



BASKETBALL

NEW ZEALAND



INTERNAL REGULATIONS

2008 Volume 1

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Regulation A – Preamble

A1 Authority

These Internal Regulations of Basketball New Zealand (BBNZ) are enacted by the Board of BBNZ under authority conferred in Clause 20.1.4 of the Constitution of BBNZ. Should there be any conflict or discrepancy between the provisions of these Internal Regulations and those of the Constitution, then the provisions of the Constitution shall prevail.

A2 Effective Date

These Internal Regulations come into force on 12th February 2008

Regulation B – Definitions

B1 Definitions

The definitions set out hereunder apply throughout these Internal Regulations unless more specific definition is given in or by the text of an individual section or paragraph. Definitions with respect to anti-doping are contained within Appendix 3.

Affiliated association An association which has been accepted as an affiliated association of BBNZ.

Age of players An age limit is established for all players of teams participating in BBNZ competitions for young categories. The following age groups are established:

**As at 31 December
of that year**

U-13 12 years or under

U-15 14 years or under

U-17 16 years or under

U-19 18 years or under

U-21 20 years or under

Aggravated behaviour Behaviour that is flagrant and particularly injurious to the success of the competition.

Alleged offence An offence that has been identified but has not yet been tried and/or proven.

Alleged offender The Affiliated Association Team, other body or person said to have committed an alleged offence.

Associate association An associate association is a member with non- participation rights, admitted in terms of Article 9 of the Constitution.

BBNZ Basketball New Zealand, the sole competent authority, and the controlling and governing body, for men's and women's basketball in New Zealand as recognised by FIBA.

In these Regulations, use of the acronym “BBNZ” indicates the Chief Executive of BBNZ, or his delegate, unless the context indicates otherwise.

BBNZ Appeal Committee	The Appeal Committee established within these Internal Regulations to deal with appeals from decisions under the rules governing disciplinary/judicial matters
Board	Means the Board of BBNZ as defined in Article 17 of the Constitution.
Chief Executive	The Chief Executive of BBNZ.
Club of origin	The club or other organisation by which a player is/was registered at his 18 th birthday.
Coach	Any person who coaches in a game or event conducted by or under the auspices of BBNZ or one of its affiliated associations.
Code of Conduct and Fair Play	The code which governs the actions of all who are involved in basketball activity in New Zealand.
Complainant	The person making a report under Regulation P.
Conduct contrary to the integrity of the game	Means behaviour that is severely damaging to the reputation of the game and BBNZ.
Delegate	A person or officeholder authorised formally to exercise specified power/s of another person or officeholder or organisation.
Doping control	The process of testing for breaches of BBNZ’s anti-doping Regulations.
DFSNZ	Drug Free Sport New Zealand, an independent Crown entity which is the National Anti-Doping Organisation responsible for implementing the WADA Code in New Zealand, as provided in Article 20.5 of the Code and section 12 of the Act .
Eligibility	The status of a player or team in being eligible to represent an affiliated association in the official competitions of BBNZ.
FIBA Oceania	The continental body established under FIBA General Statutes (Article 17) and to which BBNZ is assigned. It exercises authority, delegated by FIBA, in accordance with the FIBA General Statutes and Internal Regulations.
FIBA	The International Basketball Federation, the sole competent authority for men’s and women’s basketball throughout the world.
First-tier judicial procedure	the procedure that is first used to deal with alleged offences as provided in Regulation P.

Floor controller	The person (other than a referee) who controls the presentation and otherwise the general good order of the presentation of a game of basketball
Foreign player	A player who does not have the legal nationality of New Zealand.
Foreign player "A" licence.	A licence issued by the respective Zone to a foreign player participating in the first or second tier of a national championship.
Gender	These regulations apply equally to both genders, and all references in this text to males (he, his, and him) shall be considered to apply also to females and shall be read accordingly.
Judicial Committee	A Committee established by the Board under Clause 20.1.5 of the Constitution which considers and disposes of allegations and alleged offences as party of the first-tier judicial procedure.
Jury of appeal	The body which deals with appeals from decisions of the Technical Committee at official competitions of BBNZ.
League	An entity which organises and manages an approved club competition.
League Commissioner	The person appointed to that position for a league.
League manager	The person appointed to that position for a League.
Letter of clearance	The document which authorises the transfer of a player from one club/association to another.
Local organising committee	The Committee charged with the successful organisation and execution of a main official competition of BBNZ.
Member association	An association admitted to membership of BBNZ in accordance with the constitution of BBNZ.
New Zealand Sports Disputes Tribunal	The external body to which appeals may be made when all appeal processes available under the BBNZ constitution and regulations have been exhausted.
Offence	An alleged offence subsequently found to be an offence by a Judicial Committee.
Official Basketball Rules	The rules of the game of basketball as approved and amended from time to time by FIBA.
Other person	Anyone else other than those designated specifically that may be reasonably covered by the BBNZ Code of Conduct and Fair Play and judicial proceedings.

Player support official	Any coach, trainer, manager, agent, team staff, official, medical or para-medical person working with or treating athletes participating in or preparing for competition.
Player	Any person who plays in a game or event conducted by or under the auspices of BBNZ or one of its member associations
Players' agent	A person who undertakes (for a fee) to bring about or assist in the transfer of players or coaches from one club to another (including international transfers).
Premiership Zone	A geographic area or other grouping to which local associations and schools may be assigned for purposes of competitions.
Principles of natural justice	<p>Include (with respect to those charged in judicial proceedings under BBNZ Regulations) rights to-</p> <ul style="list-style-type: none"> • know that they have been charged, • know what the charge/s are, • having adequate notice of proceedings, • having expeditious hearing • having decision maker/s who are not biased against any affected party, and/or who have no personal pecuniary interest, • having adequate opportunity to present his/her case in order to defend him/her self either by personal appearance or by submission in writing, • fairness – this includes the right to challenge evidence, and • proper process - the matter of penalty not being considered unless and until a person is found guilty of an offence. <p>To the extent that any other principles of natural justice are not included in these definitions, they are expressly excluded.</p>
Referee	An official appointed to officiate a game of basketball.
Referee technical Instructor	An appropriately qualified person appointed to instruct others in the rules, and in the art and techniques of refereeing.

Registration	The process by which players, coaches, and officials become members of BBNZ through the payment of a registration fee.
Sanction	A penalty applied for breach/breaches of the Constitution and/or these Internal Regulations of BBNZ, or those of a member association, including sanctions against individuals.
SPARC	Sport and Recreation New Zealand
Sports Tribunal	The Tribunal established under the Sports Anti-doping Act 2006 is the body responsible for hearing and determining anti-doping rule violations referred to it by DFS.
Technical commissioner	An appropriately qualified person appointed by the Technical Officials' Commission to represent it at BBNZ official competitions.
Technical committee	The committee which oversees all technical matters during an official competition of BBNZ.
Technical delegate	An appropriately qualified person formally appointed by the Chief Executive to act on his behalf in technical matters during main and other official competitions of BBNZ, and at BBNZ-endorsed events.
Technical official	Any person who officiates a game or event conducted by or under the auspice of BBNZ or one of its affiliated associations. This includes referees, umpires, table officials, floor controllers, and tournament controllers but this list is not exhaustive.
Tournament controller	The official appointed by the host association/ local organising committee to be the overall co-ordinator of a BBNZ official competition
Tournament handbook	The handbook which may be published from time to time by BBNZ detailing operational matters and procedures in the organisation, and delivery of a BBNZ Tournament.
Unsporting conduct	Conduct that violates the BBNZ Code of Conduct and Fair Play in such a way as may be considered an offence as determined by the appropriate Judicial Committee.
WADA	World Anti-Doping Agency.
Young player	A player who has not yet reached his 18th birthday.

Regulation C – BBNZ Code of Conduct and Fair Play

C1 Purpose

- C1.1 The purpose of this Code is to set the standards of behaviour that BBNZ considers necessary and are in the best interests of the game of basketball in New Zealand.
- C1.2 Failure to comply with the standards outlined below is an offence and is subject to disciplinary procedures as outlined in Regulation P.
- C1.3 Alleged offenders may be put on report as outlined in Regulation P.
- C1.4 It is not the intention of this Code to prevent courteous and proper player and coach exchanges with the referees, or to discourage preventive officiating such as a 'quiet word on the run'. However, in instances when acceptable behaviour has clearly ceased, penalties will be invoked.

C2 Persons to whom the code applies

C2.1 This Code applies to:

- (a) all persons who are within the jurisdiction of the Constitution, Internal Regulations, and Policies of BBNZ;
- (b) employees and contractors of BBNZ, in accordance with the Employment Relations Act;
- (c) coaches, officials, administrators and any other person involved with basketball as governed by BBNZ; and
- (d) associations, clubs, and other bodies directly or indirectly affiliated with BBNZ

C3 Code of conduct and fair play for players

C3.1 Players shall conduct themselves in a manner which brings credit to themselves and the game and shall:

- (a) Play according to the letter and intent of the rules and regulations of basketball and of the particular game, tournament, or league in which they are participating.
- (b) Play in a spirit of competitive sportsmanship accepting the official's decisions without dissent.
- (c) Control their behaviour on and off the court and refrain from any violent or abusive actions and language.
- (d) Co-operate fully with their coach and team mates, remembering that they are participating in a team sport.
- (e) Respect their opponents and not participate in any baiting, verbal abuse, or intimidating activities.
- (f) Be humble in victory and gracious in defeat.

C3.2 Players shall accept refereeing with good grace:

- (a) Approaches to referees shall be by the (court) captain and/or head coach only and in accordance with the provisions of FIBA Official Basketball Rules.
- (b) Court captains (and coaches) are to approach referees in a courteous and reasonable manner.

C3.3 Players shall refrain from:

- (a) continually following officials to question decisions.
- (b) dissenting from decisions, either with words or body language.
- (c) making gestures with waves of arms, indecent body language, facial expressions, and other similar actions of dissent.
- (d) "mouthing off" when officials turn their backs or the player turns away from the official.
- (e) using rude, offensive and/or threatening language.

C4 Code of conduct and fair play for coaches

C4.1 Coaches shall conduct themselves in a manner that reinforces their place as leaders and role models, and encourage positive communication between themselves and players, referees, administrators and the general public. They shall:

- (a) perform their coaching duties on the basis of careful preparation.
- (b) ensure that their instruction is current, accurate and appropriate, and that it is based on practices for which they are qualified with acquired knowledge and skills.
- (c) have a primary concern for the health, safety and personal welfare of their players and, accordingly, should take an active role in the prevention of drug, alcohol and tobacco abuse.
- (d) treat all persons with dignity and respect thereby providing a model of fair play and sportsmanship.
- (e) observe the letter and intent of the rules and regulations of basketball, and of the particular game, tournaments or league in which they are participating, and insist that players and teams under their direction do likewise.
- (f) remember that they have undertaken the responsibility of assisting their players to acquire the necessary knowledge and skills of basketball to achieve their potential, as well as promoting desirable personal traits in them.

C4.2 Coaches shall accept refereeing decisions with good grace:

- (a) on-court approaches to referees shall be by the court captain only and in accordance with the provisions of the FIBA Official Basketball Rules.

- (b) coaches are to approach referees in a courteous and reasonable manner.

C4.3 Coaches should refrain from:

- (a) continually questioning decisions;
- (b) dissenting from decisions, whether by words or body language;
- (c) making gestures by waving arms, indecent body language, facial expressions, and other similar actions; and
- (d) using rude, offensive, and/or threatening language.

C4.4 Head coaches shall not encroach onto the playing floor during the course of a game (other than as authorised by the FIBA Official Basketball Rules) or move out of the coach's box while the game is in progress.

C4.5 Given that assistant coaches must normally remain seated on the team bench, assistant coaches shall not assume actions or positions reserved for head coaches,

C5 Code of conduct and fair play for technical officials

C5.1 Referees and other technical officials (including score bench personnel) have an important role in ensuring that acceptable behaviour is displayed by all participants on the court at all times. They shall:

- (a) be mentally and physically prepared for the entire game or event;
- (b) maintain complete neutrality at all times;
- (c) accept their role as a communicator and role model for fair play;
- (d) accept their role as a member of the "officials' team," embrace team work, co-operate with and assist fellow officials, scorebench personnel and others associated with the game or event;
- (e) ensure that all players have a fair and reasonable opportunity to perform to the best of their ability, within the rules and regulations of basketball and the particular game or event;
- (f) conduct themselves in a professional manner both on and off the court;
- (g) attend organised functions as a representative of referees and officials; and
- (h) remain open to constructive criticism and suggestions from the Technical Committee, or delegated authority, showing respect and consideration to those offering assistance.

C6 Code of conduct and fair play for parents and spectators

C6.1 Parents and Spectators should:

- (a) remember that although the basketball at the event may, or may not, be at an elite level, it is still sport and often junior sport, to be enjoyed by all participants;
- (b) respect all participating players and officials as you would respect your own children and friends, and applaud good performances by all participants;
- (c) demonstrate appropriate social behaviour by not using foul or abusive language or actions, and by not harassing players, coaches, officials or other spectators; and
- (d) remember that destructive criticism has no place in basketball and especially in junior basketball. It is very hurtful to the recipient and, ultimately, reflects very poorly on the game.

Regulation D– Rules Governing the Competitions of BBNZ

D1 The competitions of BBNZ:

D1.1 The official competitions both male and female of BBNZ are:

(Note - Premiership tournaments are qualifying tournaments for National Championships)

D1.1.1 Age-Group Tournaments

The following tournaments are association-based:

- (a) Under-13 Premierships
- (b) Under-15 Premierships
- (c) Under-17 Premierships
- (d) Under-19 Premierships
- (e) Under-13 National Championships
- (f) Under-15 National Championships
- (g) Under-17 National Championships
- (h) Under-19 National Championships
- (i) Under 21 National Championships

D1.1.2 Secondary School Tournaments

- (a) Junior Secondary School Premierships
- (b) Secondary School Premierships
- (c) Secondary School National Championships

D1.1.3 Open Tournaments

The following tournaments are non-league competitions:

- (a) Open Premierships
- (b) Open National Championships
- (c) Wheelchair National Championships

D1.1.4 Competitions

- (a) CBL (Conference Basketball League – male only)
- (b) WBL (Women's Basketball League – female only)
- (c) NBL (National Basketball League – male only).

[Note - Although the league competitions are conducted under separate competition rules which are not included in these Regulations, the league competition rules must comply with the underlying principles, spirit, and intent of these Regulations – see D2.3 and G3.1].

D1.2 Premiership zones

Where a Tournament is a Premiership, then for that purpose New Zealand is divided into four Premiership Zones. A list of the Affiliated Associations assigned to each premiership Zone is contained in Appendix I to this Regulation.

D2 General principles

- D2.1 Only BBNZ is empowered to organise, sanction, and control basketball competitions involving teams from several associations, or to authorise league competitions.
- D2.2 All competitions of BBNZ shall be governed by the following provisions of general nature and any specific regulations applicable to the respective competitions.
- D2.3 Separate rules may apply to the organization of league competitions (see Regulation G3.1).
- D2.4 In general, a competition is organised by an association member, by a Local Organising Committee recognised by the association member where the competition is being held, or by a competent body of BBNZ.
- D2.5 In certain situations, the Board may authorise that BBNZ organises a competition in more than one place or under its own auspices.
- D2.6 The agreement to organise a competition of BBNZ and the agreement to take part in the said competition constitutes a contract between BBNZ, the organisers, and the participating teams. All parties involved must scrupulously respect this "sports contract". For certain competitions, BBNZ may request the signing of a "Hosting Agreement".

D3 Obligations of BBNZ

D3.1 BBNZ must do all in its power to see that a competition organised under its auspices will be staged successfully and that BBNZ is represented by competent persons who shall maintain absolute impartiality. BBNZ is obliged to assist the organisers by all means at its disposal.

D3.2 In the event of default of these provisions by the organisers of a competition mentioned in D1.1.1 to D1.1.4, BBNZ may withdraw its patronage and the title of the competition involved. It may apply disciplinary and financial sanctions to the organisations at fault. Such decisions may be made by the Board of BBNZ only and shall have immediate effect.

D4 Obligations of the organizers of competitions

D4.1 The organisers are obliged to respect all applicable provisions of these Regulations and to follow the requirements of any separate event manual supplied by BBNZ.

D4.2 These provisions are valid also for the invited teams for events that are not of an official nature.

D5 Calendar

D5.1 BBNZ must send a draft tournament calendar to all affiliated associations, life members, registered referees, secondary school councils, associate members, and all other relevant persons by November in each year. This calendar will schedule the likely month and the likely host association for each of its tournaments for each of the three years after publication of each version of the tournament calendar then known about and the scheduling of BBNZ high performance events.

D5.2 After considering comments and suggestions from interested parties, BBNZ will circulate a revised an approved tournament calendar.

D5.3 Harmonisation of calendar

D5.3.1 The calendar year shall be divided for competition as follows:

- (a) From January to March, there will be no BBNZ Tournaments, leaving this part of the year available to associations to carry out their own activities; and for the Koru Tour in January.
- (b) From March to July, the Association Under-17, Under-19 and Under-21 National Championships will be held.
- (c) In August through to the end of secondary school holidays at the end of 3rd term, the Secondary Schools Tournaments and the Under-13 and

Under-15 National Championships will be held. The Under-13 and Under-15 National Championships will be held during a school holiday period.

- (d) The Open National Championships will be held in conjunction with the Wheelchair Basketball National Championships at any time during the competition year.
- (e) BBNZ shall attempt to schedule its other activities including the High Performance Programme events so that they will not conflict with the Tournaments; so that persons that want to participate in those BBNZ activities are not compromised in their ability to also participate in the BBNZ Tournaments.
- (f) BBNZ shall attempt to schedule the Tournaments at a time when eligible players will also be able to participate in the Australian equivalent age-group championships.

D6 Allocation of tournaments to host associations

D6.1 Rotation of premiership tournaments

The right to conduct Premership Tournaments will rotate within the respective Zones on a basis to be determined from time to time.

D6.2 Rotation/allocation/ expressions of interest of the conduct other tournaments (excluding league competitions)

D6.2.1 In principle, the venues for each National Championship will rotate through the country from North to South. This rotation started in 2004, there will be a new rotation from 2009.

D6.2.2 BBNZ reserves the right to call for expressions of interest on terms and conditions to be determined from time to time and shall make the final decision regarding the appointment of Host Associations and venues.

D6.2.3 In the event that an approved Host Association's venue becomes unavailable at a later date, BBNZ reserves the right to approve another venue within close geographical proximity to the original venue;

D6.2.4 BBNZ reserves the right to make decisions regarding venues in all emergency situations e.g. transport strikes.

D6.2.5 Expressions of interest to conduct a particular event must contain:

- (a) proposed dates and places/venues of the competition;
- (b) any conditions attached to the filing of the bid by the candidate;

- (c) Any financial conditions, including budget for the competition;
- (d) details of any support by local government for the event;
- (e) a signed statement acknowledging that BBNZ is the owner of all broadcast, marketing, merchandising, and equipment rights in terms of Regulation M and that the division of income from such rights is subject to negotiation with BBNZ.

D6.3 Venue allocation criteria

D6.3.1 In evaluating potential host venues, BBNZ will consider the following:

- (a) Suitability of dates e.g. availability of the stadium for the period required, availability of volunteers, conflict with any other major events in the area, etc;
- (b) The number and standard of courts at the venue;
- (c) The venue's facilities e.g. technical equipment, changing rooms, office space, canteen, phones and facsimile;
- (d) The availability of sufficient trained volunteers e.g. administrators, scoretable officials, statisticians, canteen staff, and door control;
- (e) The ability to produce and sell merchandising around the Tournament;
- (f) The ability of the host venue organisers to successfully promote the Tournament;
- (g) The availability of sufficient suitable accommodation and ground transport;
- (h) The ability to host related games or meetings.

D7 Conducting an official tournament of BBNZ

D7.1 Competence of BBNZ

- D7.1.1 BBNZ is competent to make any decision and to impose sanctions or levy fines whenever a conflict arises at the time of a national competition, no matter whether the competition is official or not. Any appeal against the decisions of BBNZ shall be dealt with in accordance with the Regulations and the Constitution of BBNZ.

D7.2 Organisation

- D7.2.1 Rights and duties of the Local Association/ Organising Committee

- D7.2.1.1 The Local Association/ Organising Committee has the duty to take all measures that it deems necessary for the success of the event. The Local Association/Organising Committee must work closely and efficiently with BBNZ.
- D7.2.1.2 The Local Association/ Organising Committee shall ensure that all participating teams are treated in the same way and that all enjoy equal rights. Special requests by any of the participating teams shall be forwarded to BBNZ for approval.
- D7.2.1.3 The Local Association/ Organising Committee is entitled to rely on the closest co-operation from BBNZ and also from the participating teams and their associations.

D7.3 Technical Provisions

D7.3.1 Technical equipment and playing court

- D7.3.1.1 The official competitions of BBNZ shall be played only in venues approved by BBNZ and with technical equipment approved by BBNZ.
- D7.3.1.2 All associations which are awarded one of the official competitions BBNZ must follow strictly the rules with respect to the court and equipment as published in the Official Basketball Rules, in particular the Appendix "Basketball Equipment".
- D7.3.1.3 The main official competitions of BBNZ shall be held only in venues that have met the requirements of BBNZ under D6.3.1.
- D7.3.1.4 Before each official competition, the technical equipment and the court shall all be examined and approved by BBNZ.
- D7.3.1.5 BBNZ will authorise the brand of basketball to be used at BBNZ Tournaments.

D7.3.2 Conference room for referees at tournaments

- D7.3.2.1 For the effective work of the BBNZ Technical Commissioner, Referee Evaluators and referees at BBNZ Tournaments, the organisers are obligated to provide a conference room for the duration of the tournament. This room shall:
 - (a) have tables and chairs within it to ensure meetings can take place,
 - (b) be near the court action, however be solely for the use of Referees and BBNZ staff,
 - (c) have a minimum catering expectation of tea, coffee and snack food throughout the entire tournament.
- D7.3.2.2 When evaluating a game, a seat beside the scorekeeper's table shall be provided for the BBNZ Referee Evaluator.

D7.3.3 Arrangements required for cleaning blood from court, equipment, etc

D7.3.3.1 Article 5.6 of the Official Basketball Rules deals with situations where a player is bleeding.

D7.3.3.2 Where score bench officials observe substantial bleeding or blood on a playing uniform, and the referees have not become aware of the problem, the chairperson is to wait until the next dead ball period before informing the referees.

D7.3.3.3 A 'Blood Kit' should be situated at the score bench during competition games. The kit should be used only for the purpose of dealing with spilt blood on the floor or benches.

D7.3.3.4 Required contents of blood kit:

- a) 1 × packet of paper hand towels.
- b) 1 × packet of disposable latex surgical gloves.
- c) 1 × packet of medium size re-sealable plastic bags.
- d) 1 × 1500ml spray bottle containing 0.5% bleach and 2% detergent mixed with water (the solution); bleach is the key ingredient. Standard household bleach is acceptable, but it must not be used past its use-by date. Solutions should be used only if they have been mixed (prepared) that day.

D7.3.3.5 Play will not be re-commenced until all blood that has spilled has been removed.

D7.3.3.6 The following actions will to be taken to ensure the safety of all of all personnel associated with the game where bleeding occurs:

- a) If there is blood on the uniform the player should change the uniform immediately (teams need to carry a spare numbered uniform for this purpose).

A player with wet or dry blood stains on his uniform will not be allowed on the court under any circumstances.

- b) A player is prohibited from returning to the court with a blood-stained uniform, unless the uniform has been soaked in the recommended solution for at least five minutes and thoroughly rinsed off with water.
- c) Destroy any possible HIV with a solution of 0.5% bleach and 2% detergent mixed with water and applied for five minutes. (Normal machine washing would kill the virus on pieces of clothing).
- d) If there is any blood on the ball, the ball is to be replaced.
- e) Blood spilt on the floor or benches should be wiped thoroughly with the bleach and detergent solution.

[Note 1 – Local associations are encouraged to adopt similar rules as contained in D7.3.3 for their own competitions.

Note 2 - Information on the Prevention of AIDS provided by the FIBA Medical Commission:

- a) Some sports carry a greater risk of contamination than others in so far as there is a greater possibility of blood contact.
- b) Contact can occur through open and bleeding wounds as well as through abrasive or inflammatory injuries to the skin.
- c) Basketball is classified in the medium risk category.
- d) In the field of sports one should know that the AIDS virus cannot be transmitted by saliva, sweat, urine, skin contact, handshakes, bath water, swimming pools, showers or toilets.
- e) Light washing with detergent or water does not necessarily kill the HIV.
- f) HIV can survive in dried blood for up to seven days].

D7.3.4 Technical committee

D7.3.4.1 A Technical Committee consisting of three (3) persons shall be appointed by BBNZ before the tournament commences. It shall consist of the Chief Executive (or appointed technical delegate) as Chair, the technical commissioner, and tournament controller (see Regulation B for definition of technical delegate, technical commissioner, and tournament controller).

D7.3.4.2 The functions of the Technical Committee are as follows:

- (a) supervision and approval of playing facilities and of the technical equipment as provided for in the Basketball Equipment Appendix to the Official Basketball Rules;
- (b) approval of the personnel at the scorers' table (timekeeper, scorekeeper and 24-second operator);
- (c) approval of the final score of each game and the final classification of the competition;
- (d) examination and decision on protests in the first instance;
- (e) imposition of sanctions against players, coaches, assistant coaches, team followers, BBNZ referees, and table officials who have violated the spirit and the intent of the Constitution and the Internal Regulations of BBNZ, Sanctions shall be based upon the reports submitted by the referees or other appropriate officials, as well as on observations by members of the Technical Committee;
- (f) making rulings concerning any other unsportsmanlike behaviour which may occur immediately before or after the game; and

- (g) supervision of observance of the Regulations governing the Use of Advertising on uniforms.

D7.3.4.3 The authority and control of the Technical Committee shall terminate with the announcement of the final classification of the competition.

D7.3.5 Jury of Appeal

D7.3.5.1 A Jury of Appeal must be formed at the beginning of each competition.

D7.3.5.2 The function of the Jury shall be to examine and to decide in the second instance appeals against decisions taken by the Technical Committee concerning the approval of game results and penalties imposed. Its verdict is final and cannot be appealed further.

D7.3.5.3 The Technical Committee shall nominate the members of the Jury in keeping with the provisions of D7.3.5.4 for approval by the Chief Executive or technical delegate appointed for the tournament.

D7.3.5.4 The Jury shall consist of four (4) appointed members and four (4) substitute members, all of whom are representatives of associations whose teams are participating in the competition.

D7.3.5.5 Subject to D7.3.5.7, the Jury shall be presided over by the most senior member of the Board of BBNZ present (no matter whether he is connected with a team taking part in the competition or not).

D7.3.5.6 If no member of the Board is present, there shall be five (5) appointed members of the Jury, one of whom shall be elected by peers to preside over the jury of appeal.

D7.3.5.7 Members of the Jury having a connection with teams involved in the dispute may not sit on the Jury and must be replaced by alternate members. The Chair of the Jury of appeal shall be replaced, if necessary, by the person appointed by him with the approval of the technical committee which will be responsible for making the formal announcement.

D7.3.6 Procedure to follow in the event of protest

D7.3.6.1 If, during a competition of BBNZ, a team believes its interests have been adversely affected by a decision of an official (referee or umpire(s)) or by any event that took place during a game and it wishes to protest, the following procedures will apply:

- (a) At the end of the game, the captain of the team in question shall, inform the referee immediately that his team is protesting against the result of the game by signing the scoresheet in the space marked "Captain's signature in case of protest".
- (b) In order to make the protest valid, it is necessary for the official representative of the affiliated association (or club) to give confirmation of this protest in writing within the twenty (20) minutes following the end of the game.

