



Illicit Drugs Policy

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Illicit Drugs Policy

IMPORTANT POINTS

- Swimming Australia is committed to the health, safety and wellbeing of Relevant Persons and to providing a safe and clean environment for Relevant Persons in the sport of swimming.
- The use of illicit drugs is both harmful to health and hinders performance. Such use also brings Relevant Persons, Swimming Australia and the sport of swimming into disrepute and sets a poor example for members of the community who view Swimmers as role models.
- This Policy addresses and deters the use of Illicit Drugs Out-of-Competition and aims to reduce the harm caused by Illicit Drugs to individuals, families and stakeholders of Swimming Australia and the broader community.

1. INTRODUCTION

- (a) Swimming Australia has adopted and implemented an Anti-Doping Policy and rules that conform with the rules established by the World Anti-Doping Agency (**WADA**), the International Olympic Committee, Fédération Internationale de Natation (**FINA**) and Sport Integrity Australia. Swimming Australia's Anti-Doping Policy is available on its website (www.swimming.org.au).
- (b) The WADA Prohibited List includes Illicit Drugs which are prohibited In-Competition. This Illicit Drugs Policy differs from the Swimming Australia Anti-Doping Policy in that it addresses the Out-of-Competition use of Illicit Drugs. If there is any inconsistency between this Illicit Drugs Policy and the Swimming Australia Anti-Doping Policy, the Swimming Australia Anti-Doping Policy will prevail to the extent of that inconsistency.
- (c) This Policy does not replace or in any way amend or affect the Swimming Australia Anti-Doping Policy or any of WADA's requirements under that policy.

2. PURPOSE

- (a) The purpose of this Policy is to:
 - (i) address and deter Out-of-Competition use of illicit drugs by Swimmers; and
 - (ii) reduce the harm caused to individuals, families and stakeholders of Swimming Australia as a result of illicit drugs.
- (b) Swimming Australia is committed to deterring the use of illicit drugs in sport through tailored programs for:
 - (i) the prevention of illicit drug use in swimming through education programs targeted at Swimmers, coaches and administrators;
 - (ii) harnessing the power of positive sporting role models (Swimmer ambassadors) to help deliver education and prevention initiatives; and
 - (iii) effective counselling for Swimmers using illicit drugs.

3. APPLICATION

- (a) This Policy applies to Relevant Persons at all times.

- (b) Drug Tests may only occur in accordance with this Policy.
- (c) This Policy is to be read together with each other policy referred to in the Team Member Agreement and the Swimmer Agreement.
- (d) This Policy forms part of the Team Member Agreement and the Swimmer Agreement. Any breach of this Policy by a Relevant Person who is a party to either agreement constitutes a breach of the applicable agreement.
- (e) This Policy may be updated by Swimming Australia from time to time, with the amended Policy effective on the date and time it is published.

4. OBLIGATIONS

- (a) **Relevant Persons** must:
 - (i) be knowledgeable of and comply with all rules applicable to them or the Swimmers whom they support (as applicable) under this Policy.
 - (ii) be aware of and keep up to date with what constitutes Prohibited Illicit Drugs;
 - (iii) use their influence to deter the use of illicit drugs and educate Swimmers about the harms associated with using illicit drugs;
 - (iv) comply with all reasonable requests by Swimming Australia to participate in educating the public about the dangers of illicit drugs and proactively participate, as required, in education programs promoted by Swimming Australia;
 - (v) act in a discreet and confidential manner in discharging their obligations under this Policy;
 - (vi) comply with all reasonable requests by Swimming Australia to participate in rehabilitation and counselling where appropriate;
 - (vii) comply with all reasonable requests and directions of the Integrity Officer to undertake a Drug Test;
 - (viii) not take steps to intentionally avoid participating in a Drug Test or to comply with this Policy;
 - (ix) not participate in a Competition with the presence of a Prohibited Illicit Drug in their body; and
 - (x) not consume or have any Prohibited Illicit Drug in their body when a Drug Test is conducted.
- (b) **Member Associations** must ensure the rules of the association bind all Relevant Persons under the jurisdiction of the Member to this Policy.
- (c) **Swimming Australia** will, in addition to complying with the above obligations of Relevant Persons:
 - (i) adopt, implement and comply with this Policy; and

- (ii) make reasonable efforts to make this Policy available to all Relevant Persons, including via the Swimming Australia website.

5. PERSONAL RESPONSIBILITY

- (a) Swimming Australia will use reasonable endeavours to inform Relevant Persons of any changes to the Prohibited Illicit Drug List.
- (b) Notwithstanding the above, it is the responsibility of each Relevant Person to:
 - (i) read and understand the contents of the Prohibited Illicit Drug List (as amended from time to time); and
 - (ii) keep abreast of any changes to the Prohibited Illicit Drug List.

