

NSW CLAY TARGET ASSOCIATION POLICIES



NEW SOUTH WALES DEPARTMENT OF SPORT
AND RECREATION

DRUGS IN SPORT

SUMMARY

The NSW Department of Sport and Recreation has established a Drugs in Sport Education Unit at The Sydney Academy of Sport, Narrabeen. The Unit's function is to provide educational resources in regards to drugs in sport to all State Sporting Organisation, Institutions, Regions and Academies. The Unit, through the Department of Sport and Recreation, will also contact ASDA to conduct both event and out of competition testing for New South Wales State Competitors.

Following is a brief summary of the Policy on Drugs in Sport, which should be read in conjunction with Sports Drug Testing Act 1995.

- The object of the Department is to minimise the incidence of doping practices in sport.
- ASDA is recognised as the agency responsible for the sampling and testing of competitors
- ASDA will maintain a National Register of those State Competitors who provide a positive test result or fail to provide a sample
- The NSW Sports Drug Education unit has been established to:
 - i. Promote State competitors awareness of the harm associated with doping practices;
 - ii. Disperse information about drugs in sport to the sporting community;
 - iii. Provide a link between ASDA and the sporting community;
 - iv. Help minimise the incidence of doping practices in sport.
- State Sporting Organisations in receipt of government funding will:
 - I. Abide by this policy;
 - II. Adopt the doping policy of their National Sporting Organisation;
 - III. Will be required to have in place an acceptable drugs in sport policy;
 - IV. Develop and implement drug education programs for their members;
 - V. Establish a data base of all State Competitors who are eligible for testing.
- A State Competitor who is eligible for testing is a person aged 12 years or more and who falls into one of the following categories:
 - I. Competes as a representative of the State in sporting events either as an individual or as a member of a team;
 - II. Is in a state selection squad;
 - III. Competes in sports that receive financial support from the state or any agency of the state;
 - IV. Has their name entered on the ASDA Register.
- State Competitors under the age of 18 years will not be tested without written consent of the State Competitors parent or guardian.
- Any State Competitor under the age of 18 years who parent or guardian withholds consent for their child/ward to be tested will have their state funding withdrawn and hence be unable to compete in any competitions run by State

Sporting Organisations in receipt of government support, by way of financial support and/or provision of facilities.

- All State Sporting Organisations receiving funding will:
 - I. Provide names and other details requested of their competitors to the SDEU for the purpose of testing;
 - II. Assist ASDA to attend competitions to obtain samples for testing;
 - III. Notify their competitors, coaches, and officials that competitors are liable for selection for testing;
 - IV. Notify the Director General of NSWDR&S of any action to be taken against their competitors.

DEFINITIONS

In this policy:

“The Act” means the Sports Drug Testing Act 1995 of New South Wales.

“ASC” means the Australian Sports Commission established by the Commonwealth Government.

“ASDA” means the Australian Sports Drug Agency established by the Commonwealth Government.

“IF” means International Olympic Committee.

“Member” means any person or body which is a member of a sporting association/corporation and includes persons or bodies which are members of them.

“NSO” means National Sporting Organisation and is the sporting association or incorporation that is recognised by the ASC as that sports peak body in Australia.

“NSWDS&R” means New South Wales Department of Sport and Recreation.

“NSWG” means New South Wales Government.

“Policy” means the NSWDS&R policy on Drugs in Sport set out in this document.

“Register” means the Register of Notifiable Events established and maintained by ASDA.

“Scheduled drug or doping method” means a drug, or a doping method included in the schedule maintained by ASDA under this Act.

“SSO” means State Sporting Organisation and is the sporting association or corporation that is recognised by the NSWDS&R as that sports peak body in New South Wales.

“State Competitor” means a person ages 12 years or more:

1. Who competes, or has been selected to compete, as representative of the State, in a sporting team, or a series of sporting events, either as an individual or member of a team; or
2. Who is included in a group of persons formed for the purpose of selection of persons to compete, as representative of the State, in a sporting event or a series of sporting events, either as an individual or a member of a team; or
3. Who competes in sporting activities, or participates in training for competition in sporting activities, and is receiving State support within the meaning of section 5 of the Sports Drug Testing Act, or

4. Whose name is entered under the Sports Drug Testing Act on the Register and who, as a direct or indirect result of having his or her name so entered, has been prevented from participating, or has become ineligible to participate, in sporting events or sporting activities.

Section 5 provides a person is receiving State support if that person for the purpose of participating in sporting activities, or for the purpose of training for participation in sporting activities:

- a. Receives funding from the State or an Agency of the State, or
- b. Received funding under a program administered by a sporting organisation, a regional academy or sport or any other body prescribed by the regulations, being a program funded by the State or an agency of the State.

1. OBJECT

- 1.1. The object of the NSWDS&R is to minimise the use of Scheduled drug or doping methods in New South Wales sport.

