



*National Framework for Ethical Behaviour and Integrity in Basketball – Appendix 3*

*Improper Use of Drugs and Medicine Policy*

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## 1. Introduction

- 1.1 Basketball Australia is committed to the health, safety and wellbeing of Participants and to providing a safe and clean environment for Participants in basketball, including by ensuring that science and medicine services are provided to athletes by appropriately qualified and supervised staff that are subject to the Framework.
- 1.2 Illegal Drugs represent a widespread community problem and can pose a serious health issue for individuals. Basketball Australia is aware of the availability and the prevalence of use of Illegal Drugs and seeks to deter Participants from the use of such substances.
- 1.3 This Policy aims to provide guidelines on restrictions and raise awareness about the improper use of drugs and medicines in basketball. The policy is implemented with the following three pillars to safeguard our sport from the dangers of Illegal Drugs and the misuse of other medications:
- **Health:** To protect the health and well-being of our Participants and ensure sport science and sports medicine services and treatments are only delivered by suitably qualified personnel.
  - **Integrity:** To assist in safeguarding the integrity of basketball by minimising the risks that can stem from Illegal 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 Illegal Drug use, so they may take advantage of programs to facilitate their rehabilitation.
- 1.4 This Improper Use of Drugs and Medicines Policy is not intended to, and in any event does not operate to in any way affect the operation and application of Basketball Australia's Anti-Doping Policy.

## 2. Definitions

- 2.1 Defined terms not otherwise defined in this Policy have the meaning given to them in the Framework. In this Policy the following words have the corresponding meaning:

**'AIS Sports Science Sports Medicine Practitioner Minimum Standards'** mean the mandatory minimum standards for sports science and sports medicine staff and contractors engaged to deliver services in those disciplines of as published and amended by the AIS from time to time

**'Chief Medical Officer'** is the Medical Practitioner appointed by Basketball Australia to advise and lead medical services for basketball.

**'Club Doctor'** is the Medical Practitioner appointed by a Club to advise and lead medical services for the Club.

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

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

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

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

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

**'Policy'** means this Improper Use of Drugs and Medicine Policy.

**'Possession'** means the actual, physical possession, or the constructive possession of an Illegal Drug.

**'Relevant Athlete'** means Athletes who are members of any national Team or Squad selected by Basketball Australia and Athletes who participate in the NBL, WNBL or NBL1.

**'Relevant Personnel'** means:

- a. Coaches;
- b. Employees;
- c. Medical Practitioners;
- d. Officials;
- e. Sports Science Sports Medicine Personnel;
- f. Support Personnel: and
- g. Any other person who at any time has agreed to be bound by this Policy (other than an Athlete)

Operating in Competitions or Events, national Teams or Squads, in the NBL, in the WNBL or in the NBL1.

**'Supplement'** includes any synthetic or natural chemical in any form including without limitation in the form of a formulated food, a tablet, capsule, gummy, liquid, tincture,

or powder that is ingested, infused, inhaled, injected, inserted or absorbed by the human body for the intended purpose of enhancing health and function, including athletic performance. This includes Dietary Supplements and Non-Compliant Supplements.

**‘Dietary Supplement’** includes any supplement which is ingested and is compliant with the Australia & New Zealand Food Standards Code or the Therapeutic Goods Act 1989 (Cth).

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

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

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

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

### 3. Application of Policy

- 3.1 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.
- 3.2 Nothing in this policy limits the rights and obligations under the Anti-Doping Policy or applicable Codes of Conduct or any other relevant agreements and policies.

### 4. Who is bound by this Policy

- 4.1 This Policy applies to all Relevant Athletes and Relevant Personnel.

### 5. Illegal Drugs Policy Officers

- 5.1 Basketball Australia shall nominate suitable persons to administer this Policy, and they shall be referred to as the Illegal Drugs Policy Officers (IDPOs).
- 5.2 The IDPOs shall:
  - 5.2.1 be responsible for the supervision and administration of this Policy and any associated education programs;

- 5.2.2 maintain a list of education, counselling and support services for referrals;
- 5.2.3 report potential breaches of this Policy to the Integrity Unit in accordance with this Policy and the Framework;
- 5.2.4 act in a professional, discreet and confidential manner in undertaking the obligations of their role under this Policy;
- 5.2.5 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 Integrity Unit) is explicitly specified within this Policy as having that responsibility; and
- 5.2.6 ensure they fully understand their role and obligations under this Policy, and have a current and accurate understanding of matters relevant to this Policy.

