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## 1. Introduction

1.1 This Policy aims to provide guidelines on restrictions, and raise awareness about *Illicit Drug* use in basketball. The policy is implemented with the following four pillars to safeguard our sport from the dangers of *Illicit Drugs*:

- **Health:** To protect the health and well-being of our Participants.
- **Educate:** To educate our Participants on the dangers of involvement with *Illicit Drugs*.
- **Integrity:** To assist in safeguarding the integrity of basketball by minimising the risks that can stem from *Illicit Drug* use such as; criminal influence and potential compromise of Participants, criminal charges, breach of anti-doping rules, damage to the reputation of the Participant and Australian basketball, and a ban from sport.
- **Rehabilitate:** To provide assistance to Participants who are involved with *Illicit Drug* use, so they may take advantage of programs to facilitate their rehabilitation.

## 2. Application of Policy

2.1 This policy is to be read with the provisions set out in the Basketball Australia *National Framework for Ethical Behaviour and Integrity in Basketball* ('the Framework') and all definitions in the Framework apply to this policy.

2.2 Nothing in this policy limits the rights and obligations under Basketball Australia's Anti-Doping Policy or applicable Codes of Conduct or any other relevant agreements and policies.

## 3. Who is bound by this Policy

3.1 This policy applies to all Participants and Clubs involved with the following Competitions or Events:

- All Basketball Australia sanctioned National Teams
- National Basketball League
- Women's National Basketball League
- National Wheelchair Basketball League
- Women's National Wheelchair Basketball League
- South East Australian Basketball League
- Big V State Championship
- Queensland Basketball League
- Warratah League Championship
- State Basketball League (Western Australia)
- State Basketball League (Tasmania)
- Premier League (South Australia)
- Premier League (ACT)
- Premier League (NT)

3.2 Where a Participant is not bound by this policy, Basketball Australia strongly encourages them to still be aware of its content and will endeavour to provide information, guidance and support throughout all levels of the sport.

## 4. Illicit Drugs Policy Officer

4.1 Basketball Australia shall nominate a suitable person to administer this Policy, and they shall be referred to as the Illicit Drugs Policy Officer (IDPO).

4.2 The IDPO shall:

4.2.1 be responsible for the supervision and administration of this Policy and the associated education programs;

4.2.2 be responsible for making this Policy (and any updates from time to time) available to all of those Participants who are bound by this Policy listed in Clause 3;

4.2.3 maintain a list of education, counselling and support services for referrals;

4.2.4 investigate breaches of this Policy in accordance with this Policy and the Framework;

4.2.5 act in a professional, discreet and confidential manner in undertaking the obligations of their role under this Policy;

4.2.6 have responsibility for decisions made on behalf of Basketball Australia in relation to this Policy, unless another person or body (such as the Basketball Australia CEO) is explicitly specified within this Policy as having that responsibility; and

4.2.7 ensure they fully understand their role and obligations under this Policy, and have a current and accurate understanding of matters relevant to this Policy.

## 5. Education

5.1 For the purposes of Clause 10 of the Framework, Basketball Australia will develop and implement an illicit drugs education strategy.

5.2 Basketball Australia's education strategy shall be consistent with the Australian Government Illicit Drugs in Sport program and will reflect key messages, such as:

- illicit drug use is harmful;
- illicit drug use can affect your sporting performance – in or out of competition, during the off-season or on the weekend;
- illicit drug use can affect your reputation and sporting career;

- illicit drug use can affect your sports team;
- illicit drug use can impact on the community who support you;
- participating in sport supports a healthy lifestyle; and
- illicit drug use may cause an anti-doping violation under the BA's Anti-doping Policy and result in management under that Code.

