

# QUEENSLAND GOVERNMENT

## ANTI-DOPING POLICY

### GOAL

1. The Queensland Government aims to achieve a drug-free sporting environment in Queensland that protects the health, well-being and rights of athletes, the ethical values of sport and the Government's investment in sport.

### POSITION STATEMENT

2. The Queensland Government condemns the use of doping practices in sport as both dangerous to the health of athletes and contrary to the ethics of sport.
3. No athlete, coach, official, administrator or sporting organisation in Queensland should engage in, aid, or be knowingly involved in, doping practices in sport.
4. The Queensland Government supports education and information initiatives that inform people about drugs in sport issues.
5. The Queensland Government supports the testing of Queensland athletes for the detection of doping practices in sport and has introduced the *Sports Drug Testing Act 2003* (the State Act) to give the Australian Sports Drug Agency (ASDA) the legal capacity to test Queensland athletes (as defined by the Act) for the use of drugs or doping methods.
6. It is expected that all State sporting organisations (SSOs) in Queensland will adopt anti-doping policies and practices that are consistent with this policy, whether or not they are in receipt of support from the State. The Queensland Government recognises and supports the Australian Sports Commission's Model Anti-doping Policy.
7. The Queensland Government supports National and International initiatives to control the supply of prohibited substances and methods.
8. The Queensland Government recognises that the use, possession and trafficking of some prohibited substances may constitute a criminal offence. This policy is not intended to address the use of doping practices outside the elite sporting environment in Queensland. The Queensland Government recognises the Queensland Police Service's responsibility for enforcement of the criminal law on illicit drugs.
9. Anti-doping measures taken by the Queensland Government will be consistent with the principles of natural justice and will respect an athlete's rights to privacy.

10. Anti-doping measures taken by the Queensland Government in relation to athletes under 18 years of age will take into account the Queensland Government's obligations under the United Nations Convention on the Rights of the Child.

## **CONSULTATION**

11. The Queensland Government recognises that the cooperation of the sporting community is essential to the success of the strategies and education initiatives aimed at combating the use of doping practices. The Queensland Government will consult and work with the sporting community in the development of those strategies and education initiatives.

## **RECOGNITION OF ASDA**

12. The Queensland Government recognises that in Queensland and nationally, ASDA is the key agency responsible for:
  - 12.1 the development of programs to educate the sporting community and the community at large about the dangers of using doping practices in sport; and
  - 12.2 collecting samples from athletes and testing those samples for the detection of the use of prohibited substances and methods.

## **SPORTS DRUG EDUCATION**

13. The Queensland Government recognises that education and information initiatives are a necessary and important measure in deterring the use of doping practices in sport.
14. The Queensland Government recognises and supports the information and education initiatives of ASDA and may develop its own education programs in cooperation with ASDA, sporting organisations and other relevant agencies.
15. The Queensland Government acknowledges the role of the Australian Sports Commission, the International Olympic Committee, the World Anti-Doping Agency and ASDA in the development of national and international initiatives to counter the use of doping practices in sport.
16. SSOs are expected to support the education and information initiatives of ASDA or the Queensland Government through the dissemination of information to members and parents or guardians of members under 18 years of age.

17. SSOs are encouraged to develop their own education and training initiatives, in consultation with ASDA, to inform members about issues concerning doping practices in sport.

## **COMMITMENT OF SPORTING ORGANISATIONS**

18. The Queensland Government expects all SSOs to commit to the prevention and deterrence of the use of doping practices. Such commitment might be evidenced by:
  - 18.1 complying with the Queensland Government Anti-Doping Policy;
  - 18.2 adopting an anti-doping policy, including hearing and sanction procedures that are the same as or generally consistent with their National sporting organisation (NSO) or if there is no NSO the relevant International Federation and/or the ASC; and
  - 18.3 supporting the education and information initiatives developed by ASDA or the Queensland Government to inform its members about issues concerning doping practices in sport.
19. In addition, SSOs in receipt of or seeking funding from Sport and Recreation Queensland (SRQ) are expected to:
  - 19.1 provide SRQ with a copy of their anti-doping policy upon the request of SRQ; and
  - 19.2 agree in writing to abide by the provisions of the Queensland Government Anti-doping Policy to be eligible to receive funding from SRQ.
20. Compliance with the Queensland Government Anti-doping Policy may be a relevant consideration for funding under any relevant SRQ funding program.

