

Title: Triathlon Australia Illicit Drugs Policy
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1. POSITION STATEMENT

- (a) The use of illicit drugs is harmful and Triathlon Australia seeks to educate athletes to prevent the use of illicit drugs in sport. Further, the use of illicit drugs by athletes can bring the sport into disrepute and sets a poor example for other members of the community who view athletes as role models.
- (b) Triathlon Australia wishes to prevent the use of illicit drugs in the sport of Triathlon and increase education for athletes and Members in relation to the potential harms of the use of illicit drugs.
- (c) This policy is designed to deter illicit drug use and reduce the drug-related harm to individuals, families and stakeholders of Triathlon Australia and the broader community.
- (d) Triathlon Australia will adopt a management approach which, in the first instance, focuses on education and counselling in addressing the use of illicit drugs in the Out-of-Competition context. However, for cases of repeated use where counselling and education have not been effective, escalating Sanctions will be applied.
- (e) Some illicit drugs may be legitimately used under the supervision of a physician for a clinically justified purpose. Such use must be consistent with the Therapeutic Use provisions in Clause 10 of this Policy. The possession and use of illicit drugs is subject to Commonwealth, State and Territory laws.
- (f) Triathlon Australia has adopted and implemented an anti-doping policy and rules which conform to the World Anti-Doping Code. The World Anti-Doping Code Prohibited List includes illicit drugs which are prohibited In-Competition. This Policy differs from Triathlon Australia's Anti-Doping Policy in that it addresses the Out-of-Competition use of illicit drugs, with a focus on education and awareness.

2. OBJECTIVES

- (a) Triathlon Australia is committed to deterring the use of illicit drugs in sport through:
 - (i) tailored education and prevention programs, including the use of athlete ambassadors;
 - (ii) detecting and deterring the use of illicit drugs by Representative Athletes through an Out-Of-Competition illicit drugs Testing Program, and
 - (iii) effective education, counselling and Sanctions as appropriate for Representative Athletes identified as using illicit drugs.

3. APPLICATION

- (a) This Policy applies to:
 - (i) Representative Athletes;

- (ii) Athlete Support Personnel;
 - (iii) Members;
 - (iv) Employees and contractors of Triathlon Australia; and
 - (v) any other Person who has agreed to be bound by this Policy.
- (b) Where a Person bound by this Policy breaches his or her obligations under this Policy, including an Illicit Drugs Breach, such breach may also constitute a breach of Triathlon Australia's Code of Conduct, Member Protection Policy, Athlete Agreement or other relevant agreement between that Person and Triathlon Australia and Sanctions under the Code of Conduct, Member Protection Policy, Athlete Agreement or other relevant agreement may apply, provided that no person shall be sanctioned twice for the same violation.
- (c) Where a Person is bound by Triathlon Australia's Anti-Doping Policy in addition to this Policy, the Person shall be bound by, and have obligations in respect of, both policies simultaneously, provided that under no circumstances will any other policy reduce a Person's obligations under this Policy. A breach of this Policy may also constitute a breach of such other policy. In the event of any inconsistency, the Anti-Doping Policy prevails.
- (d) Nothing in this Policy limits the application of Commonwealth, State and Territory laws to illicit drugs issues or the ability of Triathlon Australia to refer such issues to the police, customs or other relevant authorities.

4. RESPONSIBILITIES

The Persons identified in Clause 3 (Application) are bound by this Policy as a condition of their participation and/or involvement in the sport.

Roles and responsibilities – Representative Athletes

Representative Athletes must:

- (a) be knowledgeable of and comply with all rules applicable to them under this Policy;
- (b) use their influence on other Representative Athletes' to reinforce the education messages regarding illicit drugs;
- (c) read and understand the List of Prohibited Illicit Drugs as it relates to them and keep up to date with any changes to the list;
- (d) be available for Sample Collection and provide accurate and up-to-date Athlete Location Information for this purpose when identified for inclusion in the Testing Pool;

- (i) take responsibility, in the context of this Policy, for what they use, ingest or otherwise consume;
- (ii) assist, cooperate and liaise with Triathlon Australia in relation to the conduct of any investigation or hearing into a suspected or alleged Illicit Drugs Breach;
- (iii) act in a discreet and confidential manner in discharging their obligations under this Policy;
- (iv) understand their obligations under any other illicit drugs policies and anti-doping policies they are bound to comply with, including understanding how such additional obligations differ from their obligations under this Policy;
- (v) inform medical personnel of their obligations not to use Prohibited Illicit Drugs and ensure that any medical treatment received does not result in a breach of this Policy; and
- (vi) attend illicit drugs education as directed by Triathlon Australia and as otherwise appropriate and understand that failure to attend shall be no excuse for an alleged Illicit Drugs Breach and shall not mitigate culpability of the Representative Athlete in determining sanction.

Roles and responsibilities – Athlete Support Personnel, Employees and Contractors

Athlete Support Personnel, Employees and Contractors must:

- (e) be knowledgeable of and comply with all rules applicable to them or to the Representative Athletes whom they are working with, treating or assisting;
- (f) support and assist Triathlon Australia to conduct Testing;
- (g) read and understand the List of Prohibited Illicit Drugs as it relates to them or to the Representative Athletes whom they are working with, treating or assisting and keep up to date with any changes to the list;
- (h) use their influence on Representative Athletes to reinforce the education messages regarding illicit drugs; and
- (i) assist, cooperate and liaise with Triathlon Australia in relation to the conduct of any investigation or hearing into a suspected or alleged Illicit Drugs Breach;
- (j) act in a discreet and confidential manner in discharging their obligations under this Policy; and
- (k) understand their obligations under any other illicit drugs policies and anti-doping policies they are bound to comply with, including understanding how such additional obligations differ from their obligations under this Policy.

Roles and responsibilities – Triathlon Australia

Triathlon Australia will:

- (l) abide by, implement and enforce this Policy;
- (m) require as a condition of membership that the policies, rules and programs of Member organisations are in compliance with this Policy;
- (n) develop and implement appropriate illicit drugs education programs and initiatives for Persons bound by this Policy;
- (o) appoint one or more Testing Agencies to conduct Testing and Sample Analysis under this Policy;
- (p) co-ordinate the administration of a Testing Pool and Representative Athlete Location Information requirements;
- (q) treat personal information in a way that is consistent with the Privacy Act and the Triathlon Australia privacy policy;
- (r) at its discretion investigate any suspected Illicit Drugs Breaches under this Policy;
- (s) co-ordinate results management procedures in accordance with the Results Management Standards as applicable;
- (t) Make findings in relation to alleged Illicit Drugs Breaches;
- (u) Issue breach notices in relation to alleged Illicit Drugs Breaches;
- (v) Appoint Tribunals to conduct hearings under this Policy;
- (w) Convene hearings before the Tribunals;
- (x) Present its findings and its recommendations before the Tribunals;
- (y) make reasonable efforts to make this Policy available to Representative Athletes, Athlete Support Personnel, Members and any other Person who has agreed to be bound by this Policy;
- (z) ensure all employees, staff and contractors act in a discreet and confidential manner in discharging their obligations under this Policy, applying privacy practices consistent with the Privacy Act and the Triathlon Australia privacy policy; and
- (aa) provide information and education to all staff regarding their responsibilities in relation the confidentiality and privacy obligations under this Policy.

5. ILLICIT DRUGS IN SPORT POLICY OFFICER

- (a) Triathlon Australia shall appoint a suitable person (such as the Chief Medical Officer, an employee, consultant or office bearer) to the position of Illicit Drugs in Sport Policy Officer.
- (b) The Illicit Drugs in Sport Policy Officer shall:
 - (i) be responsible for the supervision and administration of this Policy;
 - (ii) be responsible for the supervision and administration of the associated education programs and the dissemination of this policy to Representative Athletes, Athlete Support Personnel, Members and any other Person who has agreed to be bound by this Policy;
 - (iii) perform other such roles as may be necessary for the proper administration of this Policy, including the delegation of roles or responsibilities to others at their sole discretion, as may be required from them from time to time; and
 - (iv) act in a discreet and confidential manner in discharging their obligations under this Policy.

6. EDUCATION PROGRAM

- (a) Triathlon Australia will develop and implement appropriate education and prevention programs and initiatives for the sport consistent with the Australian Government's Illicit Drugs in Sport - Education and Action Plan.
- (b) The education and prevention programs will promote the key messages of the Education and Action Plan to identified target groups and will be delivered through a mediums suitable to the target audiences. These programs and initiatives will reflect key messages such as:
 - (i) illicit drug use is harmful;
 - (ii) illicit drug use can affect your sporting performance - in or out of competition, during the off-season, or on the weekend;
 - (iii) illicit drug use can affect your reputation and sporting career;
 - (iv) illicit drug use can affect your sports team;
 - (v) illicit drug use can impact on the community who support you; and
 - (vi) participating in sport supports a healthy lifestyle.
- (c) Triathlon Australia will incorporate information relating to this Policy, including the List of Prohibited Illicit Drugs, into the education programs.

- (d) Triathlon Australia will provide information about, and referrals to, counselling and support programs in relation to Illicit Drugs in the education programs. These programs may be face to face or an on-line service as appropriate.