- (c) Detailed explanations are not necessary in the written protest. It is sufficient to write: "The association (or club) protests against the result of the game between the teams of X and Y". As security, a sum of \$250.00 (\$100 for the school competitions listed in D1.1.2) shall be deposited with the Chair of the Technical Committee.
- (d) Should a protest be filed by one of the teams, the referee shall, within the hour following the end of the game, report the incident to the Chair of the Technical Committee.
- (e) The association of the team (or club) in question must submit to the Chair of the Technical Committee a written submission detailing its protest within the hour that follows the end of the game.
- (f) If the protest is accepted by the Technical Committee, the security shall be refunded.
- (g) Should the association (or club) which made the protest, or the opposing association (or club), not accept the decision of the Technical Committee, then it may address an appeal to the Jury of Appeal.
- (h) For an appeal to the Jury of Appeal to be valid it must be made to the Chair of the Technical Committee within twenty (20) minutes of delivery of the Committee's decision. As security, a sum of \$250.00 (\$100 for the school competitions listed in D1.1.2) shall be deposited with the Chair of the Technical Committee.
- (i) The Jury of Appeal shall judge the appeal in the last instance, and its decision shall be final and not be further appealed in any other of BBNZ appeals' processes.
- (j) Videos, film, pictures or any equipment, visual, electronic, digital, or otherwise, shall not be used to determine or to change the result of a game, despite the fact that the referee is authorised under the Official Basketball Rules to do so to determine the result of a last shot in a game. The use of such equipment by other than the referee is valid only to determine responsibility in matters of discipline or for educational (training) purposes after the game has ended.

D7.3.7 Records

D7.3.7.1 Organisers shall ensure that results are transmitted electronically by fax or other means.

D7.3.7.2 The organisers must send the following information to the BBNZ office by 10.00 am the following day:

- (a) the final score,
- (b) the score at the end of each quarter and extra period,
- (c) the number of spectators,
- (d) a copy of the duly completed BBNZ Official Statistics Sheet.

D7.3.8 Doping control

D7.3.8.1 Doping control tests may be carried out in accordance with the Regulations governing Doping Control (see Regulation K) at all official competitions of BBNZ.

D7.3.9 Draw

D7.3.9.1 The date, venue and procedure for the draw shall be decided by BBNZ for the competition in question in accordance with the following provisions:

- (a) In principle, the draw cannot take place until seventy-two (72) hours after the closing date for final entries;
- (b) The draw may be held on the occasion of a BBNZ event
- (c) The draw may be held at the BBNZ headquarters or at a venue decided by BBNZ.

D7.4 Opening and closing ceremonies

D7.4.1 The requirements of BBNZ for opening and closing ceremonies (if any) will be as determined by BBNZ from time to time and published in a Tournament Handbook.

D7.5 Awards

D7.5.1 The following awards are presented at National Championships and will be provided by BBNZ:

- (a) winning team trophy
- (b) winners' medals (15) - one for each team member
- (c) runner-up team trophy
- (d) runners-up medals (15) - one for each team member
- (e) most valuable player
- (f) tournament team (10) - one for each player selected
- (g) finals referees' medals for each such referee.

D7.5.2 The following awards are presented at Premierships:

- (a) winning team trophy
- (b) winners' medals (15) - one for each team member
- (c) runner-up team trophy
- (d) runners-up medals (15) - one for each team member.

- D7.5.3 Prizes for individuals may be presented at a Tournament in addition to the awards listed above provided that the criteria for the prizes are approved by BBNZ prior to the commencement of the Tournament. Other than what is provided for under D7.5.1(g) above, under no circumstances may prizes be awarded to referees.
- D7.5.4 For perpetual trophies, BBNZ will ensure that each trophy is suitably engraved with the name of the recipient team or individual. Each such trophy must be suitably maintained by the holder.
- D7.5.5 Tournament report
 - D7.5.5.1 Within twenty (20) days of the conclusion of a tournament, the organisers shall submit an exclusive report on its organisation to BBNZ. The report shall include the financial statements for the tournament and a detailed media impact report on the host association.

D8 Participating in an official competition of BBNZ

- D8.1** Only teams of affiliated associations that are up-to-date in the payment of their fees to BBNZ, including the current year, may take part in official competitions

D8.2 Registration/Entry Procedure

- D8.2.1 The entry procedure for all BBNZ Tournaments will be administered by BBNZ and published on the BBNZ Website.
- D8.2.2 These procedures will be administered via the entry form, which will be distributed directly to all affiliated associations and Secondary Schools as appropriate. Other forms required will be distributed with the entry form.
- D8.2.3 The teams qualified to take part in an official tournament/championship of BBNZ are obliged to respect the deadlines set for entry into a competition.
- D8.2.4 BBNZ shall set the non-refundable entry fee for each Tournament, which must be paid to BBNZ by the date specified in the entry form.
- D8.2.5 If by the specified closing date a team proposing to enter a Tournament has not paid BBNZ the tournament entry fee, and supplied BBNZ with an entry form duly completed (in all material respects), then the team's entry for that Tournament shall not be accepted by BBNZ.

D8.3 Co-operation with the organisers and with BBNZ

- D8.3.1 Participating teams shall co-operate with the organisers and with BBNZ in order to assure the technical and financial success of the event. In particular, they shall supply, in advance, all information as required by the organisers and/or BBNZ. Any failure may result in a fine or removal from the Tournament.

D8.3.2 Those responsible for teams taking part in an official BBNZ competition are required to facilitate the task of the organisers by avoiding actions which would incur unnecessary expense.

D8.4 Teams taking part in an official competition of BBNZ must respect the provisions of these Regulations and/or any special regulations for each competition promulgated from time to time. They must be present at the site of the competition in due time and must co-operate at all times with the organisers and representatives of BBNZ.

D8.5 Obligation to take part

D8.5.1 A team that has accepted an invitation or has qualified to take part in an official competition of BBNZ shall be obliged to do so.

D8.5.2 If, after having sent its final entry, a team should cancel its participation or should fail to appear at the opening of the competition, BBNZ has the right to sanction that party which is in breach of its obligations to appear. Such penalties may be of a disciplinary and/ or financial nature.

D8.5.3 Part of any fine may be paid to the organisers as compensation in the event of any financial loss.

D8.6 Teams participating in an official competition of BBNZ may not under any circumstances:

- (a) refuse to play a game or leave the playing area before the end of a game;
- (b) refuse to participate in, or leave before the end of, the opening ceremony and/or the award ceremony and the closing ceremony;
- (c) behave inappropriately (or make insulting remarks), thus disrupting the smooth running of the competition, official functions or ceremonies;
- (d) refuse a doping control test;
- (e) refuse to participate in an official meeting or press conference.

D8.7 In the event of violation of these provisions, BBNZ will apply such sanctions as are required. Where a club is involved, the decision shall be communicated to the affiliated association to which the club belongs.

D9 Advertising on team uniforms

FIBA Internal Regulation E7 applies to all official championships/tournaments of BBNZ.

D10 Structure and special provisions applicable to official tournaments of BBNZ

D10.1 The National Secondary School Championships shall have a maximum of 24 boys and 24 girls' teams. All other National Tournaments or Championships shall have a maximum of 16 boys' and 16 girls' teams. There shall be no limits on the number of teams participating at Premiership Tournaments.

D10.2 A team shall play a maximum of 2 games per day in any Tournament; and shall be required to play on a Sunday, public holiday, and any other occasion as stated in the Tournament calendar.

D10.3 Seeding and Draw arrangements

D10.3.1 Seedings shall be based on the standing of teams from the previous year's competition.

D10.3.2 For Association National Championships that have a Premiership:

- (a) The first-seeded team shall be the team that is the highest qualifier from the Premiership of the National Champions from the previous year.
- (b) The second seed shall be the team that is the highest qualifier from the Premiership that the Runner-up from the previous year came from. If the National Champions and the Runner-up are from the same Premiership area, then the seedings will be done to ensure that each pool has a team from each Premiership and each pool has a number 1 qualifier, a number 2 qualifier etc.
- (c) The third and subsequent seeds will be found in the same manner as above.

D10.3.3 For Association National Championships that do not have a Premiership:

- (a) The first-seeded team shall be that team representing the association that was named National Champion in the previous year's event. If the previous year's National Champion does not enter, then the team representing the association that was named Runner-up in the previous year's event shall be seeded first.
- (b) The second seed shall be the team representing the association that was named Runner-up in the previous year's event.
- (c) The third and subsequent seeds shall be found in the same manner as above.
- (d) If an association did not compete at the previous year's event then they will be given the lowest seeding.
- (e) If there is more than one team that did not compete at the National Championship in the previous year BBNZ will seed the teams.

D10.3.4 D10.3.4 For Secondary School National Championships:

- (a) The first-seeded team shall be the team that is the highest qualifier from the Premiership that the National Champion came from in the previous year.
- (b) The second seed shall be the team that is the highest qualifier from the Premiership that the Runner-up came from in the previous year. If the National Champion and the Runner-up are from the same Premiership area, then the second highest qualifier from the premiership will take the second seed spot.
- (c) The third and subsequent seeds will be found in the same manner as above.

D10.3.5 For all Premierships:

- (a) The first-seeded team shall be that team representing the school or association that had the highest placing at the National Championship in the previous year.
- (b) The second-seeded team shall be that team representing the school or association with the next highest placing at the National Championship the previous year.
- (c) The third and subsequent seeds shall be those teams representing the school or association with the next highest placing at the National Championship the previous year.
- (d) Once seedings can no longer be done on results from the previous year's National Championship, the highest placed team from the Premierships from the previous year's event shall be considered the next highest seed.
- (e) If an association or team did not compete at the Premierships in the previous year they will be given the lowest seeding.
- (f) If there is more than one team that did not compete at the Premierships in the previous year BBNZ will seed the teams.

D10.3.6 For a four-team tournament there shall be:

- (a) One round-robin
- (b) followed by a final (top Qualifier plays second top and 3rd plays 4th)

D10.3.7 For a five-team tournament there shall be:

- (a) one round-robin.

- (b) followed by 4th will play 5th, the winner of which will compete for the 3rd spot against the 3rd seed.
- (c) top and second qualifiers will compete in a straight final.

D10.3.8 For a six-team tournament there shall be:

- (a) one round-robin.
- (b) final placings are taken from the points system for wins and losses.

D10.3.9 For a seven-team tournament there shall be:

- (a) one round-robin.
- (b) final placings are taken from the points system for wins and losses.

D10.3.10 For an eight-team tournament there shall be:

- (a) one round-robin round in 2 pools of 4 teams;
- (b) followed by semi-finals and finals;
- (c) the same process is followed for 5th to 8th places.

D10.3.11 For a nine-team tournament there shall be:

- (a) one round-robin in one pool of four (pool A) and one pool of five (pool B);
- (b) followed by a semi-final between second qualifier in pool A and 3rd qualifier in pool B, the other two second and third qualifiers also play in;
- (c) winners of the semi finals would compete for third and fourth spot, and the losers playing off for fifth and sixth;
- (d) fourth qualifier in pool A will compete against fourth and fifth qualifier in pool B to find the bottom three placings;
- (e) top qualifiers from each section compete in a straight final.

D10.3.12 For a ten-team tournament there shall be:

- (a) one round-robin in two pools A and B, each consisting of 5 teams;
- (b) followed by semi-finals between second in pool A and third in pool B and second in pool B and third in pool A.
- (c) the winners will compete for third spot overall, while the losers of the semi will compete for 5th overall.
- (d) top, fourth and fifth qualifiers in each pool will compete for 1st, 7th and 9th place overall in straight finals.

D10.3.13 For an 11-team tournament there shall be:

- (a) one round-robin in two pools, with five teams in pool A and six teams in pool B;

- (b) Straight finals for 1st–5th seed in each pool.

D10.3.14 For a 12-team tournament there shall be:

- (a) one round-robin round in 4 pools of 3 teams;
- (b) followed by a quarter finals, semi-finals and finals for the top two qualifiers in each pool;
- (c) the four lowest qualifying teams at the end of the first round robin play a further round-robin to determine 9th–12th places.

D10.3.15 For a 13-team tournament there shall be:

- (a) one round-robin in three pools of three and one pool of four teams:
- (b) followed by quarter-finals, semi-finals, and finals for the top two teams of each pool;
- (c) the bottom 5 teams will compete in a round-robin to find the final placings from 9th–13th positions.

D10.3.16 For a 14 -team tournament there shall be:

- (a) one round-robin in 2 pools of 4 and 2 pool of 3 teams:
- (b) followed by quarter-finals, semi-finals, and finals for the top two teams of each pool.
- (c) the bottom six teams will compete in a play off where 3rd in pool A will play 4th in pool C, and 3rd in pool B will play 4th in pool D. The losers will play off for 13th and 14th place;
- (d) the winners compete against 3rd in pools C and D, where the winners will compete for 9th and 10th, the losers play off for 11th and 12th.

D10.3.17 For a 16-team tournament there shall be:

- (a) one round-robin round in four pools of four teams;
- (b) followed by a quarter-final for the top two qualifiers in each pool;
- (c) followed by semi-finals and finals;
- (d) the same process applies to the 9-16th qualifiers after the first round robin.

D10.3.18 For an 18-team tournament there shall be:

- (a) a round-robin with six pools of three teams;
- (b) the top two teams from each pool will take part in a second round-robin with four pools of three teams. Third place in each of the six pools will take part in a round-robin to determine placings 13th–18th;
- (c) third place in each of the four pools will compete in a round-robin to determine placings 9th–12th in the tournament;

- (d) the top two from each pool will compete in quarter-finals, semi-finals, and finals to determine 1st–8th position.

D10.3.19 For a 20-team tournament there shall be:

- (a) a round-robin with four pools of five teams;
- (b) the team placed 5th in each pool will compete in a round-robin to determine placings 17th–20th;
- (c) 3rd and 4th in each pool will compete in a quarter-final, semi-final, and final to determine placings 9th–16th.
- (d) 1st and 2nd in each pool will compete in a quarter-final, semi-final, and final to determine placings 1st – 8th.

D10.3.20 For a 24-team tournament there shall be:

- (a) one round-robin round in four pools of six teams;
- (b) followed by quarter-finals, semi-finals, and finals;
- (c) the same process applies to the 9-16th and 17th-24th qualifiers after the first round robin.

D10.3.21 For tournaments outside of the numbers stated BBNZ will establish the pool structure and game schedule.

D10.3.22 The draws are subject to availability of court space, time, and days of the tournament.

D10.3.23 Terminology:

- (a) Quarter-final: the top qualifier in Pool A playing the second to top qualifier in Pool C; the top qualifier in Pool B playing the second to top qualifier in Pool D; the top qualifier in Pool C playing the second to top qualifier in pool A and the top qualifier in Pool D playing the second to top qualifier in Pool B. This system can be used for 3rd and 4th Qualifiers in each pool also.
- (b) Semi-final: the winner of Pool A first qualifier and Pool C second qualifier playing the winner of Pool D first qualifier and Pool B second qualifier game and the winner of Pool B first qualifier and Pool D second qualifier plays the winner of Pool C and the Pool A second qualifier game. The losers in the above games compete in the same scenario for 5th–8th positions. This system can be used for 3rd and 4th Qualifiers as well. If there are only two pools, the winner of Pool A will compete against second qualifier in Pool B. Winner of Pool B will compete against second qualifier in pool A.
- (c) Finals: Winners of the quarter-finals and semi-finals will compete in the final playoff for 1st and 2nd. Likewise, teams that lost the semi-final will compete for 3rd and 4th. Losers of the quarter-finals, but winners of the finals will compete for 5th and 6th and losers of both quarter-finals and semi-finals will compete for 7th and 8th. This system can be used for 3rd and 4th qualifiers in each pool also.

D10.4 Each association entering a Premiership Tournament must nominate on the entry form a referee of the appropriate standard designated for that tournament who is to attend the tournament as a referee (but cannot also be a player). BBNZ shall have final responsibility for appointing referees to each tournament and for any payment to be made to referees.

D10.5 Special rules applying to BBNZ tournaments:

D10.5.1 All BBNZ events will be conducted under the Official Basketball Rules as adopted by BBNZ, unless specifically listed to the contrary below.

D10.5.2 Under-13 games

- (a) Boys will use the size-6 ball.
- (b) Girls will use the size-5 ball
- (c) The three-point line will be ignored and the use of zone defences is banned.

D10.5.3 Under-15 games and Junior Secondary School Premierships

- (a) the use of zone defences is banned.

D10.5.4 Timing Rules

- (a) Premierships and National Championships:
 - (i) warm-up – 10 minutes minimum
 - (ii) playing time – 4 x 10 minute Quarters with Stop Clock
 - (iii) half-time interval – 5 minutes
 - (iv) quarter-time Interval – 2 minutes
 - (v) extra periods – 5 minutes
 - (vi) extra period interval – 2 minutes.

Regulation E– Rules governing the eligibility of players in competitions of BBNZ

E1 General principles of player eligibility

E1.1 To be entitled to participate in BBNZ competitions, a player must be registered by BBNZ and observe the Constitution and Regulations of BBNZ.

- E1.2 Each participant association is responsible for the eligibility of its players at all times and will bear the consequences of any infractions of the Regulations governing Eligibility and Age of Players.
- E1.3 All players who participate in competitions of BBNZ and/or those of its member associations must:
- (a) Respect the spirit of fair play and non-violence, and act accordingly at all times on the court.
 - (b) Refrain from using substances and from practices prohibited by the regulations of BBNZ, and those of the International Olympic Committee (IOC), World Anti-Doping Agency (WADA), BBNZ, and Drug Free Sport New Zealand (DFSNZ).
 - (c) Agree to submit at any time to medical tests and controls, particularly doping controls, carried out in compliance with the regulations of those bodies listed under E1.3 (b).
- E1.4 BBNZ may deny participation in competitions under its jurisdiction to players who do not respect the provisions provided for in E1.3 above.

Permission to play may be refused also to any player who does not provide the declaration, as required for main official competitions of BBNZ, in which he agrees to accept:

- (a) The conditions in force for doping control.
 - (b) The decisions of the Court of Arbitration for Sport to the exclusion of any recourse to ordinary courts, in the event of a dispute with BBNZ which cannot be settled within BBNZ.
- E1.5 Players in breach of the principles set out in E1.3 (a), (b), and (c) may not be eligible to participate in the competitions listed in D1.1.1, D1.12, and D1.1.3 – refer to P6.
- E1.6 Players may enter into a written contract with a club. This contract may state that the player will receive payment.
- E1.7 It is within the spirit of all BBNZ regulations that players make themselves available for competitions of their club, their association, and their national team.

E2 Standard player eligibility rules for all BBNZ tournaments

E2.1 Establishment of eligibility

E2.1.1 a player:

- (a) must be a registered member of BBNZ;
- (b) must be a New Zealand citizen except that, a player whose nationality is not New Zealand (a foreign player), may participate in BBNZ Tournaments provided that:
 - (i) the player has been resident in New Zealand continuously for 42 days prior to the first game of the Tournament in question; and

- (ii) no more than two foreign players may participate for any one team in any Tournament.

- E2.1.2 New Zealand nationals who are otherwise eligible in all respects but who have recently returned from overseas are not required to comply with the 42-day residency rule E2.1.1.1 (b) (ii). Such players are eligible to play for their association of residence prior to departure overseas.
- E2.1.3 Players over the age of 18 years will establish their eligibility to participate in a BBNZ tournament in each calendar year by virtue of their BBNZ registration,
- E2.1.4 Players under the age of 18 years can apply for transfers to represent a different Association by 31st January or within the year by making a special case application to the Chief Executive of BBNZ.

E2.2 Restrictions on eligibility

- E2.2.1 A player may represent only one Association or School at BBNZ tournaments.
- E2.2.2 A player may compete in only one of the U-13 or U-15 or U-17 or U-19 or U-21 age group Tournaments, (both Premiership and National Championship), in any one year; but to avoid doubt, a player may compete in any one or more of the *same* age limit age- group Tournaments in any one calendar year.

E2.3 Special cases

- E2.3.1 The Chief Executive of BBNZ is authorised to consider written submission from an affiliated Association requesting inclusion of Under-17 or Under-19 players into their Under-21 teams.

Regulation F– Rules governing the eligibility of teams in competitions of BBNZ

F1 General Principles of team eligibility

- F1.1 Teams participating in the Tournaments may represent only those associations which are currently affiliated with BBNZ and which are in good financial standing with BBNZ.
- F1.2 Both boys' and girls' teams are eligible to participate.
- F1.3 With the exception of the under-21 National Championships, only those teams which have progressed through a stipulated qualifying process may take part in official BBNZ National Championships.
- F1.4 As teams will play three or more games, up to twelve registered and verified players may participate in each team as players.
- F1.5 Once a team's first game commences, only those players listed on the scoresheet for the first game may participate in the remainder of that Tournament as players.
- F1.6 If a Tournament is a Premiership or Qualifying Tournament, there are no restrictions on changes to the playing roster for the subsequent National Championships except that any new player must have been eligible to play for the team at the commencement of the qualifying Tournament and remain eligible throughout the National Championships
- F1.7 It is the responsibility of the Association or School represented by a team to ensure that the appropriate BBNZ verification process for age and BBNZ Membership is properly completed before signing and submitting team roster forms to BBNZ.
- F1.8 It is the responsibility of the School Principal to ensure that all eligibility requirements are met for players in the respective school teams participating in BBNZ Tournaments.
- F1.9 It is the responsibility of the Association Secretary or School Principal to supply the necessary documentation to BBNZ to justify the residential eligibility of any player when such eligibility is questioned.
- F1.10 It is the responsibility of the Association or School represented by a team to ensure that the team participates in all of its scheduled games at a National Championship. Teams will be fined \$500 for each game they default. The default fee must be paid within 30 days of invoicing otherwise no teams from the defaulting association or School will be permitted to participate in any further BBNZ tournaments until it is paid.
- F1.11 The Board of BBNZ reserves the right to consider written submissions from affiliated Associations requesting amalgamation of age group teams for BBNZ Tournaments. Each submission will be judged on its merits.

F1.12 All teams contesting BBNZ Premierships and National Championships must be coached by a person who has current accreditation to at least BBNZ level 1.

F2 Team eligibility rules applying to specific competitions

F2.1 Age Group Premierships

- (a) A team must represent an association from within the relevant Premiership listing.

F2.2 Under-13 premierships

- (a) A team must contain only players whose 13th birthday occurs after 31 December in the year of the Tournament.

F2.3 Under-15 premierships

- (a) A team must contain only players whose 15th birthday occurs after 31 December in the year of the Tournament

F2.4 Under-17 premierships

- (a) Teams must contain only players whose 17th birthday occurs after 31 December in the year of the Tournament.

F2.5 Under-19 premierships

- (a) A Team must contain only players whose 19th birthday occurs after 31
- (b) Only two teams from any one Association from each gender can qualify

F2.6 *Under-13, Under-15 and Under-17 national championships*

- (a) The host association for National Championships will receive automatic entry for one team of each gender if they compete in the Premiership tournament of that age group.
- (b) Teams eligible to enter these Tournaments are the top four teams from each respective Premiership of that year.
- (c) If any of the top four teams from the respective Premiership in the relevant year elects not to contest the National Championship, then the next highest qualifier/s in order are entitled to entry into the respective National Championships for that year.

F2.7 Under-19 national championships

- (a) The host Association for National Championships will receive automatic entry for one team of each gender if they compete in the Premiership tournament of that age group.
- (b) Teams eligible to enter these Tournaments are the top three teams from each respective Premiership of that year.
- (c) If any of the top three teams from the respective Premiership in the relevant year elects not to contest the National Championship, then the next highest qualifier/s in order are entitled to entry into the respective National Championships for that year.

F2.8 Under-21 national championships:

- (a) Any Association which is a member of BBNZ may nominate a team for this Championship.
- (b) A Team must contain only players whose 21st birthday occurs after 31 December in the year of the Tournament.

F2.9 Open Championships

- (a) Teams eligible to enter these Tournaments are the top two teams from each respective Premiership of that year.
- (b) If any of the top two teams from the respective Premiership in the relevant year elects not to contest the National Championship, then the next highest qualifier/s in order are entitled to entry into the respective National Championships for that year.

F2.10 Wheelchair Championships

- (a) Any Association which is a member of BBNZ may nominate a team for this Championship.

Regulation G– Rules governing BBNZ league competitions

G1 Authorisation of leagues

G1.1 In terms of F1.1 of the FIBA Internal Regulations, any leagues organised wholly within the national boundaries of New Zealand require authorisation/ recognition by BBNZ.

G1.2 The following leagues operating in New Zealand are authorised/ recognised:

G1.2.1 (New Zealand) National Basketball League (NBL)

G1.2.2 (New Zealand) Women's Basketball League (WBL)

G1.2.3 (New Zealand) Basketball League (CBL)

G1.3 Authorisation/ recognition is granted on the condition that the Regulations of BBNZ are respected in their entirety

G2 Key principles in the relationship between leagues and BBNZ

G2.1 Each league shall respect the authority of BBNZ as the sole competent authority for men's and women's basketball in New Zealand, as recognised by FIBA. They shall respect also the role of BBNZ and its affiliated associations in the development of the game over many years and in the creation of the leagues.

G2.2 BBNZ exclusively owns the intellectual property of each of the leagues.

G2.3 The leagues acknowledge that the league competitions are competitions owned and controlled by BBNZ.

G2.4 Each league shall respect the FIBA General Statutes and Internal Regulations and those of FIBA Zone Oceania where applicable. Where there is any conflict, the General Statutes and Internal Regulations of FIBA shall prevail.

G2.5 Endorsements

G2.5.1 In order to enable the promotion and development of basketball, BBNZ has absolute control over the endorsement of goods and services directly connected with basketball in New Zealand unless this impinges upon the rights of FIBA (see Regulation M).

G2.5.2 The leagues and their participant clubs shall not without BBNZ's prior consent, endorse or permit their officers, servants, or agents to endorse those basketball rights and properties described in Regulation M.

- G2.5.3 The provisions of G2.5.1 and G2.5.2 shall not prevent BBNZ from co-endorsement or from sharing any revenue flowing from endorsement activities with one or more of the leagues.
- G2.5.4 Nothing in G2.5.1, G2.5.2, and/or G2.5.3 will prevent a league or its participants from endorsing items of apparel or clothing or other items generally, provided that such endorsement would not derogate the good standing and reputation of basketball.
- G2.6** In order to ensure permanent lines of communication, a League should be “represented” at BBNZ level on a basis to be agreed.
- G2.7** Financial matters related to the management and operation of a League shall be a matter for each league and its clubs exclusively, unless otherwise agreed by the parties. Sport-technical questions are to be managed by BBNZ, in particular nomination of referees and approval of any separate disciplinary processes.
- G2.8** A league shall not approach Government or Government agencies in New Zealand without the consent of BBNZ.

G3 Detailed provisions governing recognition of leagues

- G3.1** A league shall respect and observe the BBNZ Regulations in their entirety except where the Board of BBNZ has agreed to variations thereof.
- G3.2** A League shall not operate in a manner which brings discredit to BBNZ or the sport of basketball in general.
- G3.3** Provided that a League respects and observes the provisions of this Regulation, it shall be free to operate as best suits its own interests.
- G3.4** The competition that a League is managing and organising shall qualify its top team/s through BBNZ to the corresponding international competition organised by the appropriate body of FIBA or by an International League recognised by FIBA.
- G3.5** All League Teams/Clubs must be affiliated with BBNZ or an affiliated association thereof and ensure also that their players are registered with BBNZ or with an affiliated association of BBNZ. Players cannot participate in a league unless they are so registered.
- G3.6** The League shall use only referees and referee evaluators from the list of national referees and evaluators approved and published by BBNZ.
- G3.7** A League shall respect and observe the FIBA and BBNZ harmonised calendars.
- G3.8** A League shall respect and observe the FIBA Official Basketball Rules and Mechanics of Officiating.
- G3.9** A League shall respect the FIBA Internal Regulations governing the International Transfer of Players, including the special provisions affecting young players as contained in section H3.4 of those Regulations. A player who has been registered elsewhere in the world may not play in a New Zealand-based league unless and until all FIBA international transfer

obligations and any requirements of the Immigration Department of New Zealand have been satisfied.

G3.10 A League shall respect FIBA Regulations governing Players' Agents, and also those of BBNZ if any such regulation/s have been established.

G3.11 A League shall encourage and allow its players to participate in the Official Competitions of FIBA as members of national teams in accord with section H3.6.3 of the FIBA Internal Regulations governing the International Transfer of Players.

G3.12 A League shall respect and enforce the anti-doping rules as set in Appendix 3 of these Regulations and also the anti-doping regulations prescribed by the Internal Regulations of FIBA governing Doping Control.

