



Northern
Territory
Government

DEPARTMENT OF
NATURAL RESOURCES, ENVIRONMENT, THE ARTS AND SPORT

ANTI-DOPING POLICY

Northern Territory Institute of Sport

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ARTICLE 1 - WHAT IS THE NTIS POSITION ON DOPING?

1.1 NTIS condemns doping as fundamentally contrary to the spirit of sport.

- Anti-doping programs, including documents such as this Anti-Doping Policy, seek to preserve what is intrinsically valuable about sport. The Essence of sport at all levels in Australia upholds the principles of Fairness, Respect, Responsibility and Safety.

1.2 The purpose of this Anti-Doping Policy and the anti-doping programs which it supports are:

- To protect Athletes' fundamental right to participate in doping-free sport and thus promote health, fairness and equality for Athletes worldwide; and
- To ensure harmonised, coordinated and effective anti-doping programs at the international and national level with regard to detection, deterrence and prevention of doping.

1.3 NTIS acknowledges the legislative authority of ASADA to act under the ASADA Act 2006 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. NTIS Athletes;
- b. NTIS Athlete Support Personnel;
- c. NTIS employees, contractors and providers; and
- d. any other Person who has agreed to be bound by this Anti-Doping Policy.

2.2 NTIS recognises and adopts as relevant in this Policy the anti-doping policies and rules of the ASC and relevant NSOs. NTIS recognises that these anti-doping policies and rules are World Anti-Doping Code (Code) compliant. NTIS Persons bound under those anti-doping policies and rules are also bound by this Policy. For example, an Athlete who holds a scholarship with NTIS and who also holds a scholarship with the AIS will be bound by this Policy, the ASC anti-doping policy and the 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, NTIS, 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. NTIS 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.

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 NTIS 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 NTIS to have read and understood those anti-doping policies which apply to them. NTIS

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. Ignorance of these anti-doping policies is not an excuse from an alleged anti-doping rule violation, and shall not mitigate culpability in sanction.

ARTICLE 3 - NTIS 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 NTIS.

3.2 NTIS will :

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 NTIS policies, rules and programs conform with the Code, the ASADA Act 2006 and the NAD scheme 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 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 ;

3.2.5 Ensure that at all times it has the authority to enforce this Anti-Doping Policy;

3.2.6 Abide by, implement and enforce this Anti-Doping Policy to the satisfaction of ASADA;

3.2.7 Obtain ASADA's prior written approval for any amendments to this Anti-Doping Policy;

3.2.8 Develop and implement, in consultation with ASADA and NSOs, comprehensive programs and education initiatives about pure performance in sport;

3.2.9 Support the initiatives of and cooperate with ASADA, other Anti-Doping Organisations and other sporting organisations to assist the achievement of pure performance in sport;

3.2.10 Use its best efforts to assist NTIS Athletes to fulfil their anti-doping responsibilities, including providing accurate Athlete whereabouts information;

3.2.11 Support and assist Anti-Doping Organisations including ASADA to conduct Doping Control, ;

3.2.12 Where required, act in accordance with this Anti-Doping Policy upon the receipt of a reported anti-doping rule violation; and notification by ASADA of an entry onto the ASADA Register in respect of an Athlete, Athlete Support Personnel or other Person bound by this Anti-Doping Policy, in consultation with ASADA;

3.2.13 Immediately refer all instances of possible anti-doping rule violations to ASADA for investigation;

3.2.14 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;

3.2.15 Act in a discreet and confidential manner in discharging its obligations under this Policy;

3.2.16 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, the Code and this Policy;

3.2.17 Recognise and enforce any sanction applied by the CAS and/or other Tribunals in respect of an anti-doping rule violation, or recommendation of ASADA where a hearing has been waived;

3.2.18 Withhold some or all funding and support (other than authorised anti-doping education or rehabilitation programs), during any period of his or her Ineligibility, to any Athlete or Athlete Support Personnel who has committed an anti-doping rule violation;

3.2.19 If applicable, withhold some or all funding to Sporting Organisations that are not in compliance with the Code.

3.2.20 Recognise anti-doping policies and rules which conform with the Code to the fullest extent possible;

3.3 Breaches of role and responsibilities

Where an Athlete, Athlete Support Personnel or other Person bound by this Anti-Doping Policy breaches his or her responsibilities under this Anti-Doping Policy or another Anti-Doping Policy by which they are bound but the breach does not amount to an anti-doping rule violation, NTIS may treat the breach as an infringement of NTIS's Code of Conduct, or similar framework, and apply penalties in accordance with NTIS rules.

