

Effective from 30 June 2005



ANTI-DOPING POLICY

Lander & Rogers
Lawyers
Level 12
600 Bourke Street
Melbourne Vic 3000
Tel: (03) 9672 9114
Fax: (03) 9670 2723
e-mail: ifullagar@landers.com.au
Our ref: IKF:M82679#004

ARTICLE 1 - WHAT IS THE ACT ACADEMY OF SPORT POSITION ON DOPING?

The ACT Academy of Sport condemns the Use of Prohibited Substances and Methods in sport. The Use of Prohibited Substances and Methods is contrary to the ethics of sport and potentially harmful to the health of Athletes.

The only legitimate Use of Prohibited Substances and Methods is under a Therapeutic Use Exemption (TUE) issued in accordance with the WADA International TUE Standard.

The ACT Academy of Sport aims to stop Doping practices in sport by:

- (a) educating and informing Persons about drugs in sport issues;
- (b) supporting the drug testing programs and education initiatives of ASDA, ASC, NSOs and other Anti-Doping Organisations; and
- (c) recognising effective sanctions on Persons who commit Anti-Doping Rule Violations.

ARTICLE 2 - OPERATION OF THIS POLICY

The ACT Academy of Sport recognises and adopts as relevant in this Policy the anti-doping policies of ASC and relevant NSOs. The ACT Academy of Sport recognises that these anti-doping policies are World Anti-Doping Code (Code) compliant. ACT Academy of Sport Persons bound under those anti-doping policies are also bound by this Policy. For example, an Athlete who holds a scholarship with ACT Academy of Sport and who also holds a scholarship with the AIS will be bound by this Policy and the ASC anti-doping policy. The Athlete will also be bound by the anti-doping policy of their NSO. Similarly an Athlete Support Personnel who holds positions with ACT Academy of Sport, AIS, an NSO or an IF will be bound by all four anti-doping policies. ACT Academy of Sport employees and Persons who are not bound by the anti-doping policies of ASC and/or an NSO will be bound by this Policy as set out below.

This Policy reflects and adopts the anti-doping policies of ASC and NSOs and their interpretation, operation and application unless expressed otherwise below.

ACT Academy of Sport Athletes, Athlete Support Personnel, employees and Persons who are bound by the anti-doping policies of ASC and/or their NSOs are considered by ACT Academy of Sport to have read and understood those anti-doping policies which apply to them. ACT Academy of Sport considers such Persons to be aware of their obligations under these anti-doping policies. The relevant anti-doping policies are available on the ASC and relevant NSOs' websites.

ARTICLE 3 - ACT ACADEMY OF SPORT OBLIGATIONS

- 3.1** The policies and minimum standards set out in the Code and implemented through this Policy represent the consensus of a broad spectrum of stakeholders with an interest in fair sport. The persons identified in Article 2 are bound by this Policy as a condition of their participation and/or involvement with the ACT Academy of Sport.
- 3.2** The ACT Academy of Sport will:
- 3.2.1** use its best efforts to assist ACT Academy of Sport Athletes to fulfil their anti-doping responsibilities, including providing accurate Athlete contact information;
 - 3.2.2** support and assist Anti-Doping Organisations, including ASDA, ASC and NSOs to conduct Doping Control;
 - 3.2.3** make reasonable efforts to make this Policy available to Athletes, Athlete Support Personnel and Persons;
 - 3.2.4** develop and implement, in consultation with ASDA, drug education and information programs for Athletes and Athlete Support Personnel;
 - 3.2.5** support the initiatives of the ASC, ASDA, AOC and APC to stop Doping in sport;
 - 3.2.6** withdraw funding and support to Persons who are sanctioned for any Anti-Doping Rule Violation whether under this Policy or under the anti-doping policy of ASC or an NSO;
 - 3.2.7** recognise to the extent possible anti-doping policies and rules which conform with the Code;
 - 3.2.8** cooperate with the ASC, NSOs and other Anti-Doping Organisations in relation to the conduct of any investigation or hearing into an alleged Anti-Doping Rule Violation;
 - 3.2.9** ensure that all relevant ACT Academy of Sport policies, rules and programs conform to the extent possible with the Code;
 - 3.2.10** require all Athletes and Athlete Support Personnel within its jurisdiction to recognise and be bound by anti-doping policies which conform with the Code and this Policy;
 - 3.2.11** require Athletes to be available for Sample collection and provide accurate and up-to-date whereabouts information if required by the conditions for eligibility established by an Athlete's NSO or IF, AOC, APC or any Major Event Organisation; and
 - 3.2.12** not disclose or use any information about a person who is alleged to have, or has committed an Anti-Doping Rule Violation until after the conclusion of the hearing, except (for a purpose under this Policy) to ASC, ASDA, the Athlete's NSO and relevant Anti-Doping Organisations.

