

Rowing Australia Improper Use of Drugs and Medicine Policy

Illegal Drugs Addendum

1. Introduction

The Illegal Drugs Addendum (**Addendum**) has been developed to supplement the Improper Use of Drugs and Medicine Policy with respect to the use of Illegal Drugs by Relevant Athletes and Relevant Personnel.

The Improper Use of Drugs and Medicine Policy and this Addendum must also be read, interpreted, and applied with reference to, and in conjunction with, the Australian National Anti-Doping Policy in accordance with clause 6.3 of the Improper Use of Drugs and Medicine Policy.

2. Definitions

Defined terms not otherwise defined in this Addendum have been defined in and have the meaning given to them, in the Improper Use of Drugs and Medicine Policy. In this Addendum the following words have the corresponding meaning:

Location Information means information relating to an individual's whereabouts, as required by RA to arrange Sample Collection.

Metabolites means any substance produced by a biotransformation process.

Markers means a compound, group of compounds or biological parameter/s that indicates the use, ingestion or consumption of a Prohibited Illicit Drug.

No Fault or Negligence means that the individual did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had used, ingested or otherwise consumed an Illegal Drug.

No Significant Fault or Negligence means that the individual's fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relationship to the Positive Analytical Finding.

Positive Analytical Finding means the presence in a Sample of an Illegal Drug or its Metabolites or Markers.

Prohibited Conduct means the conduct proscribed at clause 7 of this Addendum.

RA means Rowing Australia Limited.

Random Testing means the selection by RA or Testing Authority of an individual for Sample Collection which is not Target Testing.

Sample means any biological material collected for the purposes of Sample Analysis.

Sample Collection means the process of collecting biological material for the purpose of Sample Analysis.

Sample Analysis means the analysis of Samples for the presence of Illegal Drugs and their Metabolites or Markers.

SIS/SAS Partner means an Australian state or territory institute or academy of sport, and/or the Australian Institute of Sport.

Target Testing means the selection by RA of a specific individual or group of individuals for Sample Collection on the basis of certain criteria.

Testing means the parts of the process of testing for Illegal Drugs involving test distribution planning, Sample Collection, Sample handling, and Sample transport to the laboratory.

Testing Authority means the agency or body appointed by RA from time to time to undertake Testing and/or Sample Analysis, which must be suitably accredited by the National Association of Testing Authorities.

3. Scope

This Addendum applies to all Relevant Athletes and Relevant Personnel.

4. Testing

- 4.1 Relevant Athletes over the age of 18 years and Relevant Personnel must submit to Testing and may be required to provide a Sample at any time and at any place, with or without advance notice.
- 4.2 Random Testing will generally be conducted in conjunction with a pre-arranged Activity including, but not limited to, selection trials, training sessions, recovery sessions, team/squad camps, meetings, functions or other sport activities.
- 4.3 RA may select an individual or group of individuals for Target Testing on the basis of:
 - (a) behaviour indicating that an individual may be under the impairment or effects of Illegal Drugs;
 - (b) apparent and identifiable disregard or opposition to the Australian National Anti-Doping Policy, Improper Use of Drugs and Medicine Policy or this Addendum;
 - (c) unjustified non-availability for Random Testing;
 - (d) unexplained or suspicious withdrawal from a competition or squad training;
 - (e) reliable information from a credible and identified source; or
 - (f) any other justifiable reason.
- 4.4 If an individual has been notified for doping control by Sport Integrity Australia or another Anti-Doping Organisation to occur at the same time as proposed Sample collection under this Addendum, the anti-doping testing takes precedence.
- 4.5 RA may conduct any or all of the Testing, including the appointment of Testing Authorities, in conjunction with one or more SIS/SAS partners, with results able to be utilised by both to the extent permitted under this Addendum.

5. Sample Analysis

- 5.1 Samples shall be subject to Sample Analysis by a Testing Authority.
- 5.2 Sample Analysis shall be conducted in accordance with applicable Australian Standards.

6. Location Information

- 6.1 RA may require any Relevant Athlete over the age of 18 years or Relevant Personnel to provide Location Information.
- 6.2 Location Information may include:
 - (a) home address;
 - (b) home, work and mobile phone numbers;
 - (c) regular training venues and times (club, state, national and individual);
 - (d) regular sport meeting/function venues and times; and
 - (e) other relevant information reasonably required by RA.