ARTICLE 4 - RESULTS MANAGEMENT

4.1 NTIS will recognise the results of laboratory analysis of Samples conducted by WADA-accredited laboratories in accordance with the International Standards for Testing and Laboratories.

4.2 NTIS must recognise any determination or finding by ASADA or another Anti-Doping Organisation that an anti-doping rule violation may have occurred and enforce any Provisional Suspension imposed in relation to the potential anti-doping rule violation.

4.3 ASADA will manage the results of all potential anti-doping rule violations under the relevant NSO Anti-Doping Policy in accordance with Article 7 of the Code, the ASADA Act 2006 and the NAD scheme, as in force from time to time.

4.4 ASADA will conduct any follow up investigation and be responsible for notification of an alleged anti-doping rule violation and all matters incidental thereto, in accordance with the relevant NSO Anti-Doping Policy, the Code, the ASADA Act 2006 and the NAD scheme, as in force from time to time.

4.5 NTIS should be:

4.5.1 notified by ASADA about a Person who is alleged to have or has committed an Anti-Doping Rule Violation under the anti-doping policy of a relevant NSO in accordance with the Code, ASADA Act 2006 and the NAD scheme and in so far as ASADA is aware that the alleged is subject to the jurisdiction of NTIS;

4.5.2 advised by the relevant body of the outcome of the results management process of all Anti-Doping Rule Violations ; and

4.5.3 consulted by ASADA about NTIS participation in any investigations and hearings (including appeals) involving a Person bound by this Anti-Doping Policy. NTIS shall have the right to attend hearings as an observer or interested party.

ARTICLE 5 - CONFIDENTIALITY AND REPORTING

5.1 Public Disclosure of Provisional Suspension

As a general rule, the Provisional Suspension of a Person under an anti-doping policy of a relevant NSO will not be Publicly Disclosed. However, subject to Article 5.2.2, ASADA, the relevant NSO or NTIS may, if they consider it appropriate, Publicly Disclose the reasons for the Provisional Suspension so long as such disclosure will not be unfairly prejudicial to the interests of the Person. ASADA, the relevant NSO and the Athlete must be consulted prior to any such disclosure by NTIS and ASADA and the relevant NSO must provide consent to the disclosure.

5.2 Confidentiality

5.2.1 The identity of any Athlete or other Person who is asserted to have committed an anti-doping rule violation may only be Publicly Disclosed by ASADA or NTIS after consultation with ASADA, in accordance with the Code, the ASADA Act 2006, the NAD scheme and the terms of the Confidentiality Undertaking signed between ASADA and NTIS.

5.2.2 ASADA or NTIS, or any official of either, will not publicly comment on the specific facts of a pending case (as opposed to general description of process and science) except in response to public comments attributed to the Athlete, other Person or their representatives.

5.3 Public disclosure

5.3.1 No later than twenty (20) days after it has been determined in a hearing that an anti-doping rule violation has occurred and the time to appeal such decision has expired, or such hearing has been waived and the time to appeal the decision has expired, or the assertion of an anti-doping rule violation has not been challenged in a timely fashion, ASADA must Publicly Disclose at least: the disposition of the anti-doping matter including the sport, the anti-doping rule violated, the name of the Athlete or other Person committing the violation, the Prohibited Substance or Prohibited Method involved and the Consequences imposed. ASADA must also Publicly Disclose within twenty (20) days appeal decisions concerning anti-doping rule violations. ASADA will also, within the time period for publication, send all hearing and appeal decisions to WADA. NTIS may also elect to make a public statement in relation to the matter, following consultation with ASADA.

