



*Table Tennis New South Wales Incorporated*

# **ANTI DOPING POLICY**

**VERSION 2**

**Approved by the Board 12<sup>th</sup> January 2008**

**Compiled without prejudice**

**Table Tennis New South Incorporated—Constitution - Clause 79.4 – Policies – Anti Doping Policy**  
**What is TTNSW’s Position on Doping ?**

1.1 TTNSW condemns the use of performance enhancing drugs and doping practices in sport. The use of performance enhancing drugs and doping practices is contrary to the ethics of sport and potentially harmful to the health of athletes.

The only legitimate use of drugs in sport is under the supervision of a physician for a clinically justified purpose.

1.2 TTNSW aims to stop doping practices in sport by:

- (a) imposing effective sanctions on persons who commit doping offences
- (b) educating and informing persons about drugs in sport issues, and
- (c) supporting the drug *testing* programs and education initiatives of ASDA and other drug *testing* authorities.

1.3 TTNSW will:

- (a) give ASDA timely and accurate athlete contact information
- (b) support and assist ASDA to conduct doping control
- (c) make this Policy available to persons to whom this Policy applies
- (d) follow and implement, in consultation with ASDA, the drug education and information programs for athletes, coaches, *officials* and medical and health practitioners, adopted by the ASC and
- (e) support the initiatives of *sporting organisations* and the IOC to stop doping offences in sport.

1.4 Athletes and other persons may be subject to investigation and disciplined under this Policy.

1.5 TTNSW will not disclose or use information about a person who is alleged to have, or has committed a doping offence except (for a purpose under this Policy) to:

- (a) a *sporting organisation* of which the person is a *member*
- (b) the AOC, or
- (c) another person until after:
  - (i) the Committee or the CAS has made a determination, or
  - (ii) the Board has decided not to refer the matter to a hearing.

**Who does this Policy Apply to?**

2 This Policy applies to:

- (a) TTNSW registered members & Life members
- (b) employees and officials of TTNSW
- (c) persons and bodies who receive financial or other assistance through the TTNSW, and
- (d) persons who have access to TTNSW facilities or services.

**What is a Doping Offence?**

3.1 A person commits a doping offence if:

- (a) a *prohibited substance* is present within the person’s body tissue or fluids unless:
  - (i) the person uses the *prohibited substance* for a *therapeutic purpose* (see clause 3.3), or
  - (ii) there are *exceptional circumstances* (see clause 3.4)
- (b) the person uses or takes advantage of a *prohibited method*

(c) the person refuses to provide a *sample* for *testing* when requested by a *drug testing authority*

(d) the person is knowingly involved in *trafficking*, or

(e) the person knowingly assists, or is knowingly involved in the commission of a doping offence by another person.

3.2 A doping offence is proved if a person admits to having committed the doping offence to another person.

### **Therapeutic Purpose**

3.3 A person uses a *prohibited substance* for a *therapeutic purpose* if:

(a) the person had written approval prior to *testing* from a *recognised medical authority* for the therapeutic use of the *prohibited substance*

(b) the level of the *prohibited substance* in the *sample* is consistent with the approved therapeutic use, and

(c) the therapeutic use of the *prohibited substance* is not inconsistent with rules of the relevant *IF*.

### **Exceptional Circumstances**

3.4 *Exceptional circumstances* exist if the presence of the *prohibited substance* is beyond the person's control. For example:

the person has a natural Testosterone : Epitestosterone ratio above 6:1, or

the person is administered the *prohibited substance* in hospital without their knowledge.

*Exceptional circumstances* do not exist merely because the person:

(a) took the *prohibited substance* inadvertently, or

(b) did not know that the *substance* was *prohibited*.

3.5 The onus of proof is on the person who claims that:

(a) they used a *prohibited substance* for a *therapeutic purpose*, or

(b) there are *exceptional circumstances*.

### **Investigation of a Doping Offence and Referral to Hearing**

4.1 Where TTNSW receives information that a person may have committed a doping offence, the Board will investigate the matter.

4.2 Subject to clause 4.3, the BOARD will refer the matter to a hearing under clause 4.7 if the Board:

(a) reasonably believes that a person may have committed a doping offence, or

(b) receives a notice from a *drug testing authority* of:

(i) a *positive test result* by the person, or

(ii) a refusal by the person to provide a *sample*, or

(c) considers that a sanction applied by a *sporting organisation or club/association* to a person who has committed a doping offence may not be appropriate (in this case the hearing will be on sanction only).

4.3 The Board may await the outcome of a hearing on behalf of a club/association before deciding whether to refer the matter to a hearing.

The Board may then decide not to refer the matter to a hearing.