7. LIST OF PROHIBITED ILLICIT DRUGS

- (a) The drugs prohibited under this Policy will be specified in the Australian Government's List of Prohibited Illicit Drugs which is an attachment to this Policy and as may be amended from time to time (Attachment A and any other substances declared prohibited by Triathlon Australia from time to time).
- (b) For the avoidance of doubt, any modifications to the Australian Government's List of Prohibited Illicit Drugs will be automatically incorporated into the list prohibited under this Policy.
- (c) Triathlon Australia will make reasonable efforts to inform Representative Athletes, Athlete Support Personnel, Members and any other Person who has agreed to be bound by this Policy of any changes to the List of Prohibited Illicit Drugs.

8. ILLICIT DRUGS BREACHES

- (a) Each of the following constitutes an Illicit Drugs Breach under this Policy:
 - (i) a Positive Analytical Finding by a Representative Athlete for any Prohibited Illicit Drug (listed in the List of Prohibited Illicit Drugs Attachment A) or its Metabolites or Markers;
 - (ii) Possession, Use or Attempted Use, or Trafficking or Attempted Trafficking, of any Prohibited Illicit Drug (listed in the List of Prohibited Illicit Drugs Attachment A);
 - (iii) refusal to submit, or without compelling justification, Failure to Submit, by a Representative Athlete to Sample Collection for Illicit Drugs Testing after notification by an authorised Illicit Drugs Testing Agency as described in this Policy, or otherwise evading Sample Collection for Illicit Drugs Testing;
 - (iv) Tampering, or attempted Tampering, with any part of Sample Collection or any other part of Testing; or
 - (v) a Person bound under this policy who is not a Representative Athlete breaches this Policy if that Person becomes aware of any, or any suspected, breaches under this Policy and fails to report or notify such information to Triathlon Australia, where that information is not already known to Triathlon Australia.
- (b) Triathlon Australia will issue a written notice of breach to the Person who Triathlon Australia alleges has committed an Illicit Drugs Breach.

- (c) Any illicit drugs issues that are not defined as breaches of this Policy in this Clause 8 will be addressed in compliance with the relevant Commonwealth, State and Territory laws.

9. PROOF OF BREACH

- (a) Burdens and Standards of Proof
 - (i) Triathlon Australia shall have the burden of establishing that an Illicit Drugs Breach has occurred.
 - (ii) The standard of proof shall be whether Triathlon Australia has established an Illicit Drugs Breach to the comfortable satisfaction of the hearing body bearing in mind the seriousness of the allegation which is made (if the hearing has not been waived). This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt.
 - (iii) Where this Policy places the burden of proof upon the Representative Athlete or other Person alleged to have committed an Illicit Drug Breach to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability.
- (b) Methods of Establishing Facts and Presumptions
 - (i) Facts related to an Illicit Drug Breach may be established by any reliable means, including admissions.
 - (ii) The following rules of proof shall be applicable with respect to Positive Analytical Findings:
 - (A) The respective Testing Agency is presumed to have conducted Sample Collection, Sample handling and Sample transport in accordance with the Testing Standards and Sample Analysis in accordance with Australian Standard 4308. The Representative Athlete may rebut this presumption by establishing that a departure from the Testing Standards or Australian Standard 4308 (as applicable) occurred.
 - (B) If the Representative Athlete rebuts the preceding presumption by showing that a departure from the Testing Standards or Australian Standard 4308 (as applicable) occurred, then Triathlon Australia shall have the burden to establish that such departure did not cause the Positive Analytical Finding.

10. THERAPEUTIC USE EXEMPTIONS

Triathlon Australia shall consider any Therapeutic Use Exemptions granted by an anti-doping agency for substance use, including existing TUEs and potential retroactive TUEs, in

accordance with the Australian Government's Results Management Standards (Attachment B).

11. TESTING

(a) Authority to Test

- (i) All Representative Athletes included in the Illicit Drugs Testing Pool agree to submit to Out-of-Competition Sample Collection as determined by Triathlon Australia at any time or place, with or without advance notice by a Triathlon Australia authorised Testing Agency.
- (ii) Without limitation to Clause 11(a), Triathlon Australia intends that Out-of-Competition Sample Collection will be conducted in conjunction with a sport related activity such as, but not limited to, training sessions, recovery sessions, team/squad camps, meetings, functions or other sport activities.
- (iii) Without limitation to Clause 11(a), all Representative Athletes agree to submit to Target Testing as determined by Triathlon Australia at its discretion or as required under Clause 13 as a consequence of an Illicit Drugs Breach.

(b) Testing Standards

All Out-of-Competition Sample Collection will be conducted in accordance with the Australian Government Illicit Drugs in Sport National Education and Action Plan – Testing Standards (Attachment C)

(c) Illicit Drugs Testing Pool

The Triathlon Australia Illicit Drugs Testing Pool will consist of:

- (i) all Representative Athletes selected in a Triathlon Australia national squad or teams, including senior and junior squads or training squads;
- (ii) any other Representative Athlete or group of Representative Athletes determined by Triathlon Australia as being at risk of using illicit drugs, as determined by Triathlon Australia in its sole discretion from time to time, and as notified to the Representative Athlete.

Triathlon Australia may revise its Illicit Drugs Testing Pool from time to time in accordance with these criteria.

(d) Athlete Location Information Requirements

- (i) Triathlon Australia will determine the Athlete Location Information it requires in order to conduct Illicit Drugs Testing.

- (ii) Where possible, Triathlon Australia will endeavour to utilise existing information and appropriate sources of such information in order to conduct Illicit Drugs Testing.
- (iii) When requested, Representative Athletes in the Illicit Drugs Testing Pool must provide sufficient location information to permit reasonable Out-of-Competition Illicit Drugs Testing.
- (iv) Triathlon Australia will inform athletes in the Illicit Drugs Testing Pool when they are required to provide additional Athlete Location Information and the type of information required. This may include:
 - (A) home address;
 - (B) home, work and mobile phone numbers;
 - (C) regular training venues and times (club, state, national and individual);
 - (D) regular sport meeting/function venues and times; and
 - (E) other information as required by Triathlon Australia.
- (e) **Authorised Illicit Drugs Testing Agency**
 - (i) Triathlon Australia will appoint an authorised Testing Agency or Agencies to conduct Out-of-Competition Sample collection and illicit drugs Testing and Sample Analysis in relation to this Policy.
 - (ii) Triathlon Australia may, from time to time, appoint additional authorised Testing Agencies to conduct Sample collection and illicit drugs Testing in relation to this Policy.
 - (iii) Triathlon Australia may, from time to time, terminate the appointment of authorised Testing Agencies at its discretion.
- (f) **Selection of Representative Athletes for Sample Collection**
 - (i) Triathlon Australia or its authorised Testing Agency may select any Representative Athlete in the Illicit Drugs Testing Pool for Sample collection.
 - (ii) Without limitation to Clause 11(f)(i), Triathlon Australia may select any Representative Athlete in the Testing Pool for Target Testing at Triathlon Australia's discretion, in accordance with the Australian Government's Testing Standards (Attachment C), or as required under Clause 13 as a consequence of an Illicit Drugs Breach.
 - (iii) If a Representative Athlete has been notified for doping control by Sport Integrity Australia or another Anti-Doping Organisation to occur at the same

time as proposed Sample collection from the Representative Athlete, the anti-doping testing takes precedence, in which case Triathlon Australia or the authorised Testing Agency may select alternative Representative Athletes for Sample collection under this Policy, or may thereafter test the Representative Athlete in Triathlon Australia's sole discretion.

(g) Analysis of Samples

- (i) Samples will be analysed in a laboratory of the authorised Testing Agency, or its agent or subcontractor in accordance with Australian Standard 4308.
- (ii) Samples will be analysed for the presence of Prohibited Illicit Drugs and their Metabolites and Markers.

(h) Results Management

Triathlon Australia will coordinate results management procedures following Testing under this Policy in accordance with the Australian Government Illicit Drugs in Sport National Education and Action Plan - Results Management Standards (Attachment B). The other provisions of this Policy will prevail over the Results Management Standards in the event of any inconsistency.

12. RIGHT TO A FAIR HEARING

(a) All hearings conducted under this Policy will respect the following principles:

- (i) a timely hearing;
- (ii) a fair and impartial hearing body;
- (iii) the right to be represented by counsel at the Person's own expense;
- (iv) the right to be informed in a fair and timely manner of the alleged Illicit Drugs Breach;
- (v) the right to respond to the alleged Illicit Drugs Breach and resulting consequences;
- (vi) the right of each party to present evidence, including the right to call and question witnesses (subject to the hearing body's discretion to accept testimony by telephone or written submission); and
- (vii) a timely, written, reasoned decision.

(b) Subject to the principles in Clause 12(a), the hearing will be conducted in the manner that the hearing body determines is appropriate, with as little formality and technicality, and as quickly as proper consideration of the issue permits.

