

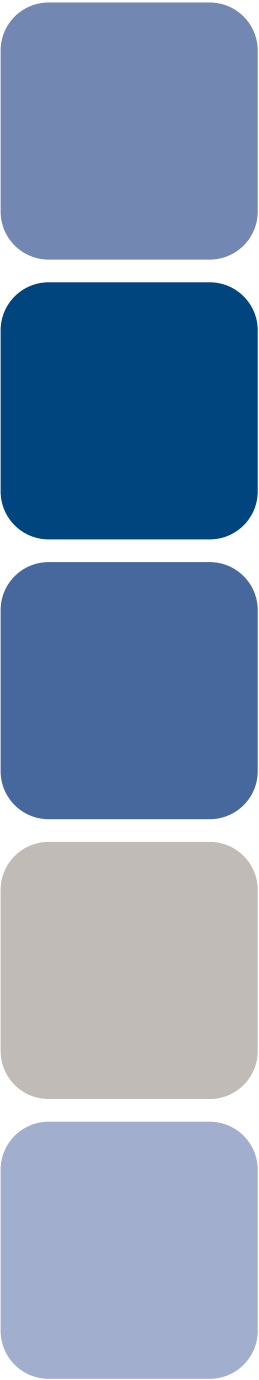


Victorian Sports Anti-Doping Policy

2012 Update



Foreword



The community expects that Victorian athletes will compete fairly and without the use of prohibited drugs or doping methods. The Victorian government is committed to protecting the health of athletes and the spirit of sport by discouraging the morally and ethically indefensible use of prohibited performance enhancing drugs in sport.

The Victorian sports anti-doping policy requires both the government and sports organisations in Victoria to support compliance with the expectations and standards expressed within the World Anti-doping Code.

An effective anti-doping framework for Australia necessitates a comprehensive approach involving education, research, prevention, detection and deterrence, rehabilitation and cooperation and coordination. It involves all levels of sport and government.

The Commonwealth government has the primary responsibility for the implementation of the World Anti-Doping Code in Australia and for implementing and coordinating compliant domestic doping control programs. Current national anti-doping efforts involving the Australian Sports Anti-Doping Authority (ASADA) are focussed on preventing, deterring, detecting and managing anti-doping rule violations committed by athletes and support persons involving the use or otherwise of prohibited substances. ASADA's anti-doping education accordingly seeks to ensure athletes are informed and knowledgeable about their anti-doping responsibilities; and to reduce the risk of athletes inadvertently doping.

The Commonwealth government also has a *'National Illicit Drugs in Sport Policy'*. Illicit drugs policies go beyond the requirements of both the World Anti-Doping Code and this complementary Victorian sports anti-doping policy. Some national sports organisations have already implemented their own illicit drugs policies and testing procedures in consultation with their elite athletes. At the community level of participation, such policies should seek to focus on protecting the health and welfare of those affected as well as managing the risks to the sport and its members.

To support and complement the education and information objectives of the World Anti-Doping Code, anti-doping related drug education programs for non-elite sports participants are required. There is a clear need to better engage and involve community level sport in the fight against doping. This includes delivering a Victorian sports anti-doping policy and program response which is consistent with the World Anti-Doping Code but is also understood and actively supported by non-elite sport participants.

A policy of "zero tolerance" to performance enhancing drug use in elite and high performance sport is an essential aspect of the World Anti-Doping Code. Yet, the adoption of strict testing and sanctioning regimes alone will not resolve the doping issue and a system designed primarily for international and national level competitors is not directly transferable to community level sport.

There is an obvious need to educate and better inform young aspiring athletes and all others involved in non-elite sport, such as parents, coaches and officials, to reinforce the positive values of sport including athletic achievement attained through fair and healthy means. The Victorian government will work with sporting codes and schools to support a "no drugs" culture in Victorian sport and encourage healthy involvement in sport and physical activity.

The primary purpose of this Victorian sports anti-doping policy is to assist in the worldwide effort to eliminate drugs in sport by supporting Australia's national anti-doping framework.

Victorian Sports Anti-doping Policy

1. Preamble

In 2004 the World Anti-Doping Code (“the Code”) became operational with the revised version effective as of 1 January 2009. The Code represents a unique international commitment made by sports and governments to fight the use of drugs in sport. Most international sporting federations, including all Olympic sports, have adopted Code compliant anti-doping policies. The Code introduced a strict sanctioning regime for breaches of the anti-doping rules adopted by sports organisations.