G3.13 The NBL shall contribute financially to the development of grassroots activities, to the national team program, and to the costs of services BBNZ may provide to that league. The extent of this financial contribution is to be negotiated in good faith by each of the parties.

G3.14 League teams/clubs undertake to co-operate with and assist affiliated associations of BBNZ in the development of juniors and the good standing and reputation of basketball.

Regulation H– Rules governing the registration of players, coaches, and officials and the transfer of players

H1 Registration

H1.1 All Basketball players, coaches, and officials who participate in competitions conducted under the auspices of a Basketball association affiliated with BBNZ, shall be registered.

H1.2 Such registration confers membership of BBNZ in terms of Clause 7.1(iii) of the Constitution of BBNZ.

H1.3 Each affiliated association shall operate a registration system as prescribed by BBNZ and that system shall determine accurately the number, name, and address of male and female players, including junior players within each age grouping. These details shall be made available to BBNZ.

H1.4 The Board shall recommend to the Annual meeting an annual fee based on the financial needs of BBNZ which will form part of the forthcoming year's annual budget.

H1.5 This fee is payable by associations on 1 June in each year.

H1.6 Affiliated association records are to be available and accessible to BBNZ.

H1.7 Failure by affiliated associations to forward payments for registration fees as required by H1.5 above shall render that association to sanctions as prescribed in Clause 12 of the Constitution. In addition the affiliated association shall pay interest on the amount in default at the overdraft rate charged for that amount from time to time by BBNZ's bankers whilst and so long as the default continues.

H1.8 Fees not paid by the 31st December in each year will render that association no longer a member.

H2 Transfers/Clearances– domestic

- H2.1** Any person registered as a playing member of an affiliated association or its affiliates, must first obtain a Letter of Clearance from the affiliated association with which she/he is registered currently before being eligible to register as a playing member of any other affiliated association or its affiliates.
- H2.2** The Letter of Clearance shall be in accordance with the form marked as Appendix 2 of these Regulations and will be signed by the Secretary or President of the affiliated association granting the clearance.
- H2.3** Should any affiliated association refuse to grant a clearance upon application by any member as aforesaid, the applicant has the right of appeal to the Chief Executive.
- H2.4** The Chief Executive is empowered to veto the decision of the affiliated association.
- H2.5** Any person who leaves New Zealand to be a student in a US high school or college shall on returning to New Zealand be considered a current member of the club in which that person was a member at the time of leaving for overseas, i.e. the person's membership has not lapsed (refer H2.5).
- H2.6** Requests for transfer between affiliated associations must be responded to within seven days.
- H2.7** Any person who plays in a competition in which that person is ineligible to register shall cause his/her team to lose all competition points earned in games in which that person participated.
- H2.8** Any person who is aggrieved by a decision in which a decision is made to approve or decline a request for transfer may appeal in the first instance to the Chief Executive of BBNZ. Any further appeal shall be to the New Zealand Sports Disputes Tribunal in terms of Clause 23 of the BBNZ Constitution.

H3 Transfers/Clearances- international

- H3.1** All international transfers must be in accordance with the Internal Regulations of FIBA.

There is no Regulation I

Regulation J– Rules governing the accreditation of players' agents to operate in New Zealand

- J1** In order to operate as a (basketball) players' agent within New Zealand, an agent must be accredited by FIBA.

Regulation K – Rules governing doping control

- K1** BBNZ has adopted in their entirety the Sports' Anti-doping Rules made under the Sports Anti-doping Act 2006 as amended from time to time. These rules are set out in Appendix 3.

Regulation L– Rules governing harassment-free basketball

L1 Harassment-Free Basketball is based on SPARC’s Harassment-Free Sport document containing policy and procedures for helping keep sport free of unwanted hurtful behaviour.

BBNZ’s document is included as Appendix 4 of these Regulations.

L2 BBNZ’s document offers guidelines for affiliated associations and other basketball organisations, and provides common goals for people working in the sport, so that all basketball participants can enjoy the best of what the sport has to offer.

L3 The document is presented in two parts:

L3.1 Part One covers the harassment-free policy (including sexual harassment) in basketball.

L3.2 Part Two contains a model of standard procedures for dealing with harassment in basketball.

Regulation M – Rules governing properties of BBNZ

M1 BBNZ is the sole holder of broadcasting, licensing, marketing, equipment, and other rights associated with the game yet to be developed for those official competitions as defined in Regulation D. When entering into contracts relating to such television, licensing, marketing, and equipment rights which affect the financial interests of the affiliated associations staging the competitions, those interests shall be taken into account by BBNZ.

M2 BBNZ has the sole rights to endorse goods, equipment, or services directly connected with basketball in New Zealand including:-

- (a) basketballs
- (b) basketball nets
- (c) backboards
- (d) basketball rings
- (e) scoring equipment
- (f) timing equipment
- (g) flooring
- (h) lighting
- (i) referee uniforms, and
- (j) apparel for other technical officials.

This list is not exclusive.

M3 The Board may assign such rights as described in Regulations M1 and M2 to third parties.

Regulation N – Rules governing BBNZ referees, BBNZ Technical Commissioners, and BBNZ referee instructors

N1 BBNZ referees**N1.1 Qualifications**

N1.1.1 The following ranking levels of referee qualification exist within BBNZ:

- (a) Level C/B
- (b) Level 1
- (c) Level 2
- (d) Level 3
- (e) Level 4
- (f) Level 5

N1.1.1 These levels exist in ascending order with Level 5 being the highest-graded standard which can be achieved within BBNZ.

N1.1.2 BBNZ will establish from time to time the level and standard of education and other requirements which must be achieved as a first step before proceeding to the next ranked level.

N1.2 Obtaining qualifications

N1.2.1 Each affiliated association has the right to choose the candidates for consideration of obtaining the different ranking levels

N1.2.2 An affiliated association may have an unlimited number of referees at each of the different ranking levels.

N1.2.3 In order to obtain particular ranking, candidates must:

- a) be proposed officially by their affiliated association;
- (b) participate in a clinic for BBNZ referee candidates;
- (c) pass theoretical examination (basketball rules), and physical fitness and practical (officiating the game) tests. Only the official tests and examinations established by the BBNZ Technical Officials' Commission are valid.

N1.2.4 Clinics will be organised by the BBNZ Technical Officials' Commission with the assistance of the Chief Executive.

N1.3 Procedure

- N1.3.1 At the clinic for BBNZ referee candidates, the BBNZ Referee Instructor will collect the following documents from each candidate:
- a) individual Referee Information Form,
 - b) one (1) recent colour passport-sized photo,
 - c) an official document showing family and first name(s) and date of birth.
- N1.3.2 These documents listed in N3.1 will be sent to the Chief Executive within ten (10) days after the end of the clinic by the BBNZ Instructor together with the results of the clinic.
- N1.3.3 Upon receipt of the complete documentation, the Chief Executive will inform the respective affiliated associations of the results of the clinic.
- N1.3.4 For those who completed the tests successfully, the Chief Executive will issue a BBNZ referee licence at the appropriate level which will be sent direct to the referee.

N1.4 Licence

- N1.4.1 The BBNZ referee licence at the particular ranking level will remain valid until the referee qualifies for the next level. However, in order to be considered as a BBNZ active referee, each BBNZ referee must take part in an annual refresher clinic for BBNZ referees and successfully pass the theoretical and physical fitness tests by the deadline given by BBNZ Technical Officials' Commission.
- N1.4.2 Referees who do not attend an annual refresher clinic for BBNZ referees or who do not pass the tests successfully will either be reduced in the ranking level or no longer be considered as BBNZ active referees. They cannot be nominated by their respective affiliated association to any of the official competitions of BBNZ.

N1.5 Appointment of referees to BBNZ competitions

- N1.5.1 Nominations or appointments for a referee to attend a BBNZ Tournament, must comply with the following guidelines:
- (a) The official must be a currently licensed referee with BBNZ.
 - (b) The official will be available for the total tournament programme.
 - (c) The official has current officiating experience at the appropriate level of Tournament, or is prepared to acquire this experience prior to the Tournament.
- N1.5.2 Selection criteria applicable to individual Tournaments are as follows:
- (a) Referees who have been placed on the National Referee Panel and show potential to progress to a higher level of officiating will be considered a high priority for tournament appointments.
 - (b) Preferred minimum standard:
 - (i) for Under 21 National Championships – Level 2

- (ii) for Under-19, Under-17, Under-15 and Under-13 National Championships – Level 1
- (iii) for Secondary School National Championships and Open National championships – Level 1

N1.5.3 Responsibility for nomination/ appointment to attend a BBNZ tournament

N1.5.3.1 As provided for in Regulation D8.8.4, each association entering a Premiership Tournament must nominate on the entry form the name of a referee at the appropriate standard designated for the Tournament who is to attend the Tournament as a referee (but who cannot also be a player).

N1.5.3.2 For all BBNZ official competitions, the Chief Executive shall ensure that appointments are made with as many additional BBNZ qualified referees as necessary for each respective competition. In appointing such referees, the BBNZ Chief Executive shall ensure that there is a reasonable geographic spread among the appointments and he shall notify individual referees of their appointment through their own affiliated association.

N1.5.4 Appointment of referees for individual games at BBNZ tournaments

N1.5.4.1 The appointment of referees to individual games is a matter for the Technical Committee appointed for that Tournament in terms of Regulation D7.3.4.

N1.5.4.2 Each BBNZ official competition game shall, as far as possible, be officiated by BBNZ referees who are independent of those represented by the two teams on the court. Once the final round of a competition begins, the referees assigned MUST be independent of the teams.

N1.6 Travel arrangements

N1.6.1 Any reimbursement of travel costs for referees shall be as determined from time to time. Where BBNZ or tournament organisers are to pay such costs, then it would be expected that referees would travel via the most reasonable least-cost option.

N1.7 Officiating fees

N1.7.1 The level of any fees payable (if any) will be as determined from time to time.

N1.8 Duties of BBNZ referees

N1.8.1 BBNZ referees shall wear the official BBNZ referee uniform.

- N1.8.2 BBNZ referees represent BBNZ on the court. They are obliged to conduct the games in accordance with the Official Basketball Rules and to respect the provisions of the BBNZ Regulations. They must do everything in their power to accomplish their mission in a satisfactory manner.
- N1.8.3 BBNZ referees shall co-operate with the organisers of competitions/ events to ensure the smooth running of the game and must make certain that the interests of the two teams on the court are in no way encroached upon.
- N1.8.4 All referees will report to the Chair of the Technical Committee immediately upon arrival at the venue of the game.
- N1.8.5 If the BBNZ referee feels that it is necessary to make a report on the game, he shall do so immediately after the game and hand it to the Chair of the Technical Committee.

N1.9 Transfer, resignation and dismissal of referees

- N1.9.1 A BBNZ referee may transfer from one affiliated association to another.
- N1.9.2 A referee may resign as a referee at any time.
- N1.9.3 The Chief Executive is authorised to remove (temporarily or definitively) from the list of BBNZ referees any referee who has not carried out tasks satisfactorily in the spirit of the Official Basketball Rules, the Constitution, and/or the Regulations of BBNZ.

N2 BBNZ Technical Commissioners

N2.1 BBNZ may appoint Technical Commissioners.

- N2.1.1 If appointed, a Technical Commissioner is responsible for the appointment and evaluation of referees during a BBNZ tournament and sits as a member of the Technical Committee for that tournament.

N2.2 Qualification:

- N2.2.1 The BBNZ Technical Officials' Commission shall choose candidates to become qualified BBNZ Technical Commissioners from amongst the best referees and shall put forward a list of candidates to the Chief Executive for approval.
- N2.2.2 The candidates must have:
- (a) a strong knowledge of the game, good teaching and communication skills, expertise in the area of evaluating referees, and be competent and familiar with the fundamentals of the mechanics of officiating.
 - (b) participated in at least three (3) high level competitions at the Oceania, BBNZ, or other appropriate levels of the game.
- N2.2.3 Appointment to attend competitions
- N2.2.3.1 In consultation with the Chair of the BBNZ Technical Officials' Commission, the Chief Executive may appoint a BBNZ Technical Commissioner for each of BBNZ official competitions.
 - N2.2.3.2 Any appointment of a BBNZ Technical Commissioner shall always be in a personal capacity.

N2.2.4 Travel arrangements

- (a) As per the Regulations governing BBNZ Referees.

N2.2.5 Fees

- N2.2.5.1 Any fees payable shall be as determined from time to time.

N2.2.6 Duties of BBNZ Technical Commissioners

N2.2.6.1 BBNZ Technical Commissioner represents and acts on behalf of the BBNZ Technical Officials' Commission at a tournament.

N2.2.6.2 At BBNZ Tournaments, BBNZ Technical Commissioner shall conduct referee clinics.

N2.2.6.3 BBNZ Technical Commissioner shall evaluate and assist the referees during the competition. The BBNZ Technical Commissioner must provide the referees with all new information and guidelines as established by the BBNZ Technical Officials' Commission.

N2.2.6.4 BBNZ Technical Commissioner must evaluate the behaviour and performance of the referees during the competitions and how they fulfil their duties.

N2.2.6.5 BBNZ Technical Commissioner shall carefully watch the games and take notes on the officiating and on any specific points as directed by the Technical Committee. After the games the BBNZ Technical Commissioner shall analyze his notes, and discuss aspects of the game with the referees.

N2.2.6.6 During the competition the BBNZ Technical Commissioner shall organize daily meetings with the referees and present and discuss selected aspects with the whole group of officials or in a one-to-one discussion.

N2.2.6.7 The BBNZ Technical Commissioner shall be on the BBNZ Technical Committee of the tournament and offer technical expertise during any hearings resulting from reports.

N2.2.6.8 Having completed his duties, the BBNZ Technical Commissioner shall make an evaluation on each referee and must send the official BBNZ Referee Evaluation Form electronically to the Chief Executive within 15 days after the tournament.

N2.2.6.9 The Chief Executive will send the evaluation of each referee to the respective regional referee officer

N2.2.6.10 Refer to D7.3.2 for the working conditions and requirements of BBNZ Technical Commissioner at the main official competitions of BBNZ.

N3 Referee instructors

N3.1 Role

- N3.1.1 The BBNZ Referee Instructor is responsible for teaching and training of Referees and Commissioners at BBNZ Clinics for International Referees/Commissioners.

N3.2 Requirements for qualification

- N3.2.1 The BBNZ Technical Officials' Commission has the right and responsibility to propose to the Chief Executive for approval candidates to become qualified BBNZ Referee Instructors.
- N3.2.2 Candidates shall be drawn from amongst former and active BBNZ referees and other persons active in teaching and training of referees.
- N3.2.3 Persons proposed from amongst BBNZ referees should have a minimum of five (5) years' experience in officiating at main BBNZ competitions.
- N3.2.4 After having been approved by the Chief Executive, each BBNZ Referee Instructor shall provide the Chief Executive with the following documents:
 - (a) Individual BBNZ Referee Instructor Form.
 - (b) One (1) recent colour passport-sized photo.
 - (c) Copy of an official document showing family and first name(s), date of birth and legal nationality.
- N3.2.5 Upon receipt of the complete documentation the Chief Executive will issue the BBNZ Referee Instructor license which will be sent to the respective BBNZ Referee Instructor.

N3.3 Activity

- N3.3.1 The Chief Executive appoints BBNZ Referee Instructor(s) to conduct the official BBNZ Clinics for Referee candidates as well as the official BBNZ refresher clinics for BBNZ Referees.
- N3.3.2 Any appointment of a BBNZ Referee Instructor shall be always in a personal capacity.
- N3.3.3 For education and training of referees of any given competition, the appropriate governing body of that competition may invite directly or ask the Chief Executive to appoint a Referee Instructor to conduct any type of clinic for their Referees.

N3.4 Travel and accommodation expenses

- N3.4.1 To be covered by the organizer of the clinic.

N3.5 Fees

- N3.5.1 Remuneration of Referee Instructors shall be as determined from time to time.

N3.6 Duties

- N3.6.1 In co-operation with the Chief Executive and the BBNZ Technical Officials' Commission, the BBNZ Referee Instructor organises camps, clinics, conferences, courses for Referees.
- N3.6.2 BBNZ Referee Instructor will teach and train referees, provide them with all necessary knowledge in the areas of behaviour during competitions, cooperation with partners and all participants, mechanics of officiating, judgment of situations, and control of the game.
- N3.6.3 BBNZ Referee Instructor will prepare teaching materials for the clinics and must ensure that each participant receives all documents and Video/DVD/CD materials approved by the BBNZ Technical Officials' Commission in proper condition before, during, or after the clinic.

- N3.6.4 BBNZ Referee Instructor will work in close cooperation with organisers of clinics and support them in any means to ensure the smooth running of the clinic.
- N3.6.5 BBNZ Referee Instructor must conduct any camp, clinic, conference or meeting in a satisfactory manner.
- N3.6.6 At each official BBNZ clinic, BBNZ Referee Instructor will collect those documents listed in Regulation L1.3.1 from each individual. These documents must be sent within seven (7) days of the end of the clinic by the BBNZ Referee Instructor.
- N3.6.7 A BBNZ Referee Instructor is automatically a Referee Instructor within his affiliated association.
 - (a) Copy of an official document showing family and first name(s), date of birth and legal nationality.
- N3.6.8 Upon receipt of the complete documentation the Chief Executive will issue the BBNZ Referee Instructor license which will be sent to the respective BBNZ Referee Instructor.

N3.7 Activity

- N3.7.1 The Chief Executive appoints BBNZ Referee Instructor(s) to conduct the official BBNZ Clinics for Referee candidates as well as the official BBNZ refresher clinics for BBNZ Referees.
- N3.7.2 Any appointment of a BBNZ Referee Instructor shall be always in a personal capacity.
- N3.7.3 For education and training of referees of any given competition, the appropriate governing body of that competition may invite directly or ask the Chief Executive to appoint a Referee Instructor to conduct any type of clinic for their Referees.

N3.8 Travel and accommodation expenses

- N3.8.1 To be covered by the organizer of the clinic.

N4 Regional Referee Officers

N4.1 Role

- N4.1.1 The BBNZ Regional Referee Officer is responsible for teaching, training and coordination of referees in areas as identified.

N4.2 Requirements for qualification

- N4.2.1 The Regional referee officer must be a currently licensed referee with BBNZ

N4.3 Activity

- N4.3.1 The CEO appoints Regional referee officer to liaise with local associations to ensure referees and evaluators are nominated and available for all BBNZ tournaments in designated area.
- N4.3.2 The CEO will determine levels of remuneration.

There is no Regulation O

Regulation P – Rules governing disciplinary/ judicial matters (including appeals)

P1 Purpose

P1.1 The purpose of these Judicial Rules is to provide a way through which all allegations of misconduct arising from BBNZ-related activities and/or by persons over which BBNZ has jurisdiction can be dealt with effectively and fairly.

P1.2 The judicial process set out here is designed to provide for a prompt and fair process for dealing with alleged offences. The process is summarised in the diagram attached as Annexure 1 to this Regulation.

P2 Scope

P2.1 This regulation covers all persons, bodies, and organisations over which BBNZ has jurisdiction except that, with the agreement of the BBNZ Board, the leagues may make separate judicial rules to suit the nature of those competitions. Where such separate rules are made, they shall embrace the underlying principles of natural justice set out in this Regulation P and must be approved by the Board of BBNZ. If such separate rules are not made and approved, then the provisions of this regulation shall apply.

P3 Structure of the judicial system

P3.1 This judicial process is essentially a three-tier process. All parties heard at first instance by the appropriate body will have the right to appeal the decision of that body by appealing to the BBNZ Appeal Committee; and there is a limited right of final appeal to the New Zealand Sports Disputes Tribunal.

P4 The various first-tier judicial procedures: referral to Judicial Committee

P4.1 An Affiliated association can either:

(a) set up its own first-tier judicial procedure; or

(b) adopt the first-tier judicial process set out in this Regulation

to deal with alleged offences committed by persons, teams or bodies during events and competitions over which that Affiliated Association has jurisdiction.

P4.2 BBNZ tournaments will have a Technical Committee as the first-tier judicial procedure that will also have the role and powers of a Judicial Committee (refer to Regulation D7.3.4.2 (e)).

P4.3 National Basketball League Limited and BBNZ use the first-tier judicial procedures set out in these regulations to deal with alleged offences committed by teams, persons or bodies in relation to Leagues or League Games operated by either of them. Alternatively, National Basketball League Limited is authorised to develop an alternative disciplinary system, the detail of which must be approved by the BBNZ Board in terms of P2.1.

P4.4 BBNZ shall establish its own Judicial Committee as the first-tier judicial procedure for other matters not dealt with at first instance under regulations P4.1, P4.2 or P4.3.

P5 Formation of a Judicial Committee

P5.1 Affiliated associations are encouraged to appoint their own Judicial Committees but use the first-tier judicial procedures set out in this Regulation P. The provisions of the first-tier judicial procedures apply to the extent that an Affiliated Association has not adopted their own first-tier judicial procedure.

P5.2 Procedures for forming the Technical Committee at BBNZ Tournaments are outlined in Regulation D7.3.4.1.

P5.3 The BBNZ Chief Executive shall appoint a Judicial Committee for each alleged offence not dealt with by a Judicial Committee established by an affiliated association as part of its own first-tier judicial process or by the Technical Committee of a BBNZ Tournament.

P5.4 The Judicial Committee members shall be chosen for their experience and personal standing (not necessarily in the basketball community), and shall have the following qualities:

- (a) a sound knowledge of the game;
- (b) understanding of procedures; and
- (c) an understanding and experience of the principles of natural justice.

P5.5 The Judicial Committee shall consist of three members, and one shall be appointed as Chairperson, by the party establishing the Judicial Committee.

P6 Definition of an offence

P6.1 A person who is playing in a game of basketball commits an offence if before, during, or after that game they:

- (a) fight (two or more players involved);
- (b) strike or attempt to strike a player, coach, official, or other person with clenched fist;
- (c) strike a player, coach, official or other person with open palm;
- (d) strike a player, coach, official or other person with the ball or other objects;
- (e) deliberately trip a player, coach, official or other person;
- (f) move in under a player who is in the air;
- (g) play unduly roughly;
- (h) use abusive or offensive language or signs, threatening or obscene language towards a player, coach, official or other person;

- (i) adopt a threatening attitude towards a player, coach, official or other person;
- (j) adopt a fighting attitude towards an official;
- (k) participate in Basketball whilst suspended;
- (l) carry out unsportsmanlike conduct;
- (m) carry out unsportsmanlike conduct disputing decisions with officials;
- (n) pause an official with open palm or shoulder or hip;
- (o) violently, dangerously or with anger or otherwise treat the game equipment or fixtures in such a way as might be reasonably be expected to cause serious damage to the equipment or fixtures or people in the venue;
- (p) wager anything of value in connection with any game or event conducted by or under the auspices of BBNZ;
- (q) offer, give, solicit, accept, or agree to offer, give, solicit or accept anything of value to or from any person with the intent to influence any player's efforts in a game;
- (r) engage in aggravated behaviour; or
- (s) engage in conduct contrary to the integrity of the game of basketball.

P6.2 A person who is refereeing, officiating or coaching in a game commits an offence if, before, during, or after that game they:

- (a) carry out unsporting conduct arguing with or between players, coaches, referees or officials;
- (b) strike or attempt to strike, kick, elbow or trip a player, coach, official or other person;
- (c) intentionally trip a player, coach, referee or official;
- (d) adopt a threatening attitude towards a player, coach, referee or official;
- (e) adopt a fighting attitude towards a player, coach, referee or official;
- (f) use abusive, threatening or obscene language towards a player, coach, official or other person;
- (g) pause a player, coach, referee or official with open palm or shoulder or hip;
- (h) strike a player, coach, referee or official with the ball or other objects;
- (i) wager anything of value in connection with any game or event conducted by or under the auspices of BBNZ;
- (j) offer, give, solicit or accept, or agree to offer, give, solicit or accept anything of value to or from any person with the intent to influence any player's efforts in a game;

- (k) engage in aggravated behaviour; or
- (l) engage in conduct contrary to the integrity of the game of Basketball.

P6.3 A person commits an offence if they engage in unsporting conduct as covered by the BBNZ Code of Conduct and Fair Play.

P6.4 A person commits an offence if they engage in conduct that brings the game of basketball or an affiliated association or National Basketball League Limited or league team or BBNZ into disrepute.

P7 Reporting an alleged offence

P7.1 A report that a person has committed an alleged offence may be made by:

- (a) an official in relation to conduct that occurred during a basketball game in which they officiated; or
- (b) a floor controller in relation to conduct occurring at any facility when an event is being conducted under the auspices of BBNZ or in relation to conduct occurring during a basketball game; or
- (c) Any other person not covered by (a) or (b) that witnessed the alleged offence; or
- (d) the BBNZ Chief Executive; or
- (e) the League Manager for a league.

P7.2 A report of an alleged offence shall be in writing, signed by the person making the report and shall include:

- (a) the name of the person making the report;
- (b) the capacity in which the person makes the report;
- (c) the name of the person who has been alleged of committing the alleged offence;
- (d) what offence, or offences, it is alleged the alleged offender has committed; with reference to any relevant rules of the game of basketball or in these Regulations.
- (e) a description of how the alleged offence was allegedly committed; and
- (f) the name of any known witnesses.

P7.3 In the case of an alleged offence occurring in a basketball game:

- (a) The alleged offence must be recorded in writing on the back of the score sheet for the game within 20 minutes after completion of the game; and
- (b) The report must be lodged within 48 hours of the completion of the event to:

- (i) The President/Chairperson of the relevant association – in relation to an alleged offence in an affiliated association activity;
- (ii) The Chair of the Technical Committee – in relation to an alleged offence at a BBNZ tournament;
- (iii) To the League Manager (if any appointed for the relevant League and if not to the BBNZ Chief Executive) – in relation to an alleged offence in a league game or in relation to a league; and
- (iv) the BBNZ Chief Executive – in relation to all other alleged offences.

P7.4 In the case of an alleged offence occurring in a basketball event (not being a game) the report must be lodged within 48 hours of the completion of the event, to:

- (a) the President/Chairperson of the relevant association - in relation to an alleged offence in an affiliated association activity;
- (b) the Chief Executive - in relation to an alleged offence at a BBNZ tournament;
- (c) to the League Manager (if any appointed for the relevant League and if not to the BBNZ Chief Executive) - in relation to an alleged offence in a League game or in relation to a league; and
- (d) the BBNZ Chief Executive - in relation to all other alleged offences.

P7.5 The recipient must sign the report and write the date and time when the report was received.

P8 Consideration of holding a hearing

P8.1 The recipient should be required to make a decision whether or not to refer the alleged offence to Judicial Committee. The recipient does not have to give reasons for the determination. The recipient may obtain information from officials, in helping with the determination.

P8.2 If the recipient determines that the report relates to conduct that:

- (a) is not sufficiently serious to require a hearing, and
- (b) the alleged offender has not within the period of the six months preceding the report been found guilty of an offence,

then the recipient can determine, in the recipient's sole discretion, not to refer the report to a Judicial Committee.

P8.3 In making a determination not to refer the conduct to a Judicial Committee, the recipient may determine that the alleged offence is sufficiently serious to warrant a written caution, in which case:

- (a) the recipient shall issue a written caution to the alleged offender report; and

- (b) provide a copy of that caution as the case may require to:
 - (i) the President/Chairperson of the relevant association,
 - (ii) the Chair of the tournament Technical Committee,
 - (iii) League Manager or the BBNZ Chief Executive, and
 - (iv) the complainant.

P8.4 If the recipient determines that the alleged offence shall not go to a Judicial Committee the recipient shall advise the person making the report and the alleged offender of that decision.

P8.5 If the recipient determines that the alleged offence shall be referred to a Judicial Committee the recipient will

- (a) send to the alleged offender:
 - (i) a copy of the report;
 - (ii) notice of rights in judicial proceedings (see Annexure 3); and
 - (iii) election to admit offence (see Annexure 4).
- (b) refer the matter to a Judicial Committee.

P8.6 Pending determination by a Judicial Committee of the alleged offence the alleged offender may continue to participate in basketball activities without sanction.