- (c) Triathlon Australia will convene the hearing and present the case at the hearing in accordance with the hearing procedures set out in the Triathlon Australia Disciplinary Regulations.
- (d) Triathlon Australia will wait at least 14 days (or a shorter period agreed between Triathlon Australia and the Person) after sending a breach notice and then will appoint a Disciplinary Tribunal to conduct the hearing.
- (e) Waiving of Hearing
 - (i) If, upon receipt of a notification alleging a breach of this Policy, a Person chooses to admit to committing the Illicit Drugs Breach and consents to the counselling and Sanctions applicable for an Illicit Drugs Breach without taking the case to a Disciplinary Tribunal, then Triathlon Australia may immediately refer the Person to a counselling program and impose the applicable Sanctions without convening the Disciplinary Tribunal.
 - (ii) The Person will provide any such admission and consent in writing to the CEO of Triathlon Australia.
 - (iii) A Person will be deemed to have waived his or her right to a hearing by failing to respond to a breach notice or failing to appear at a scheduled hearing.
 - (iv) If a Person waives his or her right to a hearing, then Triathlon Australia may immediately refer the Person to a counselling program and impose at its discretion any or all other applicable Sanctions and other consequences without convening the Disciplinary Tribunal.
- (f) Tribunal Determination
 - (i) The Disciplinary Tribunal will determine:
 - (A) if the Person has committed an Illicit Drugs Breach;
 - (B) if so, what Sanctions and other actions will apply (to the extent that the Disciplinary Tribunal has jurisdiction and discretion under Clause 13); and
 - (C) any other issues referred to it by Triathlon Australia such as, but not limited to, reimbursement of costs.
 - (ii) Any Sanctions and counselling support imposed must be in accordance with Clause 13.
 - (iii) The Disciplinary Tribunal shall have discretion, where fairness requires, to establish an instalment plan for repayment of any costs awarded under Clause 12(f)(i)(C). For the avoidance of doubt, the schedule of payments

under such plan may extend beyond any Sanction period imposed upon the Person.

- (g) The Disciplinary Tribunal will give Triathlon Australia a written statement of:
 - (i) the findings of the hearing and brief reasons for the findings;
 - (ii) to the extent that the Disciplinary Tribunal has jurisdiction and discretion under Clause 13, what Sanctions (if any) and other actions will apply; and
 - (iii) any other relevant issues such as, but not limited to, reimbursement of costs.
- (h) Hearings under this Policy shall be completed as soon as reasonably practicable.
- (i) Decisions by the Disciplinary Tribunal may be appealed to the CAS Appeals Division as provided in Clause 14.
- (j) Decisions by the Disciplinary Tribunal shall not be subject to further review except as provided in Clause 14 or as required by applicable law.
- (k) Triathlon Australia must notify Sport Integrity Australia and, if relevant, the Person's AOC, APC, and/or ACGA of all alleged breaches and findings of hearings. Such groups (as applicable) shall be entitled to attend the hearing as an observer.
- (l) If, during any hearing, a party to the hearing process implicates a third party to an Illicit Drugs Breach or possible Anti-Doping Rule Violation then Triathlon Australia may use any information that arises as a result of the hearing process without having to first seek the permission of the parties. This Clause overrides R43 of the CAS Code of Sports-related Arbitration to the extent of any inconsistency.
- (m) The appeal application fee will be paid by the party lodging the appeal. Each party shall otherwise bear their own costs, except where the Disciplinary Tribunal makes a direction in relation to reimbursement of costs.

13. CONSEQUENCES OF BREACH

- (a) Any Representative Athlete who is found to have committed an Illicit Drug Breach under this Policy:
 - (i) For a **First** Illicit Drugs Breach must:
 - (A) undertake a counselling program; and
 - (B) be subject to Target Testing under this Policy.
 - (ii) For a **Second** Illicit Drugs Breach must:
 - (A) undertake a second counselling program; and

- (B) be subject to Target Testing under this Policy.
- (iii) For a **Third** Illicit Drugs Breach:
 - (A) must be referred to further Counselling;
 - (B) may, subject to Clauses 13(c), 13(d) and 13(e), receive a suspension from Competition at the Disciplinary Tribunal's discretion;
 - (C) may be subject to additional Sanctions at the discretion of the Disciplinary Tribunal.
- (iv) For any **subsequent** Illicit Drugs Breach may:
 - (A) subject to Clauses 13(c), 13(d) and 13(e), receive a suspension from Competition at the Disciplinary Tribunal's discretion;
 - (B) be subject to additional Sanctions at the discretion of the Disciplinary Tribunal; and
 - (C) subject to Clauses 13(c), 13(d) and 13(e), have his or her membership of Triathlon Australia squads or teams terminated.
- (v) Any Person who is not a Representative Athlete who is found to have committed an Illicit Drugs Breach under this Policy shall receive such sanction from the Disciplinary Tribunal in accordance with the Triathlon Australia Disciplinary Regulations and as it sees fit in all the circumstances.
- (vi) A Representative Athlete's Illicit Drugs Breach under this Policy may also constitute a breach of his/her Athlete Agreement. Sanctions under the Athlete Agreement may be applied by Triathlon Australia independently of Sanctions under this Policy.
- (vii) A Representative Athlete's Illicit Drugs Breach under this Policy may also constitute a breach of the Representative Athlete's SIS/SAS Partner, AOC, ACGA or APC illicit drugs policy (where applicable). The Sanctions and other consequences under this Policy are not to be limited or reduced by the existence or application of such other policy. Sanctions under such other policy may be applied by the relevant body independent of Sanctions under this Policy.
- (viii) It is a breach of this Policy to violate any period of suspension or sanction imposed under this Policy.
- (b) Reference to Counselling programs
 - (i) The CEO shall refer any Person found to have committed an Illicit Drugs Breach to a suitable drug counselling program.

- (ii) A Representative Athlete in the Testing Pool may seek a referral from the Illicit Drugs in Sport Policy Officer to a drug counselling program at any time. If a Representative Athlete has sought such assistance prior to being selected for Testing and is subsequently found to have committed an Illicit Drugs Breach from such Testing, any otherwise applicable Sanctions may be reduced.
 - (iii) Self-referral for counselling as described in Clause 13(b)(ii) does not negate the result of any Illicit Drug Test or Sample collection or attempted Illicit Drug Test or Sample collection that has been conducted or attempted prior to or on the day of such self-referral.
 - (iv) Counselling programs will be arranged by Triathlon Australia in consultation with the Representative Athlete and will be provided by registered psychologists, who may be Triathlon Australia contracted psychologists or alternative external psychologists.
 - (v) The CEO will ensure that arrangements regarding the Representative Athlete's attendance and participation in the counselling program respect the privacy of the Representative Athlete.
 - (vi) Triathlon Australia is entitled to confirm with the respective psychologist whether or not the Representative Athlete has undertaken the counselling program arranged by Triathlon Australia.
- (c) Elimination or reduction of Sanctions based on exceptional circumstances.
- (i) If a Representative Athlete establishes in an individual case involving an Illicit Drugs Breach that he or she bears No Fault or Negligence for the Illicit Drugs Breach, then the otherwise applicable Sanctions shall be eliminated. When a Prohibited Illicit Drug or its Markers or Metabolites is detected in a Representative Athlete's Sample, the Representative Athlete must also establish how the Prohibited Illicit Drug entered his or her system in order to have the Sanctions eliminated. In the event this Clause is applied and the otherwise applicable Sanctions are eliminated, the Illicit Drugs Breach shall not be considered as an earlier Illicit Drugs Breach for the limited purpose of determining the Sanctions for any other Illicit Drugs Breaches. The Representative Athlete must still undergo the prescribed counselling program and Target Testing.
 - (ii) If a Representative Athlete establishes in an individual case involving an Illicit Drugs Breach that he or she bears No Significant Fault or Negligence, then the otherwise applicable Sanctions may be reduced.
- (d) Rules and timing for potential multiple breaches
- (i) For the purposes of Clause 13, a second, third or subsequent Illicit Drugs Breach may be considered separately to the first or earlier Illicit Drugs Breach only if Triathlon Australia can establish that the Representative

Athlete committed the second, third or subsequent Illicit Drugs Breach after the Representative Athlete received notice, or after Triathlon Australia made a reasonable attempt to give notice, of the first or earlier Illicit Drugs Breach - if Triathlon Australia cannot establish this, the Illicit Drugs Breaches shall be considered as one single Illicit Drugs Breach.

- (ii) For the purposes of imposing Sanctions under Clause 13, an Illicit Drugs Breach must have occurred within four years of the date of a previous Illicit Drugs Breach in order to be considered a second, third or subsequent Illicit Drugs Breach.

(e) Commencement of Sanctions

- (i) Subject to Clause 13(e)(ii), any Sanction imposed on a Representative Athlete shall take immediate effect on the date of the hearing decision or, if the hearing is waived, on the date specified by Triathlon Australia.
- (ii) Where required by fairness, such as delays in the hearing process or other aspects of the Testing and results management process not attributable to the Representative Athlete, or where a Representative Athlete has stood him or herself down from Competition in writing pending the outcome of the hearing, the Disciplinary Tribunal imposing a suspension from Competition may start the suspension at an earlier date commencing as early as the date of notification.

(f) Status During Suspension

- (i) No Representative Athlete suspended from Competition may, during the period of suspension, compete in or participate in any Competition or Event authorised or organised by Triathlon Australia, or otherwise represent Triathlon Australia at any other Competition or Event as a competitor or in any coaching, promotional or other support role.

(g) Reinstatement

As a condition to regaining eligibility to Compete (including the revoked rights described in Clause 13(f)) at the end of a suspension period as a consequence of an Illicit Drugs Breach, a Representative Athlete must:

- (i) during the suspension period, make him or herself available for further Sample collection by Triathlon Australia and must provide current and Athlete Location Information as required under Clause 11(d);
- (ii) have completed the required counselling program to Triathlon Australia's satisfaction, and
- (iii) have complied with any other obligations imposed by the Disciplinary Tribunal including the payment of any fine imposed.