The Federal Government, as a signatory to a number of international agreements, including the *International Convention against Doping in Sport*, requires Australian sports organisations to implement Code compliant anti-doping policies. Signatory governments are also required to implement Code compliant anti-doping policies and take steps to withhold sport-related assistance and financial support to sanctioned athletes and athlete support personnel for the duration of their suspension.

Governments are also expected to withhold some or all support from sports organisations which fail to adopt and/or uphold Code compliant anti-doping policies.

In 2006 the Australian Sports Anti-Doping Authority (ASADA) was established as Australia’s designated National Anti-doping Organisation (NADO). ASADA is responsible for developing comprehensive programs and education initiatives about sports drug, anti-doping testing and safety checking services, managing anti-doping rule violations as well as monitoring the compliance of anti-doping rules.

The Victorian Sports Anti-doping Policy reflects the requirements of the Code, the International Convention and Australia’s national anti-doping policy template as issued by ASADA.

2. Position Statement

To support Code compliance the Victorian government implemented the *Victorian Sports Anti-doping Act 2005*. Under the Act, the Minister is required to develop an anti-doping policy to support and, when necessary, reinforce Code compliance and the anti-doping rule violation sanctioning processes applied by sport.

The Code is designed primarily to harmonise and strengthen international and national doping control arrangements. Sports organisations, athletes and athlete support personnel involved in anti-doping programs must comply with a rigorous framework of protocols and administrative requirements. In most cases only elite or professional athletes, or athletes involved in high performance sport programs, will be directly involved in such doping control arrangements.

The strict liability and tough sanctions inherent in the Code, and thus Code compliant policies, demands that organisations and individuals involved in doping control are well educated on their roles and responsibilities and clearly understand the consequences arising from a violation of the anti-doping rules of their sport.

Sport and governments are also expected under the International Convention to educate the sporting community in general on the harm of doping to the ethical values of sport and the health consequences of doping.

The Victorian policy position is that the international and national anti-doping arrangements are to be supported by reinforcing Code compliance. It is not an expectation of this policy that national doping control programs be replicated at the non-elite and community level of sport. It is expected that national efforts will be complemented and supported in Victoria through the provision of anti-doping policies and related information and education appropriate to community level sport.

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The focus in Victoria on education which concerns issues influencing the multiple risk and protective factors for performance and image enhancing drug use, particularly by youth at the community level, is fundamental to supporting the international and national anti-doping efforts.

Under the Victorian sports anti-doping policy Victorian sports organisations are expected to progressively adapt the national anti-doping policies of their sport and to ensure, where appropriate, that the rules and practices of their organisation, their members and affiliates conform to the provisions of the Code.

This policy does not require Victorian state sporting organisations to implement ancillary doping control processes to supplement or expand the current national doping control schemes managed by ASADA and/or national sports organisations (NSOs). Sports organisations that choose to implement local doping control programs must however comply with the Code, including the standards it establishes, ensure procedural fairness and provide adequate education and support services to all athletes selected for testing.

Under the revised Code ASADA is able to establish specific national rules under the NAD Scheme for doping control for non-international-level or national-level competitors.

3. Objective

The objectives of the policy are to promote and encourage ethical participation in sport and recreation in Victoria; and to discourage the use of drugs and doping methods.

4. Definitions

“ASADA” means the Australian Sports Anti-Doping Authority established by the Commonwealth Act.

“Commonwealth Act” means the Australian Sports Anti-Doping Authority Act 2006 of the Commonwealth.


“International Convention against Doping in Sport” or “UNESCO Convention” refers to the Convention unanimously adopted in Paris on 19 October 2005 at the 33rd session of the UNESCO General Conference and which came into force on 1 February 2007. Australia has ratified this Convention.

“Major Event Organisation” refers to an international sport organisation that functions as the ruling body for any continental, regional or other international event.

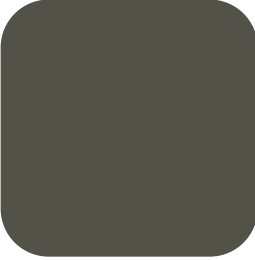
“Minister” refers to the Victorian Minister for Sport and Recreation or the responsible Minister of the Crown in right of Victoria administering the Sports Anti-doping Act 2005.




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“NAD scheme” or “National Anti-doping Scheme” means the Scheme prescribed in the ASADA Regulations which provides for a range of matters such as the relevant anti-doping rules; the rules on testing and investigations; the management of potential anti-doping rule violations, including entry of information on violations onto the Register of Findings; and the disclosure of information.