P9 Judicial Committee process

P9.1 Each Judicial Committee shall have the power and authority to:

- (a) consider a report;
- (b) consider the circumstances of an alleged offence;
- (c) determine whether or not an alleged offence has been committed; and
- (d) if so whether or not to impose a sanction, or penalty and the sanction/penalty to be imposed.

P9.2 Each Judicial Committee has the power and authority to set its own procedures and timeframes for the first-tier judicial procedure for each alleged offence that is referred to that Judicial Committee taking into account:

- (a) the principles of natural justice;
- (b) the need to achieve prompt and sometimes immediate consideration and determination of the alleged offence to meet the needs of the alleged offender and/or activities of a League or an Affiliated Association or other party,

P9.3 A Judicial Committee shall seek to convene a hearing and reach a decision as soon as reasonably practicable after receipt of a report and such other evidence as it shall reasonably require.

P9.4 The Chairperson shall as soon as practical after receipt of the report of the alleged offence by the Judicial Committee determine the procedure including timeframes for the determining of the matter; including without limitation:

- (a) what other documents, videos or recordings the Judicial Committee would expect to receive to enable them to make proper consideration of the matter;
- (b) whether it wishes to hear from the alleged offender, the complainant or any witness to the alleged offence or any other person whether in person at a hearing or by way of further witness submission;
- (c) if there is to be a hearing at which persons are entitled to be present, then the time, date and place of that hearing;
- (d) if there is to be a hearing, whether persons are entitled to cross examine persons who have made a statement whether with the initial report or as part of the material presented at the Judicial Committee for its termination;
- (e) the expected timeframe for dealing with the reference to the Judicial Committee and the expected time of issue of the decision; and
- (f) whether it will receive certain evidence, whether legally admissible or not.

P9.5 The Chairperson shall cause the alleged offender; the complainant and any other parties the Judicial Committee believes should be so advised of the determined procedure. In that advice the Chairperson shall set out what documents or video or other materials the Judicial Committee has already received.

P9.6 Neither the complaint nor an alleged offender is automatically entitled to a hearing before the Judicial Committee but, in accordance with the principles of natural justice, if the Judicial Committee is to consider a written or oral statement, then:

- (a) in the case of a written statement, that must be provided to the alleged offender prior to the Judicial Committee's determination so that the alleged offender has an opportunity to provide a response or comment on that document; and
- (b) in the case of an oral evidence or submission from any other party then the alleged offender shall be entitled to be present at whatever forum that oral submission or evidence is given, including by means of audio or audio visual communication, and be given an opportunity to present their own oral evidence or submission by way of reply.

P9.7 If the alleged person acknowledges they committed an offence and waives the right to a hearing, by completing and returning the election form in Annexure 4, the Judicial Committee will deal with the matter without the necessity of a hearing.

P9.8 At any hearing of the Judicial Committee

- (a) members of the Judicial Committee may question any witness;
- (b) no alleged offender or any witness may cross examine a witness unless they were to do so by the chairperson;
- (c) the alleged offender and the complainant may press the chairperson to put certain questions to the alleged offender or other witness;

- (d) an alleged offender and complainant are entitled to be represented by legal counsel or other support person;
- (e) the Chairperson shall identify the members of the Committee and give the alleged offender the opportunity to object to any Committee member on the grounds of bias or perceived bias. If an objection is made the person will consider any submission made by the alleged offender and any response made by the Judicial Committee member (in the presence of the alleged offender) before deciding upon the objection.
- (f) the alleged offender and the complainant, or their representative(s) may make a closing statement.

P9.9 After consideration the Judicial Committee members will consider whether, on the balance of probabilities, the offence was committed. Only the Judicial Committee members shall be present during this consideration. If the Judicial Committee members are not satisfied that any offence was committed the report will be dismissed.

P9.10 If either the offender admits the allegations in the Judicial Report, pursuant to Regulation P9.7 or the Committee is satisfied that an offence was committed:

- (a) the Judicial Committee members will be given details of any previous established offences by the offender;
- (b) the offender or their representative may make a statement to the Judicial Committee in relation to previous established reports or other mitigating circumstances; and
- (c) the Judicial Committee members will then determine the sanction or penalty, in the absence of the offender, and the complainant.

P9.11 Each Judicial Committee may impose any sanction or penalty on an offender as it sees fit, including without limitation:

- (a) an order that a sum of money, whether by way of fine or compensation, be paid to any party;
- (b) suspension from participation in all, or specified, Basketball activities for a period of time;
- (c) an order that the offender undertake, or refrain from undertaking, any particular activity in respect of basketball, or the league, or BBNZ or BBNZ tournaments;
- (d) a written censure; and
- (e) a requirement for an apology or acknowledgment be given in stipulated terms.

P9.12 During a period of suspension, the offender cannot:

- (a) play;
- (b) officiate;
- (c) coach;

(d) table officiate,

in any specified or every (in accordance with the Judicial Committee's decision) game or event conducted by or under the auspices of BBNZ.

P9.13 The maximum sanction for each offence is set out in the Schedule (see Annexure 2). Note that these are only the recommended range of sanctions.

P9.14 The Committee members may:

- (a) impose a sanction up to the maximum for each offence;
- (b) determine that penalties for multiple offences are to run concurrently or separately;
- (c) take into account prior established offences when assessing the severity of the sanction; and
- (d) record that the complaint has been established but having regard to the nature of the complaint and/or the prior good conduct of the offender, not impose a sanction or penalty.

P9.15 The Judicial Committee may meet by any number of members assembling together and/or by means of audio or audio visual or email communication as long as all members of that Judicial Committee participate in that form of communication.

P9.16 Every member of a Judicial Committee has one vote and the Chairperson does not have a casting vote. A decision of that Judicial Committee is made when a majority of the Judicial Committee members agree to it.

P10 Notification of Decision

P10.1 The chairperson of the Judicial Committee will provide BBNZ; the recipient, the complainant, and the alleged offender with the Judicial Committee decision in a form as close as possible to the form set out in Annexure 5.

P10.2 Apart from the report referred to in Regulation P10.1, the Judicial Committee does not have to, but can provide reasons for their decision.

P10.3 The BBNZ Chief Executive shall cause the BBNZ office to keep a record of each Judicial Committee decision which shall be available as a resource for future judicial committees and Appeal Committees.

P10.4 Where the Judicial Committee is established by the BBNZ Chief Executive the Chairperson shall cause to be forwarded to the BBNZ Chief Executive the documents and recordings received by the Judicial Committee for the purpose of its consideration. The BBNZ Chief Executive shall ensure that these documents are retained, solely for the purpose of an appeal; and if no appeal is lodged, shall be destroyed.

P11 The Second tier: appeals to BBNZ Appeal Committee

P11.1 Either the offender or the complainant for any matter that has been determined by a Judicial Committee may appeal such decision to the BBNZ Appeal Committee.

P11.2 Pending determination of an appeal the sanction or penalty (if any) imposed by the Judicial Committee shall continue to apply and shall not be stayed; unless the Appeal Committee, in its sole discretion, determines that the decision of the Judicial Committee should be stayed in whole or part pending determination of the appeal.

P11.3 An appeal must be in writing will follow as closely as possible to the form set out in Annexure 6.

P11.4 The appeal must be signed by or on behalf of the person lodging the appeal and shall specify:

- (a) the decision appealed against; and
- (b) the specific grounds of the appeal.

P11.5 The offender may appeal to the BBNZ Appeal Committee only on the grounds that:

- (a) the chairperson of the Judicial Committee unreasonably refused a request to change the hearing date;
- (b) the offender was not given the opportunity to adequately respond to the allegations against them;
- (c) the procedure adopted by the Judicial Committee was unfair or discriminated against the offender;
- (d) there was bias on the part of one of the Judicial Committee members;
- (e) the sanction was unreasonable having regard to the nature of the offence;
- (f) the sanction was unreasonable having regard to the offender's previous conduct; or
- (g) new and relevant information is now available, which was not reasonably available at the time of the determination by the Judicial Committee.

P11.6 The complainant does not have any right of appeal to the BBNZ Appeal Committee.

P12 Making an appeal

P12.1 The written appeal must be lodged within seven days after the date on which the written decision from the Judicial Committee has been sent to the parties heard at the hearing.

P12.2 The appeal shall be lodged when the BBNZ Chief Executive receives written notice of the appeal together with the deposit of \$1,000 payable for the appeal.

P12.3 If the deposit is not paid or the written appeal is not lodged within the required time, the appeal shall be deemed abandoned provided that the Appeal Committee shall have power to extend the time for payment.

P12.4 On lodgement of the appeal, the BBNZ Chief Executive shall notify the Chairperson of the Appeal Committee, or where for any reason they are not available, any member of the Appeal Committee of the appeal.

P12.5 The Chairperson or member, as the case may require, shall fix a time, date and place for the hearing of the appeal.

P12.6 Particulars thereof shall be notified by the BBNZ Chief Executive to all parties to the proceedings determined by the Judicial Committee.

P12.7 On any appeal, the Appeal Committee may direct BBNZ to be represented and BBNZ shall appear by counsel or by representative at the hearing of the appeal in such capacity, as the Appeal Committee requires.

P12.8 When the parties have been notified of the time, date and place of the hearing of the appeal, the BBNZ Chief Executive shall forward to the Appeal Committee:

- (a) the Notice of Appeal;
- (b) the report of the Judicial Committee proceedings; and
- (c) the documents; recordings and statements received by the Judicial Committee.

P13 Forming the Appeal Committee

P13.1 The Board shall appoint the BBNZ Appeal Committee, including its chairperson, on an ad hoc basis.

P13.2 The Committee members are generally chosen for their experience and standing (not necessarily in the Basketball community), and shall have the following qualities:

- (a) a sound knowledge of the game;
- (b) and understanding of procedures; and
- (c) an understanding and experience of the principles of natural justice.

P13.3 The Committee shall consist of 3 members.

P13.4 The members of the Appeal Committee must be independent of the appeal and have no vested interest in the outcome of the appeal.

P14 Appeal Committee Powers and Procedures

P14.1 An appeal brought shall be by way of re-hearing subject to the provisions outlined in this regulation.

P14.2 Where any question of fact arises on the appeal before the Appeal Committee, it shall be determined by reference to the report of the Judicial Committee provided that the Appeal Committee, in its discretion, may re-hear the whole or any part of evidence given before the Judicial Committee, as it considers appropriate.

P14.3 In the determination of an appeal the Appeal Committee shall have all the powers and authorities given to a Judicial Committee, and the procedures for the determination of the appeal will be, as set out in regulation 10 (amended as necessary to refer to an Appeal Committee rather than a Judicial Committee); and further the Appeal Committee shall have the power to revoke, vary or confirm in whole or part, the decision of the Judicial Committee.

P14.4 The Appeal Committee shall have full discretionary power to hear and receive such further evidence on appeal as it thinks fit.

P14.5 Where any party entitled to be heard on an appeal wishes to put before the Appeal Committee evidence not heard by the Judicial Committee, that party shall:

- (a) notify the BBNZ Chief Executive of the fact not less than 48 hours prior to the hearing of the appeal; and
- (b) send to the BBNZ Chief Executive within the time specified in (a) a written outline of the nature of the evidence proposed to be given which shall be immediately sent by the Chief Executive to other parties to the appeal.

P14.6 The decision of the Appeal Committee shall be advised to the parties as soon as practicable after the conclusion of the Appeal Committee determination. Where it considers it appropriate the Appeal Committee may deliver a short oral decision at the conclusion of the hearing with its reasons to be put in writing and communicated to the parties at a later date or it may reserve its decision.

P14.7 The hearing of an appeal by the Appeal Committee shall be fully recorded. The Chief Executive shall hold the record of the proceedings and all papers produced at the hearing.

P14.8 The Appeal Committee may in its discretion order that the deposit paid on the lodgment of an appeal under regulation P12.2, or any part of it, be refunded.

P15 Third tier: Appeals from decisions of the BBNZ Appeal Committee

P15.1 Any party to any matter which has been determined by the BBNZ Appeal Committee may appeal (“the appellant”) such decision to the New Zealand Sports Disputes Tribunal.

P15.2 An appeal may only be made on one of the following grounds:

- (a) that natural justice was denied;
- (b) that the BBNZ Appeal Committee acted outside of its powers and/or jurisdiction (ie. acted *ultra vires*);
- (c) that substantially new evidence has become available after the decision, which is being appealed was made; or
- (d) in respect of a decision relating to misconduct involving the appellant, that penalty was either excessive or inappropriate.

P15.3 Any such appeal shall be filed within 14 days from the date the appellant was notified of the decision of the BBNZ Appeal Committee and in all other respects shall be in accordance with the rules of the New Zealand Sports Disputes Tribunal.

P15.4 The decision of the New Zealand Sports Disputes Tribunal shall be final and there shall be no further right of appeal.

P15.5 The rules of the New Zealand Sports Disputes Tribunal set out the procedure for the appeal to it and there shall be no further right of appeal.

Annexure 1 to Regulation P BBNZ JUDICIAL REGULATIONS

SUMMARY OF PROCESS

First-tier: Referral to Judicial Committee

Report of alleged offence (in writing) from official, floor controller, witness, BBNZ Chief Executive or League Commissioner. Generally to be made within 48 hours of the conclusion of the game.



Recipient (President/Chairperson of relevant Association, Tournament Controller, League Commissioner or BBNZ Chief Executive) makes a determination whether to refer to Judicial Committee as soon as reasonably practicable following receipt of the report [within 48 hours]. The recipient may determine that the conduct is not sufficiently serious to warrant a hearing (and may also issue a written caution).



If referred to Judicial Committee the alleged offender shall receive a copy of report (and election to admit offence form).



Judicial Committee shall consider the evidence (which may be at a hearing). Whether offence was committed is to be determined on the balance of probabilities. The Committee determines its own procedures (including timeframes) but will seek to deal with the matter as soon as reasonably practicable – when possible, this will be prior to the next game. The Judicial Committee may impose a sanction or penalty (having regard to the maximum sanction set out in Appendix 1). Affected parties will be notified of the decision as soon as possible after it has been reached. [Judicial Committee decisions may also be released to the media.]



Second Tier: Appeals to BBNZ Appeal Committee

Appeals must be lodged within 7 days of determination of Judicial Committee. Appeal must state grounds and must be accompanied by payment of \$1,000 deposit. The appeal will be heard as soon as reasonably practicable. Pending the hearing, the Judicial Committee sanction will continue to apply.



BBNZ Appeal Committee has similar powers to those of Judicial Committee to determine its own procedure, consider evidence and receive submissions. The parties will be advised of the outcome of an appeal as soon as practicable after a determination is made.

Third Tier: Appeals to New Zealand Sports Tribunal

Limited grounds of appeal to New Zealand Sports Tribunal (established by SPARC). Appeals must be filed within 14 days of a determination of the BBNZ Appeal Committee.

Annexure 2 to Regulation P

The Schedule

Penalties for non-doping offences

The following are the **recommended** penalties for offences that occurred before, during or after a game.

Player-to-player misconduct	Suggested Minimum Suspension	Suggested Maximum Suspension
Kicking	6 weeks	52 weeks
Attempt to kick	2 weeks	10 weeks
Elbowing	6 weeks	40 weeks
Attempt to elbow	2 weeks	5 weeks
Fighting (including wrestling, several players involved)	5 weeks	52 weeks
Fighting (two players involved, including wrestling)	5 weeks	24 weeks
Striking with clenched fist	5 weeks	24 weeks
Attempt to strike with clenched fist	2 weeks	6 weeks
Striking with open palm	3 weeks	20 weeks
Striking opponent with the ball or other objects	1 week	5 weeks
Deliberately tripping an opponent	2 weeks	7 weeks
Moving in under a <i>player</i> who is in the air	2 weeks	7 weeks
Playing unduly roughly	2 weeks	7 weeks
Using abusive or offensive language or signs, threatening or obscene language	1 week	15 weeks
Adopting a threatening attitude	1 week	5 weeks
Participating in Basketball whilst suspended	1 week	10 weeks
Unsportsmanlike conduct	1 week	5 weeks
Misconduct towards officials		
Unsportsmanlike conduct disputing decisions	1 week	24 weeks
Striking, kicking or elbowing	10 years	Life
Intentionally tripping	5 years	Life
Attempting to strike, kick, elbow or trip	4 years	Life
Adopting a threatening attitude	15 weeks	5 years
Adopting a fighting attitude	20 weeks	10 years
Using abusive, threatening or		

The Schedule (cont'd) [Annexure 2 to Regulation P]

	Suggested Minimum Suspension	Suggested Maximum Suspension
obscene language	5 weeks	21 weeks
Pausing with open palm or shoulder or hip	52 weeks	10 years
Striking with the ball or other objects	52 weeks	10 years

Referee, Officials', and Coaches' misconduct

Unsporting conduct arguing with or between players, coaches or officials	1 week	6 weeks
Striking	10 years	Life
Intentionally tripping	5 years	Life
Attempting to strike, kick, elbow or trip	4 years	Life
Adopting a threatening attitude	15 weeks	5 years
Adopting a fighting attitude	20 weeks	10 years
Using abusive, threatening, or obscene language	5 weeks	21 weeks
Pausing with open palm or shoulder or hip	52 weeks	10 years

Annexure 3 to Regulation P

NOTICE OF RIGHTS IN JUDICIAL PROCEEDINGS

To: (Name of alleged offender)

It has been alleged that on (*date*) you committed the following offence/offences:

A copy of the report made by (*person making the report*) is attached to this notice. You are entitled to a hearing before the Judicial Committee to determine whether or not you committed this offence (these offences). If you admit that you did commit the offence (any of the offences) you may waive the right to this hearing by completing the attached election to admit offence and returning it within 14 days.

If you do not complete the election to admit offence within 14 days or if you do not admit that you committed the offence, a hearing before the Judicial Committee will be convened. You will be notified of the time and place of that hearing.

At the hearing:

- you have the right to question the person making the report or any witnesses they call;
- you have the right to call witnesses to give evidence on your behalf;
- another person, including a legal representative may represent you.

The maximum recommended sanction for the offence it is alleged you committed is (*length of maximum sanction*). If the Judicial Committee find that the offence was committed they may impose any sanction up to that maximum. They may also decide, having regard to your prior good record, to impose no sanction. Any prior established offences will be taken into account in determining a sanction.

Should a period of suspension be imposed, you may not play, coach, officiate or table officiate at a basketball game conducted under the auspices of BBNZ.

If you admit that you committed the offence the Judicial Committee will still be convened to determine the sanction. You have the right to address that Judicial Committee and may be represented by another person (including a legal representative).

Chairman
Judicial Committee

Annexure 4 to Regulation P

ELECTION TO ADMIT OFFENCE

I [*name of person*] have read the attached report that alleges that I committed the following offence/offences:

I admit that I committed that offence and do not want there to be a hearing to determine whether or not I committed that offence. I acknowledge that the maximum sanction for that offence is [*sanction*] and that this may be imposed upon me. I understand that during the period of suspension I will not be able to:

- Coach;
- Play;
- Officiate; or
- Table officiate,

in any game of Basketball conducted under the auspices of *BBNZ*. I also understand that any sanction will be recognized by every association, regional and *BBNZ* bodies in New Zealand.

I have had 7 days to consider whether or not to make this election and understand that if a hearing were held I could, if I chose, be represented by a lawyer.

(Signed).....

Name of person.....

Date:

Annexure 5 to Regulation P

REPORT OF JUDICIAL COMMITTEE HEARING

Date:

Committee members _____(Chairperson)

Date of Hearing: _____

Alleged Offender: _____

Date of Alleged Offence: _____

Person making report: _____

Was alleged offender represented? Yes/No

If so, representative: _____

Did alleged offender waive right to a hearing into whether or not they committed the offence? Yes/No

Witnesses

_____ (called by person making report/ alleged offender)

_____ (called by person making report/ alleged offender)

_____ (called by person making report/ alleged offender)

_____ (called by person making report/ alleged offender)

_____ (called by person making report/ alleged offender)

Alleged Offences

	Alleged Offence	Finding	Sanction
1			
2			

Details of any prior established offences attached? Yes/No

Chairperson

Committee Member

Committee Member

Note: Either the alleged offender or the person making the report may lodge an appeal against this decision within 7 days. The grounds of appeal and procedure are set out in the Judicial Procedures Regulation in BBNZ's Internal Regulations.

Annexure 6 to Regulation P
NOTICE OF APPEAL

Name of person lodging appeal:

Date of decision you wish to appeal:

Grounds of appeal:

Appeal by person sanctioned

Tick the ground or grounds of your appeal:

- that the procedure adopted by the Judicial Tribunal was unfair or in breach of the principles of natural justice,
- bias on the part of one of the tribunal members;
- the sanction was unreasonable having regard to the nature of the offence;
- the sanction was unreasonable having regard to the *offender's* previous conduct;
- that new and relevant information is now available, which was not reasonably available at the time of the hearing.

Appeal by person who made report

- sanction was inadequate having regard to the nature of the offence;
- sanction was inadequate having regard to the *offender's* previous conduct.
- State all relevant matters that you say support your appeal:

Signature of person lodging appeal.....

Phone _____(work)
 _____(mobile)
 _____(home)
 _____(fax)

Regulation Q – Rules Governing the establishment and operation of BBNZ Commissions

Q1 Formation of Commissions

Q1.1 The following Commissions may be formed as required by the Board:

- (a) Participation & Development Commission
- (b) Technical Officials' Commission
- (c) Coaches' Commission
- (d) High Performance Programme Advisory Commission

Q2 Role and responsibilities of Commissions

Q2.1 Commissions have no executive powers and act as advisory bodies which:

- (a) consult and review;
- (b) evaluate;
- (c) analyse; and
- (d) recommend

changes in their respective portfolio. These recommendations will be considered by BBNZ staff and/or BBNZ Board

Q2.2 Commissions should canvass widely the views, opinions and stance of affiliated associations to ensure that their views and opinions are taken into account and adequately addressed before major recommendations for change are put forward.

Q2.3 Commissions should consider the implications of their recommendations for local and national bodies and for the various leagues which are conducted by BBNZ.

Q2.4 Commissions must balance the needs of basketball to:

- (a) increase participation in all areas;
- (b) provide opportunities to develop;
- (c) create and maintain effective competitions; and
- (d) succeed in the high performance area of the sport.

Q2.5 Commissions should at all times act in the best interest of the sport in New Zealand.

Q2.6 BBNZ will meet out-of-pocket expenses of Commission members but costs may not be incurred without the prior approval of the Chief Executive. No Commission is authorised to raise funds in its own right.

Q2.7 Transactions of a contractual nature (such as sponsorship) may not be negotiated by any of the Commissions.

Q2.8 In the event of any assets being acquired by any of the Commission, these shall remain always the property of BBNZ and shall be transferred promptly to BBNZ.

Q2.9 The Board may disband any one or all of the Commissions and may later reintroduce such Commission/s.

Q3 Membership of Commissions

Q3.1 With the exception of the High Performance Programme Advisory Commission (see Q9), there shall be a minimum of five members of each other Commission appointed by the Board.

Q3.2 The Board may elect to appoint additional members with specific skills to bring to a Commission.

Q3.3 Affiliated associations and individual members may put forward names for consideration but the Board need not restrict its consideration to those names put forward.

Q3.4 Each member appointed to a Commission must have:

- (a) extensive knowledge in *all* areas of basketball;
- (b) extensive knowledge and experience in the specialist areas of activities of the respective Commission;
- (c) the ability to add to and/or improve that area of the sport;
- (d) capacity to act as a facilitator of information to and from local associations;
- (e) desire to progress basketball;
- (f) availability and willingness to participate in the activities of the respective Commission.

Q3.5 Appointments will be for two-year terms on a rotational basis to be decided by the Board.

Q4 Meetings of Commissions

Q4.1 Commissions will meet as and when decided by the Chief Executive in consultation with the Chair of the respective Commission.

Q5 Accountability of Commissions

Q5.1 The Chair of each Commission shall:

- (a) maintain constant dialogue with the Chief Executive and/or any other BBNZ senior manager delegated by him;
- (b) communicate regularly with other members of the respective commission;
- (c) recommend policies and procedures to the Chief Executive and/or any other BBNZ manager delegated by him;
- (d) report annually to the Board;
- (e) ensure that commissioners maintain a productive relationship with grass roots associations and members.

Q6 Charter of the Participation and Development Commission

Q6.1 Participation activities

- (a) Develop and share knowledge, experiences and best management practices in the areas of participation at a local association level.
- (b) Review, evaluate, and improve grass roots participation programmes.
- (c) Recommend policies, procedures and strategies to increase the level of participation in New Zealand
- (d) Establish and maintain a productive relationship with all school communities.

Q6.2 Development activities

- (a) Share knowledge, experiences and best practices in the areas of development (e.g. jamborees, academy programmes and any other programmes that underpin intensive coaching programmes).
- (b) Provide and evaluate development opportunities for all players / technical officials / coaches / administrators (e.g. at national schools' tournaments).

Q6.3 Competition activities

In consultation with the Chief Executive and/or any senior manager/s delegated by him:

- (a) Establish policies and procedures for all national under-age championships/tournaments
- (b) Set benchmarks/standards for conducting all national under-age championships/tournaments
- (c) Review and recommend rules for all national under-age championships/tournaments
- (d) Develop and recommend a national events calendar.

Q7 Charter of the Technical Officials' Commission

Q7.1 Specific requirements for membership of the Technical Officials' Commission;

Q7.1.1 The Commission will comprise representation from the three areas of officiating on the following basis:

- (a) Referees (three representatives)
- (b) Scoretable (one representative)
- (c) Statisticians (one representative)

Q7.1.2 Should the Board consider appointing additional members to the Technical Officials' Commission, in terms of Q3.2, some weight should be given to additional representation from scoretable and statistician officials.

Q7.2 Activities of the Technical Commission

- Q7.2.1 Participation
- (a) Develop and share knowledge, experiences and best practices in the area of referees, scoretable and statisticians at a local association level.
 - (b) Formulate, implement and distribute policies and procedures designed to recruit, retain and reward referees, scoretable officials and statisticians.
 - (c) Develop, publish and review elementary courses in refereeing, scoretable and statistics.
- Q7.2.2 Development
- (a) Formulate, review and implement educational and training programs to improve the quality of referees, scoretable officials and statisticians.
 - (b) Provide opportunities (domestic/national/international tournaments) for referees, scoretable officials and statisticians.
 - (c) Assist the development of resources for referees, scoretable officials and statisticians of all levels.
- Q7.2.3 Competitions
- (a) Develop, review and recommend rules and regulations for national championships.
 - (b) Provide advice on rule interpretations in national events.
 - (c) Create opportunities for coaching and performance evaluation at national championships.
 - (d) Reward officials for their quality of performance at national competitions.
- Q7.2.4 Representation
- (a) Nominate (for BBNZ approval) officials for international events.
 - (b) Nominate officials to attend FIBA clinics and/or have FIBA accreditation renewed or retired.
 - (c) Liaise with the NBL/WBL/CBL on any recommended rules changes.
- Q7.2.5 Form sub-committees of referees, scoretable, and statistician officials where this will enhance outcomes from activities.

Q8 Charter of the Coaches Commission

Q8.1 Activities

Q8.1.1 Participation

- (a) Develop and share knowledge, experiences and best practices in the area of coaching at a local association level.
- (b) Formulate, implement and distribute policies and procedures designed to recruit, retain and reward coaches at a local association/club.
- (c) Develop, publish and review elementary course in coaching.

- (d) Develop reward/Incentive scheme for local associations.

Q8.1.2 Development

- (a) Formulate, review and implement educational and training programs to improve the quality of coaching.
- (b) Provide opportunities (domestic/national/international tournaments) for coaching.
- (c) Assist the development of resources for coaching.

Q8.1.3 Competition

- (a) Provide effective support structures and guidance of coaches at national tournaments.
- (b) Liaise with the Chief Executive or his delegate to recommend rules for national tournaments.

Q8.1.4 Representation

- (a) Assist,/liaise with the Chief Executive to provide international competition for the coaches (as well as the players).
- (b) Consult with the Chief Executive and the High Performance Programme Advisory Commission on the selection of the National Coaches.

