



IMPROPER USE OF DRUGS AND MEDICINE POLICY

**Australian Sailing
31 March 2022**

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Summary

- There is an increasing concern about the improper use of drugs and medicine in sport.
- Australian Sailing is committed to the health, safety and wellbeing of Relevant Persons and to providing a safe and clean environment for Participants in Sailing, including by ensuring that science and medicine services are provided to athletes by appropriately qualified and supervised staff that are subject to the National Integrity Framework.
- Illegal Drugs represent a widespread community problem and can pose a serious health issue for individuals. Australian Sailing is aware of the availability and the prevalence of use of Illegal Drugs and seeks to deter Relevant Persons from the use of such substances.
- The use of Illegal Drugs has a significant impact on the culture of sporting environments and the performance of individuals. Such use also brings Participants, Australian Sailing and Sailing into disrepute and does not provide a positive example for members of the community that may view our athletes as role models.
- The purpose of this Policy is to provide a framework to:
 - address and deter any unlawful distribution and use of Illegal Drugs in connection with Sailing;
 - aim to reduce the harm caused by Illegal Drugs to Relevant Persons and the broader community;
 - ensure that appropriately qualified personnel are appointed to provide science and medicine services to athletes within Sailing; and
 - ensure that injections are only administered to athletes within Sailing as part of appropriate medical treatment.
- The Australia Institute of Sport (AIS) leads the sport sector in best practice for Sport Science and Sport Medicine and works collaboratively with Sport Integrity Australia in relation to compliance with policy and standards relating to Sport Science and Sport Medicine.

1. Definitions

Defined terms not otherwise defined in this Policy have the meaning given to them in the National Integrity Framework. In this Policy the following words have the corresponding meaning:

AIS Sports Science Sports Medicine Practitioner Minimum Standards mean the mandatory minimum standards for sports science and sports medicine staff and contractors engaged to deliver services in those disciplines of as published and amended by the AIS from time to time and available [here](#).

Chief Medical Officer is the Medical Practitioner appointed by Australian Sailing to advise and lead medical services for Sailing.

Illegal Drug means any substance listed under Schedule 9 and 10 of the current Commonwealth Poisons Standard, as well as any substance listed in [Schedule 1 of the Criminal Code Regulations 2019 \(CT\)](#), as well as those substances howsoever proscribed under relevant state or territory legislation, as amended from time to time.

Medical Practitioner means a person registered in the medical doctor category by the Australian Health Practitioner Regulation Agency with no restrictions on practice.

Medications include substances that are classified by the Therapeutic Goods Administration (TGA) as a therapeutic good (listed under Schedules 1-8 of the current Commonwealth Poisons Standard), which are ingested, infused, inhaled, injected, inserted or absorbed by the human body. They may take the form of pills, tablets, capsules, liquids, creams, gels, injectable liquids, sprays, adhesive patches, infusions, inhaled powders, vapours or liquids, pessaries, or suppositories.

Policy means this Improper Use of Drugs and Medicine Policy.

Possession means the actual, physical Possession, or the constructive Possession of an Illegal Drug¹.

Prohibited Conduct means conduct proscribed at clause 4.1 of this Policy.

Relevant Athlete means:

- (a) International-Level Athletes – which means Athletes who compete in sport at the international level, as determined by each International Federation, consistent with the International Standard for Testing and Investigations;
- (b) National-Level Athletes – which means:
 - i. an Athlete in the SIA CEO's Registered Testing Pool, National Testing Pool or Domestic Testing Pool; or
 - ii. an Athlete who participates in or prepares for a sporting event or sporting competition declared under clause 1.05A of the NAD scheme and published on the SIA website.

Relevant Personnel means:

- (a) Coaches;
- (b) Employees;
- (c) Medical Practitioner;
- (d) Officials;
- (e) Sports Science Sports Medicine Personnel;
- (f) Support Personnel; and
- (g) Any other person who has agreed to be bound by this Policy (other than an Athlete).

Supplement includes any synthetic or natural chemical in the form of a formulated food, a tablet, capsule, gummy, liquid, tincture, or powder that is ingested, infused, inhaled, injected, inserted or absorbed by the human body for the intended purpose of enhancing health and function, including athletic performance. This includes Dietary Supplements and Non-Compliant Supplements.

Dietary Supplement includes any supplement which is ingested and is compliant with the Australia New Zealand Food Standards Code or the Therapeutic Goods Act.

Non-Compliant Supplement includes any supplement which is not a compliant medicine or food. Foods which are compliant with the Australia New Zealand Food Standards Code are excluded. Medicines which are compliant with the Therapeutic Goods Act are excluded.

