

Approved Date: 18 February 2023

## 1. Position Statement

- (a) Motorsport Australia believes that the use of Banned Drugs in motorsport is unsafe and sets a poor example for other members of the community who view Participants as role models. This Policy outlines Motorsport Australia's rights to test for Banned Drugs, as well as outlining the consequences if they are detected in a Participant.
- (b) Any Participant whose Screen reading shows the potential presence of a Banned Drug is likely to be prevented from participating in one or more Events until further Laboratory Testing is performed. Further penalties may also apply following the results of a Laboratory Test.
- (c) Motorsport Australia has adopted and implemented rules which conform to the World Anti-Doping Agency (WADA) Code. This Policy and the associated Safety Testing do not replace or in any way amend or affect the Australian National Anti-Doping Policy or any of WADA's requirements under that policy.

## 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) **Banned Drug** means any drug on the Banned Drug List;
- (b) **Banned Drug List** means the list of Banned Drugs which is made available on the Motorsport Australia website and as amended from time to time;
- (c) **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 or navigator,
- (d) **Drug Screen** means the collection and Screen of a Participant's Sample at an Event or another time specified by Motorsport Australia;
- (e) **Drug Testing Representative** means the individual or entity appointed by Motorsport Australia to conduct Safety Testing at an Event or another time specified by Motorsport Australia;
- (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 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) end of administrative checking and post-event scrutiny carried out in accordance with the NCR;
- (g) **FIA** means the Federation Internationale de l'Automobile;
- (h) **Laboratory Test** means an analysis conducted on a Sample in a suitable laboratory to confirm or deny the presence of a Banned Drug in a Sample;
- (i) **Medical Exemption** means an exemption granted by Motorsport Australia for the legitimate use of a medication which contains a Banned Drug;
- (j) **Motorsport Australia** means the Confederation of Australian Motor Sport Ltd. trading as Motorsport Australia;
- (k) **Motorsport Australia Safety Testing Procedure** means the procedure for Safety Testing published by Motorsport Australia and as may be amended from time to time;
- (l) **NCR** means the 'National Competition Rules' as published by Motorsport Australia and as amended from time to time;
- (m) **Negative** means that a Banned Drug has not been detected in a Participant's Sample;
- (n) **Non-Negative** means that the likely presence of a Banned Drug has been detected in a Screen;
- (o) **Official** means officials at an Event which includes, without limitation, stewards of Events, race directors, technical commissioners and any other official licensed by Motorsport Australia;
- (p) **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;

- (q) **Policy** means this 'MOTORSPORT Australia Illicit Drugs in Sport (Safety Testing) Policy' as amended from time to time;
- (r) **Policy Officer** means any MOTORSPORT Australia-appointed person that is responsible for the supervision and administration of this Policy;
- (s) **Positive** means that a Banned Drug has been reported, by a suitable laboratory, as being present in a Participant's Sample following a Laboratory Test;
- (t) **Promoter and/or Organiser** means:
  - (i) Except where the Promoter is also the Organiser, the Promoter of an Event will be a person or body with responsibility for financial and commercial matters only. A Promoter who is not also the Organiser will not intervene during a meeting in respect of matters covered by the NCR;
  - (ii) The Organiser is the person or body having responsibility for the organisation of a meeting including but not limited to technical and sporting matters in accordance with the NCR;
- (u) **Safety Test** means a test authorised by MOTORSPORT Australia to detect the presence of a Banned Drug in a Participant's body. For the avoidance of doubt, a Safety Test includes but is not limited to the obtaining of a Sample;
- (v) **Sample** means a bodily substance collected for the purposes of Safety Testing. A substance may include but not be limited to urine, saliva, blood or hair;
- (w) **Screen** means a type of analysis which is intended to detect the potential presence of a Banned Drug in a Sample;
- (x) **SIA** means Sport Integrity Australia or its successor or replacement;
- (y) **Target Testing** means the selection of Participants for Safety Testing where Participants are selected on a non-random basis.