## **COMMITMENT OF LOCAL SPORTING ORGANISATIONS**

21. For the purpose of this Policy, Local sporting organisations include local sporting associations, district bodies and clubs, which are members of the SSO for their sport or whose members are members of the SSO for the sport.
22. Local sporting organisations are expected to support the SSO to which they are affiliated, to adhere to their Anti-doping Policy and disseminate education and information about drugs in sport issues.

## **TESTING FOR DOPING PRACTICES**

23. The Queensland Government recognises that testing for evidence of doping practices is a useful tool in deterring the use of drugs and doping methods in sport.
24. The State Act enables ASDA to legally request a Queensland athlete, as defined by the Act, to provide a sample to test for the use of prohibited substances and methods.
25. Any testing program initiated by the Queensland Government under the State Act will be subject to a written agreement between ASDA and the Minister for Sport. The agreement will identify and quantify target sports for testing and responsibility for costs.
26. In accordance with the Queensland Government Drug Testing Program, the Queensland Government agrees to subsidise a percentage of out of competition and event testing for those SSOs identified as a priority for testing by SRQ, on advice from ASDA.
27. SSOs should, where reasonably possible, support the Queensland Government Drug Testing Program by contributing to the cost of testing under that program, if identified by ASDA as a priority sport for testing.
28. SSOs can contract with ASDA for the provision of drug testing services outside the Queensland Government Drug Testing Program.

## **ELIGIBILITY FOR TESTING**

29. In addition to those athletes eligible for testing under the ASDA Act, the State Act enables ASDA to test Queensland athletes as defined by the State Act for the use of prohibited substances and methods.
30. A Queensland athlete is eligible for testing under the State Act if the person:
  - 30.1 competes, or has been selected to compete, as a representative of the State in an open age sporting competition; or
  - 30.2 is included in a group of persons from which persons are to be selected to compete, as representatives of the State, in an open age sporting competition; or
  - 30.3 competes in an open age sporting competition or participates in training for competition in an open age sporting competition, and is receiving State support; or
  - 30.4 has been prevented from participating, or has become ineligible to participate, in open age sporting competitions as a representative of the

State because the person's name is entered in the Register of Notifiable Events maintained by ASDA.

## **TESTING OF CHILDREN**

31. Under the State Act, ASDA may not request a sample from a person under 18 years of age without consent of a parent or guardian. This consent may either be obtained by ASDA in relation to a particular request for a sample or more generally, through registration with a State sporting organisation or to compete at an open aged sporting competition.
32. SRQ supports the position where by all athletes competing in open aged competition at the elite level of sport are eligible for testing regardless of their age. SSO can ensure this occurs by implementing a policy preventing athletes under 18 years of age from registering or competing in open aged competition at the elite level, if their parent/guardian has refused consent.
33. It is a matter for an athlete under 18 years to decide whether to consent to provide a sample upon request by ASDA (as it is for adult athletes), despite the fact their parent or guardian has consented to testing. The failure, by an athlete under 18 years, to provide a sample upon request by ASDA, will be an event that may be notified by ASDA on the Register and may result in the imposition of sanctions in accordance with the SSO's anti-doping Policy.
34. SSO members, and parents or guardians of members under 18 years of age, should be fully informed about the ASDA drug testing program and the effect of consenting to testing.

## **OBLIGATION ON STATE SPORTING ORGANISATIONS**

35. SSO are expected to assist ASDA to conduct testing by:
  - 35.1 providing ASDA with accurate contact details of athletes to enable ASDA to contact athletes selected randomly for out of competition testing;
  - 35.2 permitting and assisting ASDA to attend competitions conducted by the SSO or under their auspices in order to obtain samples for testing of any doping practice;
  - 35.3 permitting and assisting ASDA to obtain samples for testing from the SSO's members out of competition;
  - 35.4 notifying athletes that they are eligible for selection to provide samples for testing for detection of the use of doping practices;
  - 35.5 notifying coaches, officials and administrators of the SSO that their athletes are eligible for selection to provide samples for testing for detection of the use of doping practices; and

35.6 completing and returning documentation required for the purposes of ASDA, at the request of ASDA.

## **SANCTIONS**

36. Where a person is found to have participated in doping practice, for the duration of the sanction, a person will not be eligible to receive funding from SRQ or the Queensland Academy of Sport (QAS).
37. The Queensland Government endorses the approach for dealing with the failure to comply with a request for a sample and a positive tests result as outlined in the ASC's 'Model' Anti-Doping Policy.
38. SSOs are expected to impose the appropriate sanctions prescribed in their Anti-doping policies to a member of the organisation found to have participated in a doping practice.
39. The Queensland Government supports the imposition of the following sanctions for the term of the sanction imposed.
  - 39.1 the member should not be eligible to be selected to represent Queensland in a national competition in any sport;
  - 39.2 the member should be banned from competing in any events and competitions conducted by or under the auspices of any SSO;
  - 39.3 the member should have awards, placings and records won since the date of a doping practice withdrawn;
  - 39.4 the member should have funding assistance from the relevant SSO withdrawn;
  - 39.5 the member should remain on ASDA's Register for out of competition testing; and
  - 39.6 the member should not be able to hold office in any SSO.

