

**POLICY NO:** A - 008  
**POLICY:** ANTI DOPING POLICY  
**DATE APPROVED:** MAY 2000  
**REVIEW DATE:** CURRENTLY UNDER REVIEW

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## 1. WHAT IS RLSSA'S POSITION ON DOPING?

RLSSA condemns the use of performance enhancing drugs and doping practices in sport. The use of performance enhancing drugs and doping practices (except for therapeutic use as described in this Policy) is contrary to the ethics of sport and potentially harmful to the health of athletes.

RLSSA aims to stop doping practices in sport by:

- i. imposing effective sanctions on persons who commit doping offences;
- ii. educating and informing persons about drugs in sport issues; and
- iii. supporting the drug testing programs and education initiatives of ASDA and other drug testing authorities.

## 2. WHAT ARE THE OBLIGATIONS UNDER THIS POLICY?

2.1 RLSSA will:

- i. give ASDA and other *drug testing authorities* timely and accurate *athlete* contact information;
- ii. support and assist ASDA and other *drug testing authorities* to conduct *testing*;
- iii. use its best endeavours to notify *persons* of their obligations under this Policy, including the obligation on *athletes* to provide *samples* for *testing*;
- iv. make this Policy available to *persons* to whom it applies;
- v. develop and implement, in consultation with ASDA and the ILS, drug education and information programs for *persons*; and
- vi. support the initiatives of the ASC, the ILS, the IOC and the AOC to stop *doping offences* in sport.

2.2 All *persons* must:

- i. allow any *drug testing authority* to collect *samples* from *athletes* and give all reasonable assistance for it to do so;
- ii. provide the RLSSA with accurate and up to date contact information to enable the RLSSA to implement this Policy; and
- iii. comply with this Policy.

2.3 All *persons* may be subject to investigation and/or be disciplined under this Policy.

2.4 All *persons* who fail to comply with this Policy will have committed a *doping offence*.

2.5 RLSSA will consult with the AOC and the ASC in respect of any changes to this Policy, and provide them with an up to date copy of the Policy, from time to time.

2.6 RLSSA recognises the privacy of persons and will not disclose or use information about a *person* who is alleged to have, or has committed a *doping offence*, except to:

- i. the ASC as specified under this Policy; and/or
- ii. the AOC as specified under this Policy (see clauses 14.4.3, 14.4.4, 14.4.12 and 14.8.2); and/or
- iii. any other person after:
  - a) the *Committee* or the *CAS* has made a determination (under clause 14.4.13); or
  - b) the ADCO has determined the sanction (under clause 14.4.8).

2.7 All *persons*, the AOC and the ASC will keep confidential the names and addresses, the circumstances giving rise to alleged *doping offences* and any other information in connection with an alleged *doping offence* which they receive from any person, *RLSSA*, *ASDA* or any other *drug testing authority*, until such time as the *doping offence* has either been acknowledged (under clause 14.4.6i) or a determination is made by the *Committee* or *CAS* (under clause 14.4.13). A failure to comply with this clause is a *doping offence*.

### 3. WHO DOES THIS POLICY APPLY TO?

3.1 This Policy applies to:

- i. *Members*;
- ii. *Coaches* and managers of *athletes*;
- iii. *Officials*;
- iv. *Athletes*; and
- v. Employees of *RLSSA*,

collectively defined as *persons* in this Policy (see clause 14.11.1).

3.2 Except as provided in clause 14.2.3, this Policy does not apply to a *person* participating in an *ILS event*, where the anti-doping rules and policies of the *ILS* shall apply.

3.3 Notwithstanding clause 14.2.2, this Policy does apply to:

- i. the recognition and enforcement of any sanctions imposed by the *IOC* or the *ILS* on any *person* (see clauses 14.8.1); and
- ii. an *ILS event* in Australia, where the *ILS* has agreed for this Policy to replace the anti-doping Rules and Policies.

### 4. WHAT IS A DOPING OFFENCE?

Subject to clauses 14.3xi and 14.3xii, an *athlete* commits a *doping offence* if:

- i. a *prohibited substance* is present in the *sample* taken from the *athlete*; or
- ii. an *athlete* is using or engages in, or has used or engaged in, a *prohibited method*; or
- iii. the *athlete* in anyway interferes with the *sample* or the collection of the *sample*, other than as required by the *drug testing agency*; or
- iv. the *drug testing authority* informs *RLSSA* that the *athlete* has failed to supply a *sample* for testing when requested by a *drug testing authority*.

For the purposes of this Policy “failed to supply” means that:

- v. the *athlete* failed to provide a *sample* as required by the *drug testing authority*; or
- vi. the *athlete* failed to complete or sign any form required by the *drug testing authority*; or
- vii. the *athlete*, after providing the *sample*, failed to do something in relation to the *sample* required by the *drug testing authority* or did something in relation to the *sample* which was not required by the *drug testing authority*; or
- viii. the *athlete* avoids, evades or attempts to avoid or evade a request by a *drug testing authority* to supply a *sample*.