### 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) read and understand the Banned Drug List as applicable to them and keep up to date with any amendments made to that list from time to time;
  - (ii) immediately refer all known instances of possible breaches of this Policy to Motorsport Australia;
  - (iii) submit to Safety Testing, in accordance with clause 5 for the presence of Banned Drugs;
  - (iv) comply with all reasonable requests and directions of a Drug Testing Representative and/or the Policy Officer;
  - (v) not take steps to intentionally avoid participating in a Safety Test or to comply with this Policy;
  - (vi) not participate in an Event with the presence of a Banned Drug in their body; and
  - (vii) not consume or have a Banned Drug in their body when a Safety Test is conducted.

### 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;
- (b) appoint a suitable individual (such as an employee, consultant, volunteer or office bearer) to the position of Policy Officer (or other appropriately named position) to administer and communicate this Policy; and
- (c) take reasonable steps to develop and implement appropriate education and prevention programs and initiatives for motor sport consistent with the Illicit Drugs in Sport – National Education and Action Plan.

## 5. Testing

### 5.1 Authority to Test

- (a) Any Participant may be subjected to a Safety Test, either at random or as Target Testing, at any time during an Event or whilst performing an official function relating to an Event.

- (b) A Participant may volunteer to undergo a Safety Test, however, the granting of such a request is subject to Motorsport Australia's and/or the Drug Testing Representative's resourcing capabilities.
- (c) Without limiting this clause 5.1, all Participants also agree to submit to Target Testing as determined by Motorsport Australia or a Drug Testing Representative.
- (d) Any Participant under 18 years of age may be subjected to a Safety Test, however parent/guardian consent is required. Parent/guardian refusal will be deemed a breach of this Policy (as per clause 6.1) and the Participant will be subject to penalties (as per clause 6.2).
- (e) If a Participant has been notified for doping control by SIA or another anti-doping organisation to occur at the same time as the proposed Safety Testing, the anti-doping organisation's requirements take precedence.
- (f) A Promoter and/or Event Organiser may instigate Safety Testing at their Event. All Safety Testing requires approval by Motorsport Australia, except in exceptional circumstances where a Drug Testing Representative is contracted throughout the course of an Event. This may be done through the Stewards of the Meeting, Clerk of Course or Secretary of the Meeting.
- (g) Any Safety Testing organised independently of Motorsport Australia will be the financial responsibility of the Promoter and/or Event Organiser and results must be immediately communicated to Motorsport Australia.
- (h) Motorsport Australia maintains responsibility for results management of any Safety Testing conducted under this clause.
- (i) Safety Testing will be conducted in accordance with the Motorsport Australia Safety Testing Procedure as amended from time to time. Minor irregularities in the application of this Policy or the Motorsport Australia Safety Testing Procedure and testing of a Sample will not affect any findings of Positive or Non-Negative which may be reached in relation to a Sample.

## 5.2 Drug Screen

- (a) In the event that a Drug Screen returns a Negative reading, the Drug Testing Representative will complete the remaining collection process.
- (b) In the event that a Drug Screen returns a Non-Negative reading:
  - (i) and the Participant admits to taking an illicit substance/abusing legal medication. The Participant is disqualified from the Event and will provide an additional Sample as required in 5.2(b)(iii);
  - (ii) and the Participant disputes the result, and only if the initial Sample collected was oral fluid, the Participant may request a urine Drug Screen:
    - (A) If the urine Sample returns a Non-Negative reading, the Participant will be disqualified from the Event and will provide an additional Sample as required in 5.2(b)(iii);

- (B) If the urine Sample returns a Negative reading, the Participant is permitted to resume in the Event;
  - (iii) the Participant will, as directed by the Drug Testing Representative, provide an additional Sample which is to be transported to a suitable laboratory for a Laboratory Test; and
  - (iv) the Participant will be excluded from participating in any Event unless the Policy Officer is, in their absolute and unfettered discretion and without any obligation to consult with the Participant, satisfied beyond all reasonable doubt that it is safe for a Participant to continue to participate at any Event. The decision of the Policy Officer under this clause 5.2 is final and binding.
- (c) The Participant must remain in the Sample collection area until advised by the Drug Testing Representative that the Sample collection process is complete.
  - (d) Any appeal or challenge made by a Participant, arising from a decision made by a Policy Officer pursuant to this clause 5.2 will not entitle the Participant to participate in an Event if they have been disqualified.

