

Approved Date: 18 February 2023

1. Position Statement

- (A) Motorsport Australia believes that the presence of alcohol in individuals whilst participating in motor sport is unsafe. Therefore, Motorsport Australia is committed to fulfilling its duty of care to protect the safety of all motor sport Participants and spectators by implementing measures that will reduce the risk of injury.
- (B) This Policy outlines Motorsport Australia's right to conduct Testing on Participants for the presence of alcohol during Events, as well as outlining the consequences to Participants if alcohol is detected above a specified level. Motorsport Australia may also choose to conduct Testing at times other than during an Event if it believes alcohol impairment would increase the risk of harm to individuals, for instance during preparation for an Event.
- (C) Any Participant whose Confirmation Test results in a Positive Reading will be excluded from an Event as described in clause 6 of this Policy. Further penalties may also be imposed as permitted by the NCR.
- (D) Motorsport Australia may also initiate and direct other forms of testing (such as illicit drug screening or anti-doping testing) separately or in conjunction with alcohol testing to further protect the safety and integrity of motor sport.

2. Interpretation and Definitions

2.1 Interpretation and NCR

The rules of interpretation stated in the NCR will apply to this Policy unless stated otherwise.

2.2 Definitions

In this Policy and unless stated otherwise, capitalised terms have the meaning stated in the NCR and below:

- (a) **Breathalyser** means a device used to conduct Testing by means of a breath sample;
- (b) **CATO** means a Motorsport Australia Certified and Accredited Testing Official. For the purposes of this Policy, Police and Drug Testing Representatives will be considered to be a CATO;
- (c) **Confirmation Test** means a Participant's second Test, performed by a CATO following a Screening Test;
- (d) **Crew** means any individual or team member, regardless of whether they hold any Motorsport Australia licence or not, who is assisting or associated with a competitor, driver, co-driver or navigator;
- (e) **Drug Testing Representative** has the meaning given to the term in the Motorsport Australia Illicit Drugs in Sport (Safety Testing) Policy;

- (f) **Event** may include one or more competitions, which may comprise practice and qualifying sessions, heat/s and a final or may be divided in some similar manner, but must be completed by the end of the meeting. An event is considered to have begun as from the time scheduled for the beginning of the administrative checking and/or scrutiny and shall include practice and the competition itself. It shall end upon the expiry of one or other of the following time limits, whichever is the later:
 - (i) time limit for protests or appeals or the end of any hearings; or
 - (ii) the end of administrative checking and post-event scrutiny carried out in accordance with the NCR;
- (g) **Motorsport Australia** means the Confederation of Australian Motor Sport Ltd. trading as Motorsport Australia;
- (h) **NCR** means the 'National Competition Rules' as published by Motorsport Australia and as amended from time to time;
- (i) **Negative Reading** means a reading that is less than or equal to "0.010" as displayed on a Breathalyser;
- (j) **Participant** means anyone who participates in an Event, including any of the following:
 - (i) Competitors, drivers, co-drivers, entrants and navigators;
 - (ii) Officials;
 - (iii) Competitor or team members including Crew;
 - (iv) Motorsport Australia staff and contractors;
 - (v) Contractors engaged by a third party to attend a Motorsport Australia permitted event;
 - (vi) Any individual(s) who has agreed to be bound by this Policy; and
 - (vii) Any individual(s) who is advised in writing, by Motorsport Australia, that they may be subjected to Testing for a specified period;
- (k) **Police** means any police officer that is trained to conduct Testing for any State or Territory police force;
- (l) **Policy** means this 'Alcohol Policy' published by Motorsport Australia and as may be amended from time to time;
- (m) **Positive Reading** means a reading greater than "0.010" as displayed on a Breathalyser;
- (n) **Screening Test** means a Participant's first Test, performed by a CATO;
- (o) **SIA** means Sport Integrity Australia or its successor or replacement;
- (p) **Target Testing** means the selection of Participants, for Testing, where the Participant is selected on a non-random basis;

- (q) **Testing** means the process of collecting and analysing bodily samples to detect alcohol in a Participant;
- (r) **Testing Procedure** means the Motorsport Australia Breath Alcohol Testing Standard Operating Procedure published by Motorsport Australia and as may be amended from time to time.

3. Application and Scope of Policy

3.1 Application

This Policy is made by Motorsport Australia and is binding on all Participants. It may be amended from time to time by Motorsport Australia.

3.2 Scope

By virtue of their ongoing membership, holding of a Motorsport Australia licence, participating in an Event, employment or other contractual relationship with Motorsport Australia, Participants are automatically bound by this Policy and required to comply with all of its provisions.

3.3 Delegation

Motorsport Australia may, in its sole discretion, delegate any or all of its powers under this Policy, including but not limited to the power to adopt, apply and monitor this Policy.

4. Obligations

4.1 Participants

All Participants:

- (a) will be deemed to be knowledgeable of, and comply with, all rules applicable to them under this Policy;
- (b) must
 - (i) immediately refer all known instances of possible breaches of this Policy to Motorsport Australia; and.
 - (ii) submit to Testing, in accordance with clause 5 of this Policy;
 - (iii) comply with all reasonable requests and directions of a CATO, or person delegated authority by Motorsport Australia to enforce this Policy;
 - (iv) not intentionally take steps to avoid Testing;
 - (v) not participate in an Event with the presence of alcohol in their body; and
 - (vi) not consume alcohol in the paddock, pits, event headquarters or any section of the competition venue under the control of the Officials, until all competition (and official duties in the case of Officials) is concluded for each day of the Event.