“NADO” or “National Anti-doping Organisation” means the entity designated by the Australian Government (currently ASADA) 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.



“National anti-doping template” means the model anti-doping template issued by Australia’s NADO to assist National Sporting Organisations in formulating anti-doping policies that comply with the World Anti-Doping Code and the five International Standards deemed mandatory under the Code.



“National Sports Organisation” and **“NSO”** means a national sporting organisation recognised by the Commonwealth government as that sport’s peak representative body in Australia.



“Person” means a natural Person or an organisation or other entity, including an Athlete, Athlete Support Personnel and Member.

“State support” means for the purposes of this Policy, a person is taken to be receiving State support from the Victorian Government, if for the purpose of—

- (a) taking part in sporting activities or training to take part in sporting activities; or
- (b) coaching, training or treating another person taking part in sporting activities or to take part in sporting activities— the person—

- (c) receives funding from the State or an agency of the State; or
- (d) uses facilities that are provided (wholly or partly) by the State or an agency of the State, or are operated or maintained (wholly or partly) with funding received from the State or agency; or
- (e) is a member of, or is in any way associated with, a sporting organisation that—

- (i) receives funding from the State or an agency of the State; or
- (ii) uses facilities that are provided (wholly or partly) by the State or an agency of the State, or are operated or maintained (wholly or partly) with funding received from the State or agency; or
- (iii) receives advice or other services from the State or an agency of the State.

“Doping Control” means the drug testing process including test distribution planning, sample collection and handling, laboratory analysis, results management, hearings and appeals undertaken in compliance with the expectations and standards established under the World Anti-Doping Code.

“Sports Organisation” means all sporting organisations (including recognised State Sporting Associations), responsible for conducting sporting competitions in Victoria, receiving State support and/or whose members receive State support.

“WADA” means the World Anti-Doping Agency.

“World Anti-Doping Code” or **“the Code”** means the World Anti-Doping Code adopted by the Foundation Board of WADA on 5 March 2003 at Copenhagen and any subsequent approved amendments.

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5. Policy Application

- 5.1 This policy applies to all organisations responsible for conducting sporting competitions, sports organisations, their affiliates and members in Victoria, and any person or organisation receiving State support for sporting activities.
- 5.2 This policy is effective from 1 January 2009 and replaces the Interim Victorian Anti-doping Policy, released in March 2006.

6. Obligations of Sports Organisations

6.1 Policy, rules and code of conduct

- 6.1.1 To be eligible for State support, a sports organisation is required to:
- i. Adopt the ASADA approved anti-doping policy of their National Sporting Organisation;

or

 - ii. Adopt an anti-doping policy which is consistent with their National Sporting Organisation's ASADA approved and Code compliant anti-doping policy;

or

 - iii. Adopt a policy which complies with the Articles of the World Anti-doping Code and satisfies the mandatory requirements of national anti-doping policies and guidelines issued from time to time by ASADA.

6.1.2 A sports organisation is expected to ensure its rules include a requirement for members to comply with the organisation's anti-doping policy, including consenting to Code compliant doping control testing arrangements and implementing any necessary parental/guardian informed consents for all members less than 18 years of age.

6.1.3 Sports organisations shall develop and implement appropriate codes of conduct, good practice and ethics related to anti-doping in sport that are consistent with the Code.

6.2 Education

6.2.1 The positive values of sport and athletic achievement attained through fair and healthy means should be promoted among those who participate in sport or otherwise support sports infrastructure and delivery in Victoria.

6.2.2 The implementation of the Victorian government's anti-doping policy will involve the education of community level athletes with a specific focus on educating aspiring adolescents on the health and ethical issues related to the use of banned substances in sport. Sports organisations are expected to support and contribute to this process.

6.2.3 Sports organisations shall provide to members, selected for or otherwise required to be available for testing, regular updated and accurate information on:

- doping control procedures;
- athlete's rights and responsibilities in regard to anti-doping, including information about the Code and the anti-doping policy of their sport, ASADA and the Victorian Government;
- the consequences of committing an anti-doping rule violation including the possible withdrawal of State government support;
- the list of prohibited substances and methods;
- therapeutic use exemptions; and
- nutritional supplements, including advice related to the risks associated with contamination of such supplements with prohibited substances.

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6.3 Doping Control Programs

6.3.1 Victorian athletes selected for, or required to be available for testing, are to be subject to Code compliant doping control requirements, including results management protocols.

6.3.2 The ramifications for a positive test or other violation of an anti-doping rule, such as missing three 'out-of-competition' tests, are severe. The Code demands strict liability of athletes for what substances enter their bodies and even 'accidental' anti-doping rule violations may result in penalties similar to those for intentional use of illicit performance-enhancing substances.

