



South West Academy of Sport (SWAS)

Anti-Doping Policy

Table of Contents

1 What is the SWAS position on Doping?	3
2 Operation of this Policy	3
3 SWAS Obligations	4
4 Results Management	4
5 Confidentiality and Reporting	6
6 Recognition of Decisions	6
7 Sanctions	6
8 Amendment and Interpretation of anti-doping policy	7

Appendix 1 Definitions

ARTICLE 1 - WHAT IS THE SWAS POSITION ON DOPING?

- 1.1 SWAS condemns the *Use of Prohibited Substances and Methods* in sport. The *Use of Prohibited Substances and Methods* is contrary to the ethics of sport and potentially harmful to the health of *Athletes*.
- 1.2 The only legitimate *Use of Prohibited Substances and Methods* is under a *Therapeutic Use Exemption (TUE)* issued in accordance with the *World Anti-Doping Agency (WADA) International TUE Standard*.
- 1.3 SWAS aims to stop *Doping* practices in sport by:
- (a) educating and informing *Persons* about doping in sport issues;
 - (b) supporting the deterrence, detection and enforcement functions of *ASADA* and other *Anti-Doping Organisations*;
 - (c) recognising and supporting sanctions, consistent with the *World Anti-Doping Code (Code)*, on *Persons* who commit *Anti-Doping Rule Violations* as they relate to this *Anti-Doping Policy*; and
 - (d) promoting pure performance in sport and in SWAS.
- 1.4 SWAS acknowledges the legislative authority of *ASADA* to act under the *ASADA Act 2006*⁽¹⁾ and the *National Anti-Doping (NAD) scheme* established under that Act.

ARTICLE 2 - OPERATION OF THIS POLICY

- 2.1 This Anti-Doping Policy applies to:
- a. *SWAS Athletes*;
 - b. *SWAS Athlete Support Personnel or Support Persons*;
 - c. *SWAS employees, contractors and providers*; and
 - d. any other *Person* who has agreed to be bound by this Anti-Doping Policy.
- 2.2 SWAS recognises and adopts as relevant in this Policy the anti-doping policies and rules of the *ASC* and relevant *NSOs*. SWAS recognises that these anti-doping policies and rules are *World Anti-Doping Code (Code)* compliant. *SWAS Persons* bound under those anti-doping policies and rules are also bound by this Policy. For example, an *Athlete* who holds a scholarship with SWAS and who also holds a scholarship with the *Australian Institute of Sport (AIS)* or *Western Australian Institute of Sport (WAIS)* will be bound by this Policy, the *ASC* anti-doping policy and the *National Anti-Doping (NAD) scheme*. The *Athlete* will also be bound by the anti-doping policy of their *NSO* and their *International Federation (IF)*. Similarly, *Athlete Support Personnel* who hold positions with several *Sporting Administration Bodies (SABs)*, for example, *SSO*, *WAIS*, the *ASC*, and an *NSO* or an *IF*, will be bound by the anti-doping policy for each organisation as well as the *NAD scheme*. *SWAS employees, contractors, providers and any other Persons* who have agreed to be bound by this Anti-Doping Policy are bound by this Policy as set out below and may also be bound by the *ASC*, *NSO*, *IF*, and other *SAB* anti-doping policies.
- 1 In September 2006, the *ASADA Act 2006* was accessible on the internet through the website of the

¹ *Australian Sports Anti-Doping Authority (www.asada.gov.au)*. The *National Anti-Doping (NAD) scheme* is prescribed by Part 2 of the *ASADA Act, 2006*.

- 2.3** This Policy reflects and adopts the anti-doping policies and rules of the *NAD scheme*, the *ASC* and *NSOs* and their interpretation, operation and application as applicable to *Persons* bound by this Policy, unless expressed otherwise below.
- 2.4** *SWAS Athletes, Athlete Support Personnel*, employees, contractors, providers and *Persons* who are bound by the anti-doping policies or rules of the *NAD scheme*, the *ASC* and/or their *NSOs* are considered by *SWAS* to have read and understood those anti-doping policies which apply to them. *SWAS* considers such *Persons* to be aware of their obligations under these anti-doping policies. The relevant anti-doping policies and rules are available on the *ASADA* and the *ASC* websites and through the relevant *NSOs*.