- ix. In addition a *person* (including an *athlete*) commits a *doping offence* if:
  - a) the *person* is knowingly involved in *trafficking*; or
  - b) the *person* knowingly assists, or is knowingly involved, in the commission of a doping offence by another *person*, including in anyway interfering with a *sample* or the collection of a *sample*, other than as required by the *drug testing agency*; or
  - c) the *person* fails to comply with this Policy.
- x. The onus is on the *RLSSA*, to prove to the *Committee* or *CAS* on the balance of probabilities, that a *person* committed a *doping offence* under clause 14.3ix.
- xi. It is not a *doping offence* if:
  - a) an *athlete* uses a *prohibited substance* or a *prohibited method* for a therapeutic purpose (as described in clause 14.3.2); or
  - b) an *athlete* uses a *prohibited substance* or a *prohibited method* following a prior notification (as described in clause 14.3.3).
- xii. it is a defence to a *doping offence* if the *athlete* proves to the *Committee* or *CAS* at a hearing (see clause 14.4.13) that there were exceptional circumstances (as defined in clause 14.3.1).
- xiii. the onus is on the *athlete* in clause 14.3xii to prove, on the balance of probabilities, exceptional circumstances.

#### 4.1 Exceptional Circumstances

- i. Exceptional circumstances (in clause 14.3xii), means circumstances where the presence in the *sample* of the *prohibited substance*, or the use of or engagement in the *prohibited method* was beyond the *athlete's* control. For example, it may include circumstances where:
  - a) The *athlete* has a natural Testosterone:Epitestosterone ratio above 6:1.
  - b) The *athlete* is administered the *prohibited substance* by a doctor while unconscious.
  - c) The use or engagement of the *prohibited method* is part of emergency medical treatment.

- ii. Exceptional circumstances do not exist (under clause 14.3.1) merely because the *athlete*:
  - a) took the *prohibited substance*, or used or engaged in the *prohibited method*, inadvertently; or
  - b) did not know that the substance was a *prohibited substance* or that the use or engagement of the method was a *prohibited method*.

#### 4.2 Therapeutic Purpose

- i. An *athlete* may use or take a *prohibited substance* or a *prohibited method* for a therapeutic purpose (under clause 14.3xi(a)) if:
  - a) prior to supplying a *sample* s/he obtained the written approval of a *recognised medical authority* to use the *prohibited substance* or to use or engage in the *prohibited method*; and
  - b) the approval in clause 14.3.2(a) is notified in writing by the *athlete* to RLSSA in the form attached as Form 1 to this Policy; and
  - c) the nature and level of the *prohibited substance* in the *sample* or the nature and use of the *prohibited method* is consistent with the approval in clause 14.3.2(a); and
  - d) where *testing* is carried out other than in Australia, the approval in clause 14.3.2(a) is recognised by ILS.

#### 4.3 Prior Notification for Asthma Related and Other Prohibited Substances

- i. An *athlete* may use *Certain Prohibited Substances and/or Methods* following a prior notification (under clause 14.3xi(b)) if:
  - a) prior to supplying a *sample* s/he completed and forwarded to RLSSA a *prior notification form* attached as Form 2 to this Policy; and
  - b) the nature, level and use of the *Certain Prohibited Substance and/or Method* is consistent with the *prior notification form* in clause 14.3.3(a).

### 5. INVESTIGATION OF A DOPING OFFENCE AND REFERRAL TO A HEARING

#### 5.1 Where RLSSA receives information:

- i. that an *athlete* has returned a *positive test result*, or has failed to supply a *sample*; or
- ii. that a *person* may have committed a *doping offence*, the ADCO will follow the procedures set out in this Policy.

5.2 Upon receipt of the information described in clause 14.4.1 the ADCO shall investigate the matter as s/he sees fit, to ascertain whether, in the ADCO's opinion, there is reasonable cause to suspect that a *doping offence* may have been committed. The ADCO may seek expert advice and assistance as part of their investigation.

#### 5.3 Upon:

- i. receipt by RLSSA of a notice from a *drug testing authority* that an *athlete* has returned a *positive test result*, or
- ii. the ADCO determining there is reasonable cause to suspect, under clause 5.2, the ADCO will advise the AOC and the ASC of:
  - a) the name and address of the *person* who is alleged to have committed a *doping offence*; and
  - b) the result of the *positive test result*, or the circumstances which give the ADCO reasonable cause to suspect a *doping offence* may have been committed by that *person* (whichever applies). The ADCO will also authorise ASDA or any other relevant *drug testing authority* to provide to the AOC and the ASC the details in (a) and (b) of

this clause.