14. APPEALS

- (a) Decisions made by the Disciplinary Tribunal under Clause 12 may be appealed to the CAS Appeals Division as set out in this Clause 14. Such decisions include a decision that an Illicit Drugs Breach was committed by a Representative Athlete, a decision imposing a Sanction on a Representative Athlete, a decision that no Illicit Drugs Breach was committed by a Representative Athlete, and a decision that Triathlon Australia lacks jurisdiction in relation to an alleged Illicit Drugs Breach or its consequences. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise.
- (b) Both the Representative Athlete being the subject of a decision and Triathlon Australia have the right to appeal to the CAS Appeals Division.
- (c) These decisions may be appealed exclusively to the CAS Appeals Division and resolved definitively in accordance with the CAS Code of Sports-related Arbitration.
- (d) The determination of the CAS Appeals Division will be final and binding on the parties to the appeal and no party may institute or maintain proceedings in any court or tribunal other than the CAS Appeals Division.
- (e) Triathlon Australia must inform any Person and/or organisation, including SIS/SAS partner, AOC, ACGA or APC (if applicable) informed of the original determination of the outcome of any appeal within 7 days of the release by the CAS Appeals Division of the written decision of the appeal.
- (f) The time to file an appeal to the CAS Appeals Division shall be within 21 days of the release by the Disciplinary Tribunal of the written decision of the initial hearing.

15. REPRESENTATIVE ATHLETES WHO ARE MINORS

- (a) Triathlon Australia recognises that Representative Athletes who may be bound by, and Tested under, this Policy may be Minors at the time of the Testing.
- (b) For the avoidance of doubt, this Policy applies to Minors to the same extent as to all other Representative Athletes. Any notifications under this Policy involving a Minor shall also be advised to the Minor's parent or guardian.
- (c) The fact that a Representative Athlete is/was a Minor at the time of any breach of this Policy shall not excuse any breach of this Policy, but age and inexperience may be considered in mitigation of sanction by the Disciplinary Tribunal.

16. LIMITATIONS OF ACTION

No action may be commenced under this Policy against a Representative Athlete or other Person for an alleged Illicit Drugs Breach unless such action is commenced within 2 years from the date the alleged Illicit Drugs Breach occurred. For the avoidance of doubt, this Clause does not restrict any right of Triathlon Australia to take action at any time under the

Athlete Agreement, Triathlon Australia Member Protection Policy and/or other agreement between the Person and Triathlon Australia.

17. INVESTIGATIONS

- (a) Triathlon Australia may at its discretion at any time conduct an investigation into whether an Illicit Drugs Breach or other breach of this Policy has occurred.
- (b) A Person who is investigated under this Policy may also be investigated in relation to the same matter under the Triathlon Australia Anti-Doping Policy, Athlete Agreement and/or Triathlon Australia Member Protection Policy, where applicable.
- (c) An investigation for the purposes of this Policy may also serve as an investigation under the Triathlon Australia Anti-Doping Policy, Athlete Agreement and/or Triathlon Australia Member Protection Policy, where applicable.

18. CONFIDENTIALITY AND REPORTING

- (a) Incorporation of Relevant Illicit Drugs in Sport Policies

The Rules of each Member Organisation shall specifically provide that all Representative Athletes, Athlete Support Personnel and other Persons under the jurisdiction of the Member Organisation shall be bound by Policy.

- (b) Privacy

- (i) Triathlon Australia will act in a discreet and confidential manner in relation to all information relating to this Policy and associated programs. Triathlon Australia will adopt privacy practices consistent with the Privacy Act and Triathlon Australia's privacy policy.

- (ii) Triathlon Australia shall act in a discreet and confidential manner in discharging its obligations under this Policy.

- (c) Confidentiality

Triathlon Australia and its employees and Board Members will keep confidential and not disclose information regarding an alleged or established Illicit Drugs Breach, including the identity of the Person alleged or found to have committed such breach, except to the extent:

- (i) permitted under clause or elsewhere in this Policy;
- (ii) permitted under another applicable Triathlon Australia policy or agreement with the relevant Person;
- (iii) required for the purposes of administering and enforcing this Policy;
- (iv) required by law;

- (v) such information is already in the public domain; or
 - (vi) as authorised by the relevant *Person*.
- (d) Disclosure
- (i) Triathlon Australia may inform the following organisations of any Positive Analytical Finding, any notification of an alleged Illicit Drugs Breach, any finding of an Illicit Drugs Breach or any other details of the results management process or hearing process with respect to any Representative Athlete or other Person subject to this Policy:
 - (A) Sport Integrity Australia;
 - (B) the Person's SIS/SAS partner (if applicable);
 - (C) the AIS and/or the ASC;
 - (D) the Person's club;
 - (E) where relevant, the AOC, APC and/or ACGA; and
 - (F) without limitation to Clause 3(d), police, customs or other relevant authorities.
 - (ii) Except as provided in Clause 18(d)(i), unless and until a Person publicly discloses that he or she has been notified of an Illicit Drug Breach and/or has authorised Triathlon Australia or affected/interested parties to make public comments, Triathlon Australia and any notified parties must not publicly disclose the identity of a Person who is suspected of an Illicit Drugs Breach.
 - (iii) For the avoidance of doubt, where a Disciplinary Tribunal or CAS determination has found that an Illicit Drugs Breach has occurred, Triathlon Australia may publicly disclose the details of the Illicit Drugs Breach in its sole discretion.

19. AMENDMENT AND INTERPRETATION OF ILLICIT DRUGS IN SPORT POLICY

- (a) This Policy may be amended from time to time by Triathlon Australia.
- (b) This Policy shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.
- (c) The headings used in this Policy are for convenience only and shall not be deemed part of the substance of this Policy or to affect in any way the language of the provisions to which they refer.
- (d) The Definitions shall form part of this Policy.
- (e) This Policy shall apply from the date the Policy became effective.

- (f) Words in the singular include the plural and vice versa.
- (g) A Person includes a body corporate.
- (h) Reference to “including” and similar words are not words of limitation.

20. DEFINITIONS

Representative Athletes: For purposes of Illicit Drugs Testing and Sample Collection, any Person identified by Triathlon Australia who participates in sport under the authority of Triathlon Australia and represents a Triathlon Australia national squad or team.

Athlete Support Personnel: Any coach, trainer, manager, agent, team staff member, official, scientist, medical or para-medical or other personnel working with, treating or assisting a Representative Athlete preparing or participating for sporting activities.

List of Prohibited Illicit Drugs: The list identifying the illicit drugs prohibited under this policy.

Member: A person who, or a body which, is a member of Triathlon Australia; a person who, or body which, is affiliated with Triathlon Australia or a person who is a member of a body which is a Member of or affiliated with Triathlon Australia.

Person: A natural person or an organisation or other entity, including but not limited to a Representative Athlete, Athlete Support Personnel and Member.

Privacy Act: The Privacy Act 1988 (Cth), as amended from time to time.

ACGA: The Australian Commonwealth Games Association Inc.

AIS: The Australian Institute of Sport, a division of the ASC

Anti-Doping Organisation: As defined in the Triathlon Australia Anti-Doping Policy

Anti-Doping Rule Violation: An anti-doping rule violation as defined in the Triathlon Australia Anti-Doping Policy or under the corresponding provisions of the anti-doping policy of a SIS/SAS Partner

AOC: The Australian Olympic Committee Inc.

APC: The Australian Paralympic Committee Inc.

SPI: Sport Integrity Australia, established under the Sport Integrity Australia Act

SPI Act: The Sport Integrity Australia Act 2020, as amended from time to time

ASC: The Australian Sports Commission, established under the ASC Act. Includes the AIS

ASC Act: The Australian Sports Commission Act 1989 (Cwlth), as amended from time to time

Athlete Agreement: The agreement between Triathlon Australia and an athlete known (on the date this Policy was adopted) as the National Team Agreement, as amended from time to time.

Athlete Location Information: Information relating to an Athlete in the Testing Pool as required by the Triathlon Australia in order to allow Triathlon Australia to arrange Sample Collection from the Athlete

Attempt: Has the same meaning as in the WADA Code.

Australian Standards 4308: Australian Standards (AS)/New Zealand Standards (NZS) 4308:2008 (Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine), as amended from time to time.

Board Member: The Directors of Triathlon Australia, as defined in the Triathlon Australia Constitution

CAS: The Court of Arbitration for Sport (Oceania Registry)

CAS Appeals Division: The Court of Arbitration for Sport (Oceania Registry) Appeals Arbitration Division

Competition: A single competition or singular athletic contest

Triathlon Australia: Triathlon Australia Limited

Triathlon Australia Anti-Doping Policy: Triathlon Australia's Anti-Doping Policy, as amended from time to time

Triathlon Australia Code of Conduct: Triathlon Australia's Code of Conduct, as amended from time to time

Triathlon Australia Member Protection Policy: Triathlon Australia's Member Protection Policy, as amended from time to time

Education and Action Plan: The Australian Government's Illicit Drugs in Sport — National Education and Action Plan as amended from time to time and accessible through the website idis.gov.au

Event: A series of individual Competitions conducted together under one ruling body

Fails to Submit: Failure to submit to Sample Collection or failure to comply with Sample Collection procedures, including:

- (i) failure to provide a Sample as required; or
- (ii) failure to complete or sign any form required

IF: An International Federation recognised by the International Olympic Committee or Sport Accord as the entity responsible for governing that sport internationally

Illicit Drugs Breach: Any of the three categories of breach specified in Clause 8.1 of this Policy

Illicit Drugs in Sport Tribunal: The body appointed by Triathlon Australia for the purposes of conducting a hearing under Clause 12

Illicit Drugs Testing Agency: An illicit drugs testing agency endorsed by the Office for Sport and appointed by Triathlon Australia

In-Competition: Unless provided otherwise in the rules of an IF or other relevant Anti-Doping Organisation, the period commencing 12 hours before a Competition in which the Athlete is scheduled to participate through to the end of such Competition and the sample collection process related to such Competition

Metabolites: Any substance produced by a biotransformation process

Markers: A compound, group of compounds or biological parameter/s that indicates the use, ingestion or consumption of a Prohibited Illicit Drug

Minor: Means a Person who is under 18 years of age as at the time of any alleged breach of this Policy.