ARTICLE 4 - RESULTS MANAGEMENT

- 4.1** The ACT Academy of Sport will recognise the results of laboratory analysis of Testing by Anti-Doping Organisations including ASDA conducted in accordance with the WADA International Standard for Testing.
- 4.2** The ACT Academy of Sport should be:
- 4.2.1** notified by ASC, ASDA or an NSO about a Person who is alleged to have or has committed an Anti-Doping Rule Violation under an anti-doping policy;
 - 4.2.2** advised by the relevant body of all results of all Anti-Doping Rule Violations within 14 days of the conclusion of the results management process; and
 - 4.2.3** consulted by the ASC or an NSO about ACT Academy of Sport' participation in any investigation, hearing and appeal. ACT Academy of Sport shall have the right to attend hearings or appeals as an observer or interested party.

ARTICLE 5 - CONFIDENTIALITY AND REPORTING

- 5.1** The ACT Academy of Sport must not publicly disclose the identity of a Person who is suspected of an Anti-Doping Rule Violation until it has been determined in a hearing that an Anti-Doping Rule Violation has occurred, or such hearing has been waived, or the assertion of an Anti-Doping Rule Violation has not been timely challenged, and no appeal has been lodged against any determination made.
- 5.2** No later than twenty (20) days after an anti-doping matter has been finally determined, the ACT Academy of Sport must publicly report the result and sanction imposed.

ARTICLE 6 - RECOGNITION OF DECISIONS

The ACT Academy of Sport will recognise and enforce Testing, TUEs and hearing results or other final adjudications properly imposed on a Person who has committed an Anti-Doping Rule Violation under an anti-doping policy.

ARTICLE 7 - ACT ACADEMY EMPLOYEES AND ADDITIONAL SANCTIONS

- 7.1** The ACT Academy of Sport may also require any Person who has committed an Anti-Doping Rule Violation and who is bound by this Policy to:
- 7.1.1** repay all funding and grants received from ACT Academy of Sport subsequent to the occurrence of the Anti-Doping Rule Violation; or
 - 7.1.2** return all awards or other recognition received from ACT Academy of Sport.
- 7.2** In addition, the ACT Academy of Sport may require any Person including ACT Academy of Sport employees who have committed an Anti-Doping Rule Violation and who are bound by this Policy to undertake counselling for a specified period.
- 7.3** Where an employee of ACT Academy of Sport has committed an Anti-Doping Rule Violation, ACT Academy of Sport will take disciplinary action against the employee or contractor.
- 7.4** The ACT Academy of Sport may impose a Provisional Suspension suspending financial or other assistance to a Person bound by this Policy whose Sample is the subject of an Adverse Analytical Finding or who is issued with an infraction notice or who is subject to an investigation.

ARTICLE 8 - AMENDMENT AND INTERPRETATION OF ANTI-DOPING POLICY

- 8.1** This Policy may be amended from time to time by the ACT Academy of Sport.
- 8.2** Except as provided in Articles 2 and 7.4, this Policy shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.
- 8.3** The headings used for the various Parts and Articles of this Policy are for convenience only and shall not be deemed part of the substance of this Policy or to affect in any way the language of the provisions to which they refer.
- 8.4** This Policy has been adopted under the applicable provisions of the 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 may, where applicable, assist in the understanding and interpretation of this Policy.
- 8.5** This Policy shall not apply retrospectively to matters pending before the date this Policy came into effect.
- 8.6** Words in the singular include the plural and vice versa.
- 8.7** A Person includes a body corporate.
- 8.8** Words used in this Policy have the meaning ascribed to them in the relevant anti-doping policy. Words not defined in this Policy have the meaning ascribed to them in the Code unless a contrary meaning appears from the context or is expressly provided by ACT Academy of Sport.
- 8.9** Reference to “including” and similar words are not words of limitation.

GLOSSARY

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*, and other *Major Event Organisations* that conduct *Testing* at their *Events*, *WADA*, *International Federations*, and *National Anti-Doping Organisations*.

Anti-Doping Rule Violation. The following constitute *Anti-Doping Rule Violations*:

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

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 violation.

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*.

As an exception to the general rule of Article 5.1, the *Prohibited List* may establish special criteria for the evaluation of *Prohibited Substances* that can also be produced *endogenously*.