5.3.2 In any case where it is determined, after a hearing or appeal, that the Athlete or other Person did not commit an anti-doping rule violation, the decision may be Publicly Disclosed only with the consent of the Athlete or other Person who is the subject of the decision. ASADA will use reasonable efforts to obtain such consent, and if consent is obtained, will Publicly Disclose the decision in its entirety or in such redacted form as the Athlete or other Person may approve.

ARTICLE 6 - MUTUAL RECOGNITION

6.1 Subject to any right to appeal provided in, relevant anti-doping policies, the Testing, TUEs and hearing results or other final adjudications of any Signatory to the Code which are consistent with the Code and are within that Signatory's authority, shall be recognised and respected by NTIS.

6.2 NTIS may recognise the same determinations of other bodies which have not accepted the Code if the rules of those bodies are otherwise consistent with the Code. On being advised of such determination, NTIS shall take all necessary action to render the determination effective.

ARTICLE 7 - SANCTIONS

7.1 In accordance with Article 6 above, NTIS will, in particular, recognise and enforce sanctions imposed on NTIS Athletes and Athlete Support Personnel by a relevant NSO.

7.2 NTIS may require any Person who has committed an anti-doping rule violation and who is bound by this Policy to:

7.2.1 repay all funding and grants received from NTIS subsequent to the occurrence of the anti-doping rule violation; and/or

7.2.2 return all awards or other recognition received from NTIS.

7.3 In addition NTIS may require any Person, including a NTIS 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.

7.4 Where an employee of NTIS has committed an anti-doping rule violation, NTIS will take disciplinary action against the employee in accordance with the applicable conditions of employment.

7.5 NTIS shall ensure that contracts allow that, where a contractor or provider of NTIS has committed an anti-doping rule violation, the contract between that contractor or provider and NTIS may be terminated.

7.6 NTIS 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.

ARTICLE 8 - AMENDMENT AND INTERPRETATION OF ANTI-DOPING POLICY

8.1 This Policy may be amended from time to time by NTIS subject to ASADA approval. A copy of the amended Policy must be provided to ASADA.

8.2 This Policy has been adopted pursuant to the applicable provisions of the Code and shall be interpreted in a manner that is consistent with applicable provisions of the Code.

8.3 Words in the singular include the plural and vice versa.

8.4 A Person includes a body corporate.

8.5 Words not defined in this policy have the meaning ascribed to them in the Code unless a contrary meaning appears from the context.

8.6 Reference to "including" and similar words are not words of limitation.

8.7 Minor irregularities in the application of this Policy which cannot be 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 WADA-approved entity that, consistent with the International Standard for Laboratories and related Technical Documents, identifies in a Sample 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, other Major Event Organisations that conduct Testing at their Events, WADA, International Federations, and National Anti-Doping Organisations.

Athlete means any Person who participates in sport at the international level (as defined by each International Federation), the national level (as defined by each National Anti-Doping Organisation, including but not limited to those Persons in its Registered Testing Pool), and any other competitor in sport who is otherwise subject to the jurisdiction of any Signatory or other sports organisation accepting the Code. All provisions of the Code, including, for example, Testing and TUEs, must be applied to international- and national-level competitors. For the purposes of this Policy, 'Athlete' includes any participant in sporting activity who is a Member of a relevant NSO, or a Member organisation of a relevant NSO, and meets the definition of Athlete under the Code and/or the NAD scheme as in force from time to time.

Athlete Support Personnel means any coach, trainer, manager, agent, team staff, official, medical or para-medical personnel, parent or any other Person working with, treating or assisting an Athlete participating in or preparing for sports Competition.

ASADA means, where the context requires based on the functions, powers and responsibilities conferred under the ASADA Act:

- (a) the CEO of ASADA appointed under the ASADA Act;
- (b) Australian Sports Anti-Doping Authority established under the ASADA Act; or
- (c) The Anti Doping Rule Violation Panel (ADRVP) established under the ASADA Act.

ASADA Act means the Australian Sports Anti-Doping Authority Act 2006 as amended from time to time, and includes the ASADA Regulations and any statutory or subordinate legislative instrument that replaces or supersedes the Australian Sports Ant-Doping Authority Act 2006 and/or Regulations from time to time.