6. DRUG TESTING

- (a) Swimming Australia may request that Relevant Persons undergo a Drug Test to monitor compliance with this Policy.
- (b) A Drug Test under this Policy may occur at any time at the discretion of Swimming Australia acting reasonably.
- (c) The process for conducting Drug Tests shall be determined by Swimming Australia from time to time in its discretion (acting reasonably).

7. PROHIBITED CONDUCT

This Policy is breached where:

- (a) a Relevant Person possesses, uses or administers any Prohibited Illicit Drug;
- (b) a Relevant Person engages in trafficking of any Prohibited Illicit Drug;
- (c) a Relevant Person fails to promptly disclose to the Integrity Officer that they have received an approach to engage in Prohibited Conduct under this Policy;
- (d) a Relevant Person fails to promptly disclose that they know or reasonably suspect that any current or former Relevant Person has engaged in Prohibited Conduct, or been approached to engage in Prohibited Conduct under this policy;
- (e) a Relevant Person is complicit in a breach of clauses 7(a) to 7(d); or
- (f) such other conduct which is, in Swimming Australia's reasonable opinion, contrary to the provisions of this Policy.

For the avoidance of doubt, clauses 7(a) and 7(b) do not prevent action being taken in accordance with Swimming Australia's Anti-Doping Policy in the first instance.

8. REPORTING

All instances of Prohibited Conduct under clause 7 should be reported to the Integrity Officer immediately, who will then following the investigation and disciplinary procedure (as applicable) set out in the Code of Conduct.

9. CONSEQUENCES

- (a) A Relevant Person who breaches this Policy may be responsible for any loss suffered by Swimming Australia or its Associated Parties.
- (b) If a breach of this Policy is substantiated, disciplinary action may result.
- (c) Breaches of this Policy will be dealt with in accordance with the disciplinary provisions under Swimming Australia's Team Member Code of Conduct.

10. DEFINITIONS

- (a) Capitalised terms not defined in this Policy have the same meaning as that given to them in the Team Member Agreement.
- (b) For the purpose of this Policy, the below definitions apply:

Associated Parties mean Swimming Australia Members, Sponsors, stakeholders and other parties associated with Swimming Australia.

Coach means any coach accredited with Swimming Australia.

Competition means any swimming competition held anywhere in the world, whether or not affiliated with a Governing Body, in which a Swimmer is a participant, or in which a Swimmer is registered or has been registered as a participant, and includes part of a Competition.

Department means the Commonwealth Department of Health (or such other name given to that department from time to time).

Drug Test means a test authorised by Swimming Australia to detect the presence of a Prohibited Illicit Drug in a Relevant Person's body, but does not include any test conducted under Swimming Australia's 'Anti-Doping Policy'.

Governing Body includes Swimming Australia, the Australian Paralympic Committee, the Fédération Internationale de Natation (**FINA**) and World Para Swimming.

Member means a member of Swimming Australia under clause 14 of the Swimming Australia constitution (as amended from time to time).

Member Association means and includes those entities recognised under clause 12.1 of the Swimming Australia constitution (as amended from time to time).

Illicit Drug means the substances set out in the Prohibited Illicit Drugs List.

In-Competition means the period commencing twelve hours before a Competition in which the Swimmer is scheduled to participate through to the end of such Competition.

Integrity Officer means the Head of Integrity and Risk (or their authorised delegate) who will be responsible for the supervision and administration of this Policy.

Out-of-Competition means any period which is not In-Competition.

Policy means this Illicit Drugs Policy as amended from time to time.

Prohibited Conduct means conduct of the kind set out in clause 7 of this Policy.

Prohibited Illicit Drugs means any illicit drug that is on the Prohibited Illicit Drug List.

Prohibited Illicit Drugs List means those substances which are considered illegal under legislation of the state or territory where usage occurs, as well as those listed in Schedule 1 of the *Criminal Code Regulations 2019* (Cth) (as amended from time to time) and any additional substance which is listed in the "List of Prohibited Illicit Drugs" published on the Swimming Australia website identifying the illicit drugs prohibited under this Policy.

Relevant Persons mean:

- (i) Swimmers;
- (ii) Team Members;
- (iii) Technical Officials; and
- (iv) Coaches.

Sponsor means a sponsor of Swimming Australia, whether the sponsorship is cash or contra or a combination of both.

Swimmer means an individual who has signed, or is required to sign, a Swimmer Agreement with Swimming Australia.

Team Member means an individual who has signed, or is required to sign, a Team Member Agreement including but not limited to the team manager, team doctors, physiotherapists, sports scientists and dietitians.

Technical Official means an official registered with Swimming Australia.