- 5.4 If:
- i. the AOC considers the *person* may have also breached the AOC's Anti- Doping Policy and the AOC wishes to prosecute the alleged *doping offence* jointly with RLSSA; and/or
  - ii. the ASC considers it wishes to prosecute the alleged *doping offence* jointly with RLSSA, the ADCO, AOC and/or ASC (referred to as *joint prosecutors*) will jointly undertake the process specified in clauses 14.4.5 to 5 12. If this occurs the reference to the ADCO in clauses 14.4.5 to 14.4.10 and 6.8 shall mean the *joint prosecutors*.
- 5.5 Upon completion of the steps in clause 14.4.3 and 14.4.4, the ADCO shall send the *person* a letter ("the Allegation Letter") which:
- i. states the nature and details of the alleged *doping offence* or offences, as the case may be;
  - ii. states the consequences of the *person* being found to have committed a *doping offence(s)*;
  - iii. states that the ADCO will refer the matter to a hearing, unless within 14 days of the date of the Allegation Letter the *person*:
  - iv. acknowledges they have committed the *doping offence(s)*; and
  - v. agrees to waive a hearing either in relation to whether a *doping offence(s)* has been committed and/or to what sanction is imposed; and
  - vi. states the consequences of the *person* failing to respond within 14 days; and
  - vii. encloses a copy of this Policy.
- 5.6 Upon receipt by the *person* of the Allegation Letter (in clause 5.5), the *person* must advise the ADCO, within 14 days of the date of the Allegation Letter, whether they:
- i. acknowledge committing the *doping offence(s)*; and/or
  - ii. waive their right to a hearing in relation to, either:
  - iii. whether s/he committed a *doping offence(s)*; and /or
  - iv. what sanction will be imposed.
- 5.7 Upon the expiry of the 14 days in clause 14.4.5(c) the ADCO shall refer the matter to a hearing (under clause 14.4.13) if:
- i. the ADCO does not receive a reply from the *person* to the Allegation Letter; or
  - ii. the *person* provides the acknowledgment but does not agree to waive the hearing as to sanction (under clause 14.4.5(c)(ii)).

- 5.8 Subject to clause 5.9, the *ADCO* shall impose one or more of the sanctions set out in clause 14.6.1, if:
- i. the *person* acknowledges to the *ADCO* that s/he has committed a *doping offence*; and
  - ii. she/he waives the right to a hearing in relation to the sanction.
- The *ADCO* will advise the *person* of such sanction, in writing, as soon as possible.
- 5.9 If the sanction to be imposed, (under clause 5.8), is a sanction which requires the exercise of a discretion, the matter will be referred to a hearing (under clause 5.10) solely for determination of the sanction, under clause 5.13.
- 5.10 In referring the matter to a hearing the *ADCO* will:
- i. request a *RLSSA Committee* to conduct a hearing; or
  - ii. request the *National Sports Dispute Centre* to conduct a hearing; or
  - iii. request the *CAS* to conduct a hearing; or
  - iv. if the alleged *doping offence* arises out of an *ILS event*, refer the matter to *ILS*.
- The *ADCO* will withdraw the referral to a hearing at any time until the hearing commences if the *person* gives an acknowledgment and written waiver under clause 5.5(c).
- 5.11 After completing the steps in clauses 5.5-5.10 the *ADCO* will send the *person* a second letter which sets out:
- i. the nature and details of the alleged *doping offence or offences* (as the case may be); and
  - ii. the date, time and venue of the hearing; and
  - iii. the *person's* right to representation; and
  - iv. the composition of the *Committee* or *CAS* who will hear the matter;
  - v. the *person's* right at any time prior to the hearing to acknowledge they have committed the *doping offence*; and
  - vi. if applicable any suspension imposed under clause 14.4.12 of this Policy.
- 5.12 In addition to the above steps *RLSSA* may:
- i. suspend financial or other assistance given by the *RLSSA* to the *person*; and/or
  - ii. suspend the *athlete* from competition in events and competitions conducted by or under the auspices of *RLSSA*; and/ or
  - iii. suspend the *person* from their employment, (with or without pay) or any position held by them in, or for, the *RLSSA*,
  - iv. pending the determination of the hearing.
- 5.13 If it is agreed by *RLSSA* and the *AOC* for the *AOC* to be part of the hearing before *CAS*, the costs of *CAS* for such hearing shall be met by the *AOC*.

- 5.14 The *Committee* or the *CAS* will determine:
- i. whether the *person* has committed a *doping offence*, unless the hearing is in relation to sanction only, under clause 14.4.5 and, if so;
  - ii. what sanction will apply, if any, and if so;
  - iii. how long the sanction will apply.