6.3.3 To the extent that a sports organisation (or the corresponding NSO) may wish to test any Victorian athletes outside the existing national testing pool(s) established by ASADA, or an international testing pool established by WADA, an international sporting federation or by a major event organisation, is a policy and resourcing matter for the sport.

6.3.4 Sports organisations are expected to ensure any Victorian athlete selected for drug testing, regardless of their age, ranking or performance calibre is provided with a consistent level of appropriate doping control related information and education and relevant athlete support services suitably in advance of such testing being implemented.



6.4 Anti-doping rules

6.4.1 The mandatory standards and models of best practice concerning doping control, doping violations and consequences, and appeals are contained in the World Anti-Doping Code and the national anti-doping template.

6.4.2 Under this policy, sports organisations are required to adopt policies and practices which will support and comply with these standards and models.

6.5 Disclosure policy and maintaining confidentiality

6.5.1 The identity of all Victorian athletes and athlete support personnel who are subject to doping control programs and who have committed an anti-doping rule violation are subject to the public disclosure requirements and provisions of the Code.

6.5.2 Sports organisations must not identify athletes, release details of cases against athletes or make public assertions of an athlete's guilt until final disposition of the matter, which should cater for all situations, including acceptance of sanctions by athletes, is resolved.

6.5.3 Following a confirmed determination under a Code compliant anti-doping policy the sports organisation must provide, to the Minister, information regarding the identity of:

- i) any sanctioned athlete who receives "state support" (as defined under the Victorian Act and this Policy) including information on the nature or type of state support the sports organisation is aware that the athlete receives; and
- ii) any other person who is a member of, or is in any way associated with a Victorian sports organisation and who has violated an anti-doping rule.

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7. Sanctions

- 7.1 Sports organisations are required to impose and uphold the mandatory anti-doping rule violation sanction requirements of the Code and the national anti-doping policy template.
- 7.2 The Minister may withdraw, and revoke eligibility for, financial or other assistance (for example specified use of designated facilities) to any person sanctioned under a Code compliant anti-doping policy.
- 7.3 Financial or other assistance to a sports organisation may be withdrawn and eligibility for financial or other assistance from the State Government revoked where the State Government determines a sports organisation has committed a breach of this policy, including the failure to adopt and enforce Code compliant anti-doping sanctions for anti-doping rule violations.
- 7.4 The Minister will issue guidelines for the withdrawal of State support from a person duly sanctioned under a sport's Code compliant anti-doping policy. State government agencies and the management of all sporting facilities that are provided (wholly or partly) by the State or an agency of the State, or are operated or maintained (wholly or partly) with funding received from the State or agency, are required to comply with and support the intent and purpose of such guidelines.
- 7.5 All decisions of the Minister can be appealed.

8. Review of a Finding of an Anti-doping Rule Violation or a Sanction

- 8.1 The State Government will not review findings related to an anti-doping rule violation or review sanctions or other doping related decisions made or imposed by a sports organisation under an anti-doping policy.

9. Appeals

- 9.1 The State Government will not act as an appeal agency for the purposes of a review of a person's sanction imposed by sport or other decisions or rulings made under a sports organisation's anti-doping policy.
- 9.2 A sports organisation's rules for appeal must be consistent with the principles expressed in the Code and respect the right to a fair, impartial and timely hearing.

10. Confidentiality and Reporting

- 10.1 The confidentiality and reporting requirements of the Code and the national anti-doping policy template should be supported and adhered to by sports organisations.

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11. Recognition of Decisions by Other Organisations

11.1 Sports organisations are expected to mutually recognise the doping control procedures and test result management, including the anti-doping rule violation sanctions, of a sport or anti-doping organisation that are consistent with the Code.

12. Statute of Limitations

12.1 In accordance with the Code, no action under this policy will be commenced against a person for a violation of an anti-doping rule unless such action is commenced within eight years from the date the violation occurred.