4.2 Motorsport Australia

Motorsport Australia will:

- (a) make reasonable efforts to make this Policy available to all Participants including via the Motorsport Australia website; and
- (b) appoint a suitable individual (such as an employee, consultant, volunteer or office bearer) to administer and communicate this Policy.

5. Testing

5.1 Authority to Test

Pursuant to this Policy, Motorsport Australia may subject:

- (a) any Participant to Testing, either at random or as Targeted Testing, at any time during an Event or whilst performing an official function relating to an Event.; and
- (b) any individual to Testing for a specified period, subject to Motorsport Australia advising them in writing of its intention to do so. A Participant may volunteer to undergo Testing, however, the granting of such a request is subject to the CATO's resourcing capabilities;
- (c) any Participant under 18 years to Testing, however parent/guardian consent and supervision is required. Parent/guardian refusal will be deemed a breach of this Policy (as per clause 6.1(b)) and the Participant will be subject to penalties as per clause 6.2 and 6.3;
- (d) any Motorsport Australia Events to testing at any time.

5.2 Initiating and conducting Testing

- (a) Testing may be initiated by:
 - (i) a Promoter or Organiser of an Event; or
 - (ii) Motorsport Australia.
- (b) In the event that Motorsport Australia initiates Testing at an Event, it may, at its sole discretion, liaise with the Organiser/Promoter and/or senior Officials prior to the Event.
- (c) All Testing will be conducted in accordance with the Testing Procedure as amended from time to time. Minor irregularities in the application of this Policy or the Testing Procedure will not affect any findings of Positive Readings.
- (d) Testing will be carried out by a CATO or other suitable individual (such as an employee, consultant, volunteer or office bearer) as appointed by Motorsport Australia.

5.3 Screening Test and Confirmation Test

- (a) Testing will comprise a Screening Test and, if required, a Confirmation Test.

- (b) Any Participant whose Screening Test results in a Positive Reading must submit to a Confirmation Test.

6. Breach of this Policy

6.1 Positive Reading and non-compliance with Testing

- (a) Any Participant whose Confirmation Test results in a Positive Reading will be disqualified from that day of the Event.
- (b) Any Participant who refuses to submit to Testing, or to comply with any reasonable request by a CATO will be disqualified from that day of the Event. This will also be treated as a confirmed Positive Reading.
- (c) For Events which consist of multiple days of practice or competition, any Participant to which clause 6.1(a) or (b) applies may resume their participation in the Event no sooner than the next day at the sole discretion of Motorsport Australia.
- (d) Motorsport Australia may report details of breaches of this Policy to SIA and/or the FIA if required.
- (e) Further penalties for a breach of this Policy may be imposed in accordance with the NCR.

6.2 Penalties

- (a) On the first occasion that a Participant returns a Positive Reading following a Confirmation Test, or to which clause 6.1 applies, that Participant will:
 - (i) be disqualified from that particular day of Event; and
 - (ii) issued an official warning letter, noting the Participant's first official breach of this Policy.
- (b) On the second occasion a Participant returns a Positive Reading following a Confirmation Test, or to which clause 6.1 applies, that Participant will:
 - (i) be excluded from participating at any Events for a period of six (6) months; and
 - (ii) issued a letter noting the Participant's second official breach of this Policy.
- (c) On the third occasion a Participant returns a Positive Reading following a Confirmation Test, or to which clause 6.1 applies, that Participant will
 - (i) be excluded from participating at any Events for a period of two (2) years; and
 - (ii) not be permitted to participate at any further Events until successfully completing a recognised alcohol counselling program as specified by Motorsport Australia at the Participant's own cost.

6.3 Penalties under the NCRs

In addition to the Penalties described in clause 6.2:

- (a) One or more penalties may be imposed upon any Participant who has, or is deemed to have, breached this Policy in accordance with the NCRs; and
- (b) Motorsport Australia may inform the FIA, SIA or any other relevant entities of the details of a breach of this Policy. Such disclosures may lead to further consequences enforced by those entities; and
- (c) Motorsport Australia must publish the details of any breach of this Policy.

6.4 Liability of Motorsport Australia

Motorsport Australia and its related entities, is not liable for any claim for loss or damage by a Participant as a result of any action or inaction by Motorsport Australia under this Policy, including but not limited to where a Participant is prevented, by this Policy, from being able to participate in any motor sport activity.

7. Amendment and Interpretation

- (a) This Policy may be amended from time to time by Motorsport Australia, subject to approval from the Motorsport Australia Board.
- (b) Words in the singular include the plural and vice versa.
- (c) References to ‘including’ and similar words are not words of limitation.
- (d) A ‘Participant’ may include a body corporate.
- (e) This Policy will apply from date approved by the Motorsport Australia Board.

8. General

The Policy Manager is the Motorsport Australia Integrity Officer to whom any questions in relation to this Policy should be directed.

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