

POOL VICTORIA INCORPORATED

Inc.No: A0039158U

ABN: 22 837 434 883



DOPING POLICY

(Adopted from the Australian Eight Ball Federation Doping Policy)

1. POSITION STATEMENT

- 1.1 Pool Victoria condemns the use of performance enhancing drugs, declared banned substances and doping practices in eight ball because it is contrary to the ethics of the sport and potentially harmful to the health of athletes.

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

- 1.2 The Pool Victoria Doping Policy aims to deter Doping practices in eight ball by:
- 1.2.1 making those found to have engaged in a doping practice liable to effective sanctions;
 - 1.2.2 requiring Affiliated bodies to adopt this policy or to establish a policy that is consistent with this policy;
 - 1.2.3 educating and informing those persons and organisations to which this policy applies.
- 1.3 Persons and Eight Ball Bodies to which this policy applies may be liable to be investigated and disciplined under the terms of this Policy. In doing so the Information Privacy Principles of the Privacy Act 1988 will be observed.
- 1.4 Pool Victoria will support the development of National and International initiatives to deter doping practices in eight ball.

2. DOPING PRACTICES

- 2.1 This policy applies to:
- 2.1.1 Pool Victoria and affiliated bodies that do not have their own doping policy.
 - 2.1.2 Members, Officials and employees of Pool Victoria, including any person receiving financial or other assistance through Pool Victoria. **(ONLY PLAYERS WILL BE DRUG TESTED.)**
 - 2.1.3 Others having access to Pool Victoria facilities.

Note: If the member is a child, they will have a parent, guardian or other suitable adult, present when tested.

- 2.2 For the purpose of this Policy a Doping Practice is:
- 2.2.1 The taking of substances or use of methods as referred to on the attached list of Doping Classes and Methods *Unless:*
 - 2.2.1(a) *the person uses the prohibited substance for a therapeutic purpose (see 2.4), or*
 - 2.2.1(b) *There are exceptional circumstances (see 2.5)*
 - 2.2.2 The taking of declared 'banned substances'.
 - 2.2.3 Refusal or failure to provide a sample for testing when requested by a drug-testing officer recognised by Pool Victoria.
 - 2.2.4 Assisting, or being involved in a doping practice.

- 2.2.5 A person or eight ball body to which this policy applies must not engage in a Doping practice.
- 2.3 *A doping offence is proven if a person admits to having committed the doping offence to another person.*
- 2.4 **Therapeutic Purpose** – *A person uses a prohibited substance for a therapeutic purpose if:*
- (a) *The person had written approval prior to testing from a recognised medical authority for the therapeutic use of the prohibited substance*
 - (b) *The level of the prohibited substance in the sample is consistent with the approved therapeutic use, and*
 - (c) *The therapeutic use of the prohibited substance is not inconsistent with rules of the relevant International Federation (IF).*
- 2.5 **Exceptional Circumstances** – *Exist if the presence of the prohibited substance is beyond the person’s control. For example:*
- *the person has a natural Testosterone: Epitestosterone ratio above 6:1, or*
 - *the person is administered the prohibited substance in hospital without their knowledge.*
- Exceptional circumstances do not exist merely because the person:*
- (a) *took the prohibited substance inadvertently, or*
 - (b) *did not know that the substance was prohibited.*

3. DRUG TESTING AUTHORITIES

Pool Victoria will accept the results of tests conducted by:

- 3.1 The Australian Sports Drug Agency (ASDA);
- 3.2 Appointed agencies of ASDA, International Sporting Organisations and National Drug Testing Authorities operating under their own rules and regulations and where the sample is analysed by an IOC accredited laboratory; or
- 3.3 Any laboratory that conducts testing on persons for the detection of a Doping Practice where the laboratory is accredited by the National Association of Testing Authorities.

A test result will not be invalidated by reason of a technical departure from applicable procedures. Where a person contends the sampling or testing did not conform to the procedures of the doping policy, the athlete must show that the result of the variation cast significant doubt on the correctness of the test result.