13. Doping Control for Animals Competing in Sport

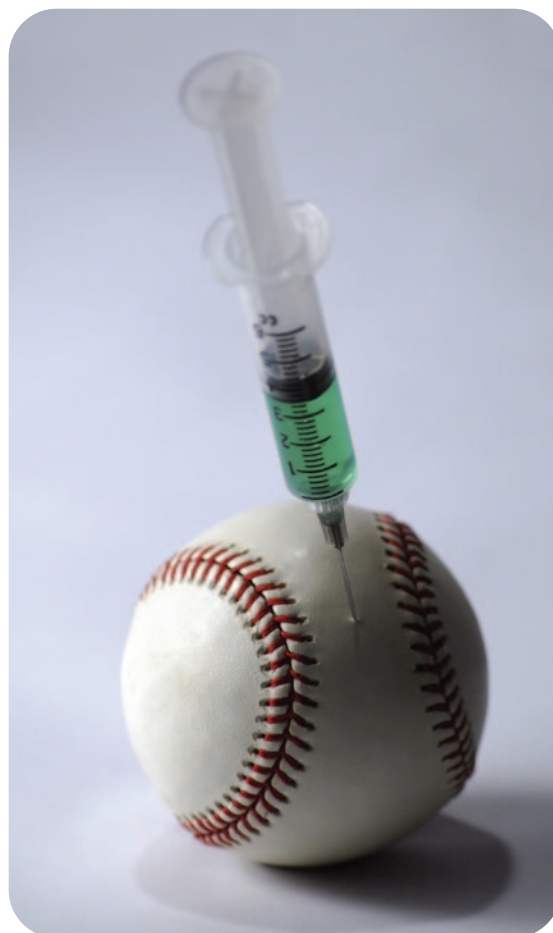
13.1 The same expectations as those expressed under the World Anti-Doping Code apply in relation to doping control for animals used as part of a sports competition.

14. Amendment and Interpretation of Anti-doping Policy

14.1 The Minister will publish the Victorian sports anti-doping policy and any amendments to it on an appropriate government internet website.

14.2 The Minister will consult with any Victorian sporting organisations the Minister considers appropriate in preparing any amendments to the Victorian sports anti-doping policy.

14.3 The World Anti-Doping Code (including commentary), the Sports Anti-Doping Act 2005, the Australian Sports Anti-Doping Authority Act 2006, and the UNESCO International Convention Against Doping in Sport are sources of interpretation of the Victorian Sports Anti-doping Policy.



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15. Further Information

Australian Sports Anti-Doping Authority (ASADA)

<http://www.asada.gov.au>

Street address:

5 Tennant Street
Fyshwick ACT 2609

Postal address:

PO Box 345
Curtin ACT 2605

Email: asada@asada.gov.au

Anti-Doping Hotline: 1300 027 232

Australian Sports Commission

<http://www.ausport.gov.au/supporting/ethics/antidoping>

CleanEdge

'CleanEdge' is a drugs in sport information, education and referral website managed by the Victorian Branch of Sports Medicine Australia and is designed specifically for Victorian community sport.

<http://www.cleannedge.com.au>

Email: cleannedge@vic.sma.org.au

Sport and Recreation Victoria

<http://www.sport.vic.gov.au/>

Sports Medicine Australia (Victorian Branch)

<http://www.smavic.org/> or
<http://www.smartplay.com.au/vic>

Email: general@vic.sma.org.au

UNESCO

<http://portal.unesco.org/>

Victorian Sports Anti-doping Act 2005

<http://www.legislation.vic.gov.au/>

World Anti-Doping Agency

<http://www.wada-ama.org>

16. Comments and Feedback

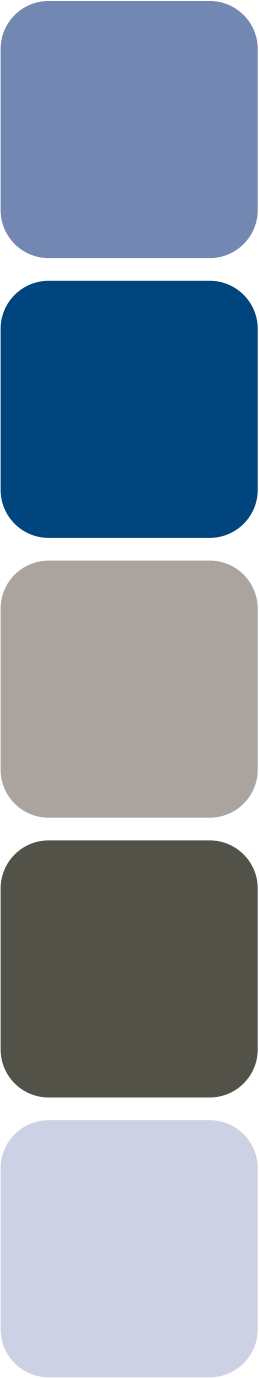
Comment and questions on this policy may be sent to:

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All comments will be treated as public documents unless otherwise requested.





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