



## Interim Victorian Anti-doping Policy (2005)

### ***Preamble***

The Victorian Parliament passed new anti-doping legislation, the Sports Anti-doping Act 2005, in October 2005 to ensure that the underlying objectives of the World Anti-Doping Code are clearly supported and promoted. Under the Act, the Victorian Government is required to develop and implement a new sports anti-doping policy which supports the purpose and intent of the World Anti-Doping Code.

A discussion paper on anti-doping policy issues for Victoria is under development and will be released for community comment prior to a new anti-doping policy being prepared in consultation with sport.

While State jurisdictions are not mandated with specific responsibilities under the World Anti-Doping Code the Commonwealth expects all jurisdictions and sports to support national anti-doping strategies and to be Code compliant.

The Commonwealth government will implement new arrangements during 2006 in association with the creation of the **Australian Sports Anti-Doping Authority (ASADA)**. The development of a new Victorian policy will need to reflect any changes in national anti-doping policies and procedures implemented by ASADA.

### ***Current Victorian Policy Position***

Victoria released a ***Drugs in Sport Policy*** in 1996. The basic principles and provisions contained within this policy continue to apply to Victorian sports organisations until such time as a new Victorian Anti-Doping Policy is implemented in accordance with the Act.

In addition, the Victorian sport grants program currently requires State Sporting Associations (SSAs) to adopt their NSO's Australian Sports Commission approved anti-doping policy.

## **Key interim policy provisions**

*(Adapted from the 1996 Drugs in Sport policy to reflect the requirements of the Code and the Sports Anti-doping Act 2005)*

### **Position Statement**

1. The Victorian Government condemns the use of doping practices in sport as both dangerous to the health of competitors and contrary to the ethics of sport.
2. No competitor, coach, official or organisation receiving support from the Victorian Government shall engage in doping practice.
3. It is expected that all sporting associations in Victoria, whether or not in receipt of Government support, will adopt Code compliant anti-doping policies and practices.
4. The Victorian Government will support national and international anti-doping strategies deemed necessary to combat sports doping. The emphasis will be on educational approaches and on supporting the sanctions imposed by sport under a Code compliant anti-doping policy.
5. The anti-doping measures taken by the Victorian Government will be consistent with the purpose and intent of the World Anti-Doping Code and the related national policy requirements of Australia's National Anti-Doping Organisation(s).

### **Recognition of Australia's National Anti-Doping Organisation (NADO)**

6. Victoria recognises the entity(ies) duly designated by the Commonwealth as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of samples and manage test results in Australia.

### **Commitment of State Sporting Associations (SSAs)**

7. All sporting associations in Victoria are expected to undertake the following anti-doping commitments:
  - i. Support the World Anti-Doping Code;
  - ii. Adopt the World Anti-Doping Code compliant policy, hearings and sanctions procedures of their National Sporting Organisation (NSO) where appropriate.

8. In addition, SSAs in receipt of, or seeking, financial assistance from the Victorian Government are required to:
  - i. Agree to abide by the provisions of their NSO's Australian Sports Commission (ASC) approved anti-doping policy as a condition of receiving financial assistance from SRV or any other Victorian Government Agency;
  - ii. Ensure that coaches and officials support the sport's anti-doping policy and consent to be bound by the hearing processes and any sanctions duly imposed as a consequence of an anti-doping rule violation.
  - iii. Develop and implement, in consultation with their NSO and Australia's NADO, drug education and intervention programs for their members.

### **Obligations of State Sporting Associations**

9. All SSAs receiving financial assistance from SRV or other Victorian Government agencies are required to:
  - i. Abide by the provisions of their NSO's ASC approved anti-doping policy
  - ii. Provide to the Minister for Sport and Recreation, following a confirmed determination under a Code compliant anti-doping policy, details regarding the identity of:
    - a) any sanctioned athlete who receives "state support" (as defined under the Victorian Act) including information on the nature or type of state support the SSA is aware that the athlete receives;  
and
    - b) any other person who is a member of, or is in any way associated with a Victorian sporting organisation and who has violated an anti-doping rule.
  - iii. undertake all reasonable actions to support the Minister for Sport and Recreation in the imposition of and compliance with the withdrawal of state support, as imposed under the provisions of the Sports Anti-doping Act 2005, from persons duly sanctioned for an anti-doping rule violation in accordance with a Code compliant anti-doping policy.