4. HEARINGS AND INVESTIGATIONS

- 4.1 A person or eight ball body alleged to have been involved in a doping practice has a right to a hearing.
- 4.2 Where the President of Pool Victoria (or person acting under his authority) receives information that a person or eight ball body to which this policy applies, may have breached this policy, or receives a notification from a drug testing authority that a

person has returned a positive test result or has failed to comply with a request to provide a sample, the President (or person acting under his authority) may;

- 4.2.1 Notify in writing the person or eight ball body concerned of the intention of Pool Victoria to conduct an inquiry, and set out the procedures for the inquiry.
 - 4.2.2 Suspend financial or other assistance to such person or eight ball body concerned.
 - 4.2.3 Invite such person or eight ball body to attend and be heard by the appointed Committee, and to indicate why the sanctions prescribed in this Doping Policy should not be applied.
 - 4.2.4 Notify the Team of which the person is a member of the intention of Pool Victoria to determine whether this policy has been breached.
 - 4.2.5 Appoint a Committee to conduct a hearing or to join in a hearing with the relevant team captain (or representative) and officials from the persons Association, to determine whether a breach of the policy has occurred, and what sanction will apply.
 - 4.2.6 Impose a temporary suspension upon the player pending the outcome of a hearing.
- 4.3 The Committee conducting the hearing will provide a written statement to the President of Pool Victoria, stating the findings of the investigation and its decision.
 - 4.4 Any person appointed to the Committee who may have a conflict of interest must inform the President of that conflict. The President will assess the conflict and determine the person's suitability to be included on the Committee.
 - 4.5 The Committee shall consist of three members nominated by the President.

5. NOTIFICATION

- 5.1 The President of Pool Victoria will inform the person and/or the Team and/or the eight ball association concerned and the Executive Committee of Pool Victoria of the decision of the Committee. Other agencies may be advised of the decision of the Committee as the President of Pool Victoria determines is appropriate.
- 5.2 Notification will be in writing.

6. SANCTIONS

6.1 Individuals

Where a person is found to have participated in a doping practice, for the duration of a sanction, the person will be:

- 6.1.1 Not be eligible to represent Australia.
- 6.1.2 Be banned from competing in any events and competitions conducted by, or under the auspices of Pool Victoria.
- 6.1.3 Have awards, placings and records won from the date of the doping practice withdrawn. All matches won, after a positive sample is taken, will be deemed to have been lost. All matches played at a declared major event will be deemed lost.

6.1.4 Not be eligible to hold any office in Pool Victoria or affiliated bodies.

6.2 *Sanctions will apply to individuals for the following periods.*

6.2.1 A minimum suspension of two years for the first breach.

6.2.2 Life ban on a subsequent breach.

6.3 The sanction determined by the Committee under Clause 4.2.5 may be subject to appeal.

6.4 The Committee appointed under 4.2.5 may consult a Medical Practitioner or other suitably qualified person for assistance in interpreting a positive result.

6.5 When a person is found to have breached this doping policy, due to the taking or administration of a drug or substance. The Committee which hears this allegation may make either of the following findings, based on the evidence before it;

6.5.1 This policy has been breached and full or partial sanctions apply; or

6.5.2 There has been an unintentional breach of the policy and caution the person.

6.6 Where a person is found in breach of this policy, and that breach results in a person or team, having to forfeit a title (eg: Victorian Singles Champion or Victorian Team Member) Pool Victoria will determine if this title is automatically passed onto another team or individual, or if a further match or matches are necessary to determine the new title holder. In this respect, the decision of Pool Victoria will be final.

6.7 **TEAM SANCTIONS**

Pool Victoria recognises that in competition the participation of a member of a team in a doping practice may result in a penalty affecting the team. The team is not disqualified from competition, they are able to continue after game and match scores are amended. (as per 6.1.3)

7. **REVIEW OF SANCTIONS**

7.1 Where a sanction has been imposed by Pool Victoria under this policy and **new and relevant information** concerning a breach becomes available, written application may be made to the President setting out the grounds for a possible review of that sanction. Written application may be lodged **at any time** after the person or body has received written notification of the results of a hearing.

