Deaf Sports Australia National Integrity Framework

Improper Use of Drugs and Medicine Policy

Commencement date:
6 November 2026

OFFICIAL

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1. Introduction

Deaf Sports Australia is committed to making Deaf Sports a safe and fair place for all participants. To achieve this, Deaf Sports Australia has adopted the National Integrity Framework, which includes this Improper Use of Drugs and Medicine Policy.

The National Integrity Framework is designed to assist with creating a safe and fair sporting environment for all by setting out the rules about the types of behaviour that are unacceptable in Deaf Sports. These unacceptable behaviours are defined as Prohibited Conduct. The National Integrity Framework seeks to guide Relevant Persons and Relevant Organisations on what to do if they experience or witness breaches of these rules.

Nothing in the National Integrity Framework overrides a law of the Commonwealth, or a state or territory, which take precedence and must be complied with in the first instance. Relevant Organisations and Relevant Persons must inform themselves of any relevant requirements in their jurisdiction and ensure that they are complying with any additional legislative requirements that may exist in their state or territory.

2. Policy Intent

There is an increasing concern about the improper use of drugs and medicine in sport. Deaf Sports Australia is committed to the health, safety and wellbeing of Relevant Persons and to providing a safe and clean environment for Participants in Deaf Sports, including by ensuring that medications are appropriately used and administered.

Illicit Drugs represent a widespread community problem and can pose a serious health issue for individuals. Deaf Sports Australia is aware of the availability and the prevalence of the Use of Illicit Drugs and seeks to deter Relevant Persons from the Use, Possession or Trafficking of drugs or psychoactive substances and from any behaviour that advocates, condones, or encourages the involvement in or the Use of Illicit Drugs.

The Use of Illicit Drugs has a significant impact on the culture of sporting environments and the performance of individuals. Such Use also brings Relevant Persons, Deaf Sports Australia and Deaf Sports into disrepute and does not provide a positive example for members of the community that may view our Participants as role models.

The purpose of this Policy is to provide a framework to:

- ensure injections are only administered to Athletes within Deaf Sports as part of appropriate medical treatment, being treatment of a documented medical condition or investigation of a suspected medical condition;
- ensure Medications are used lawfully and appropriately;
- ensure Deaf Sports establishes 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;
- address and deter any unlawful distribution and Use of Illicit Drugs in connection with Deaf Sports; and
- support the reduction of the harm caused by Illicit Drugs to Relevant Persons and the broader community.

While the purpose of the Policy is to provide a framework to address the improper use of drugs and medicine in sport, the conduct prohibited in the policy relates to Relevant Athletes (rather than all Athletes) where injections, medications and supplements are involved.'

3. Definitions

In this Policy the following words have the corresponding meaning:

Athlete means a person who is registered, or entitled to participate, in a Deaf Sports contest, match, competition, event, or other sporting activity (including training) which is sanctioned or organised by a Relevant Organisation.

Batch-tested means a product which has been screened by an organisation with appropriate accreditation (ISO/IEC 17025 or equivalent) where no prohibited substance has been detected in the specific batch.

Chief Medical Officer is the Medical Practitioner appointed by Deaf Sports Australia to advise and lead medical services for Deaf Sports.[1]

Club means any club that is affiliated with Deaf Sports Australia or an SDSO or otherwise enters an Athlete or a Team to participate in a Deaf Sports contest, match, competition or event which is sanctioned or organised by a Relevant Organisation.

Complaints, Disputes and Discipline Policy means the policy adopted by Deaf Sports Australia for the handling and resolution of allegations regarding Prohibited Conduct.

Contractor means any person or organisation engaged to provide services for, or on behalf of, a Relevant Organisation directly relating to the delivery of Deaf Sports activities to Participants. This includes;

(a) agents, advisers and subcontractors of a Relevant Organisation; and

(b) Employees, officers, Volunteers, and agents of the Contractor or subcontractor.

Deaf Sports means the sport of of our membership as governed by Deaf Sports Australia and International Committee of Sports for the Deaf from time to time.

Drug Offence means an offence under a Commonwealth, state or territory law that prohibits the Possession or Trafficking in a drug or psychoactive substance.

Employee means a person employed by a Relevant Organisation.

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.

Illicit 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 to 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.

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.

Member includes both:

(a) **Member Organisations**, which means each company or incorporated association that is a member or affiliate of Deaf Sports Australia – including each:

(i) SDSO and Club; and

[1] This Policy does not require Deaf Sports Australia to appoint a Chief Medical Officer, however Deaf Sports Australia will be responsible for some of the corresponding duties of a Chief Medical Officer as specifically detailed in this Policy if one is not appointed.

(i) any National Deaf Sports Organisation or SDSO; and

(b) **Individual Members**, which means individuals who are registered as a member of Deaf Sports Australia or a Relevant Organisation.

