



Illicit Drugs in Sport (Safety Testing) Policy

Date: 9th of September 2015

SKI RACING AUSTRALIA ASSOCIATION INCORPORATED

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PART 1 - POSITION STATEMENT

- A. Ski Racing Australia Association Incorporated (**SRA**) considers that the use of banned drugs is harmful to its participants and sets a poor example for other members of the community.
- B. SRA has a zero tolerance approach to the use of drugs in sport, and seeks to educate participants to deter the use of illicit drugs. This policy is designed to deter illicit drug use and reduce the drug-related harm to individuals, families and stakeholders of SRA and the broader community
- C. Some illicit drugs may be legitimately used under the supervision of a physician for a clinically justified purpose. Such use must be consistent with the Medical Exemption and Therapeutic Use provisions in this Policy. The possession and use of illicit drugs is subject to Commonwealth, State and Territory laws.
- D. Any Relevant Person whose Screen reading shows the potential presence of a Banned Drug is likely to be prevented from participating in one or more Events until further Laboratory Testing is performed. Further penalties may also apply following the results of a Laboratory Test.
- E. SRA has adopted and implemented rules which conform to the World Anti-Doping Agency (**WADA**) Code (SRA is bound under the Waterski and Wakeboard Australia (**WAWA or AWWF**) Anti-Doping Policy). This Policy and the associated Safety Testing do not replace or in any way amend or affect the AWWF or WAWA Anti-Doping Policy or any of WADA's requirements under that policy.

PART 2 - KEY TERMS

1. INTERPRETATIONS AND DEFINITIONS

1.1 Definitions

In this Policy and unless stated otherwise:

- (a) **ASADA** means the Australian Sports Anti-Doping Authority or its successor or replacement.
- (b) **Banned Drug** means any drug on the Banned Drug List.
- (c) **Banned Drug List** means any substance which is listed in the "List of Prohibited Illicit Drugs" published by the Australian Sports Commission from time to time.
- (d) **Drug Screen** means the collection and Screen of a Relevant Person's Sample at an Event or another time specified by SRA.

- (e) **Drug Testing Representative** means the individual or entity appointed by SRA to conduct Safety Testing at an Event or another time specified by SRA.
- (f) **Event** means any SRA sanctioned ski racing event.
- (g) **Laboratory Test** means an analysis conducted on a Sample in a NATA accredited laboratory to confirm or deny the presence of a Banned Drug in a Sample.
- (h) **Medical Exemption** means an exemption granted by SRA for the legitimate use of a medication which contains a Banned Drug.
- (i) **Negative** means that a Banned Drug has not been detected in a Relevant Person's Sample.
- (j) **Non-Negative** means that the likely presence of a Banned Drug has been detected in a Screen.
- (k) **Official** means any officials at any Event.
- (l) **Participant** means anyone who participates in an Event.
- (m) **Policy** means this 'SRA Illicit Drugs in Sport (Safety Testing) Policy' as amended from time to time.
- (n) **Policy Officer** means any SRA-appointed person that is responsible for the supervision and administration of this Policy.
- (o) **Positive** means that a Banned Drug has been reported, by a NATA accredited laboratory, as being present in a Relevant Person's Sample following a Laboratory Test.
- (p) **Relevant Person** means any of the following:
 - (i) Participants;
 - (ii) Officials; and
 - (iii) any individual who has agreed to be bound by this Policy.
- (q) **Safety Test** means a test authorised by SRA to detect the presence of a Banned Drug in a Relevant Person's body. For the avoidance of doubt, a Safety Test includes but is not limited to the obtaining of a Sample.
- (r) **Sample** means a bodily substance collected for the purposes of Safety Testing. A substance may include but not be limited to urine, saliva, blood or hair.
- (s) **Screen** means a type of analysis which is intended to detect the potential presence of a Banned Drug in a Sample.
- (t) **Target Testing** means the selection of Relevant Persons for Safety Testing where Relevant Persons are selected on a non-random basis.

2. APPLICATION

2.1 Application of Policy

- (a) This Policy is made by SRA and is binding on all Participants, Officials and any other individual who has agreed to be bound by it. It may be amended from time to time by SRA.
- (b) SRA may, in its sole discretion, delegate any or all of its powers under this Policy, including but not limited to the power to adopt, apply and monitor this Policy.
- (c) By virtue of their ongoing membership, competing in an Event, employment or other contractual relationship with SRA, Participants are automatically bound by this Policy and required to comply with all of its provisions.

