

Factsheet

This fact sheet outlines the changes to Sporting Bodies' Anti-Doping Policy as required for adoption in August 2020.

What are the changes, and what do they mean?

Name change

ASADA ceases to operate on 30 June 2020, with Sport Integrity Australia taking over as the Australian National Anti-Doping Organisation from 1 July 2020. This name change is reflected throughout the policy.

Sport Integrity Australia has been established to help protect sport against integrity threats beyond Anti-Doping, including the:

- manipulation of sporting competitions;
- use of drugs and doping methods in sport;
- abuse of children and other persons in a sporting environment; and
- failure to protect participants of sporting organisations from bullying, intimidation, discrimination or harassment.

Removal of the ADRVP

The previous Anti-Doping Rule Violation (ADRV) process was complex and included duplicate steps which could lead to delays in the final outcome.

To streamline the process, the Anti-Doping Rule Violation Panel (ADRVP) has been removed, and the Sport Integrity Australia CEO now has the responsibility to make an assertion on whether a possible ADRV has occurred. Individuals still have the ability to seek judicial review of a decision of the Sport Integrity Australia CEO and to apply to have their matter heard by the NST or sport specific tribunal.

The process is as follows:

1. Sport Integrity Australia CEO reviews evidence and determines if there has been a possible ADRV.
2. Individual is notified and invited to provide submission within 10 days.
3. Sport Integrity Australia CEO makes assertion of possible ADRV.
4. Individual, sporting body and international federation is notified of assertion.

5. Sport Integrity Australia CEO makes recommendation to sporting body regarding consequences/ sanction.
6. Individual may then accept or contest the infraction.

National Sports Tribunal

The National Sports Tribunal (NST) was established in March 2020 to provide an efficient, transparent, independent and cost-effective tribunal for the hearing and resolution of sporting disputes.

The updated Anti-Doping Policy specifies the NST as the hearing body for all anti-doping matters. Any appeal from a first-instance decision by the NST will be heard by the Appeals Division of the NST, with any further appeal to be heard by the appeals division of the Court of Arbitration for Sport (CAS).

Further information is available at <https://www.nationalsportstribunal.gov.au/>

Due to COVID-19, the NST is waiving most fees until 30 September 2020.

Lower Level Athlete

The category of Lower Level Athlete is being introduced for the purpose of enabling the Sport Integrity Australia CEO to have flexibility when dealing with some ADRV matters relating to individuals in this category.

A Lower Level Athlete is defined as being neither a National nor International level athlete.

For Lower-Level Athletes, the Sport Integrity Australia CEO will have discretion on whether to proceed with a matter in the first place, and, if an ADRV is proven, on what the sanction will be.

In cases where the Sport Integrity Australia CEO decides not to proceed, the sport may be able to deal with the matter under their Code of Conduct (or similar).

This flexibility relates only to anti-doping rule violations (ADRV) that are not associated with presence or testing, such as Trafficking or Possession of a prohibited substance or prohibited method.

However, if an athlete tests positive for a prohibited substance, evades a test or tampers with any part of doping control, the CEO has **no discretion** over the severity of the sanction, regardless of whether the athlete competes at the national level, or for their local club. This violation would incur the full consequences as described in the World Anti-Doping Code.

National Event

The definition of National-Level Athlete has been amended to provide for the exclusion of athletes who then fall into a category of Lower Level Athletes.

Sports have the opportunity to identify events that they consider National Events, i.e. events at which National and International Level Athletes compete. Only athletes who prepare for or participate in these events are considered National-Level Athletes. Any athlete who does not compete at these events, is not an International Level Athlete nor on the Registered or Domestic Testing Pool would be considered a Lower Level Athlete.

These events will be listed on the Sport Integrity Australia website, and used to assist in determining which athletes can be considered Lower-Level.

Any athlete who competes in an event listed on the Sport Integrity Australia website, **will not be classed as a Lower-Level Athlete**.