7. Prohibited Conduct

- 7.1 Subject to clause 7.2 and 7.4, a Relevant Athlete or Relevant Personnel commits a breach of this Addendum when they, without reasonable excuse:
 - (a) refuse or fail to provide Location Information as required by RA;
 - (b) provide a Sample which returns a Positive Analytical Finding;
 - (c) possess, use or attempt to use, or traffic or attempt to traffic any Illegal Drug;
 - (d) refuse or fail to submit to Sample Collection under this Addendum;

- (e) tamper or attempt to tamper with Testing; or
 - (f) fail to report to RA any suspected Prohibited Conduct under this Addendum as soon as possible.
- 7.2 A Relevant Athlete or Relevant Personnel will not be found to have committed Prohibited Conduct for the purpose of clause 7.1(b)-(c) where the relevant Illegal Drug is the subject of a valid TUE.
- 7.3 A Relevant Athlete or Relevant Personnel may be found to have committed Prohibited Conduct notwithstanding that:
- (a) they were negligent, ignorant (including as to the status of an Illegal Drug) or otherwise not at fault;
 - (b) any use or attempted use of an Illegal Drug was unintentional or inadvertent; or
 - (c) any use or attempted use of an Illegal Drug was not intended to or likely to enhance performance.
- 7.4 Sample Collection, Sample handling and Sample transport shall be presumed to have been conducted in accordance with applicable standards. The Relevant Athlete or Relevant Personnel may rebut this presumption by establishing that a departure such standards occurred. In this case, the Relevant Athlete or Relevant Personnel will not be found to have committed Prohibited Conduct for the purpose of clause 7.1(b) unless it is established that such departure did not cause the Positive Analytical Finding.

8. Sanctions

- 8.1 Subject to clause 8.3, and further to clause 8.4 of the Rowing Australia Complaints, Disputes and Discipline Policy, a Relevant Athlete found to have committed Prohibited Conduct shall be subject to the following minimum sanctions:
- (a) for the first finding of Prohibited Conduct:
 - i. participation and satisfactory completion of an Illegal Drugs counselling and/or education program, as determined by RA, at the Relevant Athlete's expense; and
 - ii. selection for Target Testing.
 - (b) for the second finding of Prohibited Conduct:
 - i. participation and satisfactory completion of an Illegal Drugs counselling and/or education program, as determined by RA, at the Relevant Athlete's expense;
 - ii. selection for Target Testing; and
 - iii. suspension from competing in RA teams and national-level competitions for at least 16 weeks.
 - (c) for the third finding of Prohibited Conduct:
 - i. participation and satisfactory completion of an Illegal Drugs counselling and/or education program, as determined by RA, at the Relevant Athlete's expense; and
 - ii. expulsion from RA Teams.
- 8.2 For the purpose of clause 8.1:
- (a) a second or subsequent finding of Prohibited Conduct may only be considered separately to the first or earlier finding of Prohibited Conduct if the Relevant Athlete committed the later Prohibited Conduct after the Relevant Athlete received notice, or after reasonable attempts to give notice, of the first or earlier finding of Prohibited Conduct; and
 - (b) Prohibited Conduct must have occurred within four years of the date of earlier Prohibited Conduct in order to be considered a second or subsequent finding of Prohibited Conduct.
- 8.3 Where the Relevant Athlete establishes:
- (a) No Fault or Negligence:
 - i. the sanctions under clause 8.1(b)(iii) and (c)(ii) shall not apply; and
 - ii. the finding of Prohibited Conduct shall not be considered as an earlier finding of Prohibited Conduct for the limited purpose of determining the sanctions for any subsequent finding of Prohibited Conduct; or
 - (b) No Significant Fault or Negligence, the sanctions under clause 8.1(b)(iii) and (c)(ii) may be reduced or not applied.
- 8.4 Further to clause 8.4 of the Rowing Australia Complaints, Disputes and Discipline Policy, the following factors

must be taken into account in determining the appropriate sanction:

- (a) the circumstances leading to a Positive Analytical Finding including whether the individual has established No Fault or Negligence or No Significant Fault or Negligence;
- (b) the individual's age, experience and position; and
- (c) whether the individual self-referred for an Illegal Drugs counselling and/or education program.

8.5 Sanctions will generally take immediate effect. A period of suspension may be deemed to have commenced at an earlier date if appropriate in the circumstances. For example, where there have been delays not attributable to the Relevant Athlete or Relevant Personnel or where they have stood down from Activities or duties in the interim.

9. Confidentiality and Disclosure

9.1 Subject to clause 9.2, all information about Prohibited Conduct or alleged Prohibited Conduct shall be kept confidential, including the identity of the relevant individual.

9.2 Information about Prohibited Conduct or alleged Prohibited Conduct may be disclosed where:

- (a) authorised and/or required under this Addendum or another RA Policy;
- (b) authorised and/or required by law;
- (c) authorised by the relevant individual; or
- (d) the information is in the public domain.

9.3 RA may inform the following organisations of any Positive Analytical Finding or other alleged Prohibited Conduct, finding of Prohibited Conduct, sanction or any other relevant details under this Addendum:

- (a) Sport Integrity Australia;
- (b) the applicable SIS/SAS partner;
- (c) the Australian Institute of Sport and/or the Australian Sports Commission;
- (d) Relevant Organisations of which the relevant individual is a member, participant, employee, contractor, volunteer or otherwise affiliated;
- (e) if applicable, the Australian Olympic Committee or Australian Paralympic Committee; and
- (f) law enforcement, government and/or regulatory agencies.