No Fault or Negligence: An Athlete establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had used, ingested or otherwise consumed the Prohibited Illicit Drug

No Significant Fault or Negligence: An Athlete establishing that his or her fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relationship to the Positive Analytical Finding

Office for Sport: The Office for Sport within the Department of the Prime Minister and Cabinet, or such other Australian Government office, department or agency assuming that office's role under this Policy

Positive Analytical Finding: The presence in a Sample of a Prohibited Illicit Drug or its Metabolites or Markers

Prohibited Illicit Drug: A drug listed on the List of Prohibited Illicit Drugs

Results Management Standards: The Australian Government's Illicit Drugs in Sport – National Education and Action Plan – Results Management Standards, as amended from time to time and accessible through the website idis.gov.au (see Attachment B). A reference in that document to an NSO will be read as a reference to Triathlon Australia as applicable.

Sample: Any biological material collected for the purposes of Sample Analysis

Sample Analysis: Analysis of Samples for the presence of Prohibited Illicit Drugs and their Metabolites or Markers

Out of Competition Sample Collection: The process of collecting biological material for the purpose of Sample Analysis

Possession: Has the same meaning as the definition in the WADA Code.

Sanctions: Suspension from competition and representation on behalf of Triathlon Australia at any event, competition or other activity, or other penalty as determined by the Illicit Drugs in Sport Tribunal

SIS/SAS Partner: An Australian state or territory institute or academy of sport

Tamper: Causing, arranging or participating in any of the following in relation to any part of Sample Collection or any other part of Testing:

- (a) altering, or attempting to alter, for an improper purpose or in an improper way;
- (b) bringing, or attempting to bring, improper influence to bear;
- (c) interfering, or attempting to interfere, improperly;
- (d) obstructing, misleading or engaging in any fraudulent conduct to alter results or prevent normal procedures from occurring, or attempting to so obstruct, mislead or engage in such conduct; or
- (e) providing, or attempting to provide, fraudulent information.

Target Testing: The selection of Athletes for Sample Collection where specific Athletes, or groups of Athletes, are selected on a non-random basis for Sample Collection at a specified time

Test Distribution Plan: The number, timing and spread of Sample Collection to be conducted on the Testing Pool to ensure an efficient and effective allocation of Testing resources

Testing: The parts of the process of testing in relation to Prohibited Illicit Drugs involving Test Distribution Planning, Sample Collection, Sample handling, and Sample transport to the laboratory

Testing Pool: The pool of Athletes established by Triathlon Australia who are subject to Sample Collection as part of Triathlon Australia's Test Distribution Plan

Testing Standards: The Australian Government's Illicit Drugs in Sport — National Education and Action Plan — Testing Standards, as amended from time to time and accessible through the website idis.gov.au (see Attachment C). A reference in that document to an NSO will be read as a reference to Triathlon Australia as applicable

Trafficking: Selling, giving, transporting, sending, delivering or distributing (either physically or by electronic or other means) any substance on the List of Prohibited Illicit Drugs by an Athlete or any other person bound to this policy, to any other person, without a bona fide medical reason

TUE: Therapeutic use exemption being an exemption for the legitimate use of a Prohibited Illicit Drug

Use: The utilization, application, ingestion, injection or consumption by any means whatsoever of any Prohibited Illicit Drug.

ATTACHMENT A- List of Prohibited Illicit Drugs

1. Amphetamine
2. Cannabis (in any form, including flowering or fruiting tops, leaves, seeds or stalks, but not including Cannabis resin or Cannabis fibre)
3. Cannabis resin
4. Cocaine
5. Gammabutyrolactone (GBL)
6. Gamma-Hydroxybutanoic acid (GHB)
7. Heroin (diacetylmorphine)
8. Lysergide (LSD)
9. Methamphetamine
10. 3,4-Methylenedioxyamphetamine (MDA)
11. 3,4-Methylenedioxymethamphetamine (MDMA)
12. Opium
13. Psilocine
14. Psilocybine
15. Tetrahydrocannabinol (THC)
16. Methadone
17. Morphine
18. Oxycodone
19. Fentanyl
20. Pethidine
21. Dimethylamphetamine
22. Benzphetamine
23. Ephedrine
24. Methylephedrine
25. Cathine (D-norpseudoephedrine)

Please note this list may be updated from time to time to reflect changes in regulations or determinations that additional substances should be controlled within existing regulations.

ATTACHMENT B- Australian Government Illicit Drugs in Sport National Education and Action Plan - Results Management Standards

PART ONE: INTRODUCTION

1.0 Introduction

The purpose of the Results Management Standard is to coordinate procedures for results management, from the time of notification of initial results or the receipt of an allegation to the determination of an Illicit Drug Breach and notification to the appropriate disciplinary body. They do not include procedures for hearing cases of Illicit Drug Breaches. Compliance with the Results Management Standard is a condition of funding for testing under the Australian Government Illicit Drugs in Sport – National Education & Action Plan.

PART TWO: STANDARDS FOR RESULTS MANAGEMENT

2.0 Initial Review

2.1 Laboratory Results and Possible Failure to Submit Reports

2.1.1 Triathlon Australia shall receive all analytical results from the laboratory by secure email or hand delivery.

2.1.2 Triathlon Australia shall receive any SCO Reports from the relevant SCO along with other documentation from the Sample Collection Session, by secure email or hand delivery or the SCO's authorised transport arrangements.

2.2 Negative Analytical Findings

2.2.1 All documentation from the Sample Collection Session along with the notification of Negative Analytical Findings shall be retained by Triathlon Australia for filing. No further action shall be taken.

3.0 Positive Analytical Findings

3.1 Identity of Athletes

3.1.1 Triathlon Australia shall identify all Athletes having returned a Positive Analytical Result from the Chain of Custody Form.

3.1.2 The Athlete's identity shall be kept confidential throughout the results management process. Only persons required to know the Athlete's identity to facilitate results management shall have access to it.

3.2 Initial Review for Departure from Standards

3.2.1 Upon receipt of an A Sample Positive Analytical Result, Triathlon Australia should check all of the documentation relating to the Sample Collection Session (including the Chain of Custody Form, Laboratory Advice Form, SCO Report and other Records) and the laboratory analysis for any irregularity.

3.2.2 If there is any irregularity in the documentation, Triathlon Australia should determine if the irregularity can reasonably be considered to undermine the validity of the Positive Analytical Result.

3.2.3 If an irregularity can be reasonably considered to undermine the validity of the Positive Analytical Result, Triathlon Australia may declare the test result void.

3.3 Notification after Initial Review

3.3.1 Triathlon Australia shall cross reference all current therapeutic use exemptions on file with the athlete(s) identified as having returned a positive analytical result. Current therapeutic use exemptions are those exemptions which pre-date the sample collection date and have been authorised by a medical practitioner authorised to do so by Triathlon Australia. Therapeutic use exemptions are valid for twelve (12) months from authorisation.

3.3.2 Where the current therapeutic use exemption(s) match the Illicit Drug or its Metabolites or Markers as identified in the A Sample the sample is to be considered negative. No further action is to be taken.

3.3.3 Where a current therapeutic use exemption post-dates the sample collection date, Triathlon Australia may, at its discretion contact the Triathlon Australia Chief Medical Officer or his/her authorised nominee to provide the athlete a retroactive therapeutic use exemption.

3.3.4 Where a therapeutic use exemption does not exist Triathlon Australia may, at its discretion contact the Triathlon Australia Chief Medical Officer or his/her authorised nominee to provide the athlete a retroactive therapeutic use exemption.

3.3.5 All retroactive therapeutic use exemptions must be authorised by the Triathlon Australia Chief Medical Officer or his/her authorised nominee within fourteen (14) days of the receipt of an A Sample Positive Analytical Result.

3.3.6 Retroactive therapeutic use exemptions shall be authorised by the Triathlon Australia Chief Medical Officer or his/her authorised nominee based on the legitimate use of a prohibited substance for the treatment of a recognised medical condition.

3.3.7 Once Triathlon Australia has determined that the Positive Analytical Result is not due to any irregularity that undermines its validity, then Triathlon Australia is to notify the Athlete in writing of the Positive Analytical Result. The notice shall include the following details:

- a) the name of the Athlete and their sport;
- b) that the A Sample has returned an Positive Analytical Result and the details of the Illicit Drug or its Metabolites or Markers identified in the A Sample;
- c) the Illicit Drug Breach violated in accordance with the Australian Government Illicit Drugs in Sport – National Education & Action Plan., or, where a further investigation is necessary, a description of the additional investigation that will be conducted as to whether there is an Illicit Drug Breach;
- d) the possible Consequences of the Illicit Drug Breach;
- e) the Athlete’s right to provide a submission outlining evidence of a relevant therapeutic use rationale to explain the presence of an Illicit Drug or its Metabolites or Markers;
- f) the Athlete’s right to promptly request the analysis of the B Sample or, failing such request, that the B Sample analysis may be deemed waived and the A Sample finding used as evidence of the Illicit Drug Breach;
- g) the right of the Athlete and/or the Athlete’s representative to attend the B Sample opening and analysis if such analysis is requested;
- h) the other parties that will be notified of the A Sample Positive Analytical Result; and
- i) the Athlete’s right to request copies of the A and B Sample Laboratory Report.