## 6. HOW ARE HEARINGS CONDUCTED?

- 6.1 A *person* alleged to have committed a *doping offence* has a right to a hearing unless s/he:
- i. acknowledges committing the *doping offence(s)*; and/or
  - ii. waives their right to a hearing in relation to, either:
  - iii. whether s/he committed a *doping offence(s)*; and /or
  - iv. what sanction will be imposed.
- 6.2 If *CAS* is appointed to determine the matter it will conduct the hearing as set out in the Code of Sport-related Arbitration.
- 6.3 If the *National Sports Disputes Centre* or any other *Committee* is appointed to determine the matter it:
- i. will conduct the hearing in the manner it determines;
  - ii. will conduct the hearing with as little formality and technicality, and as quickly as proper consideration of the matter permits;
  - iii. may conduct the hearing by telephone or other conference facility;
  - iv. may examine and cross-examine witnesses;
  - v. may appoint a legal representative or other person to assist it; and
  - vi. may allow the *person* to examine and cross-examine witnesses.
- 6.4 The *person* may be represented by a legal representative or any other person at the hearing.
- 6.5 The *Committee* or the *CAS* will accept the result of *testing* of a *sample* conducted by a *drug testing authority*, unless:
- i. the *drug testing authority* did not *substantially comply* with the applicable *drug testing* procedures; and
  - ii. that noncompliance casts significant doubt on the result.
- 6.6 The onus is on the *athlete* to prove, on the balance of probabilities that the circumstances in clause 6.5 occurred.
- 6.7 An *athlete* who claims the *Committee* or *CAS* should not accept the *positive test result* due to the circumstances in clause 6.5, must first exhaust any right of objection under the *ASDA Act* (if applicable) or any other applicable statute or legislation, before making any such claim before the *Committee* or *CAS*.

- 6.8 The *Committee* or the *CAS* will give the *ADCO* and the *person*, a written statement of:
- i. the findings of the hearing;
  - ii. what sanction (if any) will apply, and if so;
  - iii. how long the sanction will apply.

## 7. WHAT SANCTIONS APPLY?

- 7.1 Except for employees of *RLSSA* (see clause 14.6.2), where the *Committee* or the *CAS* determines that a *person* has committed a *doping offence*, it will impose one or more of the following sanctions:
- i. ban the *person* from selection to represent Australia in international competition;
  - ii. ban the *person* from competing in any events and competitions conducted by or under the auspices of *RLSSA*;
  - iii. order that the *person* is ineligible to receive direct or indirect funding or assistance from *RLSSA*;
  - iv. ban the *person* from holding any position within *RLSSA*;
  - v. require that the *person* remain on *ASDA*'s register for the purpose of out-of-competition *testing*;
  - vi. recommend that:
    - a) *RLSSA*; and/or
    - b) the *ASC*; and/or
    - c) the *AOC*,require the *person* to repay financial assistance given to the *person* from the date of the *sample* (where one has been supplied) or the date of *Committee*'s determination, in all other cases;
  - vii. require the *person* go to counseling for a specified period;
  - viii. withdraw awards, placings and records won by that *person*, and by the team in which that *person* was a member, in events and competitions conducted by or under the auspices of *RLSSA* from the date of the *sample*, (where one has been supplied) or the date of *Committee*'s determination, in all other cases;
  - ix. reprimand the *person*;
  - x. if the *person* is a coach or *official* recommend to *RLSSA* that their position be terminated; and/or
  - xi. any other sanctions that it considers appropriate in the circumstances.

- 7.2 Where the *Committee* or the *CAS* determines that an employee of *RLSSA* has committed a *doping offence*, *RLSSA* shall take disciplinary action against the employee, under the terms of the contract between the *RLSSA* and the employee and which may include any one of the following sanctions:
- i. ban the person from holding any position within *RLSSA*;
  - ii. ban the person from competing in any events and competitions conducted by or under the auspices of *RLSSA*;
  - iii. reprimand the *person*.

## 8. HOW LONG DO SANCTIONS APPLY?

- 8.1 Subject to clause 14.7.3, where the *doping offence* involves:
- i. Anabolic androgenic steroids;
  - ii. Peptide and glycoprotein hormones or analogues;
  - iii. a *prohibited method*;

- iv. a failure to supply a *sample*; or
- v. *trafficking*,

sanctions under clauses 14.6.1(a), (b), (c), (d) and (e) will apply for:

- a) a minimum of two years for a first *doping offence*; and
- b) life for a second *doping offence*.

8.2 In all other cases, subject to clause 8.3, sanctions under clauses 7.1(a), (b), (c), (d) and (e) will apply for:

- a) the period that would apply under the *ILS* anti-doping policy; or
- b) if the *ILS* anti-doping policy does not specify a period for the doping offence:
  - (i) three months or less for a first *doping offence*;
  - (ii) two years for a second *doping offence*; and
  - (iii) life for a third *doping offence*.

8.3 The *Committee* or the *CAS* may consult a *recognised medical authority* for assistance in interpreting a *positive test result*. The *Committee* or the *CAS* may vary the period in clause 8.1 or 8.2 as a result of the *recognised medical authority's* interpretation and/or recommendation. Any sanction will apply from the date of the *sample*, or where there is no sample, the date of the *Committee's* determination, unless the *Committee* or the *CAS* decides otherwise.

## 9. HOW WILL RLSSA ENFORCE SANCTIONS?

9.1 The *RLSSA* will recognise and enforce all sanctions imposed on a *person* who has committed a *doping offence* under:

- i. this Policy; or
- ii. any other anti-doping policy of:
  - a) the *ILS*;
  - b) the *IOC*; or
  - c) Another national sporting organisation recognised by the *ASC* or the *AOC* where the offence would be a *doping offence* under this Policy, as if the sanction had been imposed by *RLSSA* under this Policy.