Traffic/Trafficking means selling, giving, transporting, sending, delivering or distributing (or Possessing for any such purpose) an Illegal Drug (either physically or by any electronic or other means) by a Relevant Person to any third party; provided, however, this definition shall not include the actions of a "bona fide" Medical Practitioner involving an Illegal Drug used for genuine and legal therapeutic purposes or other acceptable justification.

TUE or Therapeutic Use Exemption means an exemption that allows an athlete to use, for therapeutic purposes only, an otherwise prohibited substance or method (of administering a substance).

¹ Constructive possession refers to a situation where a Relevant Person has no hands-on custody of Illegal Drugs but has knowledge of the location of Illegal Drugs and the ability to exercise control/or a degree of control over them. For example, if the Relevant Person have stored drugs stored in a safety deposit box. Whilst the Relevant Person does not have actual physical custody of the Illegal Drugs, they have knowledge of the location of the Illegal Drugs and the ability to exercise control over them. Thus, under the legal doctrine of constructive possession, the Relevant Person is still considered in possession of the contents of their safety deposit box.

Use means the utilisation, ingestion, injection, or consumption by any means whatsoever of any Illegal Drug.

2. Jurisdiction

This Policy applies to:

- (a) Relevant Persons; and
- (b) Relevant Organisations.

3. Obligations

3.1 Illegal Drugs

Relevant Persons must not Use, Possess or Traffic Illegal Drugs.

3.2 Sport Science and Sport Medicine Personnel

Australian Sailing and Sailing Organisations must, in the sports science and sports medicine fields:

- (a) only employ, or engage in a voluntary capacity, those individuals who:
 - (i) comply with the AIS Sports Science Sports Medicine Practitioner Minimum Standards; or
 - (ii) are a Chiropractor, Nurse, Osteopath or Paramedic who is registered with the Australian Health Practitioners Regulation Agency, to work with Relevant Athletes;
- (b) employ or engage such individuals under a written document, which must incorporate compliance with the AIS Sports Science Sports Medicine Practitioner Minimum Standards as an obligation imposed on the relevant individual; and
- (c) ensure that educational or vocational qualifications, or applicable professional registrations, of all such individuals are verified, checked and recorded at least annually.

3.3 Medication

- (a) For Medications requiring a prescription, a Relevant Athlete must only use Medication prescribed to them personally and in the manner directed by a Medical Practitioner.
- (b) Relevant Athletes should refer to Global DRO website [here](#) or the Sport Integrity Australia App to assist them to determine whether Medications (prescription and non-prescription) are permitted for use in sport, have conditions associated with their use in sport or are prohibited. Medications with conditions or which are prohibited may be able to be taken if a TUE is sought and granted.
- (c) Australian Sailing requires all Relevant Athletes to determine if they need an in-advance or retroactive TUE by referring to the Sport Integrity Australia website [here](#). Once determined the Relevant Athlete should comply with the relevant requirements.
- (d) Relevant Athletes should notify the Chief Medical Officer or person nominated by Australian Sailing when Medications have been provided by a Medical Practitioner not appointed by Australian Sailing or Sailing Organisation.
- (e) Relevant Athletes must not use expired Medication.

3.4 Injections

- (a) Relevant Personnel or Relevant Athletes with a documented medical condition requiring the possession of injection equipment must notify the Chief Medical Officer or nominated person of their condition and subsequently be listed on the Australian Sailing or Sailing Organisation self-injection register.
- (b) If a Relevant Athlete is unable to self-inject (for example due to age, impairment or incapacity) then a carer² may also be listed on the self-injection register.

² Carers who are not the Relevant Athlete's parent or guardian must still obtain prior consent from a parent or guardian where required to do so by law or policy, including under the Child Safeguarding Policy.

- (c) Relevant Personnel and Relevant Athletes must not be in possession of any hypodermic needles or other injection equipment, unless:
 - (i) the individual is a Health Professional authorised to administer injections; or
 - (ii) the individual's possession has been authorised by the Chief Medical Officer or other Medical Practitioner and is listed on the Australian Sailing or Sailing Organisation self-injection register.
- (d) Relevant Athletes must not self-inject any substance unless authorised to do so by the Chief Medical Officer or other Medical Practitioner for the treatment of a documented medical condition.
- (e) Subject to clause 3.4(b), Relevant Athletes must not allow any person other than a Health Professional authorised to administer injections or authorised carer to administer an injection to them. Any such injection must only be administered by a Health Professional authorised to administer injections or the authorised carer for a purpose permitted under this Policy.
- (f) Relevant Personnel must only administer injections to Relevant Athletes if:
 - (i) the Relevant Personnel is a Health Professional authorised to administer injections or is an authorised carer for the Relevant Athlete; and
 - (ii) the injection is for a purpose permitted under this Policy.
- (g) For the purposes of clauses 3.4(e) and (f), the only purposes permitted under this Policy are where an injection is medically required for:
 - (i) vaccination purposes;
 - (ii) treatment of a documented medical condition; or
 - (iii) investigation of a suspected medical condition.