## 6. Personal Responsibilities

- 6.1 Participants must not Use, Possess or Traffic Illegal Drugs.
- 6.2 Basketball Australia, Member Organisations, Authorised Providers and Clubs must, in the sports science and sports medicine fields:
  - 6.2.1 only employ, contract or engage in a voluntary capacity, those individuals who:
    - 6.2.1.1 comply with the AIS Sports Science Sports Medicine Practitioner Minimum Standards; or
    - 6.2.1.2 are a Chiropractor, Nurse, Osteopath or Paramedic who is registered with the Australian Health Practitioners Regulation Agency,
      - to work with Relevant Athletes;
  - 6.2.2 employ or engage such individuals under a written document, which must incorporate compliance with the AIS Sports Science Sports Medicine Practitioner Minimum Standards as an obligation imposed on the relevant individual; and
  - 6.2.3 ensure that educational or vocational qualifications, or applicable professional registrations, of all such individuals are verified, checked, and recorded at least annually.
- 6.3 For Medications requiring a prescription, a Relevant Athlete must only use Medication prescribed to them personally, and in the manner directed by a Medical Practitioner.
- 6.4 Relevant Athletes should refer to Global DRO website or the Sport Integrity Australia App to assist them to determine whether Medications (prescription and non-

prescription) are permitted for use in sport, have conditions associated with their use in sport or are prohibited. Medications with conditions or which are prohibited may be able to be taken if a TUE is sought and granted but must not be used without the granting of a TUE if the use of the medication in sport is prohibited.

- 6.5 Basketball Australia requires all Relevant Athletes to determine if they need an in-advance or retroactive TUE by referring to the Sport Integrity Australia website. Once determined the Relevant Athlete must comply with the relevant requirements.
- 6.6 Relevant Athletes must notify the Chief Medical Officer or their Club Doctor when Medications have been provided by a Medical Practitioner not appointed by Basketball Australia or their Club.
- 6.7 Relevant Athletes must not use expired Medication.
- 6.8 Relevant Personnel or Relevant Athletes with a documented medical condition requiring the possession of injection equipment must notify the Chief Medical Officer or Club Doctor of their condition and subsequently be listed on the Basketball Australia or Club self-injection register. Clubs must make their self-injection register available to the Basketball Australia Integrity Unit upon request at any time.
- 6.9 If a Relevant Athlete is unable to self-inject (for example due to age, impairment or incapacity) then a carer may also be listed on the self-injection register.
- 6.10 Relevant Personnel and Relevant Athletes must not be in possession of any hypodermic needles or other injection equipment, unless:
  - 6.10.1 the individual is a Health Professional authorised to administer injections; or
  - 6.10.2 the individual's possession has been authorised by the Chief Medical Officer or other Health Professional and is listed on the Basketball Australia or a Club's self-injection register.
- 6.11 Relevant Athletes must not self-inject any substance, unless authorised to do so by the Chief Medical Officer or other Medical Practitioner for the treatment of a documented medical condition.
- 6.12 Subject to clause 6.10.2, Relevant Athletes must not allow any person other than the Chief Medical Officer or another Health Professional authorised to administer injections or authorised carer to administer an injection to them. Any such injection must only be administered by the Health Professional for a purpose permitted under this Policy.
- 6.13 Relevant Personnel must only administer injections to Relevant Athletes if:
  - 6.13.1 The Relevant Personnel is a Health Professional authorised to administer injections or is an authorised carer for the Relevant Athletes; and

- 6.13.2 The injection is for a purpose permitted under the policy.
- 6.14 Medical Practitioners must not perform any injections, except:
- 6.14.1 where medically required for vaccination purposes; or
  - 6.14.2 where medically required for treatment or investigation of a documented medical condition.
- 6.15 Basketball Australia recognises that Dietary Supplements may be taken by Relevant Athletes and is committed to establishing a best practice approach and documented procedure for the use of Supplements, with a focus on safety and evidence-based use, given the risk that Supplements may contain substances included on the Prohibited List.
- 6.16 Basketball Australia acknowledges the value of accredited third-party auditing programs to reduce the risk of Supplements containing substances included on the Prohibited List. Basketball Australia warns that there is no guarantee that any Supplement is free from prohibited substances, despite any claims made by Supplement manufacturers or clearance by third party auditing companies.
- 6.17 Basketball Australia adopts the AIS Sport Supplement Framework, which classifies Supplements into four categories according to their effectiveness, safety and current status on the Prohibited List.
- 6.18 Supplements may only be used by Relevant Athletes in accordance with this Policy and any documented procedure for the use of Supplements, as adopted by Basketball Australia, a Member Organisation or an Authorised Provider from time to time.
- 6.19 Relevant Personnel must not supply or provide Non-compliant Supplements to a Relevant Athlete.