National Deaf Sport Organisation means either:

- a sub-committee of the company with a minimum of two individuals established by resolution of directors to manage an individual sport for athletes who are deaf and hard of hearing, or
- a separate legal entity from the company but admitted by directors to manage an individual sport for athletes who are deaf and hard of hearing.

National Integrity Framework means the Deaf Sports Australia National Integrity Framework as developed by Sport Integrity Australia and consisting of the following five policies:

(a) Safeguarding Children and Young People Policy;

(b) Competition Manipulation and Sports Betting Policy;

(c) Improper Use of Drugs and Medicine Policy;

(d) Participant Protection Policy; and

(e) Complaints, Disputes and Discipline Policy.

Participant means:

(a) Athletes;

(b) coaches appointed, engaged, accredited, registered or otherwise approved by a Relevant Organisation to train an Athlete or Team;

(c) administrators who have a role in the administration or operation or activities of a Relevant Organisation including owners, directors, committee members or other persons;

(d) officials including referees, umpires, technical officials, classifiers and related personnel, or other officials appointed by a Relevant Organisation, or any league, competition, series, Club or Team sanctioned by a Relevant Organisation; and

(e) support personnel who are appointed in a professional or voluntary capacity by a Relevant Organisation, or by any league, competition, series, Club or Team sanctioned by a Relevant Organisation, including sports science sports medicine personnel, Team managers, agents, selectors, and Team staff members.

Permitted Purpose has the meaning given under clause 5.5.

Policy means this Improper Use of Drugs and Medicine Policy and any appendices.

Possession means the actual, physical Possession, or the constructive Possession of a drug or psychoactive substance[2].

Prohibited Conduct means conduct proscribed at clause 5 of this Policy.

Prohibited List means the 'World Anti-Doping Code International Standard Prohibited List' as amended from time

Prohibited Supplement means a Category D Supplement within the AIS Sport Supplement Framework.

Relevant Athlete means:

(a) International-Level Athletes – which means Athletes who compete in sport at the international level, as determined by each International Federation, consistent with the International Standard for Testing and Investigations;

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

(b) National-Level Athletes – which means:

(i) an Athlete in a Sport Integrity Australia Chief Executive Officer's Testing Pool or List; or

(ii) an Athlete who participates in, or prepares for, a sporting event or sporting competition declared under clause 1.05A of the National Anti-Doping scheme and published on the Sport Integrity Australia website.

Relevant Organisation means any of the following organisations:

(a) Deaf Sports Australia;

(b) Member Organisations; or

(c) any other organisation that has agreed to be bound by this Policy.

Relevant Person means any of the following persons:

(a) Individual Member;

(b) Participant;

(c) Employee;

(d) Contractor;

(e) Volunteer; or

(f) any other individual who has agreed to be bound by this Policy.

Relevant Support Personnel means an individual who directly works with Relevant Athletes in the following capacities:

(a) coaches;

(b) Employees;

(c) officials;

(d) Performance support practitioners[3]; and

(e) any other person who works directly with Relevant Athletes and who has agreed to be bound by this Policy

Supplement includes single or multi-ingredient product in powder, limited volume liquid, pill or capsule form providing nutrients or other dietary components to achieve a specific health and/or performance benefit.

Team means a collection or squad of Athletes, registered with a Relevant Organisation or entitled to participate in a Deaf Sports contest, match, competition or event which is sanctioned or organised by a Relevant Organisation.

Traffic/Trafficking means selling, giving, transporting, sending, delivering or distributing (or Possessing for any such purpose) a drug or psychoactive substance (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 Medical Practitioner involving a drug or psychoactive substance 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 Illicit Drug.

Volunteer means any person engaged by a Relevant Organisation in any capacity who is not otherwise an Employee or Contractor, including parents or carers that volunteer, directors and office holders, coaches, officials, administrators and support personnel.

[3] Performance support practitioners include Medical Practitioners, sports science practitioners and allied health practitioners as outlined in the AIS Performance Support Practitioner Minimum Standards.

Any capitalised term not defined in this Policy has the meaning given to it in the Complaints, Disputes and Discipline Policy.

4. Jurisdiction

This Policy applies to:

(a) Relevant Persons (including Relevant Athletes and Relevant Support Personnel); and

(b) Relevant Organisations.

5. Prohibited Conduct

5.1 Prohibited Conduct of Relevant Persons

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

a) are convicted of a Drug Offence; or

b) facilitate, administer, assist, aid, abet, encourage, induce, cover up or are in any way complicit in a breach of subclauses 5.1, 5.2 or 5.3; or

c) without reasonable cause, fail to promptly report any conviction of a Drug Offence or other conduct that is reasonably likely to be Prohibited Conduct under this Policy to Deaf Sports Australia and to any other entity as required by law; or

d) provide a Relevant Athlete with prescription Medication or over the counter Medication in an unlawful manner.