2. POSITION

- 2.1. NSWG has introduced enabling legislation, which allows ASDA to test New South Wales State Competitors.
- 2.2. NSWDS&R condemns the use of Scheduled drugs or doping methods in sport as both dangerous to the health of competitors and contrary to the ethics of sport.
- 2.3. This Policy applies to
 - 2.3.1. Members
 - 2.3.2. Athletes
 - 2.3.3. Employees and contractors of SSOs
- 2.4. No competitor, coach, official or organisation receiving financial or other assistance from NSWDS&R shall engage in, aid or be knowingly involved in Scheduled drugs use or doping methods.
- 2.5. It is expected that all sporting associations in New South Wales, whether or not in receipt of Government funding, will adopt drug free policies and practices.
- 2.6. A major emphasis by SDEU will be given to measures of an educational nature. The testing of competitors for the detection of Scheduled drug or doping methods in sport may be undertaken by ASDA following requests from SSOs or SDEU.
- 2.7. Anti doping measures taken by NSWDS&R will be consistent with the Act and this Policy.

3. RECOGNITION OF THE AUSTRALIAN SPORTS DRUG AGENCY

- 3.1. ASDA is recognised as a key agency in Australia for the development of programs to educate the sporting community and the community at large about the issue of using drugs in sport.
- 3.2. ASDA is recognised as the agency responsible in NSW for the sampling and testing of competitors for the detection of a Scheduled drug or doping method.
- 3.3. ASDA will maintain a Register of those State Competitors who have failed to provide a sample or returned a positive test result. State Competitors under 18

years of age who have had their names entered on the Register will have their names removed from the Register once any suspension period has expired.

4. SPOR1:47 PMS DRUG EDUCATION

4.1. NSWDS&R recognises the importance of education and information initiatives as measures to counter the use of Scheduled drug or doping methods.

4.2. NSWDS&R has established the SDEU for the purpose of;

4.2.1. Increasing awareness among competitors of the harm associated with the use of scheduled drug or doping methods in sport;

4.2.2. Disseminating information relating to doping practices, to the sporting community;

4.2.3. Providing a link between ASDA, sporting organisations and competitors to ensure appropriate understanding of issues, policies and procedures;

4.2.4. Increasing the skills of the sporting community to minimise the incidence of scheduled drug or doping methods in sport.

5. COMMITMENT OF SPORTING ORGANISATIONS

5.1. SSOs in New South Wales in receipt of government funding will be required to undertake the following anti-doping commitment:

5.1.1. Abide by the Policy;

5.1.2. Adopt the doping policy of their NSO;

5.1.3. Educate their members about the drugs in sport issues.

5.2. IN addition, SSOs in receipt of, seeking financial assistance from any NSWG Agency will be required to:

5.2.1. Provide the NSWDS&R with a copy of their current doping policy;

5.2.2. agree to abide by the provisions of this Policy, prior to receipt by the SSO of financial assistance from NSWDS&R or any other NSWG agency;

5.2.3. Develop and implement, in consultation with ASDA and/or SDEU, drug education and intervention programs for their members;

5.2.4. Establish a data base for ASDA of all State Competitors who are eligible for testing.

Such database must:

- In the case of those State Competitors over 12 years and under 18 year, include a consent form signed by the parent/guardian giving permission for such State Competitor to be tested for the use of Scheduled drug or doping methods;
- Contain, and maintain, the necessary information to enable ASDA to contact and test State Competitors who have been randomly selected.

6. TESTING FOR SCHEDULED DRUG OR DOPING METHODS

6.1. The NSWG recognises that testing for the detection of Scheduled drug or doping methods is a useful deterrent to their use.

6.2. Testing of competitors for banned substances will be in accordance with the Act.

7. TESTING OF CHILDREN

7.1. The purpose of the Act is to enable the ASDA to test State Competitors 12 years and above for the presence of Scheduled drug or doping methods.

7.2. The testing of State Competitors under the age of 18 years in accordance with the Act will not occur without the written consent of the child's parent or guardian.

7.3. Any State Competitor under the age of 18 years whose parents or guardian withholds consent for testing will have their State funding withdrawn.

7.4. A refusal by the child's parent or guardian will not constitute grounds for an entry in the Register.

8. DRUG TESTING AUTHORITIES

8.1. NSWDS&R recognises, in accordance with the Act, that ASDA may request a competitor to provide a sample for the purpose of testing for the use of Scheduled drug or doping methods in sport.

8.2. NSWDS&R recognises testing carried out by International Sporting Organisations where such testing is carried out in accordance with IOC procedures using IOS accredited laboratories.

9. ELIGIBILITY FOR TESTING

9.1. Only State Competitors can be tested.

10. OBLIGATIONS OF SPORTING ORGANISATIONS

10.1. All SSOs receiving financial assistance from NSWDS&R or other NSWG agencies shall;

10.1.1. Provide the names and other details of their state competitors to SDEU for the purpose of selection for testing if requested;

10.1.2. Permit and assist ASDA to attend competitions conducted by them or under their auspices in order to obtain samples for testing for the use of Scheduled drug or doping methods;

10.1.3. Permit and assist ASDA to obtain samples for testing from their members out of competition;

10.1.4. Notify their competitors, coaches and officials that competitors are liable to be selected to provide samples for testing for detection of any scheduled drug or doping method;

10.1.5. Complete and return documentation required for the purpose of ASDA at the request of ASDA;

10.1.6. Adopt the procedures of their NSOs in respect or imposition of sanctions and hearing processes;

10.1.7. Immediately notify the Director General of NSWDS&R of any action taken or intended to be taken against their State Competitors;

10.1.8. Assist NSWDS&R with the monitoring of sanctions imposed on State Competitors.

11. SANCTIONS

11.1. A State Competitor, in receipt of NSWG support, who tests positive or refuses to undergo a drug test, will have his/her name entered on the Register. ASDA will then advise:

- The Director-General of the NSWDS&R; and
- The NSO and the SSO with which the State Competitor has affiliation.