## **THERAPEUTIC USE OF BANNED SUBSTANCES**

40. It is recognised that some athletes may need to use prohibited substances for therapeutic reasons (for example, athletes with legitimate medical conditions).
41. SSOs are encouraged to educate and assist their members to comply with the processes put in place by the Commonwealth *Australian Sports Drug Agency Act 1990* (the ASDA Act), which deal with the therapeutic use of prohibited substances. SSOs should include appropriate provisions in their Anti-doping policies to enable their members, in appropriate cases to seek approval to use

prohibited substances for therapeutic reasons in accordance with the procedures prescribed in the ASDA Act.

## **APPEAL MECHANISMS**

42. The Queensland Government recognises an athlete's recourse to the Commonwealth Administrative Appeals Tribunal and ultimately the Federal Court in regard to the collection and testing of samples.
43. SRQ will not act as an appeal agency for the purposes of the review of sanctions imposed by a SSO.

## DEFINITIONS

**ASC** means the Australian Sports Commission.

**ASDA** means the Australian Sports Drug Agency, established under the Australian Sports Drug Agency Act 1990 (Cth).

**ASDA Act** means the *Australian Sports Drug Agency Act 1990 (Cth)*.

**Doping Practice** means:

- (i) the taking or use of prohibited substances or methods;
- (ii) purchasing or obtaining a prohibited substance with intent to supply to another person;
- (iii) refusal to provide a sample for testing requested by drug testing authority recognised by the Queensland Government;
- (iv) impersonating an athlete during the sample collection process; or
- (v) aiding, abetting, counselling or procuring, or being knowingly involved in an activity referred to in (i), (ii), (iii) or (iv) above.

**IF** means an international sporting federation which is the body recognised to have control over a sport at international level.

**IOC** means the International Olympic Committee, being an association created by the Congress of Paris of 23 June 1894 and which is entrusted with the control and development of the Modern Olympic Games pursuant to the Olympic Charter.

**Member** means any person or body that is a member of the State sporting organisation.

**NDISF** means the National Drug in Sport Framework.

**NSO** means National sporting organisation, which is the organisation recognised by the ASC as the sport's peak body in Australia.

**Positive Test Result** has the same meaning as that in section 14 of the ASDA Act. Section 14 of the ASDA Act provides that:

For the purposes of the application of [Part 3 of the ASDA Act] to a particular drug testing scheme, a *positive test result*, in relation to a [State] competitor who competes in a particular field of sporting activity, is a finding, made:

- (a) by an accredited laboratory; or



- (b) using specified analytical techniques and equipment;

by means of testing of a sample provided by the competitor, to the effect that:

- (c) the testing reveals the presence of a drug in the sample or the use of a doping method by the competitor, being a drug or doping method:
  - (i) that is included in the schedule of drugs and doping methods set out in the scheme; and
  - (ii) that is specified by the scheme to be a drug or doping method applicable to that field of sporting activity; and
- (d) if that schedule sets out a permitted level in relation to that drug or doping method and in relation to that field of sporting activity—the testing reveals that the permitted level has been exceeded.

**Prohibited substances and methods** means the list of drugs and doping methods prohibited absolutely or in certain amounts, that is maintained by:

- (i) an SSO or its NSO; or
- (ii) the IF, if the sporting organisations do not maintain a list of prohibited drugs and doping methods; or
- (iii) the IOC, if neither the sporting organisations nor their IF maintain a list of prohibited drugs and doping methods.

**QAS** means the Queensland Academy of Sport.

**Queensland athletes**, has the meaning given to the term “State competitor” under the State Act. A State competitor is a person who:

- (i) competes, or has been selected to compete, as a representative of the State in an open age sporting competition; or
- (ii) is included in a group of persons from which persons are to be selected to compete, as representatives of the State, in an open age sporting competition; or
- (iii) competes in an open age sporting competition or participates in training for competition in an open age sporting competition, and is receiving State support; or

- (iv) has been prevented from participating, or has become ineligible to participate, in open age sporting competitions as a representative of the State because the person's name is entered in the register.