9.2 The *ADCO* must inform:

- i. *RLSSA*;
- ii. the *person*; and
- iii. any other national or other sporting organisation of which *RLSSA* believes that *person* is a member; and
- iv. the *ASC*; and
- v. *ASDA* or the relevant *drug testing authority*; and
- vi. the *AOC*, of the *doping offence* and the sanction imposed by the *ADCO*, or the *Committee* or the *CAS*. *RLSSA* may then inform any other person, as it considers appropriate.

*RLSSA* may reinstate financial or other assistance to the *person*, which the *ADCO* suspended under clause 5.11, if the *person* is either found by the *Committee* or *CAS* not to have committed a *doping offence* or no sanction is imposed.

## 10. HOW CAN A PERSON APPEAL A DECISION?

- 10.1 A *person* (including *RLSSA*) aggrieved by a decision of the *ADCO* or the *Committee* or *CAS* under this Policy may appeal that decision to the *CAS Appeals Division*.
- 10.2 The *CAS Appeals Division* will rehear the matters appealed against as set out in the Code of Sport-related Arbitration.
- 10.3 A party to the appeal may:
- i. appear in person (a body corporate may be represented by any of its officers); and
  - ii. be represented by a legal or other representative.
- 10.4 The decision of *CAS Appeals Division* will be final and binding on the parties to the appeal. No *person* (including *RLSSA*) may institute or maintain proceedings in relation to the appeal in any court or tribunal other than the *CAS Appeals Division*.
- The sanction imposed by a *Committee* or *CAS* in clause 14.6.1 or 14.6.2 will remain in force pending determination of the appeal unless *CAS Appeals Division* decides otherwise.

## 11. REGISTERED RETIREMENTS

- 11.1 An *athlete* may register as retiring from competition and in so doing cease to be available for *testing* by notifying *RLSSA* in writing in accordance with the *retirement notice* attached as Form 3 to this Policy.
- 11.2 An *athlete* who wishes to retire from competition is not required to register their retirement under clause 14.10.1, but if they do not they shall continue to be available for *testing* (including out of competition *testing*) and they remain bound by this Policy.
- 11.3 The *athlete's* registered retirement date will be the date *RLSSA* receives the *retirement notice*.
- 11.4 Completion of the *retirement notice* does not:
- i. excuse the *athlete* from giving a *sample* requested before their retirement date;
  - ii. prevent the analysis of a *sample* given by the *athlete* before their retirement date; or
  - iii. affect the results of *testing* under (a) or (b) above; or
  - iv. exempt the *athlete* from the application of this Policy (including sanctions) in relation to a *doping offence* committed before their retirement date.
- 11.5 During the retirement the *athlete* shall not compete in competitions and events conducted by or under the auspices of *RLSSA*. Failure to comply with this clause is a *doping offence* under this Policy.
- 11.6 If an *athlete* wishes to return to competition the *athlete* must make a written request to *RLSSA* for reinstatement. This request can only be made as early as 12 months after the retirement date. The request is deemed to be made on the date *RLSSA* receives the request.
- 11.7 Reinstatement will be at the discretion of *RLSSA*.
- 11.8 This Policy will apply to the *athlete* from the date of their reinstatement request.
- 11.9 During the six-month period following the reinstatement request the *athlete* may be tested:
- i. as required by *RLSSA* and *ILS* rules; and
  - ii. at the discretion of *ASDA* or any other *drug testing authority*.
- 11.10 After the six month period has expired the *athlete* may return to competition upon the expiry of the following periods:

- i. **For international competitions and events** 2 years after the date of the reinstatement request.
- ii. **For domestic competitions and events** 6 months after the date of the reinstatement request.

11.11 An *athlete* may apply to the CAS Appeals Division to be eligible to compete in domestic and/or international competitions and events (including *ILS events*) before the periods set out in clause 14.10.10 expire.

