

P5 IMPROPER USE OF DRUGS AND MEDICINE POLICY

Scheduled Reviewed Triennially or as required

Date of Board Approval 19 September 2022 Last Board Review: 19 September 2020

Background

- a. There is an increasing concern about the improper use of drugs and medicine in sport.
- b. Australian Karting Association Ltd ['KA'] is committed to the health, safety, and wellbeing of Relevant Persons and to providing a safe and clean environment for Participants in Karting, including by ensuring that science and medicine services are provided to athletes by appropriately qualified and supervised staff that are subject to the KA Integrity Framework.
- c. Illegal Drugs represent a widespread community problem and can pose a serious health issue for individuals. KA is aware of the availability and the prevalence of use of Illegal Drugs and seeks to deter Relevant Persons from the use of such substances.
- d. The use of Illegal Drugs has a significant impact on the culture of sporting environments and the performance of individuals. Such use also brings Participants, KA and Karting into disrepute and does not provide a positive example for members of the community that may view our athletes as role models.
- e. The purpose of this Policy is to provide a framework to:
 - i. address and deter any unlawful distribution and use of Illegal Drugs in connection with Karting;
 - ii. aim to reduce the harm caused by Illegal Drugs to Relevant Persons and the broader community;
 - iii. ensure that appropriately qualified personnel are appointed to provide science and medicine services to athletes within Karting; and
 - iv. ensure that injections are only administered to athletes within Karting as part of appropriate medical treatment.
- f. The Australia Institute of Sport (AIS) leads the sport sector in best practice for Sport Science and Sport Medicine and works collaboratively with Sport Integrity Australia in relation to compliance with policy and standards relating to Sport Science and Sport Medicine.

1. Definitions

Defined terms not otherwise defined in this Policy have the meaning given to them, in the KA "Australian Karting Manual – National Competition Rules" (NCR), KA Constitution and KA Integrity Framework (KIF). In this Policy, the following words have the corresponding meaning:

AIS Sports Science Sports Medicine Practitioner Minimum Standards mean the mandatory minimum standards for sports science and sports medicine staff and contractors engaged to deliver services in those disciplines as published and amended by the AIS from time to time and available [here](#).

Health Professional means a person who is listed as a health professional with the Australian Health Practitioner Regulatory Agency.

Health Professional authorised to administer injections means a Health Professional who is permitted under their registration and scope of practice to perform an injection. This may include Medical Practitioners, pharmacists, dentists, nurses, and paramedics currently registered with the relevant professional board in that field.

Illegal Drug means any substance listed under Schedule 9 and 10 of the current Commonwealth Poisons Standard, as well as any substance listed in [Schedule 1 of the Criminal Code Regulations 2019 \(CT\)](#), as well as those substances howsoever proscribed under relevant state or territory legislation, as amended from time to time.

Medical Practitioner means a person registered in the medical doctor category by the Australian Health Practitioner Regulation Agency with no restrictions on practice.

Medications include substances that are classified by the Therapeutic Goods Administration (TGA) as a therapeutic good (listed under Schedules 1-8 of the current Commonwealth Poisons Standard), which are ingested, infused, inhaled, injected, inserted, or absorbed by the human body. They may take the form of pills, tablets, capsules, liquids, creams, gels, injectable liquids, sprays, adhesive patches, infusions, inhaled powders, vapours or liquids, pessaries, or suppositories.

National Medical Officer is the Medical Practitioner appointed by KA to advise and lead medical services for Karting.

Policy means this Improper Use of Drugs and Medicine Policy.

Possession means the actual, physical Possession, or the constructive Possession of an Illegal Drug ¹.

Prohibited Conduct means conduct proscribed at clause 4.1 of this Policy.

2

Relevant Driver means:

- International Competition Licence Holders – see ‘NCR’;
- National Championship Level Drivers – which means a Driver who Competes at National Championship level.

Relevant Personnel means:

- Coaches;
- Employees;
- Medical Practitioners;
- Officials.
- Sports Science Sports Medicine Personnel;
- Support Personnel; and
- Any other person who has agreed to be bound by this Policy (other than a Driver).

Supplement includes any synthetic or natural chemical in the form of a formulated food, a tablet, capsule, gummy, liquid, tincture, or powder that is ingested, infused, inhaled, injected, inserted, or absorbed by the human body for the intended purpose of enhancing health and function, including athletic performance. This includes Dietary Supplements and Non- Compliant Supplements ².