4.4 The Board may decide not to refer the matter to a hearing if the person in writing:

- (a) acknowledges that they have committed the doping offence, and
- (b) waives the right to a hearing in relation to:
  - (i) whether the person committed a doping offence, and
  - (ii) what sanction will apply.

The Board MUST then report the incident to the *ASC who then* may then apply a sanction as set out in clause 6.1.

4.5 The Board will consult the club/association of which the person is known to be a registered *member* about their participation in any investigation and hearing.

The Board may

- (a) assist in any investigation or hearing on behalf of any of those clubs/associations, and
- (b) agree with one or more of those clubs/associations to refer the matter jointly to a hearing under clause 4.7.

4.6 If the Board decides to refer the matter to a hearing the Board will send the person a letter which:

- (a) sets out the nature and basic details of the alleged doping offence (where clauses 4.2(a) or (b) apply)
- (b) says that the Board considers the sanction applied by the club/association may not be appropriate (where clause 4.2(c) applies)
- (c) says that the Board will refer the matter to a hearing within 14 days (unless the person gives a written waiver under clause 4.4), and
- (d) encloses a copy of this Policy.

4.7 The Board will wait 14 days after sending a letter under clause 4.6 and then will:

- (a) request the *National Sports Dispute Centre* to appoint a Committee, or
- (b) appoint the *CAS* to conduct a hearing unless the person gives a written waiver under clause 4.4.

4.8 The Board may withdraw the referral to a hearing under clause 4.7 at any time until the hearing commences if the person gives a written waiver under clause 4.4.

4.9 The Board may suspend financial or other assistance to the person until the determination of the hearing.

4.10 The Committee or the *CAS* will determine:

- (a) whether the person has committed a doping offence, and if so
- (b) what sanction should apply, and
- (c) how long the sanction should apply.

4.11 Where the hearing is on sanction only, the Committee or the *CAS* will determine:

- (a) what sanction should apply, and

(b) how long the sanction should apply.

### **How are Hearings Conducted?**

5.1 A person alleged to have committed a doping offence has a right to a hearing unless the circumstances in clause 4.4 apply.

A person who has acknowledged that they have committed a doping offence may request a hearing on sanction only.

5.2 The CAS will conduct the hearing as set out in the Code of Sport-related Arbitration.

Where a Committee conducts the hearing, the Committee:

- (a) will conduct the hearing in the manner the Committee determines
- (b) will conduct the hearing:
  - (i) with as little formality and technicality, and
  - (ii) as quickly as proper consideration of the matter permits
- (c) may conduct the hearing by telephone or other conference facility
- (d) may examine and cross-examine witnesses
- (e) may appoint a legal representative or other person to assist it, and
- (f) may allow the person alleged to have committed a doping offence to:
  - (i) examine and cross-examine witnesses, and
  - (ii) be assisted by a legal representative or other person.

5.3 The Committee or the CAS will accept the result of a test conducted by a *drug testing authority*, unless:

- (a) the *drug testing authority* did not substantially comply with the applicable drug testing procedures, and
- (b) that non compliance casts significant doubt on the result.

The onus of proof is on the person who claims the Committee or the CAS should not accept the result.

5.4 The Committee or the CAS will give the Board a written statement of:

- (a) the findings of the hearing
- (b) what sanction, if any, should apply, and
- (c) how long the sanction, if any, should apply.

### **What Sanctions Apply?**

6.1 Where the Committee or the CAS determines that a person has committed a doping offence it will recommend one or more of the following sanctions.

The Committee or the CAS may recommend that the person:

- (a) be banned from selection to represent TTNSW
- (b) be made ineligible to receive direct or indirect assistance (including financial and non financial assistance) from
  - (i) the ASC/AIS, and/or
  - (ii) TTNSW, NSW Sport & Recreation or TTA
- (c) be banned from using the facilities and services of the TTNSW except for counselling purposes
- (d) remain on ASDA's register for the purpose of out-of-competition *testing*

- (e) have their *AIS* scholarship terminated
- (f) have their *AIS/ASC* awards withdrawn
- (g) be required to repay financial assistance given to the person from the date of the doping offence by:
  - (i) the *ASC/AIS*
  - (ii) the *AOC*, or
  - (iii) a TTNSW or TTA
  - (iv) NSW Sport & Recreation
- (h) be required to undergo counselling for a specified period
- (i) be reprimanded, and/or
- (j) have any other appropriate sanction applied to them.

6.2 Where the Committee or the CAS determines that an employee or contractor of TTNSW has committed a doping offence TTNSW will take disciplinary action against that person.