Q9 Charter of the High Performance Programme Advisory Commission

Q9.1 Specific requirements for membership of the High Performance Programme Advisory Commission:

- (a) Chair to be appointed by Board of BBNZ and to have extensive experience and knowledge of international basketball and elite pathways.
- (b) The Head Coach of each of the Senior Men's and Senior Women's teams.
- (c) The Chair of the Coaches' Commission.
- (d) The Chair of the Participation and Development Commission.
- (e) A representative from any specialist junior representative programme with experience in developmental pathways for both athletes and coaches.
- (f) The Chief Executive
- (g) The High Performance Manager (or other appropriate senior manager if appointed)
- (h) Representative of high performance area of SPARC.

Q9.2 Activities:

- (a) Oversee the elite programmes, making recommendations to BBNZ regarding content, structure and direction of the programmes.

- (b) Monitor the performance of the elite programmes which are to be integrated programmes between the junior and senior national teams.
- (c) Monitor and ensure that there are clearly defined pathways for all participants in the elite programme including those for athletes, coaches, referees and support staff.
- (d) Refer as necessary issues to BBNZ's specialist commissions for consideration or request recommendations from them regarding the elite programs.
- (e) Work with all national coaches in the preparation of programmes to ensure that BBNZ teams for FIBA Oceania, World Championships, and Olympic Games as appropriate perform at their potential.
- (f) Develop succession plans for all national teams.
- (g) Explored opportunities to retain experienced coaches and athletes in the basketball elite program.
- (h) Receive national team reports and recommendations, and provide appropriate recommendations to BBNZ where necessary to implement change of policy.
- (i) Work with the appropriate leagues to ensure that appropriate competition is being provided in New Zealand for senior athletes, coaches and referees, and for junior athletes, coaches & referees.

Regulation R – Rules Governing BBNZ Awards

R1 General principles

- R1.1 In addition to the Life Membership Award provided for in the Constitution, a number of other Basketball Awards have been created.
- R1.2 The Board of BBNZ may publish from time to time guidelines for nominations for the various Awards but, should there be any conflict between those guidelines and this Regulation, then the provisions of this Regulation shall prevail.
- R1.3 The Board shall determine selection criteria for all BBNZ Awards.

R2 BBNZ Sir Lance Cross Award and the Zena Gay Awards

R2.1 Eligibility

- R2.1.1 Eligibility for the BBNZ Sir Lance Cross Award and the Zena Gay Award shall be considered against one or more of the following, except that the Zena Gay Award shall be specifically for contribution to women's Basketball:
 - (a) any person or company that, in the opinion of the Board, has given outstanding service to New Zealand Basketball at national and/or international levels over an extended period, and/or

- (b) any person who, in the opinion of the Board, has brought honour and achievement to New Zealand Basketball at the national or international level.

R2.2 Process

R2.2.1 Nominations for the Sir Lance Cross Award and/or the Zena Gay Award shall be directed to the Chief Executive who shall make recommendations to the Board.

R2.2.2 Each proposal for a Sir Lance Cross Award and/or a Zena Gay Award requires specific approval of the Board. A proposed award which meets one or more of the various criteria set out above shall not be awarded automatically. In addition to a nominee's individual achievements, the Board will consider the person's integrity, sportsmanship, and character.

R3 The Keith Mair and Caroline Gray Coaching Scholarship Awards

These scholarships are named in honour of two of the outstanding contributors to coaching basketball in New Zealand. They aim to expose up-and-coming coaches to the international and professional levels of basketball in New Zealand.

R3.1 The Keith Mair Scholarship

R3.1.1 The Keith Mair scholarship is awarded to a male coach.

R3.2 The Caroline Gray Coaching Scholarship

R3.2.1 The Caroline Gray scholarship is awarded to a female coach.

R3.3 The processes for applications and assessment, and the programme for the successful applicants will be as determined from time to time.

R4 The Ambassadors and McLoughlin Trophies

R4.1 These trophies are awarded by the respective National Junior Coaches at the end of the season and are presented at a suitable opportunity.

R5 BBNZ VOLUNTEER AWARDS

R5.1 Concept

R5.1.1 The BBNZ Volunteer Awards are an adjunct to, but not directly a part of, the BBNZ Hall of Fame (BBNZHOF). The Volunteer Awards may be made at the same time as those in the Hall of Fame.

R5.1.2 The BBNZ Volunteer Awards honour persons who have made an outstanding contribution to basketball over ten years or more in their role as volunteers at any level.

R5.2 Divisions of the Volunteer Awards

R5.2.1 Awards will be made for outstanding contribution to the advancement of the following:

- (b) Officiating of Basketball
- (c) Coaching of Basketball
- (d) Administration/ Management of Basketball
- (e) Extension of Basketball.

A maximum of three awards may be made under each category in each award period.

R5.3 Lifetime Achievement Award

R5.3.1 The Lifetime Achievement Award is the pinnacle of the BBNZ Volunteer Awards and reflects an outstanding lifetime contribution to Basketball in New Zealand across a broad range which has not been recognised in BBNZHOF.

R5.3.2 In exceptional circumstances the Board of BBNZ may approve more than one Lifetime Achievement Award in an award period.

R5.4 Eligibility

R5.4.1 The primary requirement is high-level personal effort or initiative, in one of the designated areas that has contributed to the performance/s of players, technical officials, coaches, administrators, other volunteers and/or to the development and status of the sport of basketball in New Zealand.

R5.5 Process

R5.5.1 Nominations will be called in sufficient time prior to awards being made to allow for nomination, and screening, and then approval by the Board of BBNZ.

R5.5.2 The BBNZHOF Screening Committee will make recommendations for all Volunteer awards directly to the Board of BBNZ, with the exception that any recommendation by the Screening Committee for a Lifetime Achievement Award will be assessed by the BBNZHOF Honours Committee also before being submitted to the Board.

R6 Association Awards

R6.1 Concept

At the same time as the BBNZHOF Induction Ceremony and presentation of the Volunteer Awards, awards will be made also to associations and/or clubs which are affiliated to members of BBNZ for an outstanding performance over the awards period in all activities covered by an association and/or club. The awards shall be made in the following categories:

- (a) small Association – fewer than 500 members.
- (b) medium Association – 500 to 1500 members
- (c) large Association – more than 1500 members.

R6.2 Process

- R6.2.1 Nominations will be called in sufficient time prior to awards being made to allow for nomination, screening, and approval by the Board of BBNZ.
- R6.2.2 Nominations will be assessed by the BBNZHOF Screening Committee and recommendations for awards made directly to the Board of BBNZ,

R7 BBNZ HALL OF FAME (BBNZHOF)

R7.1 Concept

- R7.1.1 The BBNZ Hall of Fame is created to recognise those people who have made a distinguished contribution to the sport of basketball in New Zealand at any level.
- R7.1.2 The intention is to reflect the history of the sport in New Zealand and to induct new members into BBNZHOF at least once in every two calendar years.

R7.2 Structure of BBNZHOF

R7.2.1 Hall of Fame Inductees

R7.2.1.1 Inductees to the BBNZHOF will be in four divisions:

- (a) coach
- (b) player
- (c) technical official
- (d) contributor

[Note – refer to R7.2.2 re legend award]

R7.2.1.2 A player must be retired for at least 2 years from the highest level of competition in which he/she competed to be eligible for induction into BBNZHOF.

R7.2.1.3 The award will reflect distinguished contribution to basketball in New Zealand in one of the four divisions.

R7.2.1.4 A maximum of four inductees per award period per division is allowed. In exceptional circumstances the Board of BBNZ may approve more than four inductions in a division in any award period.

R7.2.1.5 Awards do not have to be made in each division in each award period.

R7.2.1.6 Awards may be made posthumously.

R7.2.2 Legend Award

R7.2.2.1 The Legend Award is made to any player, coach, technical official or contributor, who in the opinion of the BBNZ Board has achieved “legend” status in the sport of basketball and whose service to basketball is worthy of the highest honour.

R7.2.2.2 The Legend Award is the ultimate award in BBNZHOF and can be made only to persons who have been inducted into the BBNZHOF previously.

- R7.2.2.3 One 'legend' may be inducted each award period. In exceptional circumstances the Board may approve more than one Legend Award in an award period.

R7.3 Eligibility for BBNZHOF awards

- R7.3.1 The Board of BBNZ will determine from time to time the selection criteria for all BBNZHOF awards and these may be published from time to time. The key criterion will be distinguished contribution to the relevant area of basketball. The awards may be given posthumously in terms of R7.2.1.6.

- R7.3.2 The following guidelines apply -

- R7.3.2.1 The primary requirement is high-level achievement from personal effort or initiative, in a field of endeavour that contributes to the performances of players, technical officials, coaches, administrators, and/or to the development and status of the sport of basketball in New Zealand.

- R7.3.2.2 A person nominated may have made a major contribution at the international or national levels, national league, State/Association, local level, or to basketball generally.

- R7.3.2.3 Fields of endeavour/persons which would be considered suitable are:

(a) Administration, coaching, technical official, education, media, sports science, sports medicine, etc.

(b) A person who, in the opinion of the Screening and Honours Committees, has given distinguished service to New Zealand Basketball at the international/national level over an extended period (generally, as a guide, over 10 years).

(c) Any person who, in the opinion of the Screening and Honours Committees, has brought honour and achievement to New Zealand Basketball at the International or national level.

(d) A person with outstanding attributes, not otherwise listed herein but who, in the opinion of the Screening and Honours Committee, qualify for a BBNZ Hall of Fame nomination.

- R7.3.2.4 Mere long-term service or involvement with basketball by a candidate without having satisfied the primary requirements of the nomination criteria, or having demonstrated outstanding achievement arising from personal initiative or innovation, is not sufficient justification for selection. The Hall of Fame is not recognition for service in its own right, or limited achievements, but for distinguished achievement.

- R7.3.2.5 It is accepted that, in the short term, given the history of the sport, a balance between male and female awards may not be achieved for some considerable time but it is the clear intent of these rules that due recognition will be given over time to achieve equity between the genders.

- R7.3.2.6 BBNZ Hall of Fame Legend nomination shall be restricted to those whose association with New Zealand Basketball has reached "legend" status, who have previously been inducted into the

BBNZHOF, and whose service to Basketball and BBNZ is worthy of the ultimate honour in New Zealand in the sport of Basketball.

R7.4 BBNZHOF Screening Committee

- R7.4.1 The Board of BBNZ will appoint from time to time a BBNZHOF Screening Committee which will assess the eligibility of nominations for awards.
- R7.4.2 The Screening Committee shall consist of the Chief Executive (or his nominee) as Chair of the committee, another person from the executive staff of BBNZ, and one member appointed by the Chief Executive who is not a member of staff.

R7.5 BBNZHOF Honours Committee

- R7.5.1 The Board of BBNZ will appoint a BBNZHOF Honours Committee of five persons who will review the eligibility of candidates for induction to the BBNZHOF. A Screening Committee member may not be a member of the Honours Committee.
- R7.5.2 BBNZHOF Honours Committee members should have a general knowledge of the history and traditions of basketball within New Zealand and New Zealand basketball on the international scene, and its membership should be drawn from past players, coaches, technical officials, administrators and media. Members of the BBNZHOF may serve on the Honours Committee.
- R7.5.3 Honours Committee members will be appointed for five-year terms. It is the intent however that appointments shall be rotated so that not all members retire at the same time. Some initial appointments may be therefore for shorter periods than five years in order to achieve rotation.
- R7.5.4 An Honours Committee member may be re-appointed but may not serve more than two consecutive terms. An Honours Committee member who has served two consecutive terms may be re-appointed after a three-year absence from the Committee.
- R7.5.5 The Board of BBNZ reserves the right to withdraw the appointment of a member of the Honours Committee
- R7.5.6 The Chair of the Honours Committee shall be appointed by the Board of BBNZ. In the absence of the Chair of the Honours Committee, and where it is impractical for the Board of BBNZ to appoint a substitute Committee Chair, the Honours Committee may appoint an Acting Chair from among its members.
- R7.5.7 The Honours Committee will monitor the appropriateness of the selection criteria approved by the BBNZ Board from time to time and may make recommendations to the Board for alterations and additions to the criteria.
- R7.5.8 The Honours Committee may recommend procedures for induction, including the manner and type of recognition to be accorded inductees.

R7.6 Confidentiality

- R7.6.1 No member of the Board of BBNZ, the Screening Committee, the Honours Committee, or BBNZ staff shall divulge or disclose details of nominations or of the selection deliberations at any time.

R7.7 Selection process for Induction to BBNZHOF

- R7.7.1 From time to time, the Screening Committee shall invite nominations from the public and the members of BBNZ as defined in the BBNZ Constitution at least some months before the planned date of an induction function and will close at least two months before that date.
- R7.7.2 A Nomination Packet consisting of a completed nomination form (available from BBNZ office), news clippings, magazine articles, and/or other informative and factual data about the candidate will be submitted to the Screening Committee at BBNZ office.
- R7.7.3 The Screening Committee shall assess carefully all nominations against the general criteria herein and as established by the Board, and submit a list of candidates (not necessarily restricted to the number who may be inducted at an intake) to the Honours Committee. In exceptional circumstances, the Screening Committee can put forward nominations in its own right to the Honours Committee. A candidate for induction must receive an approval vote of two (2) of the three (3) members of the Screening Committee for that nomination to be forwarded to the Honours Committee.
- R7.7.4 The Honours Committee shall receive the list from the Screening Committee, assess the nominations, and make the final recommendations to the Board for induction into BBNZHOF. The Honours Committee shall consider also nominations from the Screening Committee for Lifetime Achievement Award (in the Volunteer section of BBNZ Awards).. A majority of four (4) out of five (5) votes must be attained for a nomination to be forwarded to the Board of BBNZ.
- R7.7.5 The Board of BBNZ reserves the right to award Hall of Fame status in an appropriate category in exceptional circumstances, without going through the operational process of the Screening Committee and the Honours Committee. It shall do so only after consultation with the Chair of the Honours Committee.
- R7.7.6 The Chair of the Honours Committee shall convey its recommendations to the Board via the Chief Executive.
- R7.7.7 The Board's decision is final and binding and not subject to any appeal.
- R7.7.8 Those selected for induction into the BBNZHOF will be invited personally to attend a ceremony for presentation of the awards and the inductee may be requested to participate in publicity and promotional interviews. If required, and deemed appropriate by the Board of BBNZ, overnight accommodation and return airfares will be provided for each individual inductee (only) for this ceremony.
- R7.7.9 The names of the inductees for a new intake to BBNZHOF are confidential up to the time of the induction function.

Regulation S – Miscellaneous Rules

S1 Organised team tours out of and into New Zealand

S1.1 Tours out of New Zealand

S1.1.1 Before beginning negotiations to take a basketball team on a tour outside of New Zealand, the tour organiser/ sponsor requires the approval of BBNZ.

S1.1.2 The approval of the national member federation of FIBA of the country in which the tour will take place is required also, and this will be obtained via BBNZ.

S1.1.3 Final approval of both BBNZ and the other national member federation of FIBA in which country the tour will take place is required when the schedule of games and dates is complete and before the tour begins.

S1.2 Tours into New Zealand

S1.2.1 Overseas teams wishing to play basketball in New Zealand must have the approval of their own domestic national member federation of FIBA as well as that of BBNZ in order to begin negotiations for an inward tour.

S1.2.2 Final approval of BBNZ and that of the other national member federation of FIBA from which country the touring team is drawn is required when the schedule of games and dates is complete and before the tour begins.

S1.3 Administrative procedures

S1.3.1 BBNZ may put in place from time to time administrative procedures including application forms for obtaining approval for both outward and inward tours.

S1.4 Fees

S1.4.1 BBNZ may charge fees to be determined from time to time for the administrative approval processes for both outward and inward tours.

Appendix 1

ASSOCIATION PREMIERSHIP STRUCTURE

Northern: Auckland, Eastern BBNZys, Harbour, Hibiscus Coast, Kaitaia, Mahurangi, Massey, Waitakere, Whangarei

Mid North: Counties-Manukau, Gisborne, Morrinsville, Opotiki, Paeroa, Rotorua, Taupo, Te Aroha, Te Awamutu, Thames Valley, Waihi, Waikato, Western BBNZy of Plenty

Central: Dannevirke, Hawera, Hawke's Bay, Hutt Valley, Kapiti, Levin, New Plymouth, Opunake, Palmerston North, Porirua, Wairarapa, Wanganui, Wellington

Southern: Buller, Canterbury, Central Otago, Eastern Southland, Marlborough, Mid Canterbury, Nelson, North Canterbury, North Otago, Otago, South Canterbury, South Westland, Southland, Waimate, West Coast, Westland

SECONDARY SCHOOL PREMIERSHIP STRUCTURE

Northern: Auckland, Eastern Bays, Harbour, Hibiscus Coast, Kaitaia, Mahurangi, Massey, Waitakere, Whangarei

Mid North: Counties-Manukau, Gisborne, Morrinsville, Opotiki, Paeroa, Rotorua, Taupo, Te Aroha, Te Awamutu, Thames Valley, Waihi, Waikato, Western BBNZy of Plenty

Central: Dannevirke, Hawera, Hawke's Bay, Hutt Valley, Kapiti, Levin, New Plymouth, Opunake, Palmerston North, Porirua, Wairarapa, Wanganui, Wellington

Top of the South: Buller, Marlborough, Nelson, South Westland, West Coast, Westland

Mid South: Canterbury, Mid Canterbury, North Canterbury, South Canterbury

Deep South: Central Otago, Eastern Southland, North Otago, Otago, Southland, Waimate

Appendix 2

EXAMPLE OF LETTER OF CLEARANCE

Date:

To: Association X (*association of destination*)

From: Association Y (*association of departure*)

Club:.....

Player's name:

Player's date and place of birth:

Player's nationality:

Player's agent:

[not required for domestic transfers of non-professional players]

Name:

Nationality:

FIBA Agent's Licence Number:

Our association hereby grants a letter of clearance to the above player, formerly of Club.....

He has no contractual obligations with any basketball club affiliated with our association.

(signed)

President/ Secretary/ General Manager

Appendix 3

**Sports Anti-
Doping Rules
(2007)**

**Made under the Sports Anti-
Doping Act 2006**

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INTRODUCTION

The Board of Drug Free Sport New Zealand (*DFS*) has made these *Rules* under section 16 of the Sports Anti-Doping Act 2006 (the *Act*) in order to adopt and implement the provisions of the World Anti-Doping Code (the *Code*) and to give effect to the functions of *DFS* as set out in the *Act*. The *Code* seeks to protect the fundamental rights of *Athletes* to participate in doping-free sport and to bring about the harmonisation of core anti-doping elements across *Signatories* to the *Code*. It is intended that *National Sporting Organisations* will agree to the *Rules* so that the *Rules* apply to their members and all *Participants* as governing the conditions under which sport is played.

DFS is an independent Crown entity continued under the *Act* and is the *National Anti-Doping Organisation* responsible for implementing the *Code* in New Zealand, as provided in Article 20.5 of the *Code* and section 12 of the *Act*.

The *Rules* contain the core anti-doping Articles from the *Code* (Article 1 (Definition of Doping) Article 2 (*Anti-Doping Rule Violations*), Article 3 (Proof of Doping), Article 9 (Automatic *Disqualification* of Individual Results), Article 10 (Sanctions on Individuals), Article 11 (*Consequences* to Teams), Article 13 (Appeals) with the exception of Article 13.2.2, Article 17 (Statute of Limitations) and Definitions. The *Rules* also provide for the application of *International Standards* established by *WADA*, in particular the *Prohibited List*, the *International Standard* for *Testing* (and applicable *WADA* Guidelines for *Sample* Collection), the *International Standard* for Laboratories and the *International Standard* for therapeutic use exemptions.

The *Sports Tribunal* and any *NSO Anti-Doping Tribunal* established by a *National Sporting Organisation* to hear *Violation Proceedings* will function under the *Rules* when hearing *Violation Proceedings*.

It is intended that *National Sporting Organisations* will agree to the *Rules* as their anti-doping rules in order to implement the *Code*. By agreeing to the application of the *Rules*, *National Sporting Organisations* will agree that *DFS* and the *Sports Tribunal* (or any *NSO Anti-Doping Tribunal*) can exercise all the functions and powers in the *Act* and the *Rules*.

National Sporting Organisations that agree to the *Rules* will do so on the basis that they agree to the application of the *Rules* as amended from time to time. In accordance with its obligations under the *Act*, *DFS* will provide *National Sporting Organisations*, *Athletes* and the Privacy Commissioner a reasonable opportunity to comment before amending the *Rules*.

National Sporting Organisations that have agreed to the *Rules* will take all reasonable steps to ensure that *Participants* under their authority are informed of their obligations under the *Code* and the *Rules*.

DFS will continue to function and operate in accordance with the core obligations under the *Code*. *DFS* will carry out *Doping Control* under the provisions of the *Code* and follow the relevant mandatory *International Standards* as provided by *WADA*.

DFS will collect *Samples* or *Specimens* to test for the presence of substances or methods that are prohibited under the *WADA Prohibited List*. *Samples* will be collected in accordance with the *International Standard for Testing* and applicable *WADA Guidelines for the Collection of Blood and Urine Samples*. *DFS* will also carry out investigations in relation to *Anti-Doping Rule Violations* under Rules 3.2 to 3.8. *National Sporting Organisations* will refer all information relating to possible *Anti-Doping Rule Violations* to *DFS*. *DFS* will review information obtained in any investigation and decide whether the information supports the bringing of *Violation Proceedings*. *DFS* will bring *Violation Proceedings* and present the evidence in support of the proceedings before either the *Sports Tribunal* or an *NSO Anti-Doping Tribunal*. Subject to its various obligations to notify and report and present evidence under the *Rules*, and to certain exceptional circumstances, the process of investigating and hearing *Violation Proceedings* will be treated as a confidential process by *DFS* and all *National Sporting Organisations* and *Persons* subject to the *Rules* until a decision has been made in relation to the alleged *Violation*.

The terms in italics in this introduction and in the *Rules* are defined as set out in the Definitions section at the end of the *Rules*.

APPLICATION OF THESE RULES

1.1

- The *Rules* apply to:
- (a) *DFS* and all *Doping Control* and any investigation into any *Anti-Doping Rule Violation* carried out by *DFS* (save where *DFS* carries out *Doping Control* or any investigation by agreement with foreign governments, other *Anti-Doping Organisations* or *Signatories* to the *Code* under the *Act*, in which case *Doping Control* or any investigation will be governed by the agreement entered into or the *Code*);
 - (b) any *TUE Committee* established by *DFS*;
 - (c) any *National Sporting Organisation* that agrees to the *Rules*;
 - (d) any club, team, association, league or any other *Person* that either:
 - (i) is a member of a *National Sporting Organisation* that has agreed to the *Rules*; or
 - (ii) agrees to the application of the *Rules* with the *National Sporting Organisation*; or
 - (iii) otherwise agrees to the application of the *Rules*;
 - (e) all *Persons* who:
 - (i) are members of a *National Sporting Organisation* that has agreed to the *Rules*, regardless of where the *Persons* reside or are situated; or
 - (ii) are members of any club, team, association, league or other organisation that has agreed to the application of the *Rules* with a *National Sporting Organisation*, regardless of where the *Persons* reside or are situated; or

- (iii) are *Participants* who agree to the *Rules* as part of the conditions of participation in any capacity in any activity organised, held, convened or authorised by a *National Sporting Organisation* or one or more of its member organisations, clubs, teams, associations, leagues or other organisations, regardless of whether the *Person* is a member of any such organisation; or
 - (iv) otherwise agree to the *Rules*; and
- (f) the *Sports Tribunal* and any *NSO Anti-Doping Tribunal* established in accordance with the *Rules*;

Application to National Sporting Organisations

1. A National Sporting Organisation *may agree to the Rules by incorporating them by reference into its governing documents, constitution, rules or anti-doping policies so that the Rules form part of the rules of the National Sporting Organisation and govern the rights and obligations of all Persons who are subject to the Rules of the National Sporting Organisation. A National Sporting Organisation may also adopt the Rules as its anti-doping policy or anti-doping rules.*
2. *By agreeing to the Rules, National Sporting Organisations:*
 - (a) *recognise and accept the authority and responsibility of DFS as the sole National Anti-Doping Organisation in New Zealand for implementing the Code; and*
 - (b) *authorise DFS to carry out Doping Control, to investigate Anti-Doping Rule Violations under the Rules and to present evidence in support of Anti-Doping Rule Violations before the Sports Tribunal or an NSO Anti-Doping Tribunal.*

Members of National Sporting Organisations and all Persons to whom the Rules apply also recognise and accept the authority and responsibility of DFS.

- 1.2.3 A *National Sporting Organisation* that has agreed to the *Rules* will take all reasonable steps to ensure that any *Person* who wishes to take part in any event, competition or activity organised or authorised by it who is not a member of the *National Sporting Organisation* or who has not otherwise agreed to be bound by the *Rules*, agrees to be bound by the *Rules*.
- 1.2.4 A *National Sporting Organisation* that has agreed to the *Rules* must ensure that any *Person* who is not a member of the *National Sporting Organisation* but who wishes to participate in *International Events* or *Events* organised, sanctioned or authorised by the *National Sporting Organisation* and who fulfills the requirements to be part of *DFS's Registered Testing Pool*, becomes either a member of the *National Sporting Organisation* and/or agrees to make himself or herself available for *Testing*, at least twelve (12) months before participating in any *International Event* or in any *Event*.
- 1.2.5 Nothing in the *Rules* shall be interpreted as limiting the functions of *DFS* under the *Act* and its obligations as a *Signatory* to the *Code*. Nothing in the *Rules* prevents *DFS* from collecting *Samples* from *Athletes* and arranging for *Testing* and reporting of the results of *Testing* or undertaking any other anti-doping activity or investigation in accordance with any agreement or arrangement with any other *Anti-Doping Organisation*, *International Federation*, *Signatory* to the *Code* or any *National Sporting Organisation* which has not agreed to the *Rules*, or in accordance with any obligation under the *Act* or *Code*.
- 1.2.6 *DFS* will encourage and assist *National Sporting Organisations* to agree to the *Rules*, and will encourage

all *Participants* and *Persons* to agree to take part in sport on the basis of the *Rules*.

1.2.7 Where a *National Sporting Organisation* is a member of an International Federation and is bound by the *Rules* and the anti-doping rules of the International Federation and there is a conflict or inconsistency between the *Rules* and the anti-doping rules of the International Federation, the rules of the International Federation will prevail, solely to the extent of any inconsistency or conflict. The anti-doping rules of the International Federation must comply with the *Code* if they are to prevail over the *Rules*.

1.2.8 The *Rules* are subject to the Regulations (Disallowance) Act 1989.

INTERNATIONAL STANDARDS AND GUIDELINES INCORPORATED INTO THE RULES

2.1 The *Rules* incorporate the following *International Standards* and Guidelines by reference:

- (a) World Anti-Doping Agency Prohibited List 2007;
- (b) World Anti-Doping Agency International Standard for Therapeutic Use Exemptions that came into effect on 1 January 2005;
- (c) World Anti-Doping Agency International Standard for Testing, version 3.0, June 2003;
- (d) World Anti-Doping Agency Guidelines for Blood Sample Collection, version 5.0, January 2006;
- (e) World Anti-Doping Agency Guidelines for Urine Sample Collection, version 4.0, June 2004;
- (f) World Anti-Doping Agency International Standard for Laboratories, version 4.0, August 2004; and
- (g) Addendum to the World Anti-Doping Agency International Standard for Laboratories, version 1.0, July 2004.

2.2 Where the *Rules* refer to any of the above *International Standards* or Guidelines, the reference is to the version of the *International Standard* or Guideline dated as above.

ANTI-DOPING RULE VIOLATIONS

Doping is defined as the occurrence of one or more of the *Anti-Doping Rule Violations* set forth in Rules 3.1 to 3.8 of the *Rules*. The following constitute *Anti-Doping Rule Violations*:

The presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Bodily Specimen*.