¹ **Constructive possession** refers to a situation where a Relevant Person has no hands-on custody of Illegal Drugs but has knowledge of the location of Illegal Drugs and the ability to exercise control/or a degree of control over them. For example, if the Relevant Person have stored drugs stored in a safety deposit box. Whilst the Relevant Person does not have actual physical custody of the Illegal Drugs, they have knowledge of the location of the Illegal Drugs and the ability to exercise control over them. Thus, under the legal doctrine of constructive possession, the Relevant Person is still considered in possession of the contents of their safety deposit box.

² **Sport Integrity Australia** advises that no supplement is free from anti-doping risk.

Dietary Supplement includes any supplement which is ingested and is compliant with the Australia New Zealand Food Standards Code or the Therapeutic Goods Act.

Non-Compliant Supplement includes any supplement which is not a compliant medicine or food. Foods which are compliant with the Australia New Zealand Food Standards Code are excluded. Medicines which are compliant with the Therapeutic Goods Act are excluded.

Traffic/Trafficking means selling, giving, transporting, sending, delivering, or distributing (or Possessing for any such purpose) an Illegal Drug (either physically or by any electronic or other means) by a Relevant Person to any third party; provided, however, this definition shall not include the actions of a “bona fide” Medical Practitioner involving an Illegal Drug used for genuine and legal therapeutic purposes or other acceptable justification.

TUE or Therapeutic Use Exemption means an exemption that allows an athlete to use, for therapeutic purposes only, an otherwise prohibited substance or method (of administering a substance).

Use means the utilisation, ingestion, injection, or consumption by any means whatsoever of any Illegal Drug.

2. Jurisdiction

This Policy applies to:

- i. Relevant Persons; and
- ii. Relevant Organisations.

3. Obligations

3

3.1 Illegal Drugs

Relevant Persons must not Use, Possess or Traffic Illegal Drugs.

3.2 Sport Science and Sport Medicine Personnel

KA and Karting Organisations must, in the sports science and sports medicine fields:

- a. only employ, or engage in a voluntary capacity, those individuals who:
 - i. comply with the AIS Sports Science Sports Medicine Practitioner Minimum Standards; or
 - ii. are a Chiropractor, Nurse, Osteopath or Paramedic who is registered with the Australian Health Practitioners Regulation Agency, to work with Relevant Drivers;
- b. employ or engage such individuals under a written document, which must incorporate compliance with the AIS Sports Science Sports Medicine Practitioner Minimum Standards as an obligation imposed on the relevant individual; and
- c. ensure that educational or vocational qualifications, or applicable professional registrations, of all such individuals are verified, checked, and recorded at least annually.

3.3 Medication

- a. For Medications requiring a prescription, a Relevant Athlete must only use Medication prescribed to them personally and in the manner directed by a Medical Practitioner.
- b. Relevant Drivers should refer to Global DRO website [here](#) or the Sport Integrity Australia App to assist them to determine whether Medications (prescription and non-prescription) are permitted for use in sport, have conditions associated with their use in sport or are prohibited. Medications with conditions or which are prohibited may be able to be taken if a TUE is sought and granted.
- c. KA requires all Relevant Drivers to determine if they need an [in-advance](#) or [retroactive](#) TUE by

referring to the Sport Integrity Australia website [here](#). Once determined the Relevant Driver should comply with the relevant requirements.

- d. Relevant Drivers should notify the National Medical Officer or person nominated by KA when Medications have been provided/prescribed by a Medical Practitioner not appointed by KA or a Karting Organisation.
- e. Relevant Drivers must not use expired Medication.

3.4 Injections

- a. Relevant Personnel or Relevant Drivers with a documented medical condition requiring the possession of injection equipment must notify the National Medical Officer.
- b. If a Relevant Driver is unable to self-inject (for example due to age, impairment, or incapacity) then a carer³ may also be identified to the National Medical Officer.
- c. Relevant Personnel and Relevant Drivers must not be in possession of any hypodermic needles or other injection equipment, unless:
 - i. the individual is a Health Professional authorised to administer injections; or
 - ii. the individual's possession has been authorised by the National Medical Officer or other Medical Practitioner.
- d. Relevant Drivers must not self-inject any substance unless authorised to do so by the National Medical Officer or other Medical Practitioner for the treatment of a documented medical condition.
- e. Subject to clause 3.4(b), Relevant Drivers must not allow any person other than a Health Professional authorised to administer injections or authorised carer to administer an injection to them. Any such injection must only be administered by a Health Professional authorised to administer injections or the authorised carer for a purpose permitted under this Policy.
- f. Relevant Personnel must only administer injections to Relevant Drivers if:
 - i. the Relevant Personnel is a Health Professional authorised to administer injections or is an authorised carer for the Relevant Driver; and
 - ii. the injection is for a purpose permitted under this Policy.
- g. For the purposes of clauses 3.4(e) and (f), the only purposes permitted under this Policy are where an injection is medically required for:
 - i. vaccination purposes;
 - ii. treatment of a documented medical condition; or
 - iii. investigation of a suspected medical condition.