### **How Long do Sanctions Apply?**

7.1 Where the doping offence involves:

- anabolic androgenic steroids
- peptide glycoprotein hormones or analogues
- a *prohibited method*
- a refusal to provide a *sample*, or
- *trafficking*

sanctions under clauses 6.1(a), (b), (c) and (d) will apply for:

- (a) a minimum of two years for a first doping offence, and
- (b) life for a second doping offence.

7.2 In all other cases, sanctions under clauses 6.1(a), (b), (c) and (d) will apply for:

- (a) the period that would apply under the relevant *IF's* anti-doping policy, or
- (b) if the relevant *IF's* anti-doping policy does not specify a period for the doping offence:
  - (i) three months or less for a first doping offence
  - (ii) two years for a second doping offence, and
  - (iii) life for a third doping offence.

7.3 The Committee or the CAS may consult the *MAP* for assistance in interpreting a *positive test result*.

7.4 In an appropriate case the Committee or the CAS may vary the period in clauses 7.1 or 7.2 on the basis of the *MAP's* interpretation and/or recommendation.

7.5 A sanction will apply from the date of the doping offence unless the Committee or the CAS recommends otherwise.

7.6 A sanction will apply for a period equal to or longer than the period of a sanction applied by a *sporting organisation* for the doping offence unless the Committee or the CAS recommends otherwise.

### **How will TTNSW Enforce Sanctions?**

8.1 The Board will enforce the sanction recommended by the Committee or the CAS if the sanction is consistent with this Policy.

8.2 TTNSW may appeal under clause 10.1 if the Board believes the sanction is inconsistent with this

Policy.

8.3 Where a club/association has imposed a sanction on a person who has committed a doping offence TTNSW will:

- (a) recognise and enforce the sanction if it is consistent with the club/association's anti-doping policy approved by the TTNSW, or
- (b) refer the matter to a hearing under clause 4.2(c) under this Policy if the Board considers that the sanction may not be appropriate.

8.4 The Board will inform:

- (a) the person
- (b) any relevant *sporting organisation*
- (c) ASC
- (d) the Board of TTA,
- (e) NSW Sport & Recreation and
- (f) ASDA

of the sanction imposed.

The Board may inform other persons or organisations they think appropriate.

8.5 The Board may reinstate financial or other assistance to a person which the Board suspended under clause 4.9.

#### **Review of a Finding of a Doping Offence or a Sanction**

9.1 A person may make an application to the Board for review of a finding of a doping offence or a sanction where new and relevant information becomes available which was:

- (a) not considered by the Committee or the CAS at the hearing, and
- (b) not available to the person at the time of the hearing.

9.2 An application for review must be:

- (a) in writing, and
- (b) set out the new and relevant information.

9.3 The Board will consider the application and may refer the matter to the Committee or the CAS to:

- (a) review a finding that the person committed a doping offence, and
- (b) decide whether to reduce or withdraw the sanction.

9.4 The sanction will remain in force during the review unless the Committee or the CAS decides otherwise.

9.5 The Board will inform:

- (a) the person
- (b) any relevant *sporting organisation*,
- (c) the Board of TTA
- (d) ASC
- (e) ASDA, and
- (f) any person or organisation informed of the original determination under clause 8.4

of any change to the original determination as a result of the review.

The Board may inform other persons or organisations as the Board thinks appropriate.

9.6 A sanction imposed by a club/association will not be reviewed by the TTNSW under this clause.

9.7 TTNSW will recognise the decision of a club/association on review or appeal about a doping offence or sanction, unless the Board decides otherwise.

The Board may:

- (a) review
- (b) vary
- (c) reduce, or
- (d) withdraw

a TTNSW sanction following the review or appeal of the club/association's decision.

#### **How can a Person Appeal a Decision?**

10.1 A person (including TTNSW) aggrieved by a decision under this Policy may appeal to the CAS Appeals Division.

10.2 The CAS Appeals Decision will rehear the matters appealed against according to the Code of Sports-related Arbitration.

10.3 A party to the appeal may:

- (a) appear in person (a body corporate may be represented by any of its officers), or
- (b) be represented by a legal or other representative.

10.4 The decision of CAS Appeals Division will be final and binding on the parties to the appeal. No person (including the ASC) may institute or maintain proceedings in relation to the appeal in any court or tribunal other than the CAS Appeals Division.

10.5 The sanction will remain in force during the appeal unless the CAS Appeals Division decides otherwise.

#### **What do Words used in this Policy mean?**

11.1 In these Regulations:

"*AIS*" means the Australian Institute of Sport established by the *Australian Sports Commission Act 1989*.

"*AIS scholarship holder*" means an person who has accepted an offer of a part-time or full-time scholarship under an *AIS* sports program.