## **Doping Control Programs**

10. National anti-doping control programs are subject to Commonwealth legislation and related administrative arrangements. Doping control programs that are initiated in Victoria under the provisions of the Sports Anti-doping Act 2005 are subject to a written agreement between the Australian Sports Drug Agency (ASDA) and the responsible sports organisation. The written agreement will specify ASDA's functions and powers in relation to the sports organisation's Victorian athletes.
  11. The sports organisation is responsible for ensuring all necessary consents are in place and any member selected or eligible for testing (and, if the member is a minor, their parent/guardian) are duly informed of their rights and responsibilities and the consequences arising from the violation of an anti-doping rule.
  12. The Victorian Government recognises a participant's recourse to the Commonwealth Administrative Appeals Tribunal in regard to the collection and testing of samples by Australia's NADO.
  13. The Victorian Government and its agencies, including Sport and Recreation Victoria, will not act as an appeal agency for the purposes of a review of sanctions imposed by a sport on a person who is a competitor, member of, or is in any way associated with a Victorian sporting organisation and who has violated an anti-doping rule.
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## **Proposed future anti-doping framework for Victoria**

The proposed future anti-doping framework for Victoria will seek to reinforce the doping violation sanctioning process and, more importantly, specifically inform emerging athletes and young people in general about the dangers of performance and image enhancing drugs. The program will also seek to link with broader government youth and anti-drug initiatives.

### **In summary**

- Victoria has implemented revised legislation that supports the Code and better reflects the role and responsibilities of a state government under the new international and national anti-doping arrangements.
- Victoria will assist where relevant in the promotion and delivery of anti-doping information to Victorian sport.
- Victoria supports the sanctioning expectations of the Code, imposed by a sport on persons guilty of an anti-doping rule violation, and this may result in the withdrawal of relevant sports related state support.
- Victoria recognises that under the Code, ASDA and the National Sports Organisations are primarily responsible for the management and promotion of anti-doping control testing and related education at all levels of sport.
- Victoria recognises it has a role in assisting SSAs and sub-elite level competitors to become aware of their respective anti-doping policy requirements and responsibilities but notes that the Commonwealth and NSOs need to provide leadership in this area by clarifying how national-based requirements should be adopted and/or adapted at the sub-elite level.
- The strategic anti-doping priority in Victoria will be to complement and support the Code and national anti-doping programs by developing and implementing new anti-doping and related drug education programs which focus on combating the temptation for both aspirational athletes and adolescents to abuse drugs to improve their sports performance or enhance their appearance.

## **Definitions**

### **National Anti-Doping Organisation (NADO)**

The entity(ies) designated by each country 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, all at the national level. In Australia this is presently the Australian Sports Commission and the Australian Sports Drug Agency.

### **Sports Anti-doping Act 2005**

This is new Victorian anti-doping legislation which replaces the Sports Drug Testing Act 1995. The new Act supports compliance with the World Anti-Doping Code and updates the conferral of doping control authority to ASDA for the purposes of ensuring it is able to fulfil its National Anti-Doping Organisation obligations in relation to any Victorian athlete participating in sporting competitions or training for that purpose.

### **State Support**

The term is defined in detail under the Victorian Act. In general athletes (or athlete support personnel) are deemed to be receiving State Support if they receive funding from the Victorian Government; use government funded or supported facilities or are members of, or are in any way associated with, a sporting organisation that receives funding, or receives advice or other services from the Victorian government.

### **World Anti-Doping Code**

Developed by the World Anti-Doping Agency in consultation with governments and sports, the Code is the document upon which the World Anti-Doping Program in sport is based.

The purpose of the Code is to advance the anti-doping effort through the adoption of uniform anti-doping control standards. The Code accordingly contains several mandatory articles that must be included in anti-doping policies.

It is an ASC requirement that all ASC funded and recognised national sporting organisations must have in place an anti-doping policy which the ASC accepts as complying with the Code.

## **Further information:**

### **Australian Parliament**

*(For information on the Commonwealth Government's new legislation to create the Australian Sports Anti-Doping Agency.)*

<http://www.aph.gov.au/bills/index.htm>

### **Australian Sports Commission**

*(For information on the ASC's anti-doping policy and the national anti-doping policy template produced by the ASC for National Sporting Organisations.)*

<http://www.ausport.gov.au/policies/antidoping.asp>

**Australian Sports Drug Agency**

*(For athletes resources including: how to check medications, testing procedures etc and sports organisation resources)*

<http://www.asda.org.au/>

**UNESCO**

*(For information on the International Convention Against Doping in Sport)*

[http://portal.unesco.org/education/en/ev.php-URL\\_ID=2061&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/education/en/ev.php-URL_ID=2061&URL_DO=DO_TOPIC&URL_SECTION=201.html)

*(For a copy of the Convention):*

<http://unesdoc.unesco.org/images/0013/001388/138860e.pdf>

**Victorian Government**

*(For a copy of the Victorian Sports Anti-doping Act 2005)*

<http://www.dms.dpc.vic.gov.au/>

*(For copies of this document):*

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

**World Anti-Doping Agency**

*(For copies of the World Anti-Doping Code, International Standards – Prohibited List of Substances, Testing etc – Models of Best Practice and Code acceptance information)*

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

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