ARTICLE 3 - SWAS OBLIGATIONS

- 3.1** The policies and minimum standards set out in the *Code* and implemented through this Policy represent the consensus of a broad spectrum of stakeholders with an interest in fair sport. The persons identified in Article 2 are bound by this Policy as a condition of their participation and/or involvement with *SWAS*.
- 3.2** *SWAS* will (2):
- 3.2.1** acknowledge *ASADA*'s functions and powers under the *ASADA Act 2006* and the *NAD scheme* established under that Act and will cooperate with *ASADA* and facilitate the execution of these functions and powers as reasonably required by *ASADA*;
 - 3.2.2** ensure that all relevant *SWAS* policies, rules and programs conform with the *Code* to the fullest extent possible;
 - 3.2.3** require all *Athletes* and *Athlete Support Personnel* and any other *Person* within its jurisdiction to recognise and be bound by anti-doping policies and rules which conform with the *Code* and this Policy;
 - 3.2.4** ensure amendments to this Anti-Doping Policy are consistent with *ASADA* policy;
 - 3.2.5** make reasonable efforts to make this Policy and any amendments to this Policy available to *Athletes, Athlete Support Personnel* and any other *Person* who is bound by this Anti-Doping Policy;
 - 3.2.6** recognise anti-doping policies and rules which conform with the *Code* to the fullest extent possible;
 - 3.2.7** use its best efforts to assist *SWAS Athletes* to fulfil their anti-doping responsibilities, including providing accurate *Athlete* whereabouts information;
 - 3.2.8** develop and implement, in consultation with *ASADA* and *NSOs*, comprehensive programs and education initiatives about pure performance in sport;

² Note: It is recognised that *Athlete Support Personnel* in certain professions may be subject to legal obligations with respect to confidentiality and disclosure. Guidance on obligations to act must be sought from the *ASADA Chair*. In seeking this guidance appropriate confidentiality will be maintained.

- 3.2.9 cooperate with ASADA, other *Anti-Doping Organisations* and *SABs* to assist the achievement of pure performance in sport;
- 3.2.10 support and assist *Anti-Doping Organisations*, including ASADA, to conduct *Doping Control*;
- 3.2.11 require *Athletes* to be available for *Sample* collection and provide accurate and up-to-date whereabouts information if required by the conditions for eligibility established by ASADA, an *Athlete s NSO* or *IF, AOC, APC, ACGA* or any *Major Event Organisation*;
- 3.2.12 immediately refer all instances of possible *Anti-Doping Rule Violations* to ASADA for investigation;
- 3.2.13 assist, cooperate and liaise with ASADA, the *ASC, NSOs* and other *Anti-Doping Organisations* in relation to the conduct of any investigation or hearing into an alleged *Anti-Doping Rule Violation*;
- 3.2.14 act in a discreet and confidential manner in discharging their obligations under this Policy;
- 3.2.15 not disclose or use any information about a person who is alleged to have, or has committed an *Anti-Doping Rule Violation* except as permitted under the *ASADA Act 2006*, the *NAD scheme* and this Policy;
- 3.2.16 recognise and enforce any sanction applied by the *CAS* and/or other sporting tribunals in respect of an *Anti-Doping Rule Violation*;
- 3.2.17 withdraw funding and support (other than authorised anti-doping education or rehabilitation programs) to *Persons* who are sanctioned for any *Anti-Doping Rule Violation* whether under this Policy or under the anti-doping policy or rules of the *NAD scheme*, the *ASC*, an *NSO* or an *IF*;
- 3.2.18 withhold some or all funding to *Sporting Organisations* that are not in compliance with the *Code*.

ARTICLE 4 - RESULTS MANAGEMENT

- 4.1 SWAS will recognise the results of laboratory analysis of *Samples* by *Anti-Doping Organisations*, including ASADA, conducted in accordance with the *WADA International Standard for Testing*.
- 4.2 SWAS shall recognise any finding by ASADA or another *Anti-Doping Organisation* that an *Anti-Doping Rule Violation* may have occurred.
- 4.3 SWAS should be:
 - 4.3.1 notified by ASADA about a *Person* who is alleged to have or has committed an *Anti-Doping Rule Violation* under an anti-doping policy in accordance with the *ASADA Act 2006* and the *NAD scheme* and in so far as ASADA is aware that the alleged is subject to the jurisdiction of SWAS;

- 4.3.2 advised by the relevant body of the outcome of the results management process of all *Anti-Doping Rule Violations* within 14 days of the conclusion of that process; and
 - 4.3.3 consulted by ASADA about SWAS participation in any investigations and hearings (including appeals) involving a *Person* bound by this Anti-Doping Policy. SWAS shall have the right to attend hearings as an observer or interested party.
- 4.4 Subject to Article 6, SWAS may, in addition to any hearing conducted by the Court of Arbitration for Sport or other Tribunal, or following the notification by ASADA set out in clause 4.3.1, conduct its own hearing in accordance with clause 7.5 of the SWAS Code of Conduct.