3.5 Supplements

- (a) Australian Sailing recognises that Dietary Supplements may be taken by Relevant Athletes and is committed to establishing a best practice approach and documented procedure for the use of Supplements, with a focus on safety and evidence-based use, given the risk that Supplements may contain substances included on the Prohibited List.
- (b) Australian Sailing acknowledges the value of accredited third-party auditing programs to reduce the risk of Supplements containing substances included on the Prohibited List. Australian Sailing warns that there is no guarantee that any Supplement is free from prohibited substances, despite any claims made by Supplement manufacturers or clearance by third party auditing companies
- (c) Australian Sailing adopts the AIS Sport Supplement Framework, which classifies Supplements into four categories according to their effectiveness, safety and current status on the Prohibited List and is available [here](#).
- (d) Supplements may only be used by Relevant Athletes in accordance with:
 - (i) this Policy; and
 - (ii) any documented procedure for the use of Supplements, as adopted by Australian Sailing and Sailing Organisation from time to time.
- (e) Relevant Personnel must not supply or provide Non-compliant Supplements to a Relevant Athlete.

4. Prohibited Conduct

4.1 Prohibited Conduct of Relevant Persons

A Relevant Person commits a breach of this Policy when they:

- (a) subject to clause 8.1:
 - (i) are convicted of any breach of a relevant state or territory or Commonwealth law relating to or involving an Illegal Drug; or
 - (ii) facilitate, administer, assist, aide, abet, encourage, induce, cover up or are in any way complicit in a breach of clauses 4.1(a)(i), 4.2 or 4.3; or

- (b) fail to report the matters outlined in clause 5.2.

4.2 Prohibited Conduct of Relevant Athletes

A Relevant Athlete commits a breach of this Policy when they:

- (a) use prescription or over the counter Medication in an unlawful manner; or
- (b) do not comply with clauses 3.4(c), 3.4(d) or **Error! Reference source not found..**

4.3 Prohibited Conduct of Relevant Personnel

A Relevant Personnel commits a breach of this Policy when they:

- (a) do not comply with clause 3.4(b) or **Error! Reference source not found.;**
- (b) do not comply with clause 3.5(e); or
- (c) facilitate, assist, aide, abet, encourage, cover up or are in any way complicit in a breach of clause 4.3(b).

4.4 Prohibited Conduct of Relevant Organisations

A Relevant Organisation commits a breach of this Policy when they:

- (a) fail to report the matters outlined in clause 5.2; or
- (b) facilitate, assist, aide, abet, encourage, cover up or are in any way complicit in a breach of clause 4.2 or 4.3.

5. Additional Obligations

5.1 No publishing or transmitting certain Illegal Drug content

Relevant Persons must not publish or transmit any content (e.g. a video showing Illegal Drugs being used) that advocates, condones, or encourages the involvement in or the Use of Illegal Drugs.

5.2 Reporting

Relevant Persons and Relevant Organisations must report any criminal activity or conduct that may amount to Prohibited Conduct under this Policy to Sport Integrity Australia and to any other entity as required by law.

6. Complaints, Disputes & Discipline Policy

The Complaints, Disputes and Discipline Policy applies to any alleged Prohibited Conduct, including reports of breaches, of this Policy.

7. National Integrity Framework

The National Integrity Framework applies to this Improper Use of Drugs and Medicine Policy. When interpreting this Policy, any provisions inconsistent with the National Integrity Framework apply to the extent of that inconsistency.

8. Other Matters

8.1 Legitimate therapeutic purpose

If an Illegal Drug has been lawfully and properly prescribed by a Medical Practitioner for a legitimate therapeutic purpose and evidence can be provided to that effect, then neither the act of prescribing the Illegal Drug by the Medical Practitioner nor the Use or Possession of the Illegal Drug by a Relevant Person in accordance with that prescription will constitute a breach of this Policy.

8.2 Patient confidentiality

For the avoidance of doubt, nothing in this Policy or the National Integrity Framework shall operate to override the patient confidentiality requirements of professional ethics for health practitioners registered with the Australian Health Practitioner Regulation Authority.

8.3 Lifesaving medical treatment

For the avoidance of doubt, lifesaving medical treatment should not be withheld. Provision of lifesaving medical treatment will not constitute a breach of this Policy.

8.4 Support

Australian Sailing may refer a Relevant Person for medical assessment and education where there are reasonable grounds for doing so and may determine, and grant, any associated financial support to a Relevant Person, if any.