3.4 Athlete Submission

3.4.1 Where an Athlete makes a submission in relation to an alleged Positive Analytical Result Triathlon Australia must take account of this submission in determining whether there has been an Illicit Drug Breach.

3.4.2 If Triathlon Australia judges that the Athlete has presented compelling justification for the actions leading to the Positive Analytical Result, or has shown No Significant Fault or Negligence, Triathlon Australia may determine that there has been no Illicit Drug Breach. Triathlon Australia shall notify the Athlete accordingly.

3.4.3 If Triathlon Australia judges that the Athlete has failed to present compelling justification for the actions leading to the Positive Analytical Result, or has not shown No Significant Fault or Negligence, Triathlon Australia may determine that there has been an Illicit Drug Breach and proceed in accordance with these Guidelines.

3.5 B Sample Analysis

3.5.1 Should the Athlete request the analysis of the B Sample, Triathlon Australia shall contact the laboratory and confirm the time for testing of the B Sample.

3.5.2 Triathlon Australia should notify the Athlete of the time for the B Sample analysis, which should be no later than 5 working days after the Athlete requests that it be analysed.

3.5.3 The time for analysis of the B Sample may be extended by mutual agreement between the Athlete, Triathlon Australia and the laboratory.

3.5.4 The Athlete has the right to attend the identification, opening and analysis of the B Sample, or to appoint a representative to do this.

3.5.5 Where neither the Athlete nor his/her representative attends the identification, opening and analysis of the B Sample, the laboratory shall appoint an independent person or surrogate for the Athlete's representative.

3.5.6 The B Sample shall be tested by a different analysis team than the A Sample.

3.5.7 If the B Sample analysis does not confirm the A Sample analysis, Triathlon Australia shall notify the Athlete that no Illicit Drug Breach has occurred.

3.5.8 If the B Sample analysis does confirm the A Sample Positive Analytical Result, Triathlon Australia shall continue to follow these Guidelines with respect to the Positive Analytical Result.

3.5.9 In the event that Triathlon Australia does not receive a request by the athlete for an analysis of the B sample, Triathlon Australia at its own discretion may arrange for an analysis of the B sample, and notify the athlete of the time of the B sample analysis.

4.0 Non-Analytical Illicit Drug Breaches

4.1 Initial Review for Departure from Standards

4.1.1 In the case of an alleged Evasion, Failure to Submit, or Tampering Triathlon Australia should check any documentation relating to the selection of the Athlete and the Sample Collection Session for any irregularities.

4.1.2 If there are any irregularities in the documentation or appear to have been irregularities in relation to the selection or Sample Collection Session, Triathlon Australia shall determine if the irregularity can reasonably be considered to undermine the possibility of an illicit drug breach.

4.1.3 If irregularities can be reasonably considered to undermine the possibility of an Evasion, Failure to Submit or Tampering Triathlon Australia shall declare that there has been no illicit drug breach.

4.2 Notification after Initial Review

4.2.1 Once Triathlon Australia has determined that the Report showing a possible Evasion, Failure to Submit or Tampering is not due to an irregularity that undermines the possibility of an Illicit Drug Breach, Triathlon Australia is to notify the Athlete in writing of the Report. The notice shall contain the following details:

- a) the name of the Athlete and their sport;
- b) that a Report showing a potential Illicit Drug Breach has been received with respect to the Athlete and an outline of the substance of the Report;
- c) the Illicit Drug Breach violated in accordance with the Illicit Drug Policy of Triathlon Australia
- d) the possible Consequences of the Illicit Drug Breach; and
- e) the Athlete's right to present submissions relating to the possible Failure to Illicit Drug Breach.

4.2.2 Triathlon shall notify other person(s) in accordance with the Sanctions Regime designed by the sport in accordance with the Australian Government Illicit Drugs in Sport – National Education & Action Plan.

4.3 Submission

4.3.1 Where an Athlete fails to make a submission in relation to a possible Illicit Drug Breach, Triathlon Australia may determine that there has been an Illicit Drug Breach and proceed in accordance with the Sanctions Regime designed by the sport in accordance with the Australian Government Illicit Drugs in Sport – National Education & Action Plan.

4.3.2 Where an Athlete makes a submission in relation to a possible Illicit Drug Breach, Triathlon Australia must take account of this submission in determining whether there has been an Illicit Drug Breach.

4.3.3 If Triathlon Australia judges that the Athlete has presented compelling justification for the actions leading to the Report showing a possible Illicit Drug Breach, or has shown No Significant Fault or Negligence, Triathlon Australia may determine that there has been no Illicit Drug Breach. Triathlon Australia shall notify the Athlete accordingly.

4.3.4 If Triathlon Australia judges that the Athlete has failed to present compelling justification for the actions leading to the Report showing a possible Illicit Drug Breach, or has not shown No Significant Fault or Negligence, Triathlon Australia may determine that there has been an Illicit Drug Breach and proceed in accordance with the Sanctions Regime designed by the sport in accordance with the Australian Government Illicit Drugs in Sport – National Education & Action Plan.

5.0 Determination on Illicit Drug Breach

5.1 Where there has been an Positive Analytical Result and:

- a) the test has not been declared void due to an irregularity in accordance with clause 3.2.3;
- b) the presence of the Prohibited Substance is not consistent with a therapeutic use exemption that has been granted in accordance with clause 3.4.2; and
- c) the Athlete has not requested that the B Sample be analysed, or the B Sample Analysis has been conducted and confirms the A Sample Positive Analytical Result in accordance with clause 3.5.8 then Triathlon Australia shall determine that there has been an Illicit Drug Breach.

5.2 Where Triathlon Australia determines that there has been an Illicit Drug Breach, Triathlon Australia shall notify the Athlete in writing of this determination.

5.3 Where Triathlon Australia determines that there has been an Illicit Drug Breach Triathlon Australia shall notify the appropriate disciplinary or hearing body of the determination, for a Hearing

to be conducted. Triathlon Australia shall provide the disciplinary or hearing body with all of the documentation relevant to the determination.

5.4 The Athlete is also entitled to copies of all of the documentation relevant to the determination that there has been an Illicit Drug Breach, and Triathlon Australia shall provide this to the Athlete or his/her representative upon request.

DEFINITIONS

Athlete: For purposes of Sample Collection, any Person identified by a National Sporting Organisation (NSO) who participates in sport under the authority of that NSO.

Chain of Custody: The sequence of individuals or Organisations who have the responsibility for a Sample from the provision of the Sample until the Sample has been received for analysis.

Illicit Drug Breach: A report that identifies:

- **Evasion:** Evidence of a deliberate act of evading or attempting to evade an effort by the Athlete's NSO (or organisations acting on its behalf) to make a request for the provision of a sample for drug testing;
- **Failure to Submit:** Evidence of the attempt to refuse to submit to drug testing or failure by an Athlete to follow proper drug testing procedures, limited to:
Failure to provide a sample as required;
Failure to complete or sign any form required; or After a sample has been provided, acting contrary to the requirements of the requirement of the NSOs Illicit Drug Policy.
- **Presence:** In a Specimen the presence of an Illicit Drug or its Metabolites or Markers;
- **Tampering:** Evidence of the cause, arrangement or participation in any of the following in relation to the particular drug testing process:
Altering, or attempting to alter, for an improper purpose; or
Bringing, or attempting to bring, improper influence to bear; or
Interfering, or attempting to interfere, improperly to:
Alter results; or
Prevent normal procedures from occurring.
- **Use:** The utilisation, application, ingestion, injection or consumption by any means whatsoever of any Illicit Drug or its Metabolites or Markers.

National Sporting Organisation (NSO): A national non-governmental organisation recognised by the Australian Sports Commission and administering one or more sports at a national level that is responsible for adopting rules, for initiating, implementing or enforcing any part of the Sample Collection process.

Non-Analytical Illicit Drug Breach: Any Illicit Drug Breach not related to the presence of an Illicit Drug or its Metabolites or Markers.

Positive Analytical Finding: An Illicit Drug Breach related to the presence of an Illicit Drug or its Metabolites or Markers.

Sample Collection: The process including test distribution planning, sample collection and handling, laboratory analysis, results management, hearings and appeals.

Sample Collection Officer (SCO): An official who has been trained and authorised by the NSO with delegated responsibility for the on-site management of a Sample Collection Session

Sample Collection Session: All of the sequential activities that directly involve the Athlete from notification until the Athlete leaves the Sample Collection Station after having provided his/her Sample/s.

Sample/Specimen: Any biological material collected for the purposes of Sample Collection.

Testing: The parts of the Sample Collection process involving test distribution planning, Sample Collection, Sample handling, and Sample transport to the laboratory.

Therapeutic Use: Provision for the legitimate use of a prohibited substance under the Australian Government Illicit Drugs in Sport – National Education & Action Plan.