ASADA Regulations means the Australian Sports Anti-Doping Authority Regulations 2006, as amended from time to time (and which includes, for the avoidance of doubt, the NAD Scheme promulgated by those regulations).

ASC means the Australian Sports Commission, an Australian Government body established under the Australian Sports Commission Act 1989 (Cth), and includes the Australian Institute of Sport.

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

Code means the World Anti-Doping Code adopted by the Foundation Board of WADA on 17 November 2007 at Madrid; or if the Code has been amended, the Code as so amended.

Competition means a single race, match, game or singular athletic contest. For example, a basketball game or the finals of the Olympic 100-metre race in athletics. 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 17; 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 15 (Right to a Fair Hearing).

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 all steps and processes from test distribution planning through to ultimate disposition of any appeal including all steps and processes in between such as provision of whereabouts information, Sample collection and handling, laboratory analysis, TUEs, results management and hearings.

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).

In-Competition means, unless provided otherwise in the rules of an International Federation or other relevant Anti-Doping Organisation, the period commencing twelve hours before a Competition in which the Athlete is scheduled to participate through the end of such Competition and the Sample collection process related to such Competition.

International Event means an Event where the International Olympic Committee, the International Paralympic Committee, an International Federation, a Major Event Organisation, or another international sport organisation is the ruling body for the Event or appoints the technical officials for the Event.

International Federation (IF) means an International Federation recognised by the International Olympic Committee 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 as updated from time to time. 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. International Standards shall include any Technical Documents issued pursuant to the International Standard.

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.

Marker means a compound, group of compounds or biological parameter(s) that indicates the Use of a Prohibited Substance or Prohibited Method.

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.

Metabolite means any substance produced by a biotransformation process.

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. This includes an entity which may be designated by multiple countries to serve as regional Anti-Doping Organisation for such countries. 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. In Australia, the NADO as designated by the Australian Government is ASADA.

National Anti-Doping (NAD) scheme means the NAD scheme as defined under the ASADA Act 2006 as amended from time to time.

National Olympic Committee (NOC) means the organisation recognised by the International Olympic Committee. The term National Olympic Committee shall also include the National Sport Confederation in those countries where the National Sport Confederation assumes typical National Olympic Committee responsibilities in the anti-doping area.

National Paralympic Committee (NPC). Means the organisation recognised by the International Paralympic Committee. The term National Paralympic Committee shall also include the National Sport Confederation in those countries where the National Sport Confederation assumes typical National Paralympic Committee responsibilities in the anti-doping area.

National Sporting Organisation (NSO) means a national or regional entity which is a Member of or is recognised by an International Federation as the entity governing that International Federation's sport in

that nation or region, or a body recognised by the ASC as a National Sporting Organisation, and includes a National Sporting Organisation for the Disabled.

NTIS. means the Northern Territory Institute of Sport, a branch of the division of Sport and Recreation within the Department of Natural Resources, Environment, the Arts and Sport.

Out-of-Competition means any Doping Control which is not In-Competition.

Person means a natural Person or an organisation or other entity.

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 as updated from time to time.

Prohibited Method means any method so described on the Prohibited List.

Prohibited Substance means any substance so described on the Prohibited List.

Provisional Suspension see Consequences of Anti-Doping Violations above.

Publicly Disclose or Publicly Report means to disseminate or distribute information to the general public or Persons beyond those Persons entitled to earlier notification in accordance with Article 14 of the Code.

Sample or Specimen means any biological material collected for the purposes of Doping Control.

Signatories means those entities signing the Code and agreeing to comply with the Code, including the International Olympic Committee, International Federations, International Paralympic Committee, National Olympic Committees, National Paralympic Committees, Major Event Organisations, National Anti-Doping Organisations, and WADA.

SIS/SAS means the state or territory institute or academy of sport, jointly or severally, as appropriate.

Sporting Administration Body has the same meaning as in the ASADA Act 2006.

Sporting Organisation has the same meaning as in the ASADA Act 2006.

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

Tribunal means a 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 in order to: determine whether an anti-doping rule violation has occurred; 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. 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.

TUE means Therapeutic Use Exemption, granted in accordance with the International Standard for Therapeutic Use Exemptions.

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

WADA means the World Anti-Doping Agency.