5.2 Prohibited Conduct of Relevant Athletes

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

(a) use, possess or distribute prescription or over the counter Medication in an unlawful manner; or

(b) possess hypodermic needles or other injection equipment, unless the individual's possession has been authorised by the Chief Medical Officer or other Medical Practitioner; or

(c) self-inject any substance unless authorised to do so by the Chief Medical Officer or other Medical Practitioner for a Permitted Purpose under this Policy; or

(d) allow any person, other than a Health Professional authorised to administer injections or authorised carer[4], to administer an injection to them, for a purpose other than a Permitted Purpose under this Policy.

5.3 Prohibited Conduct of Relevant Support Personnel

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

(a) possess any hypodermic needles or other injection equipment[5], unless the individual is a Health Professional authorised to administer injections or authorised carer for the Relevant Athlete; or

(b) administer an injection to a Relevant Athlete unless the individual is a Health Professional authorised to administer injections or an authorised carer for the Relevant Athlete; or

(c) administer an injection to a Relevant Athlete for a purpose other than a Permitted Purpose under this Policy; or

[4] Carers who are not the Relevant Athlete's parent or guardian must still obtain prior consent from a parent or guardian where required to do so by law or policy, including under the Safeguarding Children and Young People Policy.

[5] The possession and use of needles for the personal use of a Relevant Support Personnel for the prescribed treatment of a personal medical condition, is not considered injection equipment. They are permitted under this Policy and would not constitute a breach.

(d) supply or provide a Prohibited Supplement to a Relevant Athlete.

5.4 Prohibited Conduct of Relevant Organisations

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

(a) without reasonable cause, fail to promptly report any conviction of a Drug Offence or other conduct that is reasonably likely to be Prohibited Conduct under this Policy to Deaf Sports Australia and to any other entity as required by law; or

(b) facilitate, assist, aid, abet, encourage, cover up or are in any way complicit in a breach of this clause.

5.5 Permitted Purpose

(a) A Permitted Purpose under this Policy is only where an injection is medically required for:

(i) vaccination purposes; or

(ii) treatment of a documented medical condition; or

(iii) investigation of a suspected medical condition.

(b) The possession and use of needles for the purpose of acupuncture, dry needling, tattooing, cosmetic procedures, and the management of blisters and splinters are not considered injections. They are permitted under this policy and would not constitute a breach.

6. Reporting and Complaints

(a) Allegations of Prohibited Conduct under this Policy should be submitted to Deaf Sports Australia.

(b) Allegations of Prohibited Conduct under this Policy will be managed in accordance with the Deaf Sports Australia Complaints, Disputes and Discipline Policy.

7. Other Matters

7.1 Education

(a) To prevent breaches of this policy, build positive behaviours in sport and protect participants from the threat posed by the improper use of drugs and medicines, Deaf Sports Australia is responsible for developing and implementing an education plan addressing the content and subject matter of this Policy.

(b) Deaf Sports Australia should engage Sport Integrity Australia to assist in the design, implementation, and maintenance of the education plan and to determine priority education groups and appropriate interventions.

(c) A Relevant Organisation may, from time to time, direct certain Participants to undertake education, which will be relevant and proportionate to their level of participation in Deaf Sports and the associated integrity risks.

(d) Sport Integrity Australia has developed a range of education resources and training material to support the National Integrity Framework which can be found here.

7.2 Information sharing

(a) Subject to the *Privacy Act 1988* (Cth), Relevant Organisations may share information they receive relating to the improper use of drugs and medicines with Sport Integrity Australia to enable Sport Integrity Australia to effectively perform its functions, including its anti-doping functions.

(b) In sharing information, Relevant Organisations will remain bound by the legal obligations contained in the *Privacy Act 1988* (Cth) and the Relevant Organisation's Privacy Policy.

7.3 Interaction with anti-doping

(a) The Australian National Anti-Doping Policy (**ANADP**) or an applicable World Anti-Doping Code compliant anti-doping policy (**ADP**) will prevail to the extent of any inconsistency with this Policy in all instances. Any allegation relating to a breach or possible breach of the ANADP or other ADP will be dealt with under that policy.

(b) There is a risk that the lawful prescription, administration and use of drugs, medications and supplements may amount to a contravention of the ANADP or other ADP.

7.4 Patient confidentiality

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

7.5 Lifesaving medical treatment

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

8. Companion Guide

(a) This Policy is to be read in conjunction with the Companion Guide: Improper Use of Drugs and Medicine Policy.

(b) The Companion Guide supports sporting organisations and personnel with the implementation of this Policy.

(c) A failure to comply with the Companion Guide is not inherently a breach of this Policy, but non-compliance increases the risk that a breach may occur.