ATTACHMENT C - Australian Government Illicit Drugs in Sport National Education and Action Plan – Testing Standards

PART ONE: INTRODUCTION

1.0 Introduction

The purpose of the Testing Standard is to plan for effective Testing and to maintain the integrity and identity of the Samples, from notifying the Athlete to transporting Samples for analysis. The Testing Standard includes standards for test distribution planning, notification of Athletes, preparing for and conducting Sample Collection, security/post-test administration and transport of Samples. Compliance with the Testing Standard, including all annexes, is a condition of funding for testing under the Australian Government Illicit Drugs in Sport – National Education & Action Plan.

PART TWO: STANDARDS FOR TESTING

2.0 Planning

2.1 Objective

The objective is to plan and implement an effective distribution of Athlete tests resulting in detection, deterrence and prevention of illicit drug practices.

2.2 General

Planning starts with establishing criteria for Athletes to be included in an Illicit Drugs Testing Pool and ends with selecting Athletes for Sample Collection.

2.3 Requirements for establishing the Illicit Drugs Testing Pool

2.3.1 Each NSO should define and document the criteria for Athletes to be included in its National Illicit Drugs Testing Pool, which should include (unless good reason exists otherwise) (i) Athletes that have been included in an Olympic/Paralympic, World Championship team (ii) Athletes who are part of national teams in non-Olympic and non-Paralympic sports and (iii) Athletes who compete in National Competition Leagues.

2.3.2 The Illicit Drugs Testing Pool, and the criteria set by the relevant NSO for inclusion in such Pool, should be reviewed and updated as necessary with additions to or removals from the pool to reflect changes in Athlete ranking and other relevant factors.

2.3.3 Once an Athlete has been named to an Illicit Drugs Testing Pool, the NSO should ensure a process for communicating this fact immediately to the Athlete, and inform him/her of the resultant responsibilities.

2.4 Requirements for test distribution planning

2.4.1 The NSO should, evaluate the potential risk of illicit drug use and possible drug use pattern based on:

- a) Available illicit drug use analysis statistics;
- b) Available research on illicit drug use trends;
- c) Training periods and Competition season;
- d) Information received on possible illicit drug use practices.

2.4.2 The NSO should develop and document a test distribution plan based on information determined in 2.4.1; the number of Athletes involved in the sport/discipline; and the evaluation of outcomes of previous test distribution planning cycles.

2.4.3 The NSO should then allocate the number of Sample Collections for each sport/discipline, as relevant.

2.4.4 The NSO should ensure that Athlete support personnel or any other person with a conflict of interest is not involved in the test distribution planning for their Athletes.

2.5 Requirements for selection of Athletes

2.5.1 The NSO should select Athletes for Sample Collection using Target Testing and Random Selection methods.

2.5.2 The NSO should attempt to coordinate Target Testing, based on the intelligent assessment of the risks of illicit drug use. The NSO should consider Target Testing Athletes based on the following information:

- a) Behaviour indicating illicit drug use;
- b) Athlete association with a third party with a history of involvement in illicit drug use, and;
- c) Reliable information from a third party.

2.5.3 Testing which is not Target Testing should be determined by Random Selection.

2.5.4 Following the selection of an Athlete for Sample Collection and prior to notification of the Athlete, the NSO and/or Sample Collection Organisation should ensure Athlete selection decisions are disclosed only to those who need to know in order to ensure the Athlete can be notified and tested on a No Advance Notice basis.

3.0 Conducting the Sample Collection Procedure

3.1 Objective

To conduct the Sample Collection Session in a manner that ensures the integrity, security and identity of the Sample and respects the privacy of the Athlete.

3.2 Requirements prior to Sample Collection

3.2.1 The Sample Collection Organisation (SCO) will attempt to contact a relevant official on arrival at the selected Athlete(s) training site. The SCO Collectors will be wearing identification that clearly states they are representing the NSO and the SCO. If a relevant official is not present, or the testing session is taking place at a venue that is not the Athlete's training venue, the SCO will continue with the testing process as per the remainder of these instructions.

3.2.2 The identity of the selected Athlete(s) is to remain confidential until the selected Athlete(s) have been notified of the request for testing.

3.2.3 At the completion of the training session or, as soon as practical, the relevant official should be sought out to assist the SCO or Collector in identifying the selected Athlete(s) for notification.

3.2.4 The SCO or Collector is to notify the selected Athlete(s) and bring them to an area where they can wait until the collection of the urine sample is completed. The selected Athlete(s) will be provided with a copy of the testing procedure for their information.

3.2.5 If the athletes at the training venue are being subjected to doping control by the Australian Sports Anti-Doping Authority or other anti-doping authority, the SCO shall work with such officials from those bodies and make alternative athlete selections.

3.3 Requirements for Sample Collection

3.3.1 Selected Athlete(s) must remain in the testing area at all times until they have completed all sample collection requirements.

3.3.2 No mobile phone use is permitted in the testing area.

3.3.3 Collectors will use a tamper-resistant pre-packaged collection kit with all components carrying a bar code and a unique specimen number specific to that kit.

3.3.4 The Athlete shall inspect the collection kit (including the collection vessel) to ensure it has not been tampered with. If the Athlete is not satisfied with the selected collection kit, they may choose another. If the Athlete is not satisfied with any of the collection kits available for selection, this shall be recorded by the Collector. If the Collector does not agree with the Athlete's opinion that all of the Collection kits are unsatisfactory, the Collector shall instruct the Athlete to proceed with the sample collection process. If the Collector agrees with the Athlete that all of the collection kits are unsatisfactory, the Collector shall terminate the collection of the Athlete's urine sample and this shall be recorded by the Collector.

3.3.5 The Athlete shall retain control of the collection vessel (and any urine sample provided) at all times until the urine sample is sealed, unless assistance is required due to an Athlete's disability (see Annex B: Modifications for Athletes with Disabilities).

3.3.6 The Athlete will be asked to remove all unnecessary outer garments, empty pockets and leave all personal items and bags outside the toilet area.

3.3.7 The Collector will ask the Athlete to wash their hands and after such time the Athlete will remain in the presence of the Collector and not have access to any taps, soap dispensers or cleaning agents.

3.3.8 The Collector is required to directly witness the passing of the urine sample from the Athlete. The Collector witnessing sample provision shall be of the same gender as the Athlete providing the sample.

3.3.9 The Collector will also determine that there is sufficient sample for the laboratory tests to be performed as well as inspecting the urine to determine its colour and look for any indication of adulterants or diluents. Any unusual findings will be recorded on the chain of custody form.

3.3.10 The Athlete is then instructed by the Collector to split the sample between the two storage tubes and the analyser tube, all of which are capped and sealed with numbered tamper-resistant seals. The Collector is to provide guidance with regards to volume amounts.

3.3.11 The Chain of Custody Form containing the unique collection kit and seal numbers is signed by both the Collector and the Athlete.

3.3.12 Each tube is placed in an individual tamper evident test tube bag by the Collector and sealed.

3.3.13 The Collector places the Chain of Custody Form on the biohazard transport bag; the bag is then sealed with a tamper resistant seal. The sealed biohazard bag is placed in the transport box and sealed with a tamper resistant seal. The Collector will sign and date the final tamper resistant seal. This complete process will take place within sight of the Athlete. The Athlete is now free to leave the testing area.

3.3.14 The Laboratory Advice Form will be completed with the unique Specimen Number and Bar Code.

3.3.15 The sealed transport box is placed in a transport satchel and when all collections are completed, closed with a tamper-resistant plastic lock, the number of which is recorded on the Laboratory Advice Form, which is also placed in the satchel.

3.3.16 The transport satchel is stored in a secure place until all specimen collections are completed.

3.4 Modifications for Athletes with Disabilities

3.4.1 Annex A sets out procedures to ensure the special needs of Athletes with disabilities can be accommodated during Sample Collection

3.5 Modifications for Athletes Who Are Minors

3.5.1 Annex B sets out procedures to ensure the special needs of Athletes who are minors are met during Sample Collection

4.0 Security/Post-test administration

4.1 Objective

To ensure that all Samples collected at the Sample Collection Station and Sample Collection documentation are securely stored prior to their departure from the Sample Collection Station.

4.2 Requirements for Security/post-test administration

4.2.1 The SCO will provide sufficient small “clean” envelopes and one (1) large envelope i.e. without SCO logos.

4.2.2 The Collector will place a copy of the Chain of Custody Form for each Athlete in one of the smaller envelopes, and then apply evidence tape to seal the envelope. Both the Athlete and the Collector will then sign and date their name on the evidence tape. The smaller envelope would then be put inside the large envelope, which will be pre-addressed to the designated SCO Contact then sealed normally. The envelopes will be couriered to the SCO Contact.

4.2.3 In the case of an Athlete not being able to pass urine (or passing insufficient amount of urine) in the first instance and the collection kit has been opened, the Athlete must remain with the Collector and in view of the opened collection kit, until such time as they are able to pass the sufficient volume of urine.

4.2.4 The SCO shall authorise a transport system that ensures Samples and documentation will be transported in a manner that protects their integrity, identity and security.

4.2.5 Sealed Samples shall always be transported to the accredited laboratory, using the SCO’s authorised transport method as soon as practicable after the completion of the Sample Collection Session. Samples shall also be transported in a manner which minimizes potential sample degradation from the effects of factors such as time delays and extreme temperature variations.