"*AOC*" means the Australian Olympic Committee.

"*ASC*" means the Australian Sports Commission established by the *Australian Sports Commission Act 1989*, which includes the *AIS*.

"*ASDA*" means the Australian Sports Drug Agency established by the *Australian Sports Drug Agency Act 1990*.

" Board " means the Board of Table Tennis New South Wales Incorporated – as set out in clause 17.2 of the Table Tennis New South Wales Incorporated constitution. President; Vice president; Secretary/Executive Director and Finance Director.



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

"drug testing authority" means

- (a) ASDA, or
- (b) an agency appointed by ASDA, or the relevant *IF* or *sporting organisation*, or a national *drug testing authority* which:
  - (i) operates under its own statute, rules and regulations, and
  - (ii) has *samples* analysed by a laboratory accredited by the *IOC* or approved by the relevant *IF* or *sporting organisation*, or
- (c) an agency which conducts *testing* on athletes for the detection of *prohibited substances* where:
  - (i) the methods of *testing* substantially accord with the relevant *IF* or *IOC* procedures, and
  - (ii) the *sample* is analysed by a laboratory accredited by the *IOC* or approved by the relevant *IF* or *sporting organisation*.

"*IF*" means an international sporting federation with which a *sporting organisation* recognised, assisted or funded by the ASC is affiliated at the international level.

"*IOC*" means the International Olympic Committee being an association created by the Congress of Paris of 23 June 1894 and which is entrusted with the control and development of the Modern Olympic Games pursuant to the Olympic Charter.

"*IOC Medical Code*" means the medical code provided for under the Olympic Charter as in force from time to time.

"*IOC Procedures*" refers to the *testing* procedures specified in the *IOC Medical Code*.

"*MAP*" means the Medical Advisory Panel which is a committee of medical experts and where appropriate other experts appointed by the ASC operating under rules and procedures approved by the ASC.

"*member*" in relation to a club/association means:

- a person who, or body which, is a registered *member* of that club/association, or
- a person who, or body which, is affiliated with the club/association, or
- a person who is a registered *member* of a body which is a registered *member* of or affiliated with the club/association

and includes a person taking part in, or involved in or associated with (eg as a coach, official, medical or allied health practitioner) any sporting activity conducted, authorised or recognised by the club/association.

"*National Sports Dispute Centre*" means the National Sports Disputes Centre Pty Ltd (ACN 072380217).

"*positive test result*" means a result of a test by a *drug testing authority* which shows the presence of a *prohibited substance* in a *sample*.

"*prohibited method*" means a method prohibited under the anti-doping policy of:

- (a) the relevant *IF*, or
- (b) if the relevant *IF* does not have an anti-doping policy, a relevant club/association, or
- (c) if the relevant *IF* and club/association(s) do not have an anti-doping policy, the *IOC*.

"*prohibited substance*" means a substance prohibited under the anti-doping policy of:

- (a) the relevant *IF*, or
- (b) if the relevant *IF* does not have an anti-doping policy, a relevant club/association, or
- (c) if the relevant *IF* and clubs/association(s) do not have an anti-doping policy, the *IOC*.

"*recognised medical authority*" means:

- (a) the *MAP*, or
- (b) an authority recognised by the *MAP* which may authorise the use of a *prohibited substance*

"*sample*" means human biological fluid or tissue.

"*sporting organisation*" means the *AOC*, Australian Commonwealth Games Association, Australian Paralympic Committee and any organisation recognised, assisted or funded by the *ASC* and includes their *member* and affiliated organisations.

"*testing*" means the requesting, collecting and analysis of *samples*.

"*trafficking*" means:

manufacturing, extracting, transforming, preparing, storing, expediting, transporting, importing, transiting, offering (whether subject to payment or free of charge), distributing, selling, exchanging, brokering, obtaining in any form, prescribing, commercialising, making over, accepting, possessing, holding, buying or acquiring in any manner a *prohibited substance*

acting in the above respect, financing or serving as an intermediary for the finance of the latter, provoking in any way the consumption or use of a *prohibited substance* or establishing means of procuring or consuming a *prohibited substance*, or

being concerned or involved in a *prohibited method* which are prohibited by the relevant *IF/sporting organisation* and/or by the *IOC Medical Code*

other than for personal use and/or for therapeutic purposes in the course of the legal exercise of professional medical, pharmaceutical or analogous activities.

"*TTNSW*" means : Table Tennis New South Wales Incorporated.

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

11.3 A person includes a body corporate.

This policy is modelled on the *ASC Anti Doping Policy* – the original document is located at <http://www.ausport.gov.au/asc/corpdocs/drugpol.htm>. All copyright remains with the creator.

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