ARTICLE 5 - CONFIDENTIALITY AND REPORTING

- 5.1 Except as provided for in a *Provisional Suspension* clause, unless and until a *Person* publicly discloses that he or she has been notified of an *Anti-Doping Rule Violation* or a possible *Anti-Doping Rule Violation* or is subject to investigation and/or has authorised ASADA or affected/interested parties to make public comments, SWAS must not publicly disclose the identity of a *Person* who is suspected of an *Anti-Doping Rule Violation* until it has been determined in a hearing that an *Anti-Doping Rule Violation* has occurred, or such hearing has been waived, or the assertion of an *Anti-Doping Rule Violation* has not been timely challenged.
- 5.2 No later than twenty one (21) days after an anti-doping matter has been finally determined at a hearing, ASADA must publicly report the result including any sanction imposed and any other information in accordance with the CAS or other *Tribunal* rules following consultation with SWAS and other relevant parties.
- 5.3 All hearing and appeal awards regarding alleged *Anti-Doping Rule Violations* shall be made public unless both parties agree that it should remain confidential.

ARTICLE 6 - RECOGNITION OF DECISIONS

- 6.1 SWAS will recognise and enforce, as appropriate, *Testing*, *TUEs* and hearing results or other final adjudications which are consistent with the Code and have been properly imposed on a *Person* who has committed an *Anti-Doping Rule Violation* under an anti-doping policy.

ARTICLE 7 - SANCTIONS

- 7.1 SWAS may require any *Person* who has committed an *Anti-Doping Rule Violation* and who is bound by this *Policy* to:
 - 7.1.1 repay all funding and grants received from SWAS subsequent to the occurrence of the *Anti-Doping Rule Violation*; and/or
 - 7.1.2 return all awards or other recognition received from SWAS.
- 7.2 In addition SWAS may require any *Person*, including a SWAS employee or contractor or provider, who has committed an *Anti-Doping Rule Violation* and who is bound by this *Policy* to undertake counselling for a specified period.

- 7.3** Where an employee of SWAS has committed an *Anti-Doping Rule Violation*, SWAS will take disciplinary action against the employee in accordance with the applicable conditions of employment.
- 7.4** SWAS shall ensure that contracts allow that, where a contractor or provider of SWAS has committed an *Anti-Doping Rule Violation*, the contract between that contractor or provider and SWAS may be terminated.
- 7.5** SWAS may impose a *Provisional Suspension* suspending financial or other assistance to a *Person* bound by this Policy whose *Sample* is the subject of an *Adverse Analytical Finding* or who is issued with an infraction notice or who is subject to an investigation.
- 7.6** In addition and subject to Article 6, and following any further investigation and hearing by SWAS as set out in the SWAS Code of Conduct, SWAS may impose upon any person who has committed an *Anti-Doping Rule Violation* any other sanction prescribed in clause 7.6 of the SWAS Code of Conduct.

ARTICLE 8 - AMENDMENT AND INTERPRETATION OF ANTI-DOPING POLICY

- 8.1** This Policy may be amended from time to time by SWAS subject to ASADA approval. A copy of the amended Policy must be provided to both the ASADA and the ASC.
- 8.2** The headings used for the various Parts and Articles of this Policy are for convenience only and shall not be deemed part of the substance of this Policy or to affect in any way the language of the provisions to which they refer.
- 8.3** The INTRODUCTION and the APPENDIX 1 DEFINITIONS shall be considered integral parts of this Anti-Doping Policy.
- 8.4** This Policy has been adopted under the applicable provisions of the *Code* and shall be interpreted in a manner that is consistent with applicable provisions of the *Code*. The comments annotating various provisions of the *Code* may, where applicable, assist in the understanding and interpretation of this Policy.
- 8.5** This Policy shall not apply retrospectively to matters pending before the date this Policy came into effect.
- 8.6** Words in the singular include the plural and vice versa.
- 8.7** A *Person* includes a body corporate.
- 8.8** Words used in this Policy have the meaning ascribed to them in the relevant anti-doping policy. Words not defined in this Policy have the meaning ascribed to them in the *Code* unless a contrary meaning appears from the context or is expressly provided by SWAS.
- 8.9** Reference to including and similar words are not words of limitation.
- 8.10** Minor irregularities in the application of this Anti-Doping Policy which cannot reasonably be considered to have affected the determination of an *Anti-Doping Rule Violation* will not affect such determination.

