

NSW CLAY TARGET ASSOCIATION POLICIES



ANTI - DOPING POLICY

FOR

NEW SOUTH WALES CLAY TARGET
ASSOCIATION

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What is NSWCTA's Position on Doping?

- 1.1 NSWCTA condemns the use of performance enhancing drugs and doping practices in sport. The use of performance enhancing drugs and doping practices is contrary to the ethics of sport and potentially harmful to the health of athletes.

The only legitimate use of drugs in sport is under the supervision of a physician for a clinically justified purpose.

- 1.2 NSWCTA aims to stop doping practices in sport by:

- a Imposing effective sanctions on persons who commit doping offences.
- b Education and informing persons about drugs in sport issues, and
- c Supporting the drug testing programs and education initiatives of ASDA and other drug testing authorities.

- 1.3 NSWCTA will:

- a Give ASDA timely and accurate athlete contact information.
- b Support and assist ASDA to conduct doping control
- c Make this policy available to members, athletes, coaches, officials and medical and health practitioners.
- d Develop and implement, in conjunction with ASDA, ASA and ISSF, drug education and information programs for athletes, coaches, officials and medical and health practitioners, and
- e Support the initiatives of the ASC, the ISSF, the IOC and the AOC to stop doping offenses in sport.

- 1.4 Athletes and other persons may be subject to investigation and disciplined under this Policy.

- 1.5 NSWCTA will not disclose or use information about a person who is alleged to have, or has committed a doping offence expect (for a purpose under this policy) to:

- a The ASC
- b The AOC, or
- c another person until after:
 - i The Committee or the CAS has made determination, or
 - ii The ADCO has decided not to refer the matter to a hearing.

What does this Policy apply to?

2.1 This Policy applies to:

- a Members
- b Athletes, registered shooters and
- c Employees and contractors of NSWCTA

What is a Doping Offence?

3.1 A person commits a doping offence if:

- a A prohibited substance is present within the person's body tissue or fluids, unless:
 - i The person uses the prohibited substance for a therapeutic purpose (see clause 3.3) or,
 - ii There are exceptional circumstances (see clause 3.4)
- b The person uses or takes advantage of a prohibited method.
- c The person refuses to provide a sample for testing when requested by a drug testing authority
- d The person is knowingly involved in trafficking, or
- e The person knowingly assists, or is knowingly involved in the commission of a doping offence by another person.

3.2 A doping offence is proved if a person admits to having committed the doping offence to another person.

Therapeutic Purpose

3.3 A person used a prohibited substance for a therapeutic purpose if:

- a The person had written approval prior to testing from a recognised medical authority for the therapeutic use of the prohibited substance.
- b The level of the prohibited substance in the sample is consistent with the approved therapeutic use, and
- c The therapeutic use of a prohibited substance is not inconsistent with ISSF rules.

Exceptional Circumstances

3.4 Exceptional circumstances exist if the presence of the prohibited substance is beyond the person's control. For example:

- i The person has a natural Testosterone: Epitestosterone ratio above 6:1, or
- ii The person is administered the prohibited substance in hospital without their knowledge.

Exceptional circumstances do not exist merely because the person:

- a Took the prohibited substance inadvertently, or
- b Did not know that the substance was prohibited.

3.5 the onus of proof is on the person who claims that:

- a they used a prohibited substance for a therapeutic purpose, or
- b there are exceptional circumstances.

Investigation of a Doping Offence and Referral to Hearing

4.1 Where NSWCTA receives information that a person may have committed a doping offence, the ADCO will investigate the matter.

4.2 The ADCO will refer the matter to a hearing under clause 4.6 if the ADCO:

- a Reasonably believes that a person may have committed a doping offence, or
- b Receives a notice from a drug testing authority of:
 - i A positive test result by the person, or
 - ii A refusal by the person to provide a sample.

4.3 The ADCO may decide not to refer the matter to a hearing if the person in writing

- a Acknowledges that they have committed the doping offence, and
- b Waives the right to a hearing in relation to:
 - i Whether the person committed a doping offence, and
 - ii What sanction will apply.