**Register** means a Register of Notifiable Events established and maintained by ASDA under the ASDA Act. Events that may be notified on the register include refusal to provide a sample or a positive test result.

**Sample** means any human biological fluid or tissue.

**SRQ** means Sport and Recreation Queensland, which is the Queensland Government department responsible for the administration of sport and recreation throughout the State.

**SSO** means State Sporting Organisation, which is the organisation recognised by the SRQ as that sport's peak body in Queensland.

**State Act** means the *Sports Drug Testing Act 2003* (Queensland).

**Support from the State** has the following meaning in relation to drug testing of athletes under the State Act.

- (i) An athlete is receiving **support** from the State if:
  - a) the person receives, or is a member of or associated with a sporting organisation that receives, funding from the State; or
  - b) uses, or is a member of an association that uses facilities that are provided (in whole or in part) by the State, or are operated or maintained (in whole or in part) with funding received from the State.
- (ii) An SSO is receiving **support** from the State if the organisation receives funding from the State or uses facilities that are provided (in whole or in part) by State, or are operated or maintained (in whole or in part) with funding received from the State.

**Testing** means the testing, collecting and analysing of a sample.

The **Queensland Government Drug Testing Program** is attached to this policy.

In this policy, words in the singular include the plural and vice versa.

Where the meaning of any word or term in the document is unclear, reference should be had in first instance to the definition given to such word or term in the ASDA Act.

# **QUEENSLAND GOVERNMENT DRUG TESTING PROGRAM**

## **SPORTS DRUG TESTING ACT 2003**

The Queensland Government has introduced the *Sports Drug Testing Act 2003* (the Act) to provide a legislative framework for the conduct of drug testing of State level athletes for the presence of prohibited substances and methods.

The Act confers powers on the Australian Sports Drug Testing Agency (ASDA) to test State athletes for the presence of prohibited substances or methods. ASDA was established in 1990 by the Commonwealth Government under the ASDA Act to, amongst other functions, conduct drug testing of National level athletes and to provide education on matters relating to the safety of participants in sporting events and the use of drugs or doping methods in sport.

## **USER PAY TESTING**

The Queensland Government Drug Testing Program will be part funded by Sport and Recreation Queensland (SRQ) using an incentive scheme to encourage State sporting organisations (SSOs) to contribute to the testing of their athletes.

Under the Act, the Minister for Sport will contract ASDA to conduct out of competition and event testing of State athletes as defined in the Act.

## **APPLICATIONS**

ASDA, on behalf of the Queensland Government, will call for applications from SSOs to apply for tests in participation of the Queensland Government Drug Testing Program. SSOs will be provided an application form to nominate the number and type of testing required and to demonstrate an ability to meet minimum operating standards, which include:

- *Policy* - development of an Anti-doping Policy by adopting the NSO policy or developing a policy consistent with that of their NSO, or if no there is no NSO, their International sporting federation or the ASC Model Anti-doping Policy, and development of result management procedures, in consultation with their NSO;
- *Education* - commitment to an education strategy that will enable SSOs to disseminate Drugs in Sport information to athletes, coaches, officials and administrators; and
- *Testing administration* - allocating resources to provide ASDA with testing facilities at events and athlete contact details for out of competition testing.

## **PRIORITY STATUS**

Applicant SSOs will be required to indicate what they consider to be their priority grading for testing. ASDA's assessment of a SSOs priority grading will determine the number of Government tests they are eligible to receive under this program.

A SSO's priority grading should be based on the following criteria:

- susceptibility for the athletes to gain significant advantages from doping practices;
- history of the use of drugs or doping methods within the sport at an international and domestic level;
- profile of sport;
- potential for athlete to gain financial rewards; and
- Olympic status.

SSOs meeting the above criteria will be contacted by ASDA to discuss priority grading.

## **FUNDING**

SRQ will allocate funds for the Queensland Government Drug Testing Program. SSOs prepared to buy drug tests may receive a number of Government funded tests depending on the priority grading of that sport.

Once ASDA has considered the applications it will develop a test distribution plan for SRQ. SRQ will notify successful SSOs and negotiate a drug testing contract with them. SRQ will invoice SSOs for the user pays component of the drug tests.

## **CONTACTS**

For more information about the Queensland Government Drug Testing Program please contact

**Mr Stewart Lawson**  
**Australian Sports Drug Agency**  
**Senior Sports Officer**  
**Ph: (07) 3891 2109**  
**Email: [slawson@asda.org.au](mailto:slawson@asda.org.au)**

**Industry Development Unit**  
**Sport and Recreation Queensland**  
**Ph: (07) 3237 9906**