3. *It is each Athlete's personal duty to ensure that no Prohibited Substance enters his or her body. Athletes are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their bodily Specimens. Accordingly, it is not necessary that intent, fault, negligence or knowing Use on the Athlete's part be demonstrated in order to establish an Anti-Doping Rule Violation under 3.1.*
4. *Excepting those substances for which a quantitative reporting threshold is specifically identified in the Prohibited List, the detected presence of any quantity of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample shall constitute an Anti-Doping Rule Violation.*
5. *As an exception to the general rule of Rule 3.1, the Prohibited List may establish special criteria for the evaluation of Prohibited Substances that can also be produced endogenously.*

Use or Attempted Use of a Prohibited Substance or a Prohibited Method

6. *The success or failure of the Use of a Prohibited Substance or Prohibited Method is not material. It is sufficient that the Prohibited Substance or Prohibited Method was Used or Attempted to be Used for an Anti-Doping Rule Violation to be committed.*

Refusing, or failing without compelling justification, to submit to **Sample** collection after notification under the *Rules* or any applicable *International Standard* or *WADA* guideline or otherwise evading **Sample** collection.

Violation of the requirements regarding Athlete availability for Out-of-Competition Testing including failure to provide whereabouts information required by *DFS* or any other *Anti-Doping Organisation* and missed tests which are declared by *DFS* under the *Rules*.

Tampering, or Attempting to tamper, with any part of Doping Control.

Possession of Prohibited Substances and Methods:

7. Possession *by an Athlete at any time or place of a Prohibited Substance that is prohibited in Out-of-Competition Testing or a Prohibited Method unless the Athlete establishes that the Possession is pursuant to a TUE granted in accordance with Rule 5.4 (TUEs) or other acceptable justification.*
8. Possession *of a Prohibited Substance that is prohibited in Out-of-Competition Testing or a Prohibited Method by Athlete Support Personnel in connection with an Athlete, Competition or training, unless the Athlete Support Personnel establishes that the Possession is pursuant to a TUE granted to an Athlete in accordance with Rule 5.4 (TUEs) or other acceptable justification.*

Trafficking in any Prohibited Substance or Prohibited Method.

Administration or Attempted administration of a Prohibited Substance or Prohibited Method to any Athlete, or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an Anti-Doping Rule Violation or any Attempted Violation.

PROOF OF DOPING

Burdens and Standards of Proof

9. *DFS has the burden of establishing that an Anti-Doping Rule Violation has occurred. The standard of proof shall*

be whether DFS has established an Anti-Doping Rule Violation to the comfortable satisfaction of the Sports Tribunal or NSO Anti-Doping Tribunal, bearing in mind the seriousness of the allegation that is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt.

10. *Where these Rules place the burden of proof upon the Athlete or other Person alleged to have committed an Anti-Doping Rule Violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability.*

Methods of Establishing Facts and Presumptions

Facts related to Anti-Doping Rule Violations may be established by any reliable means, including admissions. The following rules of proof shall be applicable in doping cases:

11. *WADA-accredited laboratories are presumed to have conducted Sample analysis and custodial procedures in accordance with the International Standard for Laboratories. The Athlete may rebut this presumption by establishing that a departure from the International Standard occurred. If the Athlete rebuts the preceding presumption by showing that a departure from the International Standard occurred, then DFS shall have the burden to establish that such departure did not cause the Adverse Analytical Finding.*
12. *Departures from the International Standard for Testing which did not cause an Adverse Analytical Finding or other Anti-Doping Rule Violation shall not invalidate such results. If the Athlete establishes that departures from the International Standard occurred during Testing then DFS shall have the burden to establish that such departures did not cause the Adverse Analytical Finding or the factual basis for the Anti-Doping Rule Violation.*

THE PROHIBITED LIST

Incorporation of the *Prohibited List*

13. *The Rules adopt and incorporate the Prohibited List 2007.*
14. *It is the responsibility of each National Sporting Organisation to take all reasonable steps to ensure that the current Prohibited List is available to its members and Participants.*

Prohibited Substances and Prohibited Methods Identified on the Prohibited List

The Prohibited List identifies those Prohibited Substances and Prohibited Methods which are prohibited as doping at all times (both In-Competition and Out-of-Competition) and those substances and methods which are prohibited In-Competition only.

Substances and Methods on the *Prohibited List*

WADA's determination of the Prohibited Substances and Prohibited Methods that shall be included on the Prohibited List shall be final and shall not be subject to challenge by an Athlete or other Person.

TUEs

15. *The Rules adopt and incorporate the WADA International Standard for Therapeutic Use Exemptions.*
16. *Athletes subject to the Rules with a medical condition requiring the Use of a Prohibited Substance or a Prohibited Method, shall obtain a TUE from DFS or an International Federation.*
17. *DFS shall at all times have policies and procedures for the application for TUEs and for consideration of such applications.*

Therapeutic Use Exemption Committee (TUE Committee)

18. DFS shall appoint a TUE Committee to consider applications for TUEs. The TUE Committee shall be established according to the requirements of the International Standard for Therapeutic Use Exemptions. Where members of the TUE Committee have an interest in individual National Sporting Organisations or International Federations, they are excluded from considering applications for TUEs from Athletes who are members of the same individual National Sporting Organisations or International Federations.
19. The TUE Committee member(s) shall promptly evaluate any request for a TUE in accordance with the International Standard for TUEs and render a decision on such request, which shall be the decision of DFS.
20. DFS and the TUE Committee shall conduct the administration and determination of applications for TUEs in strict confidence.

TESTING

Incorporation of the International Standard for Testing

The *Rules* adopt and incorporate the *WADA International Standard for Testing* and the *WADA Guidelines for Blood Sample Collection and Urine Sample Collection*. *Testing* conducted by, or, on behalf of, *DFS* and *National Sporting Organisations* shall be in accordance with the *International Standard for Testing*.

Testing

All *Athletes* subject to the *Rules* are subject to *In-Competition Testing* by their International Federation, *DFS* and any *Anti-Doping Organisation* responsible for *Testing* at a *Competition* or *Event* in which they participate. All *Athletes* subject to the *Rules* are also subject to *Out-of-Competition Testing* at any time or place, by their International Federation, *DFS*, *WADA*, the *National Anti-Doping Organisation* of any country where the *Athlete* is present, *Major Event Organisations*, the International Olympic Committee in connection with the Olympic Games and the International Paralympic Committee in connection with the Paralympic Games.

Testing at Events

At *International Events*, the collection of *Doping Control Samples* shall be initiated and directed by the international organisation that is the ruling body for the *Event*. If the international organisation decides not to conduct any *Testing* at such an *Event*, *DFS* may, in coordination with and with the approval of the international organisation or *WADA*, initiate and conduct such *Testing*. At *National Events*, the collection of *Doping Control Samples* shall be initiated and directed by *DFS*.

Registered Testing Pool, Whereabouts information & Missed Tests

21. Registered Testing Pool

DFS shall identify a Registered Testing Pool, and shall revise its Registered Testing Pool from time to time as appropriate. Each National Sporting Organisation shall assist DFS in identifying and maintaining the DFS Registered Testing Pool. National Sporting Organisations shall take all reasonable steps to ensure that Athletes who seek to be selected in the New Zealand team of a National Sporting Organisation for any Olympic, Paralympic or Commonwealth Games agree to be bound by the Rules and who meet any additional criteria set out by DFS are included in the DFS Registered Testing Pool for at least a year before the date of the commencement of the Games for which they seek selection.

22. Whereabouts Information

DFS shall notify each Athlete of their inclusion in the Registered Testing Pool and advise each Athlete of their obligations under the Rules. Each Athlete in the Registered Testing Pool will be responsible for providing whereabouts information to DFS in the manner and form required by DFS. Each Athlete will ensure that the information is kept current and complete at all times. Where an Athlete is required to provide whereabouts information to their International Federation, the Athlete shall provide a copy of that information to DFS at the same time.

23. Where an Athlete in the DFS Registered Testing Pool has failed to submit whereabouts information or has submitted inadequate whereabouts information and has been given a written warning on 2 occasions by DFS in a period of 12 months, DFS will review the failures under Rule 9.4 in order to determine whether to bring Violation Proceedings against the Athlete.

24. Missed Tests

Where DFS attends at a location given by the Athlete in whereabouts information provided by the Athlete to conduct Testing and the Athlete is not at the location, DFS will take all reasonable steps to locate the Athlete at the location. If the Athlete cannot be located the failure to be present for Testing will be reported as a missed test. Where there is a report of a missed test, DFS will review the circumstances set out in the report and may issue a written warning to the Athlete in relation to the missed test. Where an Athlete has been the subject of 2 written warnings in relation to missed tests in a period of 12 months, DFS will review the information concerning the missed tests under Rule 9.4 to determine whether to bring Violation Proceedings against the Athlete.

- 6.4.5 Where an Athlete has been given 1 written warning for a failure to provide whereabouts information under Rule 6.4.2 and has also been given 1 written warning for a missed test under Rule 6.4.4 within a period of 12 months, DFS will review the matter under Rule 9.4 in order to determine whether to bring Violation Proceedings against the Athlete.

Selection of Athletes to be Tested

DFS shall select Athletes for Testing through a process that complies with the International Standard for Testing. In this regard, No Advance Notice shall be the preferred method of notification for Out-of-Competition Testing.

Testing of Minors

Testing of Minors will be carried out by DFS under the Rules in the manner set out in the International Standard for Testing. Where any National Sporting Organisation has members or is responsible for Participants or Persons who are Minors, the National Sporting Organisation will take all reasonable steps to ensure that the Minor and a Person with legal responsibility for the Minor has given consent to Testing. Where a Minor is a Participant, DFS will assume, in the absence of notice to the contrary, that consent to the Testing has been given by a Person with legal responsibility for the Minor and by the Minor. Where DFS intends to carry out Testing which may involve Minors it will, where considered appropriate by DFS, seek to review the position regarding consent to the Testing with the National Sporting Organisation concerned before carrying out Testing.

Independent Observer Program

DFS, National Sporting Organisations and the organising committees for Events and their employees, contractors, officials and agents shall provide

access to *Persons* participating in the *Independent Observers Program* at *Events*.

ANALYSIS OF SAMPLES

Incorporation of the *International Standard for Laboratories*

The *Rules* adopt and incorporate the *WADA International Standard for Laboratories*.

Utilisation of Approved Laboratories

DFS shall send *Doping Control Samples* collected under the *Rules* for analysis to *WADA*-accredited laboratories or to laboratories which have been otherwise approved by *WADA*. The choice of the *WADA*-accredited laboratory used for the *Sample* analysis shall be determined exclusively by *DFS*. Laboratories shall analyse *Doping Control Samples* and report results in conformity with the *International Standard for Laboratories*.

Substances Subject to Detection

Doping Control Samples shall be analysed to detect *Prohibited Substances* and *Prohibited Methods* identified on the *Prohibited List* and other substances as may be directed by *WADA* pursuant to the Monitoring Program described in Article 4.5 of the *Code*.

Research on *Samples*

No *Sample* may be used for any purpose other than the detection of substances (or classes of substances) or methods on the *Prohibited List*, or as otherwise identified by *WADA* pursuant to its Monitoring Program, without the *Athlete's* written consent.

8. OBTAINING INFORMATION AT SAMPLE COLLECTION

Where *DFS* carries out or attempts to carry out *Sample* collection it will obtain all relevant information and complete all appropriate documentation to support any possible allegation that there has been a refusal to submit to *Sample* collection contrary to Rule 3.3 or any other *Anti-Doping Rule Violation* under Rules 3.2. to 3.8. Information obtained before, during, or after *Sample* collection and completed documentation will be forwarded to *DFS* by the Doping Control Officer for further consideration and investigation by *DFS*.

9. MANAGING RESULTS

9.1 Laboratory results and possible refusal or failure to submit to *Sample* collection reports

9.1.1 *DFS will undertake Testing for Anti-Doping Rule Violations under Rule 3.1 according to the International Standard for Testing.*

9.1.2 *DFS shall receive the analytical results of Doping Control Samples from the laboratory. DFS shall receive any Doping Control Officer Reports indicating a possible refusal or failure to submit to Sample collection under Rule 3.3 or other information from the relevant Doping Control Officer along with other documentation from the Sample collection.*

9.2 Negative Analytical Findings

9.2.1 *DFS shall identify from the Doping Control Form all Athletes whose Samples have resulted in a Negative Analytical Finding.*

9.2.2 *DFS will notify Athletes or any representative of Negative Analytical Findings.*

9.2.3 *All documentation from the Sample collection and the notification of Negative Analytical Findings shall be retained by DFS for a minimum of eight (8) years.*

9.3 Adverse Analytical Findings

9.3.1 *Initial Review*

9.3.1.1 Upon receipt of an Adverse Analytical Finding, DFS will review the laboratory report and decide whether there is any applicable TUE in effect. If DFS decides that there is an applicable TUE in effect, it will take no further action in relation to the Adverse Analytical Finding.

9.3.1.2 **Upon receipt of an Adverse Analytical Finding, DFS shall review the documentation relating to the Sample Collection Session (including the Doping Control Form, Doping Control Officer Report and other Records), and the laboratory analysis for any departure from the International Standard for Testing.**

9.3.1.3 **If there is any departure shown by the documentation, DFS shall decide whether the departure can be considered to undermine the validity of the Adverse Analytical Finding.**

9.3.1.4 **If DFS considers that departures undermine the validity of the Adverse Analytical Finding, DFS shall declare the test result void.**

9.3.1.5 **Where the laboratory report Sample shows the presence of a Prohibited Substance or Prohibited Method in circumstances where, under the Prohibited List further investigation may be required, DFS will conduct any further investigation as may be required under the Prohibited List to decide whether an Adverse Analytical Finding is confirmed.**

9.3.2 Notification After Initial Review

9.3.2.1 **When DFS has decided, after its initial review and any further**

investigation required under the *Prohibited List*, that there is an *Adverse Analytical Finding*, DFS will give notice to the *Athlete* of the *Adverse Analytical Finding*. The notice will identify the *Athlete*, by name, state the *Athlete's* country, sport and discipline, the date of *Sample* collection, whether the collection was *In-Competition* or *Out-Of-Competition*, the details of the *Prohibited Substance* identified in the *A Sample*, the *Anti-Doping Rule Violation* which it is alleged the *Athlete* has committed and the possible consequences of a *Violation*.

9.3.2.2 The notice will further set out the *Athlete's* right to request the analysis of the *B Sample* within 5 working days of service of the notice and that, if the *Athlete* fails to make a request within the time limit, the *B Sample* analysis will be deemed waived and the *A Sample* finding used. The notice will set out the right of the *Athlete* to attend the *B Sample* opening and analysis if such analysis is requested, whether in person or by a representative, the other parties that will be notified of the *A Sample Adverse Analytical Finding*, and the *Athlete's* right to request copies of the *A* and *B Sample*

Laboratory report including the information required by the International Standard for Laboratories.

9.3.2.3 DFS will give notice of the Adverse Analytical Finding to the Athlete's National Anti-Doping Organisation (where applicable), the relevant National Sporting Organisation, the relevant International Federation, WADA and any other relevant Anti-Doping Organisation not later than the end of the process of the initial review of the Adverse Analytical Finding. The notice will contain the information set out in Rule 9.3.2.1.

9.3.2.4 Where the Athlete requests that the B Sample be analysed, DFS will contact the laboratory to establish the date and timing of the testing of the B Sample, and will notify the Athlete of that date no later than 5 working days after the Athlete's request for the analysis of the B Sample. The time for analysis of the B Sample may be extended by agreement. DFS will also notify the Athlete of the Athlete's right to attend, whether in person or by a representative, on the identification, opening and analysis of the B Sample. Where the Athlete or a representative does not attend on the

identification, opening and analysis of the B Sample, DFS will appoint an independent person to attend at the identification and opening of the B Sample.

9.3.2.5 Where the Athlete requests a B Sample analysis, DFS shall report the result of such an analysis to the relevant National Sporting Organisation, the relevant International Federation, WADA and any other relevant Anti-Doping Organisation.

9.3.2.6 If the B Sample analysis does not confirm the A Sample analysis, DFS will notify the Athlete that there has been a negative test and no further steps will be taken. If the B Sample analysis confirms the A Sample analysis, DFS will proceed under these Rules in relation to the Adverse Analytical Finding.

9.3.2.7 Where *DFS* is aware that the *Athlete* may be subject to the imposition of a *Provisional Suspension* under the rules of a *National Sporting Organisation*, *International Federation*, *Major Event Organisation* or other *Signatory to the Code*, it may, where notice has to be given to the *Athlete* as a matter of urgency, give verbal notice of the *Adverse Analytical Finding* to the *Athlete* and the other *Persons under Rule 9.3.2.3* and any other relevant *Persons*. Where notice is given verbally, notice will be confirmed in writing as soon as possible after the verbal notice.

9.4 Other Anti-Doping Rule Violations

9.4.1 In addition to carrying out *Testing* under the *International Standard for Testing* in relation to *Violations* under 3.1, *DFS* will carry out such investigations as it sees fit (whether arising from *Sample* collection or otherwise) into all matters which may be relevant to the commission of any *Violation* under Rules 3.2 to 3.8.

9.4.2 Where *DFS* has obtained documentation or information from *Sample* collection carried out under the *Rules* or from any other investigation which it has carried out, or from any other source, which may support an allegation that a *Violation* under Rule 3.2 to 3.8 has occurred, *DFS* will

review that information and carry out any such further investigation as it sees fit, to decide whether, in its view, a *Violation* has occurred.

9.4.3 At any time during the course of an investigation *DFS* may ask to interview any *Participant* or any other *Person* who it believes may assist in the investigation. Where *DFS* requests such an interview, *DFS* will inform the *Participant* or *Person* who it wishes to interview that they can be accompanied by a representative to any interview if they wish.

9.4.4 *National Sporting Organisations, Participants* and any *Person* bound by these *Rules* shall refer to *DFS* all documentation, materials and information they receive or are made aware of, concerning any possible *Anti-Doping Rule Violation*, for investigation by *DFS*, regardless of whether or not such documentation, materials or information have been referred to a International Federation or any other organisation.

9.4.5 *National Sporting Organisations* and *Participants* shall take all reasonable steps to support any investigation conducted by *DFS* into the commission of any *Anti-Doping Rule Violation*. *National Sporting Organisations* shall take all reasonable steps to ensure that all *Participants* under their authority assist *DFS* in any investigation which it carries out under the *Rules*.

9.4.6 Where *DFS* decides that, as a result of any investigation, it has material which supports an allegation that a *Participant* or other *Person* has committed a *Violation* under Rule 3.2 to 3.8 and *DFS* intends to make such an allegation, *DFS* will give notice in writing of its intention to make the allegation to the *Participant* or *Person*. The notice will set out the matters which *DFS* believes support the allegation that the *Violation* has been committed, and ask whether the *Participant* or *Person* wishes to provide any statement or comment on the allegation or provide any further information to *DFS*, whether at an interview or in writing. The notice will also set out the possible consequences of the *Violation* if it is proven, recommend that the *Participant* or *Person* obtains advice and will also provide that the *Participant* or *Person* may, if they wish, admit the *Violation* in writing. *DFS* will, in its notification to the *Participant* or *Person* provide for a reply to be received in 7 days. If no reply has been received by *DFS* within that time, *DFS* will proceed to make its final decision whether to bring *Violation Proceedings*. Where the *Participant* or *Person* provides a statement or comment or further information to *DFS* in relation to the alleged *Violation*, *DFS* will consider any material provided before making its decision to bring *Violation Proceedings*. *DFS* may decide that it will not give notice under this Rule where it considers that it is inappropriate to do so. Where *DFS* does not give notice under this Rule, it will proceed to make a decision whether to bring *Violation Proceedings* on the basis of the material which it has obtained in any investigation.

- 9.4.7 Where *DFS* is conducting an investigation into a possible *Violation* under Rules 3.2 to 3.8, *DFS* may notify the *National Sporting Organisation*, *International Federation*, *Major Event Organisation* or other relevant *Signatory* to the *Code* of the investigation and the information which it has obtained and the identity of the *Participant* or any other *Person* under investigation at any time before it has reached a decision on whether to bring *Violation Proceedings*, where *DFS* considers that such notification is necessary to allow for the consideration of the imposition of a *Provisional Suspension* under Rule 12 or otherwise.
- 9.4.8 At any stage in an investigation *DFS* may decide that it will bring *Violation Proceedings*. Where *DFS* so decides, it will proceed to notify its decision and bring the *Violation Proceedings* as set out in Rule 10.

10 NOTIFICATION AND REFERRAL TO THE SPORTS TRIBUNAL

10.1 Notice to *Participant* or *Person*

Where:

- (a) there has been an *Adverse Analytical Finding* and, after *DFS* has carried out the steps under Rule 9.3 which are applicable, *DFS* considers that an Anti-Doping Rule Violation has been committed under Rule 3.1; or
- (b) after considering and assessing documentation or information obtained or provided during any investigation under Rule 9.4 and any further matters which it considers relevant, *DFS* considers that an *Anti-Doping Rule Violation* under Rules 3.2. to 3.8 has occurred and decides that it will bring *Violation Proceedings* against any *Participant* or other *Person*,

DFS will notify the *Participant* or *Person* in writing who is alleged to have committed the *Violation*, setting out the *Violation* which *DFS* alleges has been committed. The notice will give particulars of the alleged *Violation* and the possible sanctions which may apply if the *Violation* is established. *DFS* will also notify the *Person* of the other parties who will be notified of the allegation under Rule 10.2. The notice will also provide that the *Participant* or *Person* who is the subject of the *Violation Proceeding* may admit the *Violation* in writing.

10.2 Notice to Organisations

When *DFS* has determined as a result of any investigation that it will bring *Violation Proceedings*, in addition to giving the notice under Rule 10.1, *DFS* will notify the *Participant's* or *Person's National Anti-Doping Organisation* (where applicable), the relevant *National Sporting Organisation(s)*, the relevant International Federation(s), any other relevant *Signatory* to the *Code* and *WADA*, of the alleged *Violation*, identifying the *Participant* or *Person* who it alleges has committed the *Violation* and providing the details which are given to the *Participant* or *Person* under Rule 10.1.

10.3 Provisional Suspension

After a *Participant* or other *Person* has been notified of an alleged *Anti-Doping Rule Violation* under the *Rules*, whether under Rule 9.3.2.7, 9.4.7 or Rule 10.1, the *National Sporting Organisation* will take steps under Rule 12 to initiate consideration of whether to impose a *Provisional Suspension*.

10.4 Notice to Sports Tribunal or NSO Anti-Doping Tribunal

Where *DFS* has determined that it will bring *Violation Proceedings* against any *Participant* or *Person*, it will notify the *Sports Tribunal* or the relevant *NSO Anti-Doping Tribunal* of the alleged *Violation* and bring *Violation Proceedings* before the *Sports Tribunal* or relevant *NSO Anti-Doping Tribunal*. Where *DFS* is not aware of the position in relation to the existence of any relevant *NSO Anti-Doping Tribunal* it will notify the *Sports Tribunal*. *DFS* will file and serve the documents required to commence *Violation Proceedings* under the rules of the *Sports Tribunal* or *NSO Anti-Doping Tribunal*

10.5 *DFS* will take all necessary steps to bring and progress *Violation Proceedings* in a timely manner before the *Sports Tribunal* or *NSO Anti-Doping Tribunal* and will present evidence relevant to the alleged *Anti-Doping Rule Violation* before the *Sports Tribunal* or *NSO Anti-Doping Tribunal*.

11 RIGHT TO INFORMATION

Subject to the provisions of sections 27 to 29 of the Privacy Act 1993 and subject to any other good reason to withhold information under statute or the common law, any *Person* who is notified by *DFS* under these *Rules* that they may be the subject of *Violation Proceedings*, will be entitled to copies of all of the documentation relevant to the allegation that there has been an *Anti-Doping Rule Violation*, and *DFS* shall provide this to the *Person* or their representative upon request.

12 PROVISIONAL HEARINGS AND SUSPENSIONS

12.1 Where a *National Sporting Organisation* has received notice of an alleged *Anti-Doping Rule Violation* under Rules 9.3.2.7, 9.4.7 or 10.2 from *DFS* against a *Person* who is subject to the *Rules*, the *National Sporting Organisation* shall refer the question whether to impose a *Provisional Suspension* under the *Rules* to the *Sports Tribunal*, and *DFS*

and the *National Sports Organisation* will provide the *Sports Tribunal* with the information relevant to the alleged *Anti-Doping Rule Violation*. Where a *National Sporting Organisation* has established an *NSO Anti-Doping Tribunal*, the *National Sporting Organisation* shall refer the question of whether to impose a *Provisional Suspension* to that Tribunal for consideration in accordance with the rules of the *NSO Anti-Doping Tribunal*. Every reference to the *Sports Tribunal* in Rule 12 shall apply to any *NSO Anti-Doping Tribunal* dealing with the question whether to impose a *Provisional Suspension*.

- 12.2 Where a *National Sporting Organisation* has referred the question whether to impose a *Provisional Suspension* to the *Sports Tribunal*, the *Sports Tribunal* will either notify the *Person* who may be subject to a *Provisional Suspension* that it will hold an urgent provisional hearing before deciding whether to impose a *Provisional Suspension*, or will decide whether to impose a *Provisional Suspension* on the material before it, without hearing from the *Person* upon whom a *Provisional Suspension* may be imposed.
- 12.3 Where the *Sports Tribunal* decides to proceed without holding an urgent provisional hearing, it will, in the event that it decides to impose a *Provisional Suspension*, either hold an expedited hearing on whether the *Provisional Suspension* should be maintained, or hold an expedited hearing in relation to the *Anti-Doping Rule Violation*, as soon as possible after the imposition of the *Provisional Suspension*. The *Person* who is subject to the *Provisional Suspension* will be notified of the date and timing of the hearing which is to be held. It will be for the *Sports Tribunal* to decide which form of hearing it will adopt. It may, in reaching a decision on the form of hearing, hear representations on the appropriate process.
- 12.4 The *Sports Tribunal* will, wherever possible, seek to hold an urgent provisional hearing before imposing a *Provisional Suspension*, but the choice of procedure to be followed will be a matter for the *Sports Tribunal* in the particular circumstances.
- 12.5 The *Sports Tribunal* will adopt such procedures for any hearing in relation to a *Provisional Suspension* (whether held before or after the

imposition of a *Provisional Suspension* under the *Rules*) as the *Sports Tribunal* considers will provide the parties with a fair hearing in the matter in accordance with the principles of set out in Articles 7.5 and 8 of the *Code*.

- 12.6 In considering whether to impose a *Provisional Suspension*, the *Sports Tribunal* may request further information or material from *DFS*, the *National Sporting Organisation* or the *Person* who may be subject to the *Provisional Suspension*. *DFS*, the *National Sporting Organisation* and the *Person* who may be the subject of the *Provisional Suspension* will take all reasonable steps to comply with any request for information or material.
- 12.7 A decision by the *Sports Tribunal* in relation to a *Provisional Suspension* will be notified to the *Participants* or *Persons* who have been notified of the alleged *Violation* under these *Rules*, but will otherwise remain confidential until publication of the final decision on the *Anti-Doping Rule Violation*, unless the *Sports Tribunal* considers that it is in the interests of the *National Sporting Organisation* and its members that the decision in relation to the *Provisional Suspension* be *Publicly Reported*.
- 12.8 A *Provisional Suspension* may be imposed where the *Sports Tribunal* is satisfied that there is a *prima facie* case that a *Violation* has been committed and that it is appropriate in the circumstances to impose a *Provisional Suspension*.
- 12.9 A *Person* who is subject to a *Provisional Suspension* may not take part in any way in any event or activity, organised, sanctioned or authorised by the *National Sporting Organisation* or any member organisation or club of the *National Sporting Organisation* or by any *Person* in any way connected with the *National Sporting Organisation*. The *National Sporting Organisation* shall take all necessary steps to have the *Provisional Suspension* recognised by other *Anti-Doping Organisations*.
- 12.10 All provisional hearings or expedited hearings by the *Sports Tribunal* must be conducted in accordance with Articles 7.5 and 8 of the *Code* and in accordance with the rules and procedures of the *Sports Tribunal*.