NSWCTA may then apply a sanction as set out in clause 6.1

4.4 The ADCO will:

- a Inform the ASC and the AOC of the details of the person and the alleged doping offence
- b Consult the ASC and the AOC about their participation in any investigation and hearing, and
- c Assist in any investigation and hearing on behalf of the ASC or the AOC.

The ADCO may agree to refer the matter under clause 4.6 jointly with:

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- a The ASC
 - b The AOC, or
 - c Both the ASC and the AOC.
- 4.5 If the ADCO decides to refer the matter to a hearing, the ADCO will send the person a letter which:
- a sets out the nature and basic details of the alleged doping offence
 - b says that the ADCO will refer the matter to a hearing within 14 days (unless the person gives written waiver under clause 4.3), and
 - c Encloses a copy of this policy.
- 4.6 The ADCO will wait 14 days after sending a letter under clause 4.5 and then will appoint:
- a The CAS, or
 - b A Committee established in accordance with the rules of the ISSF to conduct a hearing.
- 4.7 The ADCO may withdraw the referral to a hearing under clause 4.6 at any time until the hearing commences if the person gives a written waiver under clause 4.3.
- 4.8 The ADCO may:
- a Suspend financial or other assistance to the person, and
 - b Suspend the person from competition in events and competitions conducted by or under the auspices of NSWCTA until the determination of the hearing.
- 4.9 The Committee or the CAS will determine:
- a Whether the person has committed a doping offence, and if so
 - b What sanction will apply, and
 - c How long the sanction will apply.

How are Hearings Conducted?

- 5.1 A person alleged to have committed a doping offence has the right to a hearing unless the circumstances in clause 4.3 apply.

A person who acknowledges that they have committed a doping offence may request a hearing on sanction only.

- 5.2 The CAS will conduct the hearing as set out in the Code of Sport related Arbitration.

Where a Committee conducts the hearing, the Committee:

- a Will conduct the hearing in the matter the Committee determines
- b Will conduct the hearing:
 - i With as little formality and technicality, and
 - ii As quickly as proper consideration of the matter permits.
- c May conduct the hearing by telephone or other conference facility
- d May examine and cross-examine witnesses
- e May appoint a legal representative or other person to assist it, and
- f May allow the person alleged to have committed a doping offence to
 - i Examine and cross-examine witnesses, and
 - ii Be assisted by a legal representative or other person.

5.3 The Committee or the CAS will accept the result of a test conducted by a drug testing authority, unless:

- a The drug testing authority did not substantially comply with the applicable drug testing procedures, and
- b That noncompliance casts significant doubt on the result.

The onus of proof is on the person who claims the Committee or the CAS should not accept the result.

5.4 the Committee or the CAS will give the ADCO a written statement of:

- a the findings of the hearing
- b what sanction (if any) will apply, and
- c How long the sanction (if any) will apply.

What Sanctions Apply?

6.1 Where the Committee or the CAS determines that a person has committed a doping offence, it will apply on or more of the following sanctions.

The Committee or the CAS may:

- a Ban the person from selection to represent the State or Australia in International competition
- b Ban the person from competing in any events and competitions conducted by or under the auspices of ACTA
- c Make the person ineligible to receive direct or indirect funding or assistance from NSWCTA
- d Ban the person from holding any position within NSWCTA
- e Require that the person remain on ASDA's register for the purpose of out-of-competition testing
- f Recommend that:
 - i NSWCTA
 - ii ACTA
 - iii The ASC
 - iv The AIS, or
 - v The AOC

Require the person to repay any financial assistance given to the person from the date of the doping offence.

- g Require the person go to counseling for a specified period
- h Withdraw awards, placings and records won in events and competitions conducted by or under the auspices of NSWCTA from the date of the doping offence, and/or
- i Reprimand the person.

6.2 Where the Committee or the CAS determines that an employee or contractor of NSWCTA has committed a doping offence, NSWCTA will take disciplinary action against the employee or contractor.