## 6. Personal Responsibilities

6.1 All Participants identified in Clause 3 as being bound by this policy must:

- 6.1.1 be knowledgeable and comply with all rules applicable to them under this policy;
- 6.1.2 not use or supply others with illicit drugs;
- 6.1.3 be aware that Illicit Drug use may lead to an anti-doping rule violation;
- 6.1.4 participate in all illicit drugs education programs as directed by Basketball Australia;
- 6.1.5 use their influence on other Participants to reinforce the education messages regarding illicit drugs;
- 6.1.6 comply with local laws when travelling with international teams;
- 6.1.7 act in a discreet and confidential manner in discharging their obligations under this policy; and
- 6.1.8 behave in a manner that is consistent with the spirit and intent of this Policy.

## 7. Prohibited Illicit Drugs

7.1 The *Illicit Drugs* prohibited under this *Illicit Drugs* Policy are those *Drugs* considered illegal under legislation of the state or territory where a breach occurs, as well as those listed in Schedule 3 of the *Criminal Code Regulations 2002 (Cth)* as amended from time to time.

7.2 If an *Illicit Drug* has been lawfully and properly prescribed by a medical practitioner for a legitimate therapeutic purpose and evidence can be provided to that effect, then the use or *Possession* of the *Illicit Drug* may be exempt from prosecution under this Policy.

## 8. Prohibited Conduct

8.1 This policy is contravened where:

8.1.1 a Participant possesses, uses or administers any Illicit Drugs out-of-competition;

8.1.2 a Participant engages in the trafficking, distribution or supply of any Illicit Drugs;

8.1.2.1 For the avoidance of doubt, Clauses 8.1.1 and 8.1.2 do not prevent action being taken in accordance with Basketball Australia's Anti-Doping Policy in the first instance.

8.1.3 a Participant is complicit in a breach of Clauses 8.1.1 or 8.1.2; or

8.1.4 a Participant fails to comply with the directions of the IDPO or any other Illicit Drugs management initiatives under this Policy.

## 9. Reporting Process

9.1 All instances of Prohibited Conduct pursuant to Clause 8 should be reported in accordance with Clause 14 of the Framework.

## 10. Investigations

10.1 The IDPO may conduct preliminary investigations into the use or possession of Illicit Drugs and refer Participants to appropriate education, counselling or support services in the first instance.

10.2 Where the IDPO determines that the conduct is of a more serious nature, involves repeated instances of Prohibited Conduct or is related to other forms of Prohibited Conduct, then an investigation will be commenced in accordance with Clause 15 of the Framework.

10.3 An Independent Investigator maybe be appointed to conduct or assist with an investigation if necessary.

## 11. Sanctions

11.1 Consistent with Basketball Australia's rehabilitative model for responding to the use of prohibited illicit drugs, it is expected that most instances of identified prohibited illicit drug use will be dealt with by the IDPO through referrals to appropriate education, counselling and support services in the first instance.

11.2 For the avoidance of doubt, nothing in Clause 11.1 shall preclude a Hearing Panel or Appeal Tribunal from determining any other sanctions as deemed appropriate in the circumstances.

## 12. Health Practitioners – Patient Confidentiality

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

### 13. Illicit Drug Testing

- 13.1 Basketball Australia does not conduct any illicit drug testing outside of anti-doping testing carried out by ASADA under BA's Anti-Doping Policy.
- 13.2 Member Organisations, Authorised Providers or Clubs may conduct their own illicit drug testing at their own cost and with the agreement or consent of their employees, members or volunteers.
- 13.3 The Member Organisation, Authorised Provider or Club conducting the illicit drug testing shall be solely responsible for obtaining the agreement or consent of any person being tested.
- 13.4 Any Member Organisation, Authorised Provider or Club who conduct their own illicit drug testing shall be solely responsible for the appropriate conduct of the testing and results management.
- 13.5 Where testing pursuant to Clause 13.2 results in a positive test, the matter may be dealt with under the terms of the relevant contract or other agreement or referred to Basketball Australia to conduct a Hearing Panel in accordance with the provisions of the Framework.