### **5.3 Laboratory Test**

- (a) A suitable laboratory will conduct a Laboratory Test on the Sample to confirm the apparent presence and concentration level of a Banned Drug.
- (b) In the event that a laboratory reports the presence and concentration level of a Banned Drug that is consistent with use for a legitimate medical purpose which was declared by the Participant prior to testing, such as the use of 'over the counter' medications, Motorsport Australia may choose to not issue the Participant with a breach notice.
- (c) In the event that the result of the Laboratory Test is Negative, the Participant may continue to participate in Events.

## **6. Breach of this Policy**

### **6.1 Penalties**

Subject to clause 7.1, on the:

- (a) first occasion that a Participant tests Positive for a Banned Drug, that Participant will not be permitted to participate at any further Events until successfully completing a recognised drug counselling program as specified by Motorsport Australia at the Participant's cost;
- (b) second occasion a Participant tests Positive for a Banned Drug, that Participant will:
  - (i) be excluded from participating at any further Events for a period of twelve (12) months;

- (ii) not be permitted to participate at any further Events until successfully completing a recognised drug counselling program as specified by Motorsport Australia at the Participant's cost; and
  - (iii) be fined an amount of \$500.00, with that amount being payable to Motorsport Australia before being permitted to participate in any further Events;
- (c) third occasion a Participant tests Positive for a Banned Drug, that Participant will:
  - (i) be excluded from participating at any further Events for a period of two (2) years;
  - (ii) not be permitted to participate at any further Events until successfully completing a recognised drug counselling program as specified by Motorsport Australia at the Participant's cost; and
  - (iii) be fined an amount of \$1,000.00, with that amount being payable to Motorsport Australia before being permitted to participate in any further Events.

## **6.2 Non-compliance with Safety Testing**

Any Participant who refuses to submit to Safety Testing, or to comply with any reasonable request by a Policy Officer will be disqualified from that Event. This will also be treated as a confirmed Positive Result.

## **6.3 Penalties under the NCRs**

In addition to the Penalties described in clause 6.1:

- (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 Target Testing**

Following a breach of this Policy, a Participant may be subject to Target Testing at future Events or another suitable time as specified by Motorsport Australia.

## **6.5 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. Medical Exemptions

### 7.1 Medical Exemptions and Banned Drug thresholds

For the purposes of this Policy, a Participant will not be in breach of this Policy where a laboratory reports that the Participant's Sample contains a Banned Drug and the presence and concentration level of that Banned Drug is, in Motorsport Australia's sole opinion, present as the likely result of the Participant taking a medication which is:

- (a) the subject of a current Medical Exemption which has been approved by Motorsport Australia; or
- (b) consistent with an 'over the counter' medication which is reported to the Drug Testing Representative prior to a Sample being provided.

### 7.2 Obtaining a Medical Exemption

- (a) Any Participant with a medical condition requiring the use of a Banned Drug, or another medication (such as an 'over the counter' medication) which contains a Banned Drug, may request a Medical Exemption using the request form available on the Motorsport Australia website.
- (b) Motorsport Australia may approve or reject an application for a Medical Exemption. The Policy Officer will advise the Participant, in writing, of the outcome of the request.
- (c) A Medical Exemption will not be required where the Participant holds a current Therapeutic Use Exemption in accordance with the Australian National Anti-Doping Policy. In any such instance, the Participant must provide the Drug Testing Representative and/or the Policy Officer with evidence of the claimed Therapeutic Use Exemption upon request.
- (d) Participants must carry any approved Medical Exemption with them at each Event they participate in.

### 7.3 Further Assistance

Where a Participant suspects that a prescribed or 'over the counter' medication they are using contains a Banned Drug, that Participant should provide a copy of the Banned Drug List to their medical professional for clarification.

## 8. Results Management

### 8.1 Responsibility of results management

- (a) Motorsport Australia will coordinate the results management process under this Policy.
- (b) Motorsport Australia may, from time to time, amend the delegation of the results management process.



## 9. 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.

## 10. 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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