3. OBLIGATIONS

- (a) All Participants must:
 - (i) be knowledgeable of and comply with all rules applicable to them under this Policy;
 - (ii) read and understand the Banned Drug List as applicable to them and keep up to date with any amendments made to that list from time to time; and
 - (iii) immediately refer all known instances of possible breaches of this Policy to the Policy Officer.
- (b) All Relevant Persons must:
 - (i) submit to Safety Testing in accordance with clause 4 for the presence of Banned Drugs;
 - (ii) comply with all reasonable requests and directions of a Drug Testing Representative or the Policy Officer;
 - (iii) not take steps to intentionally avoid participating in a Safety Test or to comply with this Policy;
 - (iv) not participate in an Event with the presence of a Banned Drug in their body; and
 - (v) not consume or have any Banned Drug in their body when a Safety Test is conducted.
- (c) SRA will:
 - (i) make reasonable efforts to make this Policy available to all Participants, including via the SRA website; and
 - (ii) appoint a suitable individual (such as an employee, consultant, volunteer or office bearer) to the position of Policy Officer (or other appropriately named position).

4. SAFETY TESTING

4.1 Authority to test

- (a) A Relevant Person may volunteer to undergo a Safety Test, however, the granting of such a request is subject to SRA's and/or the Drug Testing Representative's resourcing capabilities.
- (b) Without limiting this clause 4.1, all Relevant Persons also agree to submit to Target Testing as determined by SRA or a Drug Testing Representative.
- (c) If a Relevant Person has been notified for doping control by ASADA or another anti-doping organisation to occur at the same time as proposed Safety Testing, the anti-doping organisation's requirements take precedence.
- (d) Safety Testing will be conducted in accordance with the following procedure:
 - (i) A Relevant Person is selected for testing. A Relevant Person must not:
 - (A) engage in tampering with the test or the testing process; or
 - (B) refuse to submit a Sample or otherwise deliberately evade a Sample collection;
 - (ii) Following selection, if the Relevant Person breaches clause 4.1(d)(i) or fails to otherwise comply with all reasonable requests relating to the process, this will be deemed a positive result and the Policy Officer shall take the necessary action in accordance with the Policy (including but not limited to excluding the Relevant Person from the Event(s) and dealing with the breach in accordance with clause 5);
 - (iii) The Relevant Person must provide a Sample. The Relevant Person must at this time declare any medications/substances which might impact the test (see further clause 6);
 - (iv) If the Screen is negative, there will be no further action required to be undertaken;
 - (v) If the Screen is non negative, the Relevant Person is able to either:
 - (A) confirm they agree with the test results and accompanying SRA sanction; or
 - (B) contest the results and require a second Sample to be taken which will be sent to the laboratory to undergo a Laboratory Test. The Relevant Person will be required to cover the cost of \$155 associated with performing the Laboratory Test. For the avoidance of doubt, any positive screen by the Relevant Person will require immediate exclusion of the Relevant Person from the Event (unless they are allowed to continue based on a Medical Exemption);
 - (vi) In the event that a Drug Screen returns a Negative reading, the Drug Testing Representative shall complete the remaining collection process.

- (vii) Post Laboratory Test; the Policy Officer shall inform all relevant parties of the Laboratory Test results. Thereafter, SRA shall advise the Relevant Person of the details of any penalties to be imposed on them.
- (e) The Relevant Person must remain in the Sample collection area until advised by the Drug Testing Representative that the Sample collection process is complete.
- (f) The above Procedure can be amended by SRA from time to time. Minor irregularities in the application of this Policy or the above testing procedure and testing of a Sample will not affect any findings of Positive or Non-Negative which may be reached in relation to a Sample.

4.2 Laboratory Test

- (a) A suitable laboratory will conduct a Laboratory Test on the Sample to confirm the apparent presence and concentration level of a Banned Drug.
- (b) In the event that a laboratory reports the presence and concentration level of a Banned Drug that is consistent with use for a legitimate medical purpose, such as the use of 'over the counter' medications, SRA may choose to not issue the Relevant Person with a breach notice.
- (c) In the event that the result of the Laboratory Test is Negative, the Relevant Person may continue to participate in Events.