## 12. WHAT DO WORDS USED IN THIS POLICY MEAN?

12.1 In this Policy:

- i. “*ADCO*” means the Anti-Doping Control Officer appointed by *RLSSA* to give effect to this Policy which shall be the *RLSSA* National Competition Manager and, if no person is appointed the Chief Executive Officer (or equivalent position) of the *RLSSA*.
- ii. “*AOC*” means the Australian Olympic Committee Inc.
- iii. “*ASC*” means the Australian Sports Commission established by the Australian Sports Commission Act 1989 and includes the Australian Institute of Sport.
- iv. “*ASDA*” means the Australian Sports Drug Agency established by the Australian Sports Drug Agency Act 1990, and amended in 1999 and which operates under that Act and the Australian Sports Drug Agency Regulations (which are referred collectively in this Policy as the ***ASDA Act***).
- v. “*athlete*” means a person who participates (whether in competition or out of-competition) in a sporting activity conducted by or under the auspices of *RLSSA* or the *ILS*.
- vi. “*CAS*” means the Court of Arbitration for Sport (Oceania Registry) which is delegated the power by *RLSSA* to hear and determine whether a *doping offence* has been committed and if so, what the sanction imposed will be (if any).
- vii. “*CAS Appeals Division*” means the division of *CAS* established to hear appeals.
- viii. “*Certain Prohibited Substances and/or Methods*” means those *prohibited substances* and/or *prohibited methods* which are permitted to be taken or used under the rules of *ILS* or the *IOC* if appropriate prior notification is given.
- ix. “*Committee*” means the Committee appointed either by the *National Sports Disputes Centre* or by *RLSSA* and which is delegated the power by *RLSSA* to hear and determine whether a *doping offence* has been committed and if so, what the sanction imposed will be (if any) “*doping offence*” means an offence described in clauses 4.1 and 14.3ix.
- x. “*drug testing authority*” means:
  - a) *ASDA*; or
  - b) any other drug *testing* authority which:
    - (i) operates under its own statute, rules and regulations; and
    - (ii) has *samples* analysed by an *ILS* approved or an *IOC* accredited laboratory; or
  - c) an agency which conducts *testing* on *athletes* for the detection of *prohibited substances* where:
    - (i) the methods of *testing* substantially accord with *ILS* or *IOC* procedures; and
    - (ii) the *sample* is analysed by an *ILS* approved or an *IOC* accredited laboratory, and includes any agent, officer or employee of the authority.
- xi. “*ILS*” means the International Life Saving Association Incorporated.
- xii. “*ILS event*” means a world championships, any other international *life saving* event, a regional *life saving* event, such as Oceania competitions, or any other *life saving* event

held by or under the auspices of the *ILS*.

- xiii. "*IOC*" means the International Olympic Committee created by the Congress of Paris of 23 June 1894 which is entrusted with the control and development of the Modern Olympic Games pursuant to the Olympic Charter.
- xiv. "*IOC Code*" means the Medical Code determined by the IOC under Rule 48 of the Olympic Charter as in force from time to time.
- xv. "*joint prosecutors*" means the *RLSSA* and either the *AOC* or the *ASC* or both the *AOC* and the *ASC* acting together to prosecute a *doping offence(s)*, as described under clause 14.4.4.
- xvi. "*member*" for the purposes of this Policy means:
  - a) a person who, or body which, is a *member* of *RLSSA*; or
  - b) a person who, or body which, is affiliated with *RLSSA*; or
  - c) a person who is a *member* of a body which is a *member* of, or affiliated with, *RLSSA*;
  - d) a person taking part in, or involved in or associated with (e.g. as a coach, manager, *official*, medical or allied health practitioner) any sporting activity conducted, authorised or recognised by *RLSSA*.
- xv. "*National Sports Dispute Centre*" means the National Sports Disputes Centre Pty Ltd (ACN 072 380 217).
- xvi. "*official*" means a person who administers, manages, assists or is otherwise involved in the sport of *RLSSA* other than as an *athlete*, coach, or medical or allied health practitioner.
- xvii. "*person*" means a person to whom this Policy applies as set out in clause 14.2.1 of the Policy.
- xviii. "*positive test result*" means a result of a test by a *drug testing authority* which shows the presence of a *prohibited substance* in a *sample* or the use or engagement of a *prohibited method*.
- xix. "*prohibited method*" means a doping method, which is prohibited under the anti-doping policy of:
  - a) the *ILS*, or if that is not applicable;
  - b) the *IOC*.
- xx. "*prohibited substance*" means a substance prohibited under the anti-doping policy of:
  - a) the *ILS*, or if that is not applicable;
  - b) the *IOC*, and also includes cannabinoids and an alcohol breath level in excess of .05.
- xxi. "*recognised medical authority*" means:
  - a) any authority which is recognised by the *ILS* as an authority which has the power to authorise the use of *prohibited substances* and/or *prohibited methods* for therapeutic purposes; or
  - b) *the Australian Sports Drug Medical Advisory Committee established under the ASDA Act*.
- xxii. "*sample*" means human biological fluid or tissue (whether alive or otherwise) or any human breath.
- xxiii. "*RLSSA*" means the Royal Life Saving Society Australia and includes its *members*.
- xxiv. "*substantially comply*" in clause 14.5.5(a) means that the procedures need not be strictly complied with and that substantial compliance is sufficient.
- xxv. "*life saving*" means the preservation of human life in the aquatic environment, and including life saving and associated competitions.
- xxvi. "*testing*" means the requesting, collecting and analysis of a *sample*.
- xxvii "*trafficking*" means:
  - a) manufacturing, extracting, transforming, preparing, storing, expediting, transporting, importing, transiting, offering (whether subject to payment or free of charge),

distributing, selling, exchanging, brokering, obtaining in any form, prescribing, commercialising, making over, accepting, possessing, holding, buying or acquiring in any manner a *prohibited substance*;

- b) financing or serving as an intermediary for the finance of any of the activities in paragraph a);
- c) provoking in any way the consumption or use of a *prohibited substance*; or
- d) being knowingly concerned or involved in a *prohibited method*,
- e) other than for personal use and/or therapeutic purposes in the course of the legal exercise of professional medical, pharmaceutical or analogous activities.

xxviii. Words in the singular include the plural and vice versa.

xxix. A person includes a body corporate.



