited substances



What about NZ? Since 2021...

**21 athletes
sanctioned for
ADRVs**

**11 fall within
scope of
“unintentional
doping”**



Substances of Abuse

**8 related
to substances
of abuse**



The new World Anti- Doping Code for 2027: what it means for Aotearoa New Zealand



Why has the Code changed?

Provides the legal anti-doping framework for all WADA signatories including New Zealand.

Typically updated every six years following a lengthy and widespread consultation process.

The 2027 Code is intended to:

- be more human rights focused
- address perceived unfairness to athletes
- offer more flexibility (and transparency) when it comes to outcomes.

May also provide more room for differences of interpretation.





Athlete fairness

The 2027 Code introduces a range of changes to give athletes more avenues to protect and argue for their rights. This includes:

- A greater range of sanctions and more avenues for reduction depending on the circumstances of the case.
- Expansion of the reduction in sanction available for early admission and acceptance.
- Consent of the athlete is now required for publication of no-fault cases.





Provisional suspensions

Expansion of the grounds (including new standards of proof) to lift a mandatory provisional suspension following a positive test

It may be able to be lifted based on a finding of:

- a likely contaminated source;
- the likelihood of a finding of no anti-doping rule violation;
- no fault or 'negligence; or
- if the time already served by the athlete under the provisional suspension exceeds the period of ineligibility asserted.





Independent review process

The independent review article is new and based on recommendations arising out of the Chinese swimming matter.

It has been a contentious introduction:

- It is intended to address the tensions between US and WADA by providing more transparency around case closures.
- The result is a process that may be lengthy, expensive and unlikely to address any issues of confidence in the fairness of the system.





Substances of abuse

Despite some debate, the list of substances of abuse remains materially unchanged.

However, there are:

- Lesser penalties for out of competition use.
- More flexibility for sanctions in relation to in competition use.

The use of settlements for a range of cases is also likely to increase.





International standards

The 2027 Code is supported by new International Standards which include:

- Increased emphasis on privacy and data protection risks.
- Inclusion of athlete support personnel in mandatory education requirements.
- New Whereabouts requirements with a focus on requirements that are easier to understand - balanced against a tougher sanctions approach for non-compliance.





Next steps

The next steps are:

- Completing a draft of our Sports Anti-Doping Rules that is consistent with WADA requirements.
- Undertaking public consultation.
- Analysing that feedback and making the Rules.
- Designing and implementing an operational framework and learning programme that brings it to life.