6.3 Where the Committee or the CAS:

- a Determines that a person has not committed a doping offence because:
 - i The person used a prohibited substance for a therapeutic purpose, or
 - ii There were exceptional circumstance, but

- b Considers that the person had an unfair advantage (because of prohibited substance) in a competition or event and conducted by or under the auspices of NSWCTA.

The Committee or the CAS may disqualify the person from that competition or event and withdraw awards, records and placings won by the person in that competition or event.

How Long do Sanctions Apply?

7.1 where the doping offence involves:

- a anabolic androgenic steroids
- b peptide glycoprotein hormones or analogues
- c a prohibited method
- d a refusal to provide a sample, or
- e trafficking

Sanctions under clause 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.

7.2 in all other cases, sanctions under clause 6.1 (a), (b), (c), (d) and (e) sanctions will apply for:

- a the period that would apply under the ISSF anti-doping policy, or
- b if the ISSSF 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.

7.3 The Committee or the CAS may consult the MAP for assistance in interpreting a positive test result.

In an appropriate case the Committee or the CAS may vary the period clause 7.1 or 7.2 on the basis of the MAP's interpretation and/or recommendation.

7.4 The sanction will apply from the date of the doping offence unless the Committee or the CAS decides otherwise.

How will NSWCTA Enforce Sanctions?

8.1 NSWCTA will enforce the sanction decided by the Committee or the CAS if the sanction is consistent with this policy.

8.2 NSWCTA may appeal under clause 10.1 if the ADCO believes the sanction is consistent with this policy.

8.3 NSWCTA will recognise and enforce a sanction properly imposed on a person who has committed an offence under the anti-doping policy if:

- a The ISSF
- b The IOC, or
- c Another organisation recognised by the ASC

Where the offence would be a doping offence under this policy.

8.4 The ADCO must inform:

- a The person
- b Any relevant sporting organisations
- c The ASC
- d ASDA, and
- e The AOC

Of the offence and the sanction applied by the Committee or the CAS.

The ADCO may then inform other persons or organisations as the ADCO thinks appropriate

8.5 NSWCTA may reinstate financial or other assistance to the person which the ADCO suspended under clause 4.8.

Review of a Finding of a Doping offence or a Sanction

9.1 A person may make an application to the ADCO for a review of a finding of a doping offence or a sanction where new and relevant information becomes available which was:

- a not considered by the Committee or the CAS at the hearing, and
- b not available to the person at the time of the hearing.

9.2 The application must:

- a be in writing, and
- b set out the new and relevant information.

9.3 The ADCO will consider the application and may refer the application to the Committee or the CAS to:

- a Review the finding that the person committed the doping offence, and
- b Decide whether to reduce or withdraw the sanction.

9.4 A sanction will remain in force during the review unless the Committee or the CAS decides otherwise.

9.5 The ADCO must inform:

- a The person
- b Any relevant sporting organisations
- c The ASC
- d ASDA
- e The AOC, and
- f Any person or organisation informed of the original determination under clause 8.4

Of any change to the original determination as a result of the review.

The ADCO may then inform other persons or organisations as the ADCO thinks appropriate.

How can a Person Appeal a Decision?

- 10.1 A person (including NSWCTA) aggrieved by a decision under this Policy may appeal 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 AQ party to the appeal may:
- a Appear in person (a body corporate may be represented by any of its officers), or
 - b 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 NSWCTA) may institute or maintain proceedings in relation to the appeal in any court or tribunal other than the CAS Appeals Division.
- 10.5 The sanction will remain in force during the appeal unless CAS Appeals Division decides otherwise.