11.2. NSWDS&R anticipates that the SO in conjunction with the SSO would impose a sanction upon such State Competitor. For the duration of the sanction such State Competitor will not be eligible to receive, directly, funding or assistance from NSWDS&R or other Agencies as indicated in the Act.

11.3. NSWDS&R endorses the sanctions contained in the Australian Sports Commission National Doping Policy, however it is expected that sanctions imposed by NSOs would be enforced by SSO.

11.4. NSWDS&R expects that the following sanctions will be applied by SSOs to their members found to have participated in the use of Scheduled drug or doping methods. The competitor will, for the period of the sanction:

11.4.1. Not be eligible to be selected to represent NSW in national competition;

11.4.2. Be banned from competing in any events and competitions conducted by or under the auspices of any SSO;

11.4.3. Have awards, placings and records won from the date of a doping practice withdrawn;

11.4.4. Have funding assistance from the relevant SSO withdrawn;

11.4.5. Not be able to use the facilities provided by the NSWDS&R or any other NSW Government agency;

11.4.6. Remain on ASDAs register for out of competition testing; and

11.4.7. Not be able to hold office in any SSO.

12. THERAPUETIC PURPOSE

12.1. A person uses a prohibited substance for a therapeutic purpose if, in conjunction with NSO policy;

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 the prohibited substance is not with the rules of the relevant IF.

13. EXCEPTIONAL CIRCUMSTANCES

13.1. Exceptional circumstances exist if the prohibited substance is beyond the person's control. For details of these circumstances consultation with NSO policy is required for each sport.

14. APPEAL MECHANISMS

14.1. The New South Wales Government recognises a competitor's recourse to the Commonwealth Administrative Tribunal in regard to the collection and testing of samples.

15. REVIEW OF SANCTIONS

15.1. NSWDS&R will not act as an appeal agency for the purposes or a review of sanctions imposed by an SSO.

PARENT/GUARDIAN CONSENT FORM

NSW SPORTS DRUG TESTING ACT 1995 CONSENT TO COLLECTION OR ACCEPTANCE OF SAMPLE FROM STATE COMPETITOR UNDER THE AGE OF 18 YEARS

IMPORTANT NOTICE WHICH MUST BE READ BEFORE SIGNING THIS CONSENT
Section 12 of the Sports Drug Testing Act 1995 provides:

- “12 Taking samples from children
The agency must not collect or accept a sample from a State Competitor who is under the age of 18 years unless;
- a) A parent or guardian of the child has given written notice of the requirements of this section, and
 - b) The parent or guardian consents to a sample being provided.”

The Agency is the Australian Sports Drug Agency.

A “sample” is defined in that Act as “human biological fluid or tissue.”

Important provisions about the taking and treatment of samples are contained in Part 3 of the Sport Drug Testing Act 1995 (NSW) and the Australian Sports Drug Agency Act 1990 (Commonwealth).

It is the policy of the New South Wales Government that when consent is NOT given to the collection or acceptance of a sample from a State Competitor, any funding provided by the New South Wales Government to that State Competitor whether directly or indirectly or as the member of a team or group of persons will be withdrawn. This may result in the State Competitor being UNABLE TO COMPETE IN HIS OR HER SPORT as a representative of the State or use the facilities provided by the State.

1. I _____ of _____
Print Name Print Address

Telephone _____ Home _____ Work _____

Am the Parent or Guardian of _____
Parent Name

(Called in this document “the State Competitor”) whose date of birth is _____

2. I have read the IMPORTANT NOTICE printed above.
3. I understand that the Agency must not collect or accept a sample from the State Competitor unless I give my consent.
4. I understand that I am not obliged to give my consent.
5. I understand that if I give my consent by signing this form the Agency will be able to collect or accept a sample or samples from time to time from State Competitor and that the consent is not limited to the collection or acceptance of any one sample.

6. I am not aware of any Court or any proceedings in any court which would affect my role as parent or guardian of the State Competitor or my ability to give this consent in relation to the State Competitor.
7. I GIVE MY PERMISSION TO THE AGENCY TO COLLECT OR ACCEPT A SAMPLE OR SAMPLES FROM THE STATE COMPETITOR.

_____ Dated _____
Signed Parent/Guardian

Witness _____
Signature _____ Print Name _____

Print Address

Signature _____
Paul Watchorn
President

Kathleen Dawe
Secretary

Approved February 2012
Reviewed February 2014