## **FORM 1 - REQUEST FOR APPROVAL FOR THERAPEUTIC USE OF A PROHIBITED SUBSTANCE**

### **STANDARD APPLICATION FORM**

The information collected on this form will be used by ASDMAC to consider approval to use a scheduled drug or doping methods for therapeutic purposes whose use is otherwise prohibited under the anti-doping rules for sport.

ASDMAC is authorised under the Australian Sports Drug Agency Act 1990 ('the Act'), and in particular Regulations 64(2), to provide such approvals. This information, and the results of the application, may be released to the following parties in the circumstances as described by the Act:

- The Australian Sports Drug Agency (ASDA);
- The Australian Sports Commission (ASC);
- A relevant Sporting Administration Body (as defined by the Act);
- The World Anti-Doping Agency (WADA); or
- Other National and International Anti-Doping Organisations

for the purposes of the implementation, co-ordination, administration, monitoring and enforcement of anti-doping programs in sport. **Approval cannot be completed until a fully completed, signed original application form is received. Please attach and forward all relevant medical information that will assist the committee in its consideration of this request.**

#### **Athlete details**

Please write clearly using **BLOCK LETTERS**.

Surname: .....Given Names:

.....

Title: Mr., Dr., Ms., Mrs., Miss    Female  Male     Date of Birth: .....

Address: .....

State: .....    Postcode:.....    Email.....

Tel: Home (    ).....    Work (    ).....    Mobile.....

Sport:.....    Discipline/Position: .....

National Sporting Organisation: .....

If athlete with disability, indicate disability:

.....

Previous current TUE requests: ?Yes ? No (If yes give details below)

Date	Anti-doping organization	Substance	Result

Please attach previous TUE/s to this application

**Notifying medical practitioner**

Name, qualifications and medical speciality (see note 1 on reverse):

.....

Address: .....

State .....Postcode: .....Email: .....

Tel: Hm.( ) .....Wk.( ) .....Mob ..... Fax ( ) .....

\*Diagnosis(see note 2 over): .....

.....

Has the national sporting organisation Chief Medical Officer been notified of this request? Yes:

No:

Name of NSO's Chief Medical Officer (see note 3 over): .....

**Medication details (see note 4 below)**

Prohibited Medication	Prohibited Substances	Dose of administration	Route of administration	Frequency of administration

Anticipated duration of treatment:

If appropriate, reasons for not prescribing alternative permitted therapies (see note 5 below)

<b>Note 1</b>	<i>Name, qualifications and medical specialty (For example: Dr AB Cook, MD FRACP, Gastro-enterologist).</i>
<b>Note 2</b>	<i>Diagnosis: Evidence confirming the diagnosis must be attached and forwarded with this application. The medical evidence should include clinical history, examination, investigations or specialist medical reports. Copies of the original reports or letters should be included when possible. Evidence should be as objective as possible in the clinical circumstances and in the case of non-demonstrable conditions independent supporting medical opinion will assist this application.</i>
<b>Note 3</b>	<i>NSO Chief Medical Officer: Where possible the Chief Medical Officer (CMO) of the sport involved should be notified of the application to ASDMAC. An application before ASDMAC may not be able to be processed if the appropriate CMO has not been notified.</i>

<b>Note 4</b>	Medication details: <b>Provide details concerning all medications or treatments that have been tried. Use generic names and specify medication dose.</b>
<b>Note 5</b>	<i>If a permitted medication can be used in treatment of the athlete's medical condition, please provide clinical justification for the requested use of the prohibited medication.</i>

**Additional information**

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Medical practitioner's declaration

I, .....declare the abovementioned medication/s for the above named athlete has been/are to be administered as the correct treatment for the above named medical condition. I further certify that the use of alternative medications not on the Prohibited List would be unsatisfactory for the treatment of the above medical condition .

Signature of Medical Practitioner:

Date:

**Athlete application, authority and declaration**

*I ..... declare that the information I have provided on and with this application form is accurate and complete. I am requesting that ASDMAC provide me with an approval to use a substance or method that is prohibited by the rules of my sport. I understand that incomplete application forms will be returned to me for completion and resubmission. I consent to my personal information being disclosed to, and used by relevant persons, bodies and agencies as appropriate for the consideration of this application and the implementation, co-ordination, administration, monitoring and enforcement of the therapeutic use exemptions under the relevant national and international anti-doping programs of my sport. I understand that these bodies may include the Australian Sports Drug Agency, Commonwealth Minister for Sport, the Australian Sports Commission, the World Anti-doping Agency, other national and international anti-doping agencies and organisations, and the relevant national and international sporting administration organisations of my sport.*