4.2.6 Documentation identifying the Athlete shall not be included with the Samples or documentation sent to the accredited laboratory.

4.2.7 The SCO shall send all relevant Sample Collection Session documentation to the NSO using the SCO’s authorised transport method as soon as practicable after the completion of the Sample Collection Session.

4.2.8 Chain of Custody shall be checked by the NSO if receipt of either the Samples with accompanying documentation or Sample Collection documentation is not confirmed at their intended destination or a Sample’s integrity or identity may have been compromised during transport. In this instance, the NSO shall consider whether the Sample should be voided.

5.0 Ownership of Samples

5.1. The NSO that initiates testing on the Athlete owns the Samples collected from the athlete.

6.0 Athlete Location Requirements

6.1. Athletes in an Illicit Drugs Testing Pool must provide sufficient location information to permit reasonable Out-of-Competition Illicit Drugs Sample Collection.

PART THREE: ANNEXES

Annex A - Athletes with Disabilities

A.1 Objective

To ensure that the special needs of Athletes with disabilities are considered, where possible, in relation to the provision of a Sample, without compromising the integrity of the Sample Collection process.

A.2 Scope

Determining whether modifications are necessary starts with identification of situations where Sample Collection involves Athletes with disabilities and ends with modifications to Sample Collection procedures and equipment where necessary and where possible.

A.3 Responsibility

The NSO has responsibility for ensuring, when possible, that the SCO has any information and Sample Collection Equipment necessary to conduct a Sample Collection Session with an Athlete with a disability. The SCO has responsibility for Sample Collection.

A.4 Requirements

A.4.1 All aspects of notification and Sample Collection for Athletes with disabilities shall be carried out in accordance with the standard notification and Sample Collection procedures unless modifications are necessary due to the Athlete's disability.

A.4.2 In planning or arranging Sample Collection, the SCO shall consider whether there will be any Sample Collection for Athletes with disabilities that may require modifications to the standard procedures for notification or Sample Collection, including Sample Collection Equipment and facilities.

A.4.3 The SCO shall have the authority to make modifications as the situation requires when possible and as long as such modifications will not compromise the identity, security or integrity of the Sample.

A.4.4 For Athletes with a physical disability, the Athlete can be assisted by a representative or a Collector during the Sample Collection Session where authorised by the Athlete and agreed to by the SCO.

A.4.5 For Athletes with an intellectual or a sensorial disability, the NSO or SCO shall determine whether the Athlete must have a representative at the Sample Collection Session and the nature of the assistance that the representative must provide. Additional assistance can be provided by the representative or Collector during the Sample Collection Session where authorised by the Athlete and agreed to by the SCO.

A.4.6 The SCO can decide that alternative Sample Collection Equipment or facilities will be used when required to enable the Athlete to provide the Sample as long as the Sample's identity, security and integrity will not be affected.

A.4.7 Athletes who are using urine collection or drainage systems are required to eliminate existing urine from such systems before providing a urine Sample for analysis.

A.4.8 The SCO will record modifications made to the standard Sample Collection procedures for Athletes with disabilities, including any applicable modifications specified in the above actions.

Annex B - Athletes who are Minors

B.1 Objective

To ensure that the needs of Athletes who are minors are met, in relation to the provision of a Sample, without compromising the integrity of the Sample Collection Session.

B.2 Scope

The procedure for Athletes who are minors starts with identification of situations where Sample Collection involves Athletes who are minors and ends with implementation of the necessary modifications to Sample Collection procedures.

B.3 Responsibilities

The NSO has responsibility for:

- Ensuring that the minor has the opportunity to be accompanied by a representative;
- ensuring that the SCO has any information necessary to conduct a Sample Collection Session with an Athlete who is a minor; and
- obtaining parental consent for undertaking Sample Collection on each Athlete who is a minor. The SCO has responsibility for ensuring that the SCO and all Collectors can provide evidence that they possess all necessary Working with Children checks that are relevant to the jurisdiction in which Sample Collection is taking place

B.4 Requirements

B.4.1 All aspects of notification and Sample Collection for Athletes who are minors shall be carried out in accordance with the standard notification and Sample Collection procedures unless modifications are necessary due to the Athlete being a minor.

B.4.2 In planning or arranging Sample Collection, the NSO and SCO shall consider whether there will be any Sample Collection for Athletes who are minors that may require modifications to the standard procedures for notification or Sample Collection.

B.4.3 The SCO and the NSO when applicable shall have the authority to make modifications as the situation requires when possible and as long as such modifications will not compromise the identity, security or integrity of the Sample.

B.4.4 Athletes who are minors may be accompanied by a representative throughout the entire Sample Collection Session. The representative shall not witness the passing of the Sample unless requested to do so by the minor. The objective is to ensure that the SCO is observing the Sample provision correctly. Even if the minor declines a representative, the NSO, SCO or Chaperone, as applicable, shall consider whether a third party ought to be present during notification of the Athlete.

B.4.5 For Athletes who are minors, the SCO shall determine who, in addition to the Sample Collection Personnel, may be present during the Sample Collection Session, namely a minor's representative to observe the SCO when the Minor is passing the Sample (but not to directly observe the passing of the Sample unless requested to do so by the minor) and the SCO's/Collector's representative, to observe the SCO/Collector when a minor is passing a urine Sample, but without

the representative directly observing the passing of the Sample unless requested by the minor to do so.

B.4.6 Should an Athlete who is a minor decline to have a representative present during the Sample Collection Session; this should be clearly documented by the SCO. This does not invalidate the test, but must be recorded. If a minor declines the presence of a representative, the representative of the SCO/Chaperone must be present.

B.4.7 Should a minor fall within an NSO's Illicit Drugs Testing Pool, the preferred venue for all Out-of-Competition testing is a location where the presence of an adult is most likely e.g. training venue.

B.4.8 The NSO shall consider the appropriate course of action when no adult is present at the home of a minor and accommodate the Athlete in locating a representative in order to proceed with Sample Collection. If testing is at a training venue, the SCO should ensure another adult is present thereby ensuring the SCO is not alone with the minor.

DEFINITIONS

Athlete: For purposes of Sample Collection, any Person identified by a National Sporting Organisation (NSO) who participates in sport under the authority of that NSO.

Athlete Location: Information provided by or on behalf of an Athlete in an Illicit Drugs Testing Pool that sets out the Athlete's Out-of-Competition Location in accordance with clauses 6.1 of the Testing Standard.

Chain of Custody: The sequence of individuals or Organisations who have the responsibility for a Sample from the provision of the Sample until the Sample has been received for analysis.

Collector: An official who is trained and authorised to carry out specific duties including one or more of the following: notification of the Athlete selected for Sample Collection; accompanying and observing the Athlete until arrival at the Sample Collection Station; and/or witnessing and verifying the provision of the Sample where the training qualifies him/her to do so.

Competition: A single race, match, game or singular athletic contest identified by a National Sporting Organisation (NSO) that is under the authority of that NSO.

Event: A series of individual Competitions conducted together under one ruling body.

Illicit Drugs Testing Pool: The pool of Athletes established separately by each National Sporting Organisation who are subject to Testing as part of that Organisation's Illicit Drug in Sport test distribution plan.

In-Competition: Any period of time that is not Out-of-Competition.

List of Illicit Drugs: The List identifying the Illicit Drugs and Illicit Methods.

Minor: A natural Person who has not reached the age of eighteen years at the time of Sample Collection.

National Sporting Organisation (NSO): A national non-governmental organisation recognised by the Australian Sports Commission and administering one or more sports at a national level that is

responsible for adopting rules, for initiating, implementing or enforcing any part of the Sample Collection process.

No Advance Notice: A Sample Collection which takes place with no advance warning to the Athlete and where the Athlete is continuously chaperoned from the moment of notification through Sample provision.

Out-of-Competition: Out-of-Competition is defined as the period where an Athlete is not competing in a Competition or Event under the authority of the NSO.

Random Selection: Selection of Athletes for testing which is not Target Testing. Random Selection may be completely random; where no pre-determined criteria are considered, and Athletes are chosen arbitrarily from a list or pool of Athlete names, or; Weighted; where Athletes are ranked using pre-determined criteria in order to increase or decrease the chances of selection.

Sample Collection: The process including test distribution planning, sample collection and handling and laboratory analysis,

Sample Collection Equipment: Containers or apparatus used to directly collect or hold the Athlete's Sample at any time during the Sample Collection process. Sample Collection Equipment shall, as a minimum, consist of: - Collection vessels for collecting the urine Sample as it leaves the Athlete's body; and - Sealable and tamper-evident bottles and lids for securing the urine Sample.

Sample Collection Officer (SCO): An official who has been trained and authorised by the NSO with delegated responsibility for the on-site management of a Sample Collection Session.

Sample Collection Personnel: A collective term for qualified officials authorised by the NSO who may carry out or assist with duties during the Sample Collection Session.

Sample Collection Session: All of the sequential activities that directly involve the Athlete from notification until the Athlete leaves the Sample Collection Station after having provided his/her Sample/s.

Sample Collection Station: The location where the Sample Collection Session will be conducted.

Sample/Specimen: Any biological material collected for the purposes of Sample Collection.

Target Testing: Selection of Athletes for Testing where specific Athletes or groups of Athletes are selected on a non-random basis for Testing at a specified time.

Testing: The parts of the Sample Collection process involving test distribution planning, Sample Collection, Sample handling, and Sample transport to the laboratory.