- 12.11 Where a *Provisional Suspension* has been imposed after an *A Sample Adverse Analytical Finding*, the *Athlete* has requested that the *B Sample* analysis be conducted and the *B Sample* analysis does not confirm the *A Sample* analysis, then the *Provisional Suspension* shall be rescinded by the *Sports Tribunal* or *NSO Anti-Doping Tribunal* immediately upon receiving notice from *DFS* that the *B Sample* analysis does not confirm the *A Sample* analysis.
- 12.12 Where the *Athlete* or the *Athlete's* team has been removed from a *Competition* or *Event* following a *Provisional Suspension* and the *Provisional Suspension* is then rescinded, and it is still possible for the *Athlete* or team to be reinstated without otherwise affecting the *Competition* or *Event*, the *Athlete* or team shall be allowed to continue to take part in the *Competition* or *Event*.
- 12.13 If *DFS* declares that there has been no *Anti-Doping Rule Violation*, at a time when a *Provisional Suspension* is in effect, it shall immediately inform the *Athlete's* International Federation, *National Sporting Organisation*, any relevant *Signatory* to the *Code*, the *Sports Tribunal* or any *NSO Anti-Doping Tribunal* (where appropriate) and *WADA*.
- 12.14 When the *Sports Tribunal* or *NSO Anti-Doping Tribunal* receives notification from *DFS* of a declaration under Rule 12.13 that there has been no *Anti-Doping Rule Violation*, the *Sports Tribunal* or *NSO Anti-Doping Tribunal* shall immediately rescind any *Provisional Suspension*.

13 DISCIPLINARY PROCEDURE

13.1 Role of *Sports Tribunal*

- 13.1.1 **Subject to Rule 13.1.2, the *Sports Tribunal* established under the Act is the body responsible for hearing and determining *Anti-Doping Rule Violations* referred to it by *DFS* under the Rules. In particular, the *Sports Tribunal* will determine whether an *Anti-Doping Rule Violation* has been committed and if so, the Consequences of the Violation for the *Athlete* or any other Person who has committed the Violation. The *Sports Tribunal* will regulate its own procedures and will provide a hearing which respects the principles in Article 8 of the Code.**
- 13.1.2 A *National Sporting Organisation* may establish and nominate an *NSO Anti-Doping Tribunal* to hear *Anti-*

Doping Rule Violations *brought by DFS provided that the NSO Anti-Doping Tribunal complies with all the requirements of the Rules (including all the requirements relating to the Sports Tribunal) and the Code in all aspects of its consideration of an alleged Violation. Any NSO Anti-Doping Tribunal established under the Rules shall, by its rules, accept the authority of DFS to notify and bring Violation Proceedings and to appear before it to present the evidence in support of such Violation Proceedings. Where a National Sporting Organisation establishes an NSO Anti-Doping Tribunal it will immediately notify DFS and provide DFS with all relevant rules relating to the operation of the NSO Anti-Doping Tribunal.*

13.2 Hearing Procedure

13.2.1 *Proceedings under the Rules must be completed in a timely manner, and should normally be completed within three (3) months of the date of notification of the Violation Proceedings to the Sports Tribunal by DFS.*

13.2 Proceedings in connection with *Events* may be conducted on an expedited basis. Decisions may be given orally in the first instance but, in every case, written reasons for the decision will be given.

13.3 Confidentiality of Hearings and reporting of Decisions

13.3.1 All hearings and deliberations before the *Sports Tribunal* in relation to *Anti-Doping Rule Violations* will be held in private and be confidential save where the parties otherwise agree.

13.3.2 *Written decisions of the Sports Tribunal that an Anti-Doping Rule Violation has been committed shall be Publicly Reported by the Sports Tribunal within 20 days of the time when the written decision is given in relation to the Anti-Doping Rule Violation. Interim rulings of the Sports Tribunal will remain confidential until a final decision in relation to the Anti-Doping Rule Violation has been given by the Sports Tribunal unless the Sports Tribunal considers that such a decision should be Publicly Reported. Decisions of the Sports Tribunal shall be advised to the parties to the proceedings, WADA, the relevant International Federation, any relevant Anti-Doping Organisation (and to the National Olympic Committee and National Sporting Organisation if not a party to the*

proceedings), by the Sports Tribunal as soon as practicable after the decision has been given.

- 13.3.3. Where the *Sports Tribunal* decides that no *Anti-Doping Rule Violation* has been committed, the decision of the *Sports Tribunal* will be notified to the parties and the organisations set out under Rule 13.3.2. The decision of the *Sports Tribunal* will be *Publicly Reported* in a summary form in a manner which does not identify the *Person* who was the subject of the allegation. Where the *Person* consents, or the *Sports Tribunal* considers that such a report of the decision is necessary in the circumstances of the particular proceedings, the *Sports Tribunal* may order that the decision be *Publicly Reported* in full identifying the *Person* who was the subject of the allegation.

13.4 Appeals

- 13.4.1 *Appeals from the decisions of the Sports Tribunal are exclusively to CAS as set out in Rule 15 of the Rules.*

13.5 Other Matters

- 13.5.1 *Subject to the application of Rule 4.2.2. of the Rules in relation to departures from the International Standard for Testing, no failure to follow, or departure from, the procedures provided for by the Rules by DFS or any National Sporting Organisation will provide a ground to exclude evidence which is relevant to the determination whether an Anti-Doping Rule Violation has been committed from being considered by the Sports Tribunal or otherwise provide a ground for the Sports Tribunal to find that an Anti-Doping Rule Violation has not been committed. Nor will any such failure or departure provide a ground to invalidate a decision by the Sports Tribunal on an appeal to CAS, save where CAS, in the exercise of its jurisdiction on appeal considers that there has been a miscarriage of justice as a direct consequence of the failure or departure.*

14 SANCTIONS

14.1 Automatic Disqualification of Results

- 14.1.1 *Where the Sports Tribunal finds that an Anti-Doping Rule Violation has been established, it will consider what*

sanction to impose on the Person who has committed the Violation in accordance with these Rules.

- 14.1.2 *An Anti-Doping Rule Violation in connection with an In-Competition test automatically leads to Disqualification of the individual result obtained in that Competition with all resulting Consequences, including forfeiture of any medals, points and prizes.*
- 14.1.3 *An Anti-Doping Rule Violation occurring during or in connection with an Event may, upon the decision of the ruling body of the Event, lead to Disqualification of all of the Athlete's individual results obtained in that Event with all Consequences, including forfeiture of all medals, points and prizes, except as provided in Rule 14.1.4.*
- 14.1.4 *If the Athlete establishes that they bear No Fault or Negligence for the Violation, the Athlete's individual results in the other Competitions shall not be Disqualified unless the Athlete's results in Competitions other than the Competition in which the Anti-Doping Rule Violation occurred were likely to have been affected by the Athlete's Anti-Doping Rule Violation.*

14.2 Imposition of *Ineligibility* for *Prohibited Substances* and *Prohibited Methods*

Except for the specified substances identified in Rule 14.3, the period of *Ineligibility* imposed for a *Violation* of Rule 3.1 (Presence of *Prohibited Substance* or its *Metabolites* or *Markers*), Rule 3.2 (*Use* or *Attempted Use* of *Prohibited Substance* or *Prohibited Method*) and Rule 3.6 (*Possession* of *Prohibited Substances* and *Prohibited Methods*) shall be:

First Violation: Two (2) years' *Ineligibility*.

Second Violation: Lifetime *Ineligibility*.

However, the *Athlete* or other *Person* shall have the opportunity in each case, before a period of *Ineligibility* is imposed, to establish the basis for eliminating or reducing this sanction as provided in Rule 14.5 (*Elimination* or *Reduction* of Period of *Ineligibility* based on *Exceptional Circumstances*).

14.3 Specified Substances

The *Prohibited List* may identify specified substances which are particularly susceptible to unintentional *Anti-Doping Rule Violations*

because of their general availability in medicinal products or which are less likely to be successfully abused as doping agents. Where an *Athlete* can establish that the *Use* of such a specified substance was not intended to enhance sport performance, the period of *Ineligibility* found in Rule 14.2 (Imposition of Ineligibility for *Prohibited Substances* and *Prohibited Methods*) shall be replaced with the following:

First Violation: At a minimum, a warning and reprimand and no period of *Ineligibility* from future *Events*, and at a maximum, one (1) year's *Ineligibility*.

Second Violation: Two (2) years' *Ineligibility*.

Third Violation: Lifetime *Ineligibility*.

However, the *Athlete* or other *Person* shall have the opportunity in each case, before a period of *Ineligibility* is imposed, to establish the basis for eliminating or reducing (in the case of a second or third Violation) this sanction as provided in Rule 14.5 (Elimination or Reduction of Period of *Ineligibility* based on Exceptional Circumstances).

14.4 *Ineligibility for Other Anti-Doping Rule Violations*

The period of *Ineligibility* for other *Anti-Doping Rule Violations* shall be:

14.4.1 *For Violations of Rule 3.3 (Refusing or Failing to Submit to Sample Collection) or Rule 3.5 (Tampering with Doping Control), the Ineligibility periods set forth in Rule 14.2 (Imposition of Ineligibility for Prohibited Substances and Prohibited Methods) shall apply.*

14.4.2 *For Violations of Rule 3.7 (Trafficking), or Rule 3.8 (Administration of Prohibited Substance or Prohibited Method) the period of Ineligibility imposed shall be a minimum of four (4) years up to lifetime Ineligibility. An Anti-Doping Rule Violation involving a Minor shall be considered a particularly serious Violation, and, if committed by Athlete Support Personnel for Violations other than specified substances referenced in Rule 14.3, shall result in lifetime Ineligibility for such Athlete Support Personnel. In addition, Violations of the Rules that also violate non-sporting laws and regulations, may be reported to the competent administrative, professional or judicial authorities.*

14.4.3 For Violations of Rule 3.4 (whereabouts Violation or missed test), the period of *Ineligibility* shall be:

First Violation: A minimum of three (3) months to a maximum of two (2) years *Ineligibility*;

Second and Subsequent Violations: *Ineligibility* for a period of two (2) years.

14.5 Elimination or Reduction of Period of *Ineligibility* based on Exceptional Circumstances.

14.5.1 No Fault or Negligence

If the *Athlete* establishes in an individual case involving an *Anti-Doping Rule Violation* under Rule 3.1 (Presence of *Prohibited Substance* or its *Metabolites* or *Markers*) or under Rule 3.2 (Use of a *Prohibited Substance* or *Prohibited Method*) that they bear *No Fault or Negligence* for the *Violation*, the otherwise applicable period of *Ineligibility* shall be eliminated. When a *Prohibited Substance* or its *Markers* or its *Metabolites* is detected in an *Athlete's Specimen* in *Violation* of Rule 3.1 (Presence of *Prohibited Substance*), the *Athlete* shall also establish how the *Prohibited Substance* entered their system in order to have the period of *Ineligibility* eliminated.

In the event that this Rule is applied and the period of *Ineligibility* otherwise applicable is eliminated, the *Anti-Doping Rule Violation* shall not be considered a *Violation* for the limited purpose of determining the period of *Ineligibility* for multiple *Violations* under Rules 14.2 (Imposition of *Ineligibility* for *Prohibited Substances* and *Prohibited Methods*), 14.3 (Specified Substances) and 14.6 (Rules for Certain Multiple *Violations*).

14.5.2 No Significant Fault or Negligence

This Rule 14.5.2 applies only to *Anti-Doping Rule Violations* involving Rule 3.1 (Presence of *Prohibited Substance* or its *Metabolites* or *Markers*), *Use of a Prohibited Substance* or *Prohibited Method* under Rule 3.2, failing to submit to *Sample* collection under Rule 3.3, administration of a *Prohibited Substance* or *Prohibited Method* under Rule 3.8. If an *Athlete* establishes in an individual case involving such *Violations* that they bear *No Significant Fault or Negligence*, then the period of *Ineligibility* may be reduced, but the reduced period of *Ineligibility* may not be less than one-half of the minimum period of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this section may be no less than 8 years. When a *Prohibited Substance* or its *Markers* or *Metabolites* is detected in an *Athlete's Specimen* in violation of Rule 3.1 (Presence of *Prohibited Substance*), the *Athlete* shall also establish how the *Prohibited Substance* entered their system in order to have the period of *Ineligibility* reduced.

14.5.3 Athlete's Substantial Assistance in Discovering or Establishing Anti-Doping Rule Violations by Athlete Support Personnel and Others

The *Sports Tribunal* may also reduce the period of *Ineligibility* in an individual case where the *Athlete* has provided substantial assistance to an *Anti-Doping Organisation* which results in the *Anti-Doping Organisation* discovering or establishing an *Anti-Doping Rule Violation* by another *Person* involving *Possession* under Rule 3.6.2 (*Possession by Athlete Support Personnel*), Rule 3.7 (*Trafficking*), or Rule 3.8 (*Administration to an Athlete*). The reduced period of *Ineligibility* may not, however, be less than one-half of the minimum period of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this section may be no less than 8 years.

14.6 Rules for Certain Potential Multiple Violations

14.6.1 For purposes of imposing sanctions under Rules 14.2 (Imposition of Ineligibility for Prohibited Substances and Prohibited Methods), 14.3 (Specified Substances) and 14.4 (Ineligibility for Other Anti-Doping Rule Violations), a second Anti-Doping Rule Violation may be considered for purposes of imposing sanctions only if DFS can establish that the Athlete or other Person committed the second Anti-Doping Rule Violation after the Athlete or other Person received notice, or after DFS made a reasonable Attempt to give notice, of the first Anti-Doping Rule Violation. If DFS cannot establish this, the Violations shall be considered as one single first Violation, and the sanction imposed shall be based on the Violation that carries the more severe sanction.

14.6.2 Where an Athlete, based on the same Doping Control, is found to have committed an Anti-Doping Rule Violation involving both a specified substance under Rule 14.3 (Specified Substances) and another Prohibited Substance or Prohibited Method, the Athlete shall be considered to have committed a single Anti-Doping Rule Violation, but the sanction imposed shall be based on the Prohibited Substance or Prohibited Method that carries the most severe sanction.

14.6.3 Where an Athlete is found to have committed two separate Anti-Doping Rule Violations, one involving a specified substance governed by the sanctions set forth in Rule 14.3 (Specified Substances) and the other involving a Prohibited Substance or Prohibited Method governed by the sanctions set forth in Rule 14.2 (Imposition of Ineligibility for Prohibited Substances and Prohibited Methods) or a Violation governed by the sanctions in Rule 14.4.1, the period of Ineligibility imposed for the second offence shall be at a minimum two years' Ineligibility and at a maximum three years' Ineligibility. Any Athlete found to have committed a third Anti-Doping Rule Violation involving any combination of specified substances under Rule 14.3 (Specified Substances) and any other Anti-Doping Rule Violation under Rule 14.2 (Imposition of Ineligibility for Prohibited Substances and Prohibited Methods) or Rule 14.4.1 shall receive a sanction of lifetime Ineligibility.

14.7 Disqualification of Results in Competitions Subsequent to Sample Collection

In addition to the automatic Disqualification of the results in the Competition which produced the positive Sample under Rule 14.1.2 or 14.1 (Automatic Disqualification of Individual Results), all other competitive results obtained from the date a positive Sample was

collected (whether In-Competition or Out-of-Competition), or other Anti-Doping Rule Violation occurred, through the commencement of any Provisional Suspension or Ineligibility period, shall, unless fairness requires otherwise, be Disqualified with all of the resulting Consequences including forfeiture of any medals, points and prizes.

14.8 Commencement of *Ineligibility* Period

14.8.1 *The period of Ineligibility shall start on the date of the hearing decision providing for Ineligibility or, if the hearing is waived, on the date Ineligibility is accepted or otherwise imposed.*

14.8.2 *Any period of Provisional Suspension (whether imposed or voluntarily accepted) shall be credited against the total period of Ineligibility to be served.*

14.8.3 *Where required by fairness, such as delays in the hearing process or other aspects of Doping Control not attributable to the Athlete, the Sports Tribunal may start the period of Ineligibility at an earlier date commencing as early as the date of Sample collection.*

14.9 Status During *Ineligibility*

14.9.1 *No Person who has been declared Ineligible may, during the period of Ineligibility, participate in any capacity in any NOC Team or National Sporting Team, Competition, Event, or activity, whether local or national (other than authorised anti-doping education or rehabilitation programs) organised, authorised or sanctioned by, any Signatory or Signatory's member organisations or any National Sporting Organisation (whether a member of a Signatory or not) or any member organisations or Persons, or organisation in any way connected with a National Sporting Organisation. In addition, for any Anti-Doping Rule Violation not involving specified substances described in Rule 14.3 (Specified Substances), some or all sport-related financial support or other sport-related benefits received by such Person shall be withheld by the Signatories, Signatories' member Organisations, National Sporting Organisations and the New Zealand government.*

14.9.2 *A Person subject to a period of Ineligibility longer than four years may, after completing four years of the period of Ineligibility, participate in local sport Events in a sport other than the sport in which the Person committed the Anti-Doping Rule Violation, but only so long as the local sport Event is not at a level that could otherwise qualify such*

Person *directly or indirectly to compete in (or accumulate points toward)* a National Event or International Event.

14.10 Reinstatement Testing

14.10.1 *As a condition to regaining eligibility at the end of a specified period of Ineligibility, an Athlete must, during any period of Provisional Suspension or Ineligibility, make him or herself available for Out-of-Competition Testing by DFS, and any other Anti-Doping Organisation having Testing jurisdiction, and shall, if requested, provide current and accurate whereabouts information as provided in Rule 6.4 (Whereabouts Information).*

14.10.2 *If an Athlete, subject to a period of Ineligibility, retires from sport and is removed from Out-of-Competition Registered Testing Pools and later seeks reinstatement, the Athlete shall not be eligible for reinstatement until the Athlete has notified DFS, the New Zealand Olympic Committee, where applicable, the applicable National Sporting Organisation and relevant Anti-Doping Organisations and has been subject to Out-of-Competition Testing for a period of time equal to the period of Ineligibility remaining as of the date the Athlete had retired. During such remaining period of Ineligibility, the Athlete shall be subject to Out-of-Competition Testing. DFS shall determine the number and frequency of Testing.*

14.10.3 *DFS shall be responsible for conducting the Out-of-Competition Testing required under this Rule, but Testing by any Anti-Doping Organisation may be used to satisfy the requirement.*

14.10.4 *Once the period of an Athlete's suspension has expired, and the Athlete has fulfilled the conditions of reinstatement then the Athlete shall become automatically re-eligible and no application by the Athlete or by the Athlete's National Sporting Organisation shall then be necessary.*

14.11 Consequences to Team Sports

Where more than one team member in a *Team Sport* has been notified of a possible *Anti-Doping Rule Violation* in connection with an *Event*, the team shall be subject to *Target Testing* for the *Event*. If more than one team member in a *Team Sport* is found to have committed an *Anti-Doping Rule Violation* during the *Event*, the team may be subject to *Disqualification* or other disciplinary action under the rules of the relevant *National Sporting Organisation*, *International Federation*, *Major Event Organiser*, *Anti-Doping Organisation* or other organisation responsible

for the *Event*. In sports which are not *Team Sports* but where awards are given to teams, *Disqualification* or other disciplinary action against the team when one or more team members have committed an *Anti-Doping Rule Violation* shall be as provided for in the applicable rules of the *National Sporting Organisation*, International Federation, *Major Event Organiser*, *Anti-Doping Organisation* or other organisation responsible for the awards.

15 APPEALS

15.1 Decisions Subject to Appeal

Decisions made by the *Sports Tribunal* or any *NSO Anti-Doping Tribunal* under the *Rules* may be appealed as set out in this Rule. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise.

15.2 Appeals from Decisions Regarding *Anti-Doping Rule Violations*, *Consequences*, and *Provisional Suspensions*

A decision that an Anti-Doping Rule Violation was committed, a decision imposing Consequences for an Anti-Doping Rule Violation, a decision that no Anti-Doping Rule Violation was committed, a decision that the Sports Tribunal lacks jurisdiction to rule on an alleged Anti-Doping Rule Violation or its Consequences, and a decision to impose a Provisional Suspension as a result of a Provisional Hearing or in violation of the principles referred to in Rule 12.5 may be appealed exclusively as provided in this Rule.

15.2.1 *A decision of the Sports Tribunal under these Rules may be appealed exclusively to CAS in accordance with the provisions applicable before CAS.*

15.2.2 Persons Entitled to Appeal

In cases under Rule 15.2.1, the following parties shall have the right to appeal to CAS:

- a) the *Athlete* or other *Person* who is the subject of the decision being appealed;
- b) the other party or parties to the case in which the decision was rendered;
- c) the relevant International Federation and/or *National Sporting Organisation* and any

- other *Anti-Doping Organisation* under whose rules a sanction could have been imposed;
- d) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and
 - e) WADA.

Notwithstanding any other provision in the *Rules*, the only *Person* that may appeal from a *Provisional Suspension* is the *Athlete* or other *Person* upon whom the *Provisional Suspension* is imposed.

15.3 Appeals from Decisions Granting or Denying a TUE

15.3.1 *Decisions by DFS denying TUEs, which are not reversed following a review by WADA, may be appealed by International-Level Athletes exclusively to CAS and by other Athletes to the Sports Tribunal or an NSO Anti-Doping Tribunal which has been established by a National Sporting Organisation to hear such appeals.*

15.3.2 *Decisions by WADA reversing the grant or denial of a TUE may be appealed exclusively to CAS by the Athlete or DFS.*

16 REPORTING

16.1 Reporting of TUEs

DFS shall promptly report any *TUE* granted to an *Athlete* (except those *Athletes* not in the *DFS Registered Testing Pool*), to the applicable International Federation, to the *Athlete's National Sporting Organisation* and to *WADA*.

16.2 Reporting of Testing

DFS shall submit to WADA current Athlete whereabouts information. WADA shall make this information accessible to other Anti-Doping Organisations having authority to test the Athlete.

16.2.1 DFS shall report all In-Competition and Out-of-Competition tests to WADA as soon as possible after such tests have been conducted.

16.2.2 All information shall be maintained in strict confidence at all times. It shall be used exclusively for purposes of planning, co-ordinating or conducting Testing and shall be destroyed after it is no longer relevant for these purposes.

16.3 Reporting Regarding Results Management

16.3.1 In addition to providing the notices and reports set out in Rules 9.3.2 and 10.2, DFS will provide regular reports to the parties notified under the Rules on the status of the Violation Proceedings including results management, hearings and appeals.

16.3.2 In any case in which the period of Ineligibility is eliminated under Rule 14.5.1 (No Fault or Negligence) or reduced under Rule 14.5.2 (No Significant Fault or Negligence) DFS shall provide the relevant International Federation, National Sporting Organisation and WADA and any other relevant Anti-Doping Organisation with a copy of the written decision where the decision has not been provided by the Sports Tribunal or NSO Anti-Doping Tribunal.

16.4 Reporting Under the Code

DFS shall publish annually, a general statistical report of its Doping Control activities during the calendar year with a copy provided to WADA.

17 CONFIDENTIALITY AND PUBLIC DISCLOSURE

17.1 DFS will give notices, provide reports and present evidence as set out in the Rules. Subject to its obligations under the Rules, DFS will operate under the Rules on a confidential basis. Where it gives notices or reports under the Rules to parties not subject to the Rules, it will request that the parties notified keep the information confidential in accordance with the Rules. DFS, National Sporting Organisations, Participants and Persons which agree to the Rules shall not Publicly Disclose or Publicly Report the identity of Athletes whose Samples have resulted in Adverse Analytical Findings, or of Persons who are alleged to have committed a Violation under the Rules nor Publicly Disclose or Publicly Report any information concerning Adverse Analytical Findings or Violation

Proceedings, until such time as a final decision that an *Anti-Doping Rule Violation* has been committed, or has not been committed, has been given by the *Sports Tribunal* or the *NSO Anti-Doping Tribunal* and the final decision has been *Publicly Reported* or *Publicly Disclosed* by the *Sports Tribunal*, *NSO Anti-Doping Tribunal* or *DFS* under these *Rules* .

- 17.2 Where a *Provisional Suspension* is imposed, the *Sports Tribunal* or the *NSO Anti-Doping Tribunal* may *Publicly Report* or *Publicly Disclose* the outcome of proceedings relating to a *Provisional Suspension* as provided by Rule 12.7. Where the *Sports Tribunal* or the *NSO Anti-Doping Tribunal* does this, the *National Sporting Organisation* and *DFS* may *Publicly Report* or *Publicly Disclose* the outcome of such proceedings.
- 17.3 *DFS* may, notwithstanding the provisions of Rule 17.1, *Publicly Report* or *Publicly Disclose* information relating to an alleged *Anti-Doping Rule Violation* or investigation under the *Rules* where an *Athlete* or other *Person*, who it is alleged has committed a *Violation* under the *Rules*, or is the subject of an investigation under these *Rules*, or any party notified under the *Rules*, has made public comment or comment to any third party concerning the allegation or investigation which, in *DFS*'s view, requires that it *Publicly Discloses* or *Publicly Reports* matters concerning the alleged *Violation* or the investigation under the *Rules*. Where the *Sports Tribunal* or the *NSO Anti-Doping Tribunal* fails to *Publicly Report* on a decision on an *Anti-Doping Rule Violation* as required under Rule 13. *DFS* shall *Publicly Report* the decision in the *Violation Proceedings* in the manner provided by Rule 13.

18 LIMITATION PERIOD

No action may be commenced under these *Rules* against an *Athlete* or other *Person* in respect of an *Anti-Doping Rule Violation* under the *Rules* unless such action is commenced within eight years from the date on which the alleged *Violation* occurred.

19 MUTUAL RECOGNITION

Subject to any applicable rights of appeal, the *Testing*, *TUEs* and hearing results or other final decisions or adjudications of any *Signatory* which are consistent with the *Code* and are within the authority of the *Signatory*, shall be recognised and respected by *DFS*, the *Sports Tribunal*, any *NSO Anti-Doping Tribunal*, and all *National Sporting Organisations* and *Persons* who are subject to the *Rules*.

20 AMENDMENT AND INTERPRETATION

20.1 Amendment

20.1.1 *DFS shall be responsible for monitoring and reviewing the operation of the Rules and considering any amendment to the Rules under the Act. From time to time National Sporting Organisations and Participants will be asked by DFS to provide comment in relation to the operation of the Rules.*

20.2 Interpretation

20.2.1 *The headings used in the Rules are for convenience only and shall not be deemed part of the substance of the Rules or to affect in any way the language of the provisions to which they refer.*

20.2.2 *The INTRODUCTION and the APPENDIX 1 DEFINITIONS shall be considered integral parts of the Rules.*

20.2.3 *The Rules have been adopted pursuant to the applicable provisions of the Act and Code and shall be interpreted in a manner that is consistent with applicable provisions of the Code. The comments annotating various provisions of the Code shall be referred to, where applicable, to assist in the understanding and interpretation of the Rules.*

21 INFORMATION AND NOTICES

21.1 Information

Any *Person* who submits information including data or medical information to any *Person* in accordance with the *Rules* shall be deemed to have agreed that such information may be utilised by such *Person* for the purposes set out in the *Rules*.

21.2 Notices

21.2.1 *All notices referred to in the Rules shall be governed by the provisions of this Rule 21.2 (Notices).*

21.2.2 *Each Athlete in DFS Registered Testing Pool shall provide DFS with an address to which notice may be delivered and in the event of a change of address it is the responsibility of the Athlete to provide DFS with such amended details. Where no address is provided any notice may be given to the Athlete by giving notice to the relevant National*

Sporting Organisation, *International Federation* or Anti-Doping Organisation.