4

3.5 Supplements

- a. KA recognises that Dietary Supplements may be taken by Relevant Drivers and is committed to establishing a best practice approach and documented procedure for the use of Supplements, with a focus on safety and evidence-based use, given the risk that Supplements may contain substances included on the Prohibited List.
- b. KA acknowledges the value of accredited third-party auditing programs to reduce the risk of Supplements containing substances included on the Prohibited List. KA warns that there is no guarantee that any Supplement is free from prohibited substances, despite any claims made by Supplement manufacturers or clearance by third party auditing companies.
- c. KA adopts the AIS Sport Supplement Framework, which classifies Supplements into four categories according to their effectiveness, safety and current status on the Prohibited List and is available [here](#).
- d. Supplements may only be used by Relevant Drivers in accordance with:

³ Carers who are not the Relevant Driver's parent or guardian must still obtain prior consent from a parent or guardian where required to do so by law or policy, including under the Child Safeguarding Policy.

- i. this Policy; and
 - ii. any documented procedure for the use of Supplements, as adopted by KA and a Karting Organisation from time to time.
- e. Relevant Personnel must not supply or provide Non-compliant Supplements to a Relevant Driver.

4. Prohibited Conduct

4.1 Prohibited Conduct of Relevant Persons

A Relevant Person commits a breach of this Policy when they:

- a. Subject to clause 8.1:
 - i. are convicted of any breach of a relevant state or territory or Commonwealth law relating to or involving an Illegal Drug; or
 - ii. facilitate, administer, assist, aide, abet, encourage, induce, cover up or are in any way complicit in a breach of clauses 4.1(a)(i), 4.2 or 4.3; or
- b. fail to report the matters outlined in clause 5.2.

4.2 Prohibited Conduct of Relevant Drivers

A Relevant Driver commits a breach of this Policy when they:

- a. use prescription or over the counter Medication in an unlawful manner; or
- b. do not comply with clauses 3.4(c), 3.4(d), or 3.4(e).

4.3 Prohibited Conduct of Relevant Personnel

A Relevant Personnel commits a breach of this Policy when they:

- a. do not comply with clause 3.4(c) or 3.4(f);
- b. do not comply with clause 3.5(e); or
- c. facilitate, assist, aide, abet, encourage, cover up or are in any way complicit in a breach of clause 5.4.3(b).

4.4 Prohibited Conduct of Relevant Organisations

A Relevant Organisation commits a breach of this Policy when they:

- a. fail to report the matters outlined in clause 5.2; or
- b. facilitate, assist, aide, abet, encourage, cover up or are in any way complicit in a breach of clause 4.2 or 4.3.

5. Additional Obligations

5.1 No publishing or transmitting certain Illegal Drug content

Relevant Persons must not publish or transmit any content (e.g., a video showing Illegal Drugs being used) that advocates, condones, or encourages the involvement in or the Use of Illegal Drugs.

5.2 Reporting

Relevant Persons and Relevant Organisations must report any criminal activity or conduct that may amount to Prohibited Conduct under this Policy to Sport Integrity Australia and to any other entity as required by law.

6. Complaints and Discipline of Members By-Law

The Complaints and Discipline of Members By-Law applies to any alleged Prohibited Conduct, including reports of breaches, of this Policy.

7. KA Integrity Framework

The KA Integrity Framework applies to this Improper Use of Drugs and Medicine Policy. When interpreting this Policy, any provisions inconsistent with the KA Integrity Framework apply to the extent of that inconsistency.

8. Other Matters

8.1 Legitimate therapeutic purpose

If an Illegal Drug has been lawfully and properly prescribed by a Medical Practitioner for a legitimate therapeutic purpose and evidence can be provided to that effect, then neither the act of prescribing the Illegal Drug by the Medical Practitioner nor the Use or Possession of the Illegal Drug by a Relevant Person in accordance with that prescription will constitute a breach of this Policy.

8.2 Patient confidentiality

For the avoidance of doubt, nothing in this Policy or the KA Integrity Framework shall operate to override the patient confidentiality requirements of professional ethics for health practitioners registered with the Australian Health Practitioner Regulation Authority.

8.3 Lifesaving medical treatment

For the avoidance of doubt, lifesaving medical treatment should not be withheld. Provision of lifesaving medical treatment will not constitute a breach of this Policy.

8.4 Support

KA may refer a Relevant Person for medical assessment and education where there are reasonable grounds for doing so and may determine, and grant, any associated financial support to a Relevant Person, if any.