7.2 Pool Victoria will not act as an appeal agency for the purpose of a review of a sanction imposed by any other Body.

8. **GUIDELINES FOR PROCEDURES FOR THE CONDUCTING OF HEARING INTO DOPING PRACTICES.**

8.1 Notification of an alleged breach.

Where the President is notified that a member has returned a positive test result or refused to comply with a request to provide a sample, or for any other reason has reasonable cause to believe that a person or other body to which this Doping Policy applies, has breached the Policy, the President will investigate the matter.

8.2 The President will supply each person or body with written notification of each alleged breach. The written notification will:

- 8.2.1 Be delivered to the person or body, by either personal delivery or by post.
 - 8.2.2 Set out the nature and brief particulars of the alleged breach.
 - 8.2.3 Set out the sanctions which be imposed if it was determined that the alleged breach has occurred.
 - 8.2.4 Nominate a location, time and date (being not less that 14 days from the date of receipt of notice) when a hearing will be conducted to determine if a breach of the Doping Policy has occurred, and if so, what sanction should be applied. Note, both parties may agree to reduce the time before a hearing is conducted.
 - 8.2.5 Contain information briefly explaining how the hearing will be conducted and who may be present.
 - 8.2.6 Have a copy of these procedures attached to it. If the alleged breach concerns a member of an Affiliated Body, Pool Victoria may investigate the matter. In all instances of an alleged breach the President of Pool Victoria must be advised.
- 8.3 The President will decide whether;
- 8.3.1 Pool Victoria will hear the matter
 - 8.3.2 Pool Victoria will hear the matter in conjunction with the affiliated body, or
 - 8.3.3 The affiliated body will hear the matter independently.

9. COMMITTEE TO DETERMINE

- 9.1 When the President appoints a Committee, it shall have at least three persons, and they will conduct a hearing to determine:
- 9.1.1 whether the person or body has breached the Doping Policy, and
 - 9.1.2 what sanction should be applied

10. PROCEDURE OF COMMITTEE

- 10.1 The Committee may conduct a hearing in such a manner as the Committee determines. Hearings may be conducted by telephone or other conference facility. Hearings are to be conducted with as little formality and technicality, and with as much expedition, as proper consideration of the matter before the Committee permits.
- 10.2 Where a person declines, or does not respond to an invitation to attend a hearing or submit written information prior to the time and date set for the hearing, the Committee may examine the matter, make a determination and impose a sanction, in the absence of the person or group involved.

11. RIGHT TO REPRESENTATION AND CROSS-EXAMINATION

At a hearing:

- 11.1 The Committee may examine and cross-examine witnesses and may appoint a legal representative or other person to assist them.
- 11.2 The person or body concerned may examine and cross-examine witnesses and may be assisted by a legal representative or other person; and

11.3 The Committee may seek medical advice from a legally qualified medical practitioner or other suitably qualified people to assist interpret a positive result.

12. RECORD OF DECISION

12.1 The Committee will provide a written statement to the President (or President of the Affiliated body) stating its findings of fact and its decision of the sanction to be applied.

12.2 The President will then inform the person or body of the decision. The President will arrange for the person or body to be supplied with a written notification of the hearing.

12.3 The President shall also advise:

12.3.1 The Affiliated body to which the person belongs.

12.3.2 Any other organisation or person the President determines has a need to know.

13. DEFINITIONS

In this policy:

“Pool Victoria” means: Pool Victoria Incorporated

“Child” means: any person under the age of 18 years

“Declared Major Event” means:

- (a) Victorian Titles; or
- (b) National Titles

“Drug Testing Officer” means: a person appointed by Pool Victoria to that position or other person, or official of Pool Victoria, when acting under the direction of the President and recognised by Pool Victoria

“President” means: the President of Pool Victoria, or the Vice President when acting as the President

“Member” means:

- (a) a person or body that is a member of Pool Victoria; or
- (b) a person or body that, is affiliated to Pool Victoria; or
- (c) a person who is a member of a body affiliated to Pool Victoria

“Player” means: any person, who has played, has been nominated as a player or attends a competition with the intention of competing

“Sample” refers to human biological fluid or tissue

“Refusal” means: a refusal by an athlete to provide a sample to a drug testing officer for the purpose of analysis, and includes failure to supply a sample

Words in singular include plural and vice versa