2. *Use* or *Attempted Use* of a *Prohibited Substance* or a *Prohibited Method*.

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.

3. Refusing, or failing without compelling justification, to submit to *Sample* collection after notification as authorised in this Anti-Doping Policy, or otherwise evading *Sample* collection.

4. Violation of the requirements regarding *Athlete* availability for *Out-of-Competition Testing* including failure to provide required whereabouts information (*Athlete* whereabouts requirements) and missed tests which are declared based on reasonable rules.

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

6. *Possession* of *Prohibited Substances* and *Methods*.

Possession by an *Athlete* at any time or place of a substance that is prohibited in *Out-of-Competition Testing* or a *Prohibited Method* unless the *Athlete* establishes that the *Possession* is pursuant to a *Therapeutic Use Exemption* granted or other acceptable justification.

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, Event or training, unless the *Athlete Support Personnel* establishes that the *Possession* is pursuant to a *Therapeutic Use Exemption* granted to an *Athlete* or other acceptable justification.

7. Trafficking in any Prohibited Substance or Prohibited Method.

8. 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.

Athlete:

(a) 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*; or

(b) any *Person* who:

- (i) is registered with an *NSO* or one of its *Members*; or
- (ii) participates, or has in the previous five years participated, in any sporting activity conducted, authorised, recognised or controlled, either directly or indirectly, by an *NSO* or a body affiliated with an *NSO*; or
- (iii) has otherwise agreed to be bound by this Anti-Doping Policy.

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

Attempt: Purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of an *Anti-Doping Rule Violation*. Provided, however, there shall be no *Anti-Doping Rule Violation* based solely on an *Attempt* to commit a violation if the *Person* enunciates the *Attempt* prior to it being discovered by a third party not involved in the *Attempt*.

Australian Olympic Committee (AOC): Means the *Australian Olympic Committee Inc.*

Australian Paralympic Committee (APC): Means the *Australian Paralympic Committee Inc.*

Australian Sports Commission (ASC): Means the *Australian Sports Commission* established by the *Australian Sports Commission Act 1989*.

Australian Sports Drug Agency (ASDA): Means the *Australian Sports Drug Agency* established by the *Australian Sports Drug Agency Act 1990*.

Code: The World Anti-Doping Code.

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 applicable *International Federation*.

Consequences of Anti-Doping Rules Violations. 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;
- 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.

Doping. The occurrence of one or more of the *Anti-Doping Rule Violations*.

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 (e.g., the Olympic Games, FINA World Championships, or Pan American Games).

International Federation. Means an *International Federation* recognised by the IOC or General Assembly of International Sports Federations (GAISF) as the entity responsible for governing that sport internationally.

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 his or her country of residence.

National Event. A sport *Event* involving international or national-level *Athletes* that is not an *International Event*.

National Olympic Committee [NOC]. The organisation recognised by the *International Olympic Committee*. The term *National Olympic Committee* shall 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.

National Sporting Organisation [NSO]. A national or regional entity which is a *Member* of or is recognised by an International Sporting Federation as the entity governing that International Federation's sport in that nation or region or is recognised by the ASC as a *National Sporting Organisation*. This includes National Sporting Organisations for *Athletes* with a Disability.

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.

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

Person. A natural *Person* or an organisation or other entity, including an *Athlete*, *Athlete Support Personnel* and *Member*.

Possession. The actual, physical possession, or the constructive possession (which shall be found only if the *Person* has exclusive control over the *Prohibited Substance/Method* or the premises 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 shall 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 shall 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 List identifying the *Prohibited Substances* and *Prohibited Methods* which is published and revised by WADA.

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

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

Publicly Disclose or Publicly Report. To disseminate or distribute information to the general public or *Persons* beyond those *Persons* entitled to earlier notification.

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

Sporting Organisation. Means the *Australian Olympic Committee*, *Australian Commonwealth Games Association*, *Australian Paralympic Committee* and any organisation recognised, assisted or funded by the *ASC* and includes their *Members* and affiliated organisations.

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.

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

Therapeutic Use Exemption (TUE). Means Therapeutic Use Exemption in accordance with the WADA International Standard for Therapeutic Use Exemptions.

Trafficking. To sell, give, administer, transport, send, deliver or distribute a *Prohibited Substance* or *Prohibited Method* to an *Athlete* either directly or through one or more third parties, but excluding the sale or distribution (by medical personnel or by *Persons* other than an *Athlete's* *Support Personnel*) of a *Prohibited Substance* for genuine and legal therapeutic purposes.

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

WADA. The *World Anti-Doping Agency*.