- 21.2.3 *All notices relating to allegations or potential allegations that an Anti-Doping Rule Violation has occurred shall be delivered by courier, registered post or other method which provides proof of delivery. Proof of delivery by courier, registered post or other method providing proof of delivery shall be conclusive. Where there is no proof of delivery available, notice shall, in any event, be deemed to have been received upon the expiry of three (3) working days after the date of despatch.*
- 21.2.4 *Any other notice to an Athlete or other Person shall be given by posting the notice to the address provided by that Athlete or Person or to the address of the relevant National Sporting Organisation or International Federation or Anti-Doping Organisation under Rule 21.2. Such notice shall be deemed to have been received upon the expiry of three (3) working days after the date of posting.*
- 21.2.5 *DFS may, with the prior agreement of the intended recipient, as an alternative to, or in conjunction with, notice by registered post, use any other method of communication available, including, but not limited to, facsimile, email, and telephone.*

22 COMMENCEMENT AND VALIDITY

22.1 Commencement

- 22.1.1 *The Rules shall come into full force and effect, on 1 July 2007. The Rules will apply to a National Sporting Organisation and its members from the date when the National Sporting Organisation agrees to the application of the Rules.*
- 22.1.2 *Subject to Rule 22.1.3 the Rules shall not apply retrospectively to matters pending before the date the Rules come into effect. Determinations in relation to Violation Proceedings made by the Sports Tribunal or by National Sporting Organisations before the Rules come into effect which are consistent with the provisions of the Code will be relevant in relation to the imposition of sanctions for Violations under these Rules.*
- 22.1.3 *Where DFS exercises its functions under section 48A of the Act in relation to the gathering of information and evidence in support of potential Anti-Doping Rule Violations before the Rules come in force, DFS may use any information or evidence obtained in exercising its functions for the purposes of investigating Violations and bringing Violation Proceedings under the Rules.*

22.2 Validity

- 22.2.1 *If any Rule in the Rules is held invalid, unenforceable or illegal for any reason, the Rules shall remain otherwise in full force apart from such Rule which shall be deemed deleted insofar as it is invalid, unenforceable or illegal.*
- 22.2.2 *All acts done bona fide by any Person in the implementation of the Rules, notwithstanding that it be afterwards discovered that there was some defect in the appointment, qualification or authority of such Person so acting, shall be as valid as if every such Person had been duly appointed, qualified or authorised.*

DEFINITIONS

Act: Sports Anti-Doping Act 2006

Adverse Analytical Finding: A report from a laboratory or other approved *Testing* entity that identifies in a *Specimen* the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* (including elevated quantities of endogenous substances) or evidence of the *Use* of a *Prohibited Method*.

Anti-Doping Organisation: A *Signatory* that is responsible for adopting rules for initiating, implementing or enforcing any part of the *Doping Control* process. This includes, for example, the International Olympic Committee, the International Paralympic Committee, other *Major Event Organisations* that conduct *Testing* at their *Events*, WADA, International Federations, and *National Anti-Doping Organisations*.

Anti-Doping Rule Violation or Violation: A violation of the provisions of Rule 3 of the *Rules*.

Athlete: For purposes of *Doping Control*, any *Person* who participates in sport at the international level (as defined by each International Federation) or national level (as defined by each *National Anti-Doping Organisation*) and any additional *Person* who participates in sport at a lower level if designated by the *Person's National Anti-Doping Organisation*. For purposes of anti-doping information and education, any *Person* who participates in sport under the authority of any *Signatory*, government, or other sports organisation accepting the *Code*.

Athlete Support Personnel: Any coach, trainer, manager, agent, team staff, official, medical or para-medical personnel working with or treating *Athletes* participating in or preparing for sports *Competition*.

Attempt: Engaging in conduct that constitutes a substantial step in a course of conduct which could or did culminate in the commission of an *Anti-Doping Rule Violation*. Provided, however, there must be no *Anti-Doping Rule Violation* based solely on an attempt to commit a *Violation* if the person renounces the attempt prior to it being discovered by a third party not involved in the attempt.

CAS: The Court of Arbitration for Sport.

Code: The World Anti-Doping Code first adopted by WADA on 5 March 2003, and any subsequent amendments.

Competition: A single race, match, game or singular athletic contest. For example, the finals of the Olympic 100-meter dash. For stage races and other athletic contests where prizes are awarded on a daily or other interim basis the distinction between a *Competition* and an *Event* will be as provided in the rules of the relevant International Federation.

Consequences of Anti-Doping Rules Violations or Consequences: An *Athlete's* or other *Person's* violation of an anti-doping rule may result in one or more of the following: (a) *Disqualification* means the *Athlete's* results in a particular *Competition* or *Event* are invalidated, with all resulting consequences including forfeiture of any medals, points and prizes; (b) *Ineligibility* means the *Athlete* or other *Person* is barred for a specified period of time from participating in any *Competition* or other activity or funding as provided in Rule 14.9 (Status During *Ineligibility*); and (c) *Provisional Suspension* means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* prior to the final decision at a hearing conducted under Rule 12.5.

DFS – Drug Free Sport New Zealand established under the Sports Anti-Doping Act 2006 formerly the New Zealand Sports Drug Agency under the New Zealand Sports Drug Agency Act 1994.

Disqualification: See *Consequences of Anti-Doping Rules Violations* above.

Doping Control: The process including test distribution planning, *Sample* collection and handling, laboratory analysis, results management, hearings and appeals.

Event: A series of individual *Competitions* conducted together under one ruling body (eg the Olympic Games, FINA World Championships, or Pan American Games).

In-Competition: For purposes of differentiating between *In-Competition* and *Out-of-Competition Testing*, unless provided otherwise in the rules of an International Federation or other relevant *Anti-Doping Organisation*, an *In-Competition* test is a test where an *Athlete* is selected for *Testing* in connection with a specific *Competition*.

Independent Observer Program: A team of observers, under the supervision of *WADA*, who observe the *Doping Control* process at certain *Events* and report on observations. If *WADA* is *Testing In-Competition* at an *Event*, the observers must be supervised by an independent Organisation.

Ineligibility: See *Consequences of Anti-Doping Rules Violations* above.

International Event: An *Event* where the International Olympic Committee, the International Paralympic Committee, an International Federation, a *Major Event Organisation*, or another international sport organisation is the ruling body for the *Event* or appoints the technical officials for the *Event*.

International-Level Athlete: An *Athlete* designated by one or more International Federations as being within the *Registered Testing Pool* for an International Federation.

International Standard: A standard adopted by *WADA* in support of the *Code*. Compliance with an *International Standard* (as opposed to another alternative standard, practice or procedure)

shall be sufficient to conclude that the procedures addressed by the *International Standard* were performed properly.

Major Event Organisations: This term refers to the continental associations of *National Olympic Committees* and other international multi-sport organisations that function as the ruling body for any continental, regional or other *International Event*.

Marker: A compound, group of compounds or biological parameters that indicates the *Use* of a *Prohibited Substance* or *Prohibited Method*.

Metabolite: Any substance produced by a biotransformation process.

Minor: A natural *Person* who has not reached the age of majority as established by the applicable laws of their country of residence.

National Anti-Doping Organisation: The entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement Anti-Doping Rules, direct the collection of *Samples*, the management of test results, and the conduct of hearings, all at the national level. If this designation has not been made by the competent public authority(ies), the entity must be the country's *National Olympic Committee* or its designee. For the purposes of the *Rules*, *DFS* will be the designated entity.

National Event: A sport *Event* involving *International-Level Athletes* or *National-Level Athletes* that is not an *International Event*.

National-Level Athlete: An *Athlete*, other than an *International-Level Athlete*, who is designated by *DFS* as being within *DFS Registered Testing Pool*.

National Olympic Committee: The organisation recognised by the International Olympic Committee. The term *National Olympic Committee* must also include the National Sport Confederation in those countries where the National Sport Confederation assumes typical *National Olympic Committee* responsibilities in the anti-doping area. In New Zealand the *National Olympic Committee* is the New Zealand Olympic Committee Incorporated.

National Sporting Organisation: a body that represents members involved in a particular type of sporting event or activity in New Zealand and, if a national organisation does not exist for a sport, includes local, regional or other sporting organisations.

Negative Analytical Finding: An analysis of a *Sample* by a laboratory that does not identify or indicate the presence of a *Prohibited Substance* or the *Use* of a *Prohibited Method*.

NSO Anti-Doping Tribunal: A Tribunal established under the *Rules* by a *National Sporting Organisation* to hear and determine *Violation Proceedings*.

No Advance Notice: A *Doping Control* which takes place with no advance warning to the *Athlete* and where the *Athlete* is continuously chaperoned from the moment of notification through *Sample* provision.

NOC Team: any National Olympic Team or other team selected by the New Zealand Olympic Committee.

No Fault or Negligence: The *Athlete's* establishing that they did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that they had *Used* or been administered the *Prohibited Substance* or *Prohibited Method*.

No Significant Fault or Negligence: The *Athlete's* establishing that their fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for *No Fault or Negligence*, was not significant in relationship to the *Anti-Doping Rule Violation*.

NSO: See *National Sporting Organisation* above.

Out-of-Competition: Any *Doping Control* which is not *In-Competition*.

Participant: Any *Athlete* or *Athlete Support Personnel*.

Person: A natural person or an organisation or other entity.

Possession: The actual, physical possession, or the constructive *Possession* (which must be found only if the *Person* has exclusive control over the *Prohibited Substance/Method* or the premises or property in which a *Prohibited Substance/Method* exists); provided, however, that if the *Person* does not have exclusive control over the *Prohibited Substance/Method* or the premises in which a *Prohibited Substance/Method* exists, constructive *Possession* must only be found if the *Person* knew about the presence of the *Prohibited Substance/Method* and intended to exercise control over it. Provided, however, there must be no anti-doping rule violation based solely on *Possession* if, prior to receiving notification of any kind that the *Person* has committed an anti-doping rule violation, the *Person* has taken concrete action demonstrating that the *Person* no longer intends to have *Possession* and has renounced the *Person's* previous *Possession*.

Prohibited List: The WADA List identifying the *Prohibited Substances* and *Prohibited Methods* 2007.

Prohibited Method: Any method so described on the *Prohibited List*.

Prohibited Substance: Any substance so described on the *Prohibited List*.

Provisional Suspension: See *Consequences of Anti-Doping Rules Violations* above.

Publicly Disclose or Publicly Report: To disseminate or distribute information to the general public or persons beyond those persons entitled to earlier notification in accordance with Rule 17 (Confidentiality and Public Disclosure).

Registered Testing Pool: The pool of top level *Athletes* established separately by each International Federation and *DFS* who are subject to both *In-Competition* and *Out-of-Competition Testing* as part of that International Federation's or *DFS*' test distribution plan.

Rules: The Sports Anti-Doping Rules 2007 made under the Sports Anti-Doping Act 2006.

Sample/Specimen: Any biological material collected for the purposes of *Doping Control*.

Signatories: Those entities signing the *Code* and agreeing to comply with the *Code*, including the International Olympic Committee, International Federations, International Paralympic Committee, *National Olympic Committees*, National Paralympic Committees, *Major Event Organisations*, *National Anti-Doping Organisations*, and *WADA*.

SPARC: Sport and Recreation New Zealand.

Sports Tribunal: The Sports Tribunal of New Zealand continued under the Sports Anti-Doping Act 2006

Tampering: Altering for an improper purpose or in an improper way; bringing improper influence to bear; interfering improperly to alter results or prevent normal procedures from occurring.

Target Testing: Selection of *Athletes* for *Testing* where specific *Athletes* or groups of *Athletes* are selected on a non-random basis for *Testing* at a specified time.

Team Sport: A sport in which the substitution of players is permitted during a *Competition*.

Testing: The parts of the *Doping Control* process involving test distribution planning, *Sample* collection, *Sample* handling, and *Sample* transport to the laboratory.

Trafficking: To sell, give, administer, transport, send, deliver or distribute a *Prohibited Substance* or *Prohibited Method* to an *Athlete* either directly or indirectly or through one or more third parties, but excluding the prescription, dispensing, sale or distribution of a *Prohibited Substance* for genuine and legal therapeutic purposes.

TUE: Therapeutic use exemption.

TUE Committee: The *TUE* Committee established by *DFS*.

Use: The application, ingestion, injection or consumption by any means whatsoever of any *Prohibited Substance* or *Prohibited Method*.

Violation Proceedings: Proceedings in respect of an alleged breach of the *Violations* in Rule 3 of the *Rules*.

WADA: The World Anti-Doping Agency, being a Foundation constituted under the Swiss Civil Code in Lausanne on 10 November 1999 and any *National Anti-Doping Organisation* contracted by *WADA*.

APPENDIX 4

Harassment-Free Basketball

Policy and Procedures for Positive Sport

This Document

Harassment-Free Basketball is based on the SPARC's Harassment-Free Sport document containing policy and procedures for helping keep sport free of unwanted hurtful behaviour.

It offers guidelines for basketball organisations and provides common goals for people working in the sport, so that all basketball participants can enjoy the best of what our sport has to offer.

The document is presented in two parts:

- **Part One** covers the harassment-free policy (including sexual harassment) in basketball.
- **Part Two** contains a model of standard procedures for dealing with harassment in basketball.

PART ONE

Harassment-Free Basketball Policy

What Is Harassment?

Sport gives New Zealanders a great deal of enjoyment. It is fun, healthy, and can help develop happier, more fulfilled people. It can also help build community spirit and national pride.

Everyone involved in sport has a right to do so in a positive and enjoyable environment – and to be treated with respect, dignity and fairness.

Harassment in sport denies people that right. Defined as any form of unwanted behaviour in sport, it usually involves one person trying to exert power over another. It can be as simple as taunts about a person's looks or body or as serious as violent physical assault.

Harassment can create a hostile sporting environment. It can cause sadness, humiliation and embarrassment. It can affect health and self-esteem, work, job security and sports performance. It can also ruin the reputations of individuals, teams and/or sports organisations.

This is why Basketball New Zealand now has standard guidelines for recognising and dealing with harassment. In doing so, we are acknowledging their obligations to our members, and legally protecting our organisations and volunteers.

Harassment-Free Basketball's vision is clear - to create a sporting environment that offers all New Zealander's the opportunity to participate, enjoy and excel in basketball to reach their full sporting potential.

Objectives of Harassment-Free Basketball

Harassment-Free Basketball is based on the belief that sport, when properly presented and managed, can make a significant contribution to the lives of both the individual and New Zealand society.

Harassment-Free Basketball aims to:

- develop a culture that gives all New Zealanders access to basketball in fun, healthy and safe environments.
- encourage all community basketball organisations to implement a harassment policy and standard procedures for dealing with harassment.
- create an environment where all people in basketball are treated with respect, dignity and fairness.

PART TWO

Harassment-Free Basketball Policy Statement

Basketball New Zealand is committed to providing a harassment-free environment where all people involved in basketball are treated with respect and dignity and can contribute and participate to their full potential. This benefits athletes/players, the coaches and officials, Basketball New Zealand and basketball.

We will do our best to prevent harassment by:

- ensuring that this policy is drawn to the attention of all employees, coaches, officials, parents and athletes/players;
- responding promptly, appropriately and fairly to any complaints that are brought to our attention;
- appointing and training appropriate Harassment Contact People who can be approached for information and advice; and
- regularly reviewing our policy, procedures and practices.

Who the Policy and Procedures cover

The Policy and Procedures cover all:

- athletes/players;
- administrators and officials;
- coaches; and
- anyone who is employed by or represents Basketball New Zealand, whether paid or unpaid.

What the Policy and Procedures cover

The Policy and Procedures cover all situations connected with basketball including:

- coaching and training;
- competition;
- travel;
- social events; and
- meetings or conferences

Definitions

- Harassment is any unwelcome comment, conduct or gesture directed toward an individual or group of individuals which is insulting, intimidating, humiliating, malicious, degrading or offensive, and is either repeated or of such a significant nature, that it adversely affects someone's performance, contribution or sports environment.
- Harassment may be focused on an individual's or group's race, colour, gender, physical characteristics, sexual orientation, disability or any other distinguishing characteristic.
- Sexual harassment is any unwelcome behavior of a sexual nature.
- In most cases, harassment (including sexual harassment) is an attempt by one person to inappropriately exert power over another person. Harassment ranges from mild conduct such as gestures or comments to conduct which may be physical, forceful and violent.
- The above behaviors are described in more detail in the attached procedures.

Responsibilities

Basketball New Zealand is responsible for taking all reasonable steps to prevent harassment in our organisation and for ensuring our policy and procedures are well known throughout the organisation. This means we will take all reasonable steps to ensure that everyone in the organisation understands:

- what harassment means
- that it is against the law
- that it will not be tolerated
- that complaints will be dealt with through identified procedures. These will provide both formal and informal mechanisms.

Legal Liability

Harassment is a form of discrimination. Sexual and racial harassment is illegal under the Human Rights Act 1993 for both **paid and unpaid employees**. Sexual harassment is specifically included in the Employment Contracts Act 1991, which covers paid employees. High-level harassment such as rape or assault is also a criminal offence.

Under the Human Rights Act and the Employment Contracts Act, it is generally the employer who is held liable for harassment. Basketball New Zealand is implementing this policy to prevent complaints occurring and hence to act as a responsible employer for our paid and unpaid employees.

The Chief Executive of Basketball New Zealand accepts that the elimination of harassment leads to a more stable, productive and successful organisation.

I endorse the Harassment-Free Basketball Policy:

.....
Chief Executive, Basketball New Zealand

.....
Witness

.....
Date

.....
Witness Name

Harassment-Free Basketball Procedures

Sport gives a great deal of enjoyment to New Zealanders.

As well as being fun, sport can provide important opportunities for personal development. Success in sport can be a source of personal achievement and national pride. In some cases, sport can become a person's livelihood.

Every participant in sport, in whatever role, has a right to participate in an environment that is fun, rewarding, safe and healthy, and to be treated with respect, dignity and fairness.

This means that physical or verbal abuse, harassment of a sexual or non-sexual nature, sexual abuse, and exploitation have no place in sport.

The policy and these procedures form part of a harassment-free strategy in basketball. The strategy aims to create a safe environment by developing a system of dealing effectively and appropriately with, and whenever possible, preventing harassment in basketball.

These procedures in particular have been developed to assist you to understand your obligations, and to take the necessary risk management measures to protect your organisation and its members from legal action in this area.

More importantly, they are intended to help you ensure that everyone involved in your organisation – be it the athlete, coach, instructor, teacher, administrator, official, parent or volunteer – gets the greatest possible enjoyment out of their sports participation and is safe from harm.

What is Harassment?

Harassment is defined from the viewpoint of those being harassed. Whether the action was intended as harassment or not, does not matter. Intention only matters when determining what disciplinary action is appropriate.

Harassment is not:

- appropriate compliments;
- behavior based on mutual attraction;
- friendly banter which is mutually acceptable; or
- constructive coaching and feedback.

In most cases, harassment (including sexual harassment) is an attempt by one person to inappropriately exert power over another person. Harassment ranges from mild conduct such as gestures or comments to conduct which may be physical, forceful and violent. Examples of harassing behaviours include (but are not limited to):

- written or verbal abuse or threats;
- the display of visual materials which are offensive;
- unwelcome remarks, jokes, comments, innuendo or taunting about such things as a person's looks, body, attire, age, race, religion, sex or sexual orientation;
- leering or other suggestive or obscene gestures;
- practical jokes which cause awkwardness or embarrassment, endanger a person's safety or negatively affect performance;
- unwanted physical contact including touching, petting, pinching or kissing;
- unwelcome sexual flirtations, advances, requests or invitations;
- sending offensive emails, letters or phone calls;
- deliberately excluding people with the intention of isolating or hurting them; or physical or sexual assault.

Sexual harassment is any unwelcome behaviour of a sexual nature. This includes:

- threatening people to get them to co-operate in sexual activity making promises to people to get them to co-operate in sexual activity
- punishing people because they would not co-operate in sexual activity

- sexual behaviors that interfere with people's performance
- sexual behaviors that create an intimidating, hostile or offensive environment
- behaviour of a repeated/significant nature that has a detrimental effect.

Ways to deal with Harassment

If an individual within your organisation is being harassed, there are several courses of action available to them. They vary in degrees of formality, from self-help or informal options, to more formal approaches. These options are described below:

Self help

This involves letting the offender know that the harassing behaviour is unacceptable and must stop. This may resolve the matter quickly and in a low-key manner. This can be done in a number of ways including:

- telling the person directly what behavior is not liked and asking them to stop it;
- writing a letter on a 'private and confidential' basis to the person identifying the behavior and asking them to stop it;
- taking a support person/friend to tell the person that their behavior must stop.

Informal

This involves getting someone to help resolve the situation. This might be someone from within the club, regional or from Basketball New Zealand such as the coach, an administrator, official or the Harassment Contact Person (see clause (3) Implementing the Policy and Procedure). They will need to talk to the individual about what happened and what is required to fix the situation.

They will then talk about the complaint to the person identified. If there is agreement on what happened and what will fix the situation, then the issue can be resolved confidentially between the immediate parties.

Formal

This involves writing a formal complaint to the Basketball New Zealand outlining:

- who the complaint is about;
- what happened (including time, date, place, what was said and/or done, how often this has been said and/or done);
- how it was responded to;
- what impact the behavior has had;
- whether anyone else witnessed the behavior;
- what is wanted to happen as a result of the complaint;
- why, if the incident occurred more than one year ago, there has been a delay in lodging the complaint; and
- requesting confidentiality/approval before any action by Basketball New Zealand.

This complaint should be forwarded to Basketball New Zealand Chief Executive.

The complaint will be taken seriously and investigated fully, and appropriate actions will be taken.

During this process the rights of all involved will need to be protected.

Human Rights Commission

If the individual is being harassed by someone who is employed by the sports organisation, either as a paid employee or as an unpaid employee, then the complaint can be taken to the Human Rights Commission, or as a personal grievance under the ECA.

They will investigate and/or conciliate complaints where there are grounds for believing that the organisation did not respond appropriately to the complaint, or where the organisation does not have satisfactory policies, procedures and/or practices in place to respond to a complaint.

Police

Complaints of a criminal nature, such as sexual assault or sexual abuse of children, should be reported to the police and with the consent of the individual. The person may choose to inform a Harassment

Complaints Officer that this has been done. This does not stop a formal complaint being taken to Basketball New Zealand as well.

Harassment Contact People

Basketball New Zealand will appoint and train Harassment Contact People for all people involved with basketball. The first Harassment Contact People will be appointed within three months of the adoption of this policy.

Basketball New Zealand will ensure that these positions continue to be filled on an ongoing basis. The Harassment Contact People's role is to provide:

- information and advice on the issue of harassment and this policy;
- support for people who have been harassed or are involved in a harassment
- investigation; and assistance for people in resolving complaints at an informal level.

Note:

The Harassment Contact People are not responsible for investigating or receiving formal complaints. It is anticipated that sports will have 2-3 people identified. The network of regional sports trusts provide assistance in this area and fulfil this role on behalf of national bodies if required.

Harassment Complaints Officers

Basketball New Zealand will also appoint and train at least two senior people as Harassment Complaints Officers, one male and one female, to take specific responsibility for managing the policy. The first appointments will be made within one month of adopting the policy. The sports organisation will ensure that these positions are kept filled on an ongoing basis. The role of the Harassment Complaints Officer is to:

- receive formal complaints;
- ensure that these complaints are investigated promptly, appropriately and fairly;
- convene a disciplinary committee when a complaint warrants it;
- monitor the overall incidence of complaints and advise the organisation accordingly.
-

Appointment of an Investigator

When a formal complaint is laid with the Harassment Complaints Officer, they will meet with the complainant to discuss the complaint and ensure that the complainant understands what will be involved in a formal investigation. The complainant may choose not to proceed. The complainant may choose to have a support person with them for this meeting. The Harassment Complaints Officer will then determine the most appropriate way of formally investigating the complaint.

This may include:

- one of the Harassment Complaints Officers investigating the complaint;
- bringing in an outside investigator;
- appointing appropriate people from Basketball New Zealand to investigate the complaint; or
- a combination of the above.

An investigator will be appointed as soon as is possible, but at least within 21 days of the complaint being received.

The Investigation Process

The investigator(s) will individually interview:

- the complainant;
- the respondent (the person accused of harassment); and
- any witnesses.

Both the complainant and the respondent are entitled to have a support person or advisor with them during this process. Complainant, respondent and witness will be advised of the necessity for confidentiality and consequences of breaches.

The respondent will be interviewed again at the completion of all other interviews to give him or her the opportunity to respond to the information collected by the investigator(s).

The investigator will then prepare a report regarding the facts of the situation.

This will be based on civil law standard which is 'on balance of probabilities' **not** the criminal law standard of 'beyond reasonable doubt'. The report will include:

- the basis of the complaint;
- the response of the respondent to the allegation(s);
- a summary of any information provided by witnesses;
- any reasons why one person's evidence is preferred over another's; and
- the details of the investigation;
- any recommendations of resolution of the complaint; and
- when appropriate, any recommendations to Basketball New Zealand about how to prevent this type of thing happening again.

Rights of the Respondent

The respondent must be given the opportunity to:

- understand the principles of natural practice (an unbiased investigation/hearing
- where both sides have the right to be heard, but the respondent has the right to have the final say in response to the evidence);
- know what the complaint is about; who it is made by; who other accusers may be;
- respond to the complaint and have their account heard;
- have time to respond; and
- have support to respond.
- test

Decision-making

If the complaint warrants it, the Harassment Complaints Officer who received the complaint will convene a disciplinary committee within 21 days. The Committee will:

- receive the investigator's report;
- consider the report;
- provide both the complainant and the respondent with the opportunity to respond to it and comment on what they feel is appropriate action;
- determine if and what disciplinary sanctions are appropriate;
- determine if and what remedies are appropriate for the complainant; and determine if any changes are needed to Basketball New Zealand's harassment policy and procedures or to the way the policy and procedures are put into practice.

The disciplinary committee shall comprise:

- the Harassment Complaints Officer who received the complaint
- two independent appointees appointed by the Board of Basketball New Zealand.

Note:

This disciplinary committee should be of mixed gender. It may be possible for the role of the disciplinary committee to be handed over to an independent sports arbitration body set up in New Zealand.

The Committee may ask the investigator to attend to answer any questions Committee members may have.

If the complainant or the respondent chooses to respond to the findings they may bring their support people with them.

If the Harassment Complaints Officer who received the complaint was directly involved in the investigation, the other Harassment Complaints Officer should take their place on the disciplinary committee.

Possible Disciplinary Sanctions

These may include:

- test

- a verbal or written apology;
 - a letter of reprimand;
 - a fine or levy;
 - referral to counseling;
 - removal of certain privileges of membership or employment;
 - a change in role or duties;
 - exclusion from teams travelling overseas;
 - temporary suspension with or without pay;
 - expulsion from membership;
 - termination of employment or contract;
 - any other measures that the disciplinary committee determines are appropriate; or
- a) a combination of any of the above.

Record Keeping

Basketball New Zealand will need to keep a confidential record of formal complaints that have been upheld. This record should include a record of the investigation, the decision of the disciplinary committee and what action was taken.

Retaliation

For the purposes of the policy and procedures, retaliation against an individual for having:

- filed a complaint under this policy; or
- participated in any procedure under this policy; or
- been associated with a person who filed a complaint or participated in any procedure under this policy;
- will be treated as harassment, and will not be tolerated.

b)

Frivolous or Vexatious Complaints

If frivolous, vexatious or malicious complaints are made, Basketball New Zealand will take appropriate disciplinary action against the person making the complaint(s). This will be treated as harassment and will not be tolerated.

Support for the Parties Involved

Basketball New Zealand will ensure that both the complainant and the respondent have access to appropriate support. Possible support includes family members, friends, and elders from their community, church representatives, counsellors or Harassment Contact People. The support person or people are also bound by the confidentiality and defamation clauses contained in this policy.

Confidentiality

Basketball New Zealand understands that it can be extremely difficult to come forward with a complaint of harassment and that it can be devastating to be wrongly accused of harassment.

All people involved in the investigation of harassment complaints are required to keep it confidential during the course of the investigation.

Ongoing confidentiality may also be required as part of the resolution of the complaint. All the individuals' rights under the Privacy Act must be applied.

Defamation

To minimise the risk of defamation or unfair treatment, it is important that complaints are made honestly and only discussed with those people who have a need to know. The complainant should be made aware of the law of defamation and the consequences if breached.

At a glance...

Response to Formal Harassment Complaints

Complaint received

- Complaint submitted in writing to Harassment Complaints Officer (could be regional sports trust person.)
- Harassment Complaints Officer meets with complainant to ensure complainant understands the process
- Harassment Complaints Officer appoints investigator(s) within 21 days of receiving complaint

Investigation

- Investigator(s) interviews
 - complainant
 - respondent
 - any witnesses
 - respondent
- Investigator(s) prepares a report and makes recommendations
- Investigator(s) send report to Harassment Complaints Officer (Options for action include self help; formal or informal processes)

Disciplinary Committee

- Harassment Officer convenes disciplinary committee within 21 days of receiving investigator's report
- Disciplinary Committee receives investigator's report gives complainant and respondent opportunity to respond
- Disciplinary Committee determines appropriate action



BASKETBALL

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