**Athlete's Signature:.**

**Date:**

**Parent's / Guardian's signature:**

**Date:**

*(athletes under 18 yrs of age only)*

**ASDMAC decision (office use only)**

<b>Application No:</b>	Application complete:	Yes	No:	Approved: <input type="checkbox"/>	Not Approved: <input type="checkbox"/>
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**ASDMAC contact details:**

<b>Mail:</b> PO Box 345 Curtin ACT 2605	<b>Ph:</b> 02 6206 0232	<b>Fax:</b> 02 6206 0262	<b>Email:</b> <a href="mailto:asdmac@asda.org.au">asdmac@asda.org.au</a>
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# FORM 2 - REQUEST FOR APPROVAL FOR THERAPEUTIC USE OF A PROHIBITED SUBSTANCE

## Abbreviated Therapeutic Use Exemptions

### ATUE

Please complete all sections in capital letters or typing



# Royal Life Saving

THE ROYAL LIFE SAVING SOCIETY AUSTRALIA

## STRICTLY CONFIDENTIAL

<b>beta-2 agonists by inhalation</b> <input type="checkbox"/>	<b>glucocorticosteroids by non-systemic routes *</b> <input type="checkbox"/>
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\* All routes other than orally, rectally, intravenously and intramuscularly. Dermatological glucocorticosteroids do not require any TUE

### 1. Athlete Information

Surname: .....	Given Names:.....
Female <input type="checkbox"/> Male <input type="checkbox"/>	Date of Birth (d/m/y): .....
Address: .....	
City: .....Country:.....:.....Postcode:.....	
Tel.: ..... (with international code)	E-mail : .....
Sport:.....	Discipline/Position: .....
International or National Sporting Organization: .....	

### 2. Medical information

Diagnosis: ..... ..... ..... ..... .....
<b>N.B. Any ATUE may be reviewed at any time, by the ADO and/or WADA</b>

## STRICTLY CONFIDENTIAL

Prohibited substance(s): <u>Generic name</u>	Dose	Route	Frequency
1.			
2.			
3.			
<b>Intended duration of treatment:</b> (Please tick appropriate box)	<i>once only</i> <span style="margin-left: 150px;"><i>emergency</i></span> <i>or duration (week/month): .....</i>		

**3. Medical practitioner’s and athlete’s declaration**

I certify that the above-mentioned treatment is medically appropriate and that the use of alternative medications not on the Prohibited List would be unsatisfactory for this condition.

Name: .....

Medical Specialty:.....

Address:.....

Tel.: ..... Fax:.....

E-mail:.....

Signature of Medical Practitioner: ..... Date: .....

I, ..... certify that the information under 1. is accurate and that I am requesting approval to use a Substance or Method from the WADA Prohibited List. I authorize the release of personal medical information to the Anti-Doping Organization (ADO) as well as to WADA staff, to the WADA TUEC (Therapeutic Use Exemption Committee) and to other ADO under the provisions of the Code. I understand that if I ever wish to revoke the right of these organizations to obtain my health information on my behalf, I must notify my medical practitioner and my ADO in writing of that fact.

Athlete’s signature: ..... Date: .....

Parent’s/Guardian’s signature: ..... Date: .....

(if the athlete is a minor or has a disability preventing him/her to sign this form, a parent or guardian shall sign together with or on behalf of the athlete)

**Incomplete Applications will be returned and need to be resubmitted.**

Please submit the completed form to the ADO and keep a copy for your records.

**STRICTLY CONFIDENTIAL**

## FORM 3 –REGISTERED RETIREMENT FORM

ATHLETES NAME: \_\_\_\_\_

CONTACT PHONE NO: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

I, the above named athlete hereby notify RLSSA that I will be retiring from competition and accordingly, I will cease to be available for testing.

I acknowledge that:

1. the registered retirement date will be the date RLSSA receives this Form;
2. completion of this Form does not:
  - (a) excuse me from giving a *sample* requested before my retirement date;
  - (b) prevent the analysis of a *sample* given by me before my retirement date; or affect the results of *testing* under (a) or (b) above; or exempt me from application of the Policy (including sanctions) in relation to a *doping offence* committed before my retirement date;
3. during retirement I shall not compete in competitions and events conducted by or under the auspices of RLSSA and in the event that I do so, I acknowledge that this is a *doping offence* under the Policy; if I wish to return to competition, I must make a written request to RLSSA for reinstatement and this request can only be made as early as 12 months after the retirement date.
4. the request is deemed to be made on the date RLSSA receives the request;
5. reinstatement will be at the discretion of RLSSA;
6. the Policy will apply from the date of my reinstatement request;
7. during the six-month period following the reinstatement request, I may be tested: as required by RLSSA and ILS rules; and at the discretion of ASDA or any other *drug testing authority*;
8. after the six month period has expired I may return to competition upon the expiry of the following periods:

**For international competitions and events**

2 years after the date of the reinstatement request.

**For domestic competitions and events**

6 months after the date of the reinstatement request;

9. I may apply to the CAS Appeals Division to be eligible to compete in domestic and/or international competitions and events (including *ILS events*) before the periods set out in 8 expires.

ATHLETE'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_