APPENDIX 1 - DEFINITIONS

Adverse Analytical Finding. Means a report from a laboratory or other approved *Testing* entity that identifies in a *Specimen* the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* (including elevated quantities of endogenous substances) or evidence of the *Use of a Prohibited Method*.

Anti-Doping Organisation. Means a *Signatory* that is responsible for adopting rules for initiating, implementing or enforcing any part of the *Doping Control* process. This includes, for example, the *International Olympic Committee*, the *International Paralympic Committee*, and other *Major Event Organisations* that conduct *Testing* at their *Events*, *WADA*, *International Federations* and *National Anti-Doping Organisations*.

Anti-Doping Rule Violation. Meaning as outlined in Article 2 of the *Code*.

Athlete. Means:

- (a) for purposes of *Doping Control*, any *Person* who participates in sport at the international level (as defined by each *International Federation*) or national level (as defined by each *National Anti-Doping Organisation*) and any additional *Person* who participates in sport at a lower level if designated by the *Person's National Anti-Doping Organisation*. For purposes of anti-doping information and education, any *Person* who participates in sport under the authority of any *Signatory*, government, or other sports organisation accepting the *Code*; or
- (b) any *Person* who:
 - (i) is registered with an *NSO* or one of its *Members*; or
 - (ii) participates, or has in the previous eight years participated, in any sporting activity conducted, authorised, recognised or controlled, either directly or indirectly, by an *NSO* or a body affiliated with an *NSO*; or
 - (iii) is defined as an *Athlete* under the *NAD scheme*; or
 - (iv) has otherwise agreed to be bound by this Anti-Doping Policy.

Athlete Support Personnel (or Support Persons). Means any coach, trainer, manager, agent, team staff member, official, medical or para-medical *personnel* working with or treating *Athletes* participating in or preparing for sporting activities.

Australian Commonwealth Games Association (ACGA). Means the *Australian Commonwealth Games Association*

Australian Institute of Sport (AIS). Means the *Australian Institute of Sport*.

Australian Olympic Committee (AOC). Means the *Australian Olympic Committee Inc.*

Australian Paralympic Committee (APC). Means the *Australian Paralympic Committee Inc.*

Australian Sports Anti-Doping Authority (ASADA). Means the *Australian Sports Anti-Doping Authority* established by the *Australian Sports Anti-Doping Authority Act, 2006 (Cth)*.

Australian Sports Commission (ASC). Means the *Australian Sports Commission* established by the *Australian Sports Commission Act 1989*.

Chair. Means the Chair of ASADA or such person exercising the functions of the Chair of ASADA from time to time.

Code. Means the World Anti-Doping Code.

Competition. Means a single race, match, game or singular athletic contest. For example, the finals of the Olympic 100-metre dash. For stage races and other athletic contests where prizes are awarded on a daily or other interim basis the distinction between a *Competition* and an *Event* will be as provided in the rules of the applicable *International Federation*.

Consequences of Anti-Doping Rules Violations. Means an *Athlete's* or other *Person's* violation of an anti-doping rule may result in one or more of the following:

(a) *Disqualification.* Means the *Athlete's* results in a particular *Competition* or *Event* are invalidated, with all resulting consequences including forfeiture of any medals, points and prizes;

(b) *Ineligibility.* Means the *Athlete* or other *Person* is barred for a specified period of time from participating in any *Competition* or other activity or funding as provided in Article 10.9 of the *Code*; and

(c) *Provisional Suspension.* Means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* prior to the final decision at a hearing conducted under Article 8 (Right to a Fair Hearing) of the *Code*

Court of Arbitration for Sport (CAS). Means the *Court of Arbitration for Sport* (Oceania Registry).

Doping. Means the occurrence of one or more of the *Anti-Doping Rule Violations* set forth in Article 2 of the *Code*.

