

LEGAL SUPPORT FUND POLICY

Providing a legal support fund for athletes, athlete support personnel and other persons

Drug Free Sport New Zealand (**DFSNZ**) is committed to ensuring the Results Management¹ process is fair for all parties involved. As a result of this commitment, DFSNZ has implemented a legal support fund to assist Athletes, Athlete Support Personnel or other Persons² (**Affected Person/s**) who are subject to possible anti-doping rule violations (**ADRV**) under section 2 of the Sports Anti-Doping Rules 2021 (as amended from time to time) (**ADRV Allegations**).

DFSNZ endorses the recommendation of the World Anti-Doping Agency (**WADA**) Athletes' Anti-Doping Rights Act (as amended from time to time), at clause 17, which states that athletes should have the right to access legal aid for hearings and appeal processes in doping cases.

The Legal Support Fund is available to help Affected Persons who are subject to ADRV Allegations in the Sports Tribunal of New Zealand (**Sports Tribunal**) or the New Zealand Rugby Judicial Committee (**NZRJC**). The Fund is intended to be used to:

- Provide easily accessible legal assistance to an Affected Person; and / or
- Provide legal assistance to an Affected Person who may not otherwise be able to financially afford such assistance.

When is someone eligible for legal support?

An Affected Person becomes eligible for legal support once the Results Management process begins involving an ADRV Allegation and one of the following instances occurs:

- DFSNZ notifies the Affected Person that it has received a report of an adverse analytical finding from a WADA accredited laboratory; or
- DFSNZ notifies the Affected Person that DFSNZ believes that person has committed an ADRV and that DFSNZ intends to bring the allegations against them before the Sports Tribunal; or
- DFSNZ notifies the Affected Person that it is bringing ADRV proceedings against them; or
- DFSNZ notifies the Affected Person of any other breach under the WADA Code and / or the Sports Anti-Doping Rules (as amended from time to time).

How the Legal Support Fund works

Upon becoming eligible for the Legal Support Fund, an Affected Person may select a lawyer from the Sports Tribunal's [Legal Assistance Panel](#) (**Panel Lawyer**). The Legal Support Fund is restricted to Panel Lawyers only and is strictly for the purposes of responding to the ADRV Allegations. Advice/representation from the Panel Lawyer for any other purpose will be at the Affected Person's own expense.

¹ Results Management: As set out in Sports Anti-Doping Rules (**SADR**) and Article 5 of the International Standard for Results Management, this includes the timeframe between the notification of a possible ADRV breach, referring the ADRV to the Sports Tribunal or NZRJC through to the final resolution of the matter, including the hearing process and appeal process (if an appeal is lodged).

² As set out in the SADR, other Persons includes for example board members, directors, officers, as well as specified employees of entities that are bound by the SADR.

The Panel Lawyers have agreed to meet the terms set out by the Sports Tribunal, which ensures that the legal support fund is effective in assisting an Affected Person in responding to the ADRV Allegations and / or representing an Affected Person at the Sports Tribunal or NZRJC hearing.

The Legal Support Fund is available to an Affected Person up to a maximum amount of **NZD \$2,000.00 (exclusive of GST)**. Legal services that exceed this amount are at the Affected Person's own expense.

If the Affected Person has already been a recipient of the Legal Support Fund, and is subject to new ADRV Allegations at a later date, the legal support fund will again be available to the Affected Person.

The Legal Support Fund is intended to be utilised by an Affected Person to cover initial legal advice at the commencement of the Results Management process. However, if the Legal Support Fund has not been exhausted by the hearing stage, the fund can cover appearances at the hearing up to the capped threshold.

The Legal Support Fund will only cover the Panel Lawyer's legal fees, and excludes the Panel Lawyer's disbursements, including travel and/or accommodation expenses.

Payment

DFSNZ will pay the legal support fund direct to the Panel Lawyer, on receipt of an invoice for their completed work.

The invoice must state that the Panel Lawyer's work was carried out directly in relation to the alleged ADRV. The invoice will not include itemised narrations, ensuring that DFSNZ is not aware of the status of the Affected Person's case. For confidentiality purposes, the invoice will also not include the Affected Person's name, and will instead only list the Affected Person's referral number.

Contact Us

If you would like to contact us with any queries or comments please send an e-mail to info@drugfreesport.org.nz or to info@sportstribunal.org.nz.