5. BREACH OF THIS POLICY

5.1 First, second and third Positive result

Subject to clause 6.1, on the:

- (a) first occasion that a Relevant Person tests Positive for a Banned Drug, that Relevant Person will not be permitted to participate at any further Events until successfully completing a recognised drug counselling program as specified by SRA at the Relevant Person's cost;
- (b) second occasion a Relevant Person tests Positive for a Banned Drug, that Relevant Person will:
 - (i) be excluded from participating at any further Event for a period of six (6) months;
 - (ii) not be permitted to participate at any further Event until successfully completing a recognised drug counselling program as specified by SRA at the Relevant Person's cost; and
 - (iii) be fined an amount of \$250.00, with that amount being payable before being permitted to participate in any further Meeting;
- (c) third occasion a Relevant Person tests Positive for a Banned Drug, that Relevant Person will:
 - (i) be excluded from participating at any further Event for a period of two (2) years;

- (ii) not be permitted to participate at any further Event until successfully completing a recognised drug counselling program as specified by SRA at the Relevant Person's cost; and
- (iii) be fined an amount of \$1,000.00, with that amount being payable before being permitted to participate in any further Event.

5.2 Penalties

In addition to the penalties described in clause 5.1:

- (a) SRA may choose to take action against a Participant under its constitution to suspend or expel the Participant from membership of SRA;
- (b) SRA may inform the ASADA or any other relevant entities of the details of a breach of this Policy. Such disclosure may lead to further consequences enforced by those entities.
- (c) SRA may in its absolute discretion publish the details of a breach of this Policy by a Participant.

5.3 Target Testing

Following a breach of this Policy, a Relevant Person may be subject to Target Testing at future Events or another suitable time as specified by SRA.

5.4 Liability of SRA

SRA and its related entities is not liable for any claim for loss or damage by a Relevant Person as a result of any action or inaction of SRA under this Policy, including but not limited to where a Relevant Person is prevented by this Policy from being able to participate in any Event.

6. MEDICAL EXEMPTION

6.1 Medical Exemptions and Banned Drug thresholds

For the purposes of this Policy, a Relevant Person will not be in breach of this Policy where a laboratory reports that the Relevant Person's Sample contains a Banned Drug and the presence and concentration level of that Banned Drug is, in SRA's sole opinion, present as the likely result of the Relevant Person taking a medication which is:

- (a) the subject of a current Medical Exemption which has been approved by SRA; or
- (b) consistent with an 'over the counter' medication which is reported to the Drug Testing Representative prior to a Sample being provided.

6.2 Obtaining a Medical Exemption

- (a) Any Relevant Person with a medical condition requiring the use of a Banned Drug, or another medication (such as an 'over the counter' medication) which contains a Banned Drug, may request a Medical Exemption by providing a letter from their treating medical practitioner clearly stating the medication will not affect the participant's ability to perform their duties (it must state the

medication does not affect the ability of the Participant from undertaking their relevant role in an Event).

- (b) SRA may approve or reject an application for a Medical Exemption. The Policy Officer will advise the Relevant Person, in writing, of the outcome of the request.
- (c) Otherwise, a Medical Exemption will not be required where the Relevant Person holds a current Therapeutic Use Exemption in accordance with the WAWA Anti-Doping Policy. In any such instance, the Relevant Person must provide the Drug Testing Representative and/or the Policy Officer with evidence of the claimed Therapeutic Use Exemption upon request.
- (d) Relevant Persons must carry any approved Medical Exemption with them at each Meeting they participate in or provide a copy to SRA prior to the meeting

6.3 Further assistance

Where a Relevant Person suspects that a prescribed or 'over the counter' medication they are using contains a Banned Drug, that Relevant Person should provide a copy of the Banned Drug List to their medical professional for clarification.

7. RESULTS MANAGEMENT

7.1 Responsibility of results management

- (a) SRA will coordinate the results management process under this Policy.
- (b) SRA may, from time to time, amend the delegation of the results management process.

8. AMENDMENT AND INTERPRETATION

- (a) This Policy may be amended from time to time by SRA, subject to approval from the SRA Board.
- (b) The headings used for the various parts and clauses of this Policy are for convenience only and shall not be deemed to be part of the substance of this Policy or to affect in any way the interpretation of this Policy.
- (c) The definitions in clause 1.1 of this Policy shall be considered an integral part of this Policy. Another grammatical form of a defined term has a corresponding meaning.
- (d) Words in the singular include the plural and vice versa.
- (e) References to 'including' and similar words are not words of limitation.
- (f) A 'person' includes a body corporate.
- (g) This Policy shall apply from its specified effective date.