Doping Control. Means the process including test distribution planning, *Sample* collection and handling, laboratory analysis, results management, hearings and appeals.

Event. Means a series of individual *Competitions* conducted together under one ruling body (e.g., the Olympic Games, FINA World Championships, or Pan American Games).

International Federation (IF). Means an *International Federation* recognised by the IOC or General Assembly of International Sports Federations (GAISF) as the entity responsible for governing that sport internationally.

International Standard. Means a standard adopted by WADA in support of the *Code*. Compliance with an *International Standard* (as opposed to another alternative standard, practice or procedure) shall be sufficient to conclude that the procedures addressed by the *International Standard* were performed properly.

Major Event Organisations. Means the continental associations of *National Olympic Committees* and other international multi-sport organisations that function as the ruling body for any continental, regional or other *International Event*.

Member. Means a *Person* who, or a body which, is a *Member* of an *NSO*; a *Person* who, or body which, is affiliated with an *NSO*; or a *Person* who is a member of a body which is a *Member* of or affiliated with an *NSO*.

National Anti-Doping Organisation [NADO]. Means 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. If this designation has not been made by the competent public authority(ies), the entity shall be the country's *National Olympic Committee* or its designee. [The Australian Government has designated the *Australian Sports Anti-Doping Authority* as Australia's *NADO*].

National Anti-Doping scheme (NAD scheme.) Means the *National Anti-Doping scheme* as defined under the *ASADA Act 2006*.

National Sporting Organisation [NSO]. Means a national or regional entity which is a *Member* of or is recognised by an International Sporting Federation as the entity governing that *International Federation's* sport in that nation or region or is recognised by the *ASC* as a *National Sporting Organisation*. This includes *National Sporting Organisations* for *Athletes* with a *Disability*.

Person. Means a natural *Person* or an organisation or other entity, including an *Athlete*, *Athlete Support Personnel* and *Member*.

Prohibited List. Means the List identifying the *Prohibited Substances* and *Prohibited Methods* which is published and revised by *WADA* as described in Article 4.1 of the *Code*.

Prohibited Method. Means any method so described on the *Prohibited List*.

Prohibited Substance. Means any substance so described on the *Prohibited List*.

Provisional Suspension. Meaning as outlined in *Consequences of an Anti-Doping Violation* above.

Sample/Specimen. Means any biological material collected for the purposes of *Doping Control*.

Sports Anti-Doping Tribunal (Tribunal). Means the body approved by *ASADA* which shall convene from time to time to hear allegations of *Anti-Doping Rule Violations* against *Athletes*, *Athlete Support Personnel* and other *Persons*; to determine whether an *Anti-Doping Rule Violation* has occurred; to determine appropriate sanctions where an *Anti-Doping Rule Violation* is found to have been committed; and to hear appeals, except in the case where an appeal must be to the *CAS*. [N.B. In the case of an appeal, and where the *CAS* is not being used for appeals, a new *Tribunal* will be convened, i.e., no members of the *Tribunal* at the original hearing will hear the appeal].

Sporting Administration Body (SAB). Means an organisation in Australia that is: (a) a national sporting organisation; or (b) a sporting organisation as defined in the *ASADA Act 2006*. [For the avoidance of doubt, the *Australian Sports Commission* is considered a *Sporting Administration Body*].

Sporting Organisation. Means the *Australian Olympic Committee*, *Australian Commonwealth Games Association*, *Australian Paralympic Committee* and any organisation recognised, assisted or funded by the *ASC* and includes their *Members* and affiliated organisations.

State or Territory Institute or Academy of Sport (SIS/SAS).
Means the state or territory institute or academy of sport, jointly or severally, as appropriate.

Testing. Means the parts of the *Doping Control* process involving test distribution planning, *Sample* collection, *Sample* handling, and *Sample* transport to the laboratory.

Therapeutic Use Exemption (TUE). Means *Therapeutic Use Exemption* in accordance with the *WADA International Standard for Therapeutic Use Exemptions*.

Use. Means the application, ingestion, injection or consumption by any means whatsoever of any *Prohibited Substance* or *Prohibited Method*.

WADA. Means the *World Anti-Doping Agency*.

SWAS. Means the South West Academy of Sport.

SWAS Code of Conduct. Means the SWAS Athlete Code of Conduct Policy as amended from time to time.