## 7. Prohibited Conduct

- 7.1 This policy is contravened by an individual where:
- 7.1.1 a Participant receives a criminal conviction under any Commonwealth or State or Territory law involving Illegal Drugs;
  - 7.1.2 a Participant possesses, uses or administers any Illegal Drugs at any time;
  - 7.1.3 a Participant engages in the trafficking, distribution or supply of any Illegal Drugs;
  - 7.1.4 a Relevant Athlete or Relevant Personnel fails to comply with the directions of the Basketball Australia Integrity Unit or an IDPO or any other Illegal Drugs management initiatives under this Policy;

- 7.1.5 a Relevant Athlete or a Relevant Personnel publishes or transmits any content (e.g. a video showing Illegal Drugs being used) that advocates, condones, or encourages the involvement in or the Use of Illegal Drugs;
  - 7.1.6 a Relevant Athlete uses prescription or over the counter Medication in an unlawful manner;
  - 7.1.7 a Relevant Personnel administers an injection to a Relevant Athlete when not a Health Professional authorised to administer injections or is not the authorised carer of the Relevant Athlete and the injection is not permitted under the policy
  - 7.1.8 A Relevant Athlete fails to comply with Clauses 6.10, 6.11 or 6.12;
  - 7.1.9 A Relevant Personnel fails to comply with Clauses 6.10 or 6.19;
  - 7.1.10 a Participant facilitates, administers, assists, aides, abets, encourages, induces, covers up or is in any way complicit in a breach of this Clause 7.1.
- 7.2 This Policy is contravened by a Member Organisation, Authorised Provider or Club where they:
- 7.2.1 fail to report a matter in accordance with Clause 8; or
  - 7.2.2 facilitate, assist, aide, abet, encourage, cover up or are in any way complicit in a breach of Clause 7.1.

## 8. Reporting Process

- 8.1 All instances of Prohibited Conduct pursuant to Clause 7 should be reported in accordance with the Framework.

## 9. Investigation and Sanctions

- 9.1 After a matter is reported to the Integrity Unit, an IDPO may, in consultation with, and subject to the approval of, the Basketball Australia Integrity Unit, conduct preliminary investigations into a potential breach of Clause 7 and, if it is determined that welfare support is the appropriate first step, may refer Participants to appropriate education, counselling or support services in the first instance.
- 9.2 Consistent with Basketball Australia's rehabilitative model for responding to the use of Illegal Drugs, it is expected that most instances of identified prohibited Illegal Drug use will be dealt with by the IDPOs through referrals to medical assessment and appropriate education, counselling and support services under Clause 9.1, where there are reasonable grounds for doing so.
- 9.3 The IDPO must notify the Basketball Australia Integrity Unit of any referrals or other action taken in accordance with Clause 9.1.

- 9.4 Where the Basketball Australia Integrity Unit or 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 the matter must be referred directly to the Basketball Australia Integrity Unit for an investigation to be commenced in accordance with Clause 13 of the Framework.
- 9.5 For the avoidance of doubt, nothing in Clause 9.1 or 9.2 shall preclude the Basketball Australia Integrity Unit from initiating an investigation or issuing a Notice to refer a matter to a Hearing Panel or from a Hearing Panel or Appeal Tribunal determining any other sanctions as deemed appropriate in the circumstances.

## 10. Health Practitioners – Patient Confidentiality

- 10.1 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.

## 11. Illegal Drug Testing

- 11.1 Basketball Australia reserves the right to conduct illegal drug testing as and when they see fit to monitor compliance with this Policy or to detect or investigate potential Prohibited Conduct.
- 11.2 Member Organisations, Authorised Providers or Clubs may also conduct their own illegal drug testing at their own cost and with the agreement or consent of their Employees or Volunteers.
- 11.3 A Member Organisation, Authorised Provider or Club conducting the illegal drug testing shall be solely responsible for obtaining the agreement or consent of any person being tested.
- 11.4 Any Member Organisation, Authorised Provider or Club who conduct their own illegal drug testing shall be solely responsible for the appropriate conduct of the testing and results management.
- 11.5 Where testing pursuant to Clause 11.2 results in a positive test, the matter must be referred to the Basketball Australia Integrity Unit to be dealt with under the terms of the Framework and this Policy.
- 11.6 Nothing in clause 11.5 shall prevent a Member Organisation, Authorised Provider or Club from also taking action in accordance with any relevant employment contract or other agreement.

## 12. Legitimate Therapeutic Purpose

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

### 13. Lifesaving Medical Treatment

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