



NORTHERN TERRITORY CLAY TARGET ASSOCIATION INC

ANTI DOPING POLICY

Policy Number:	S 04	Date last updated:	08/04/2022
		Date written:	Unknown
Authorised by:	NTCTA Executive Council	Review date:	08/04/2024

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1. What is NTCTA's Position on Doping?

NTCTA 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 NTCTA aims to stop doping practices in sport by:

- (a) imposing effective sanctions on persons who commit doping offences.
- (b) education 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 NTCTA 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 *members, athletes, coaches, officials, and medical and health practitioners*.
- (d) Develop and implement, in consultation with *ASDA, ASA and the ISSF*, drug education and information programs for *athletes, coaches, officials and medical and health practitioners, and*
- (e) Support the initiatives of the *ASC, the ISSF, the IOC and the AOC* to stop doping offences in sport.

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

1.5 NTCTA 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) the *ASC*
- (b) the *AOC*, or
- (c) another person until after:
 - (i) the *C* or the *CAS* has made determination, or
 - (ii) the *ADCO* has decided not to refer the matter to a hearing.

Who does this Policy apply to?

2. This Policy applies to:

- (a) *members*
- (b) *athletes, registered shooters* and
- (c) employees and contractors of NTCTA

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 may use 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 a *prohibited substance* is not inconsistent with *ISSF* rules.

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 NTCTA receives information that a person may have committed a doping offence, the ADCO will investigate the matter.

4.2 The ADCO will refer the matter to a hearing under clause 4.6 if the ADCO:

- (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*.

4.3 The ADCO 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.

NTCTA may then apply a sanction as set out in clause 6.1

4.4 The ADCO will:

- (a) inform the ASC and the AOC of the details of the person and the alleged doping offence

- (b) consult the *ASC* and the *AOC* about their participation in any investigation and hearing, and
- (c) assist in any investigation and hearing on behalf of the *ASC* or the *AOC*.

The *ADCO* may agree to refer the matter under clause 4.6 jointly with:

- (a) The *ASC*
- (b) the *AOC*, or
- (c) both the *ASC* and the *AOC*.

4.5 If the *ADCO* decides to refer the matter to a hearing, the *ADCO* will send the person a letter which:

- (a) sets out the nature and basic details of the alleged doping offence
- (b) says that the *ADCO* will refer the matter to a hearing within 14 days (unless the person gives a written waiver under clause 4.3), and
- (c) encloses a copy of this policy.

4.6 The *ADCO* will wait 14 days after sending a letter under clause 4.5 and then will appoint:

- (a) the *CAS*, or
- (b) a Committee established in accordance with the rules of the *ISSF* to conduct a hearing.

4.7 The *ADCO* may withdraw the referral to a hearing under clause 4.6 at any time until the hearing commences if the person gives a written waiver under clause 4.3.

4.8 The *ADCO* may:

- (a) suspend financial or other assistance to the person, and
- (b) suspend the person from competition in events and competitions conducted by or under the auspices of *NTCTA* until the determination of the hearing.

4.9 The Committee or the *CAS* will determine:

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

How are Hearings Conducted?

5.1 A person alleged to have committed a doping offence has the right to a hearing unless the circumstances in clause 4.3 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 that noncompliance 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 ADCO a written statement of:

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

What Sanctions Apply?

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

The Committee or the CAS may:

- (a) ban the person from selection to represent Australia in international competition
- (b) ban the person from competing in any events and competitions conducted by or under the auspices of NTCTA
- (c) make the person ineligible to receive direct or indirect funding or assistance from NTCTA.
- (d) Ban the person from holding any position within NTCTA
- (e) Require that the person remain on ASDA's register for the purpose of out-of-competition testing
- (f) Recommend that:
 - (i) NTCTA
 - (ii) the ASC
 - (iii) the AIS, or
 - (iv) the AOCrequire the person to repay any financial assistance given to the person from the date of the doping offence.
- (g) require the person go to counseling for a specified period
- (h) withdraw awards, placing and records won in events and competitions conducted by or under the auspices of NTCTA from the date of the doping offence, and/or
 - (i) reprimand the person.

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

6.3 Where the Committee or the CAS:

- (a) determines that a person has not committed a doping offence because:
 - (i) the person used a *prohibited substance* for a therapeutic purpose, or
 - (ii) there were exceptional circumstances, but
- (b) considers that the person had an unfair advantage (because of the *prohibited substance*) in a competition or event and conducted by or under the auspices of NTCTA

The Committee or the CAS may disqualify the person from that competition or event and withdraw awards, records and placings won by the person in that competition or event.

How Long will Sanctions Apply?

7.1 Where the doping offence involves:

- (a) anabolic androgenic steroids
- (b) peptide glycoprotein hormones or analogues
- (c) a *prohibited method*
- (d) a refusal to provide a *sample*, or
- (e) *trafficking*

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

- (a) the period that would apply under the ISSF anti-doping policy, or
- (b) if the ISSF 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 *Recognised Medical Authority* for assistance in interpreting a *positive test result*.

In an appropriate case the Committee or the CAS may vary the period clause 7.1 or 7.2 on the basis of the *Recognised Medical Authority's* interpretation and/or recommendation.

7.4 The sanction will apply from the date of the doping offence unless the Committee or the CAS decides otherwise.

How will NTCTA Enforce Sanctions?

8.1 NTCTA will enforce the sanction decided by the Committee or the *CAS* if the sanction is consistent with this policy.

8.2 NTCTA may appeal under clause 10.1 if the *ADCO* believes the sanction is consistent with this policy.

8.3 NTCTA will recognise and enforce a sanction properly imposed on a person who has committed an offence under the anti-doping policy of:

- (a) the *ISSF*
- (b) the *IOC* or
- (c) another organisation recognised by the *ASC*

Where the offence would be a doping offence under this policy.