Retirement and Comebacks

- 11.1 A person may retire from competition by notifying NSWCTA in writing.
- 11.2 The person's retirement date will be the date NSWCTA receives the notice.
- 11.3 Retirement does not:
- a Excuse the person from giving a sample requested before their retirement date.
 - b Prevent the analysis of a sample given by the person before their retirement date, or
 - c Affect the results of testing under (a) or (b) above.
- 11.4 A person may make a written request to NSWCTA for reinstatement one year after their retirement date. The request is taken to be made on the date NSWCTA receives the request.
- 11.5 Reinstatement will be at the discretion of NSWCTAs
- 11.6 This policy will apply to the person from the date of their reinstatement request.
- 11.7 During the six month period following the reinstatement request the person may be tested:
- a As requested by NSWCTA and ISSF rules, and

- b At the discretion of the ASDA
- 11.8 A retired person may not compete in competitions and events conducted by or under the auspices of NSWCTA until the following periods expire:
 - For international competitions and events:**
3 years from the date of the reinstatement request.
 - For domestic competitions and events:**
6 months from the date of the reinstatement request.
- 11.9 A person may apply to the CAS Appeals Division to be eligible to compete in international competitions and events before the period set out in clause 11.8 expires.
- 11.10 A person may apply to the ADCO to be eligible to compete in domestic competitions and events before the period set out in clause 11.8 expires.

What do Words used in this Policy Mean?

- 12.1 In this Policy:
 - “AIS”** Means the Australian Institute of Sport
 - “ADCO”** Means the Anti-Doping Control Officer appointed by NSWCTA to give effect to this policy and, if no person is appointed the Chief Executive or equivalent Officer of NSWCTA.
 - “AOC”** Means the Australian Olympic Committee Inc.
 - “ASA”** Means the Australian Shooting Association
 - “ASC”** Means the Australian Sports Commission established by the Australian Sports Commission Act 1989.
 - “ASDA”** Means the Australian Sports Drug Agency established by the Australian Sports Drug Agency Act 1990.
 - “Athlete”** Means the person competing under the auspices of NSWCTA in Australia or using the facilities of NSO.
 - “CAS”** Means the Court of Arbitration for Sport (Oceania Registry).
 - “Drug Testing Authority”** Means;
 - a ASDA, or
 - b An agency appointed by ASDA, ISSF, ACTA or a national drug testing authority which:
 - i Operates under its own statute, rules and regulations, and,

- ii Has samples analysed by an ISSF 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 IF or IOC procedures, and
 - ii The sample is analysed by an ISSF approved or an IOC accredited laboratory:

“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.

“ISSF” Means International Shooting Sports Federation

“MAP” Means the Medical Advisory Panel which is a committee of medical experts and where appropriate other experts appointed by the ASSC operating under rules and procedures approved by the ASC.

“Member” Means:

- a A person who, or body which, or Registered Shooter is a members of ACTA, or
- b A person who, or body which, is affiliated with ACTA, or
- c A person who is a member of a body which is a member of or affiliated with ACTA.

And includes a person taking part in, or involved in or associated with (eg. As a coach, official, medical or allied health practitioner) any sporting activity conducted, authorised or recognised by NSWCTA.

“ACTA” Means Australian Clay Target Association and includes its member and affiliated organisations.

“NSWCTA” Means New South Wales Clay Target Association and includes its members and affiliated organisations.

“National Sports Dispute Centre” Means the National Sports Disputes Centre Pty Ltd (CAN 072380217)

“Official” Means a person who administers, managers, assists or is otherwise involved in the sport of ACTA other than as an athlete, coach, or medical or analogous health practitioner.

“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.

“Prohibited method” Means a method prohibited under the anti-doping policy of:

- a The ISSF, or
- b If the ISSF does not have an anti-doping policy, the IOC.

“Recognised medical authority” Means:

- a The MAP, or
- b An authority recognised by the MAP which may authorise the use of a prohibited substance.

“Sample” Means human biological fluid or tissue.

“Testing” Means the requesting, collecting and analysis of a sample.

“Trafficking” Means:

- a Manufacturing, extracting, transforming, preparing, storing, expediting, transporting, importing, transiting, offering (whether subject to payment of 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 (4).
- c Provoking in any way the consumption or use of a prohibited substance, or
- d Being knowingly concerned or involved in a prohibited method.

Other than for personal use and/or for therapeutic purposes in the course of the legal exercise of professional medical, pharmaceutical or analogous activities.

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

12.3 A person includes a body corporate.

Signature

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Approved February 2012
Reviewed February 2014