8.4 The *ADCO* must inform:

- (a) the person
- (b) any relevant sporting organisations
- (c) the *ASC*
- (d) *ASDA*, and
- (e) *The AOC*

Of the offence and the sanction applied by the Committee or the *CAS*.

The *ADCO* may then inform other persons or organisations as the *ADCO* thinks appropriate

8.5 NTCTA may reinstate financial or other assistance to the person which the *ADCO* suspended under clause 4.8. Review of a Finding of a Doping Offence or a Sanction

8.6 A person may make an application to the *ADCO* for a 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.

8.7 The application must:

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

8.8 The *ADCO* will consider the application and may refer the application to the Committee or the *CAS* to:

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

8.9 A sanction will remain in force during the review unless the Committee or the *CAS* decides otherwise.

8.10 The *ADCO* must inform:

- (a) the person
- (b) any relevant sporting organisations
- (c) the *ASC*
- (d) *ASDA*
- (e) The *AOC*, 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 *ADCO* may then inform other persons or organisations as the *ADCO* thinks appropriate.
How can a Person Appeal a Decision?

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

8.12 The *CAS* Appeals Division will rehear the matters appealed against as set out in the Code of Sport-related Arbitration.

8.13 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.

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

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

Retirement and Comebacks

9.1 A person may retire from competition by notifying NTCTA in writing.

9.2 The person's retirement date will be the date NTCTA receives the notice.

9.3 Retirement does not:

- (a) excuse the person from giving a *sample* requested before their retirement date.
- (b) prevent the analysis of a *sample* given by the person before their retirement date, or
- (c) affect the results of *testing* under (a) or (b) above.

9.4 A person may make a written request to NTCTA for reinstatement one year after their retirement date. The request is taken to be made on the date NTCTA receives the request.

9.5 Reinstatement will be at the discretion of NTCTA

9.6 This policy will apply to the person from the date of their reinstatement request.

9.7 During the six month period following the reinstatement request the person may be tested:

- (a) as required by *NTCTA* and *ISSF* rules, and
- (b) at the discretion of *ASDA*

9.8 A retired person may not compete in competitions and events conducted by or under the auspices of NTCTA until the following periods expire:

For international competitions and events:

3 years from the date of the reinstatement request.

For domestic competitions and events:

6 months from the date of the reinstatement request.

9.9 A person may apply to the CAS Appeals Division to be eligible to compete in international competitions and events before the period set out in clause 11.8 expires.

9.10 A person may apply to the *ADCO* to be eligible to compete in domestic competitions and events before the period set out in clause 11.8 expires.

What do Words used in this Policy Mean?

10.1 In this Policy:

"AIS" means the Australian Institute of Sport

"ADCO" means the Anti-Doping Control Officer appointed by NTCTA to give effect to this policy and, if no person is appointed the Chief Executive or equivalent Officer of NTCTA.

"AOC" means the Australian Olympic Committee Inc.

"ASA" means the Australian Shooting Association

"ASC" means the Australian Sports Commission established by the *Australian Sports Commission Act 1989*.

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

"athlete" means a person competing under the auspices of NTCTA in Australia or using the facilities of NSO.

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

"drug testing authority" means

(a) ASDA, or

(b) An agency appointed by ASDA, ISSF, NTCTA or a national drug testing authority which:

(i) operates under its own statute, rules and regulations, and,

(ii) has *samples* analysed by an ISSF approved or an IOC accredited laboratory, or

(c) an agency which conducts *testing* on athletes for the detection of *prohibited substances* where:

(i) the methods of *testing* substantially accord with *IF* or *IOC* procedures, and

(ii) the *sample* is analysed by an ISSF approved or an *IOC* accredited laboratory:

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

"ISSF" means International Shooting Sports Federation

"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" means:

(a) a person who, or body which, or Registered Shooter is a *member* of NTCTA, or

(b) a person who, or body which, is affiliated with NTCTA, or

(c) a person who is a *member* of a body which is a *member* of or affiliated with NTCTA.

And includes a person taking part in, or involved in or associated with (e.g. as a coach, *official*, medical or allied health practitioner) any sporting activity conducted, authorised or recognised by NTCTA.

“NTCTA” means Northern Territory Clay Target Association and includes its *member* and affiliated organisations.

“National Sports Dispute Centre” means the National Sports Disputes Centre Pty Ltd (CAN 072380217)

“Official” means a person who administers, manages, assists or is otherwise involved in the sport of NTCTA other than as an *athlete*, coach, or medical or analogous health practitioner.

“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 ISSF, or
- (b) if the ISSF does not have an anti-doping policy, the *IOC*.

“prohibited substance” means a substance prohibited under the anti-doping policy of:

- (a) the ISSF, or
- (d) if the ISSF does not have an anti-doping policy, the *IOC*.

“recognised medical authority” means:

- (a) the Australian Sports Drug Medical Advisory Committee established under the amended *ASDA Act 1990*, or
- (b) an authority recognised by the *ASDMAC* which may authorise the use of a *prohibited substance* and/or *prohibited method* for a therapeutic purpose.

“sample” means human biological fluid or tissue.

“testing” means the requesting, collecting and analysis of a *sample*.

“trafficking” means:

- (a) manufacturing, extracting, transforming, preparing, storing, expediting, transporting, importing, transiting, offering (whether subject to payment of 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*.
- (b) Financing or serving as an intermediary for the finance of any of the activities in paragraph (4).
- (c) Provoking in any way the consumption or use of a *prohibited substance*, or
- (d) Being knowingly concerned or involved in a *prohibited method*.

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

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

10.3 A person includes a body corporate.