



ILLICIT DRUGS POLICY

February 2007

AFL ILLICIT DRUGS POLICY

1. Statement of Principles and Objectives

- 1.1 The AFL has adopted an Anti-Doping Code to ensure that the AFL Competition is conducted upon the basis of athletic prowess and natural levels of fitness and development and not on any pharmacologically enhanced basis.
- 1.2 The AFL Anti-Doping Code was also introduced to protect Players from using substances which may cause acute or long-term harm to their bodies.
- 1.3 By prohibiting the use of performance enhancing substances through the adoption and enforcement of the AFL Anti-Doping Code, the AFL has created a positive example for athletes involved in sport - not only Australian football, and for supporters of the AFL Competition and other sporting competitions.
- 1.4 Prior to the introduction of this policy, the AFL conducted out of competition statistical testing of Players in relation to the use of Illicit Drugs such as cocaine, ecstasy and marijuana and observed an increase in the low incidence of such use among Players.
- 1.5 From its experience in conducting the AFL Competition, the AFL understands that the Players competing in the AFL Competition have the ability to significantly influence the lives of others including in particular, young athletes and supporters of the AFL Competition.
- 1.6 Consistent with the philosophy of the AFL in adopting the AFL Anti-Doping Code, the AFL wishes to prohibit the use of Illicit Drugs out of competition and:
 - 1.6.1 increase education of the AFL playing group generally in relation to the dangers of Illicit Drugs and protect Players from the risk of acute or long term harm to their bodies; and

- 1.6.2 increase education of the public at large in relation to the dangers of Illicit Drugs and set a positive example for young athletes and others in the community.
- 1.7 This Illicit Drugs Policy differs in some important respects from the AFL Anti-Doping Code by conducting additional testing and addressing the problem of Illicit Drug taking out of competition by focusing primarily on education and rehabilitation of Players and others in the AFL system who are found to have been involved with Illicit Drugs.
- 1.8 The AFL has been advised and accepts that:
 - 1.8.1 a more rehabilitative model of management including education, counselling and monitoring treatment, is appropriate in deterring the use of Illicit Drugs; and
 - 1.8.2 the dangers posed by marijuana are less severe than other substances such as cocaine and ecstasy such that a less severe regime in respect of marijuana is appropriate.
- 1.9 For habitual offenders however, the AFL proposes to protect the vast majority of its playing group and others in the community who are influenced and affected by the behaviour of Players, by administering strict and severe sanctions in cases where it is satisfied that education, counselling and treatment have not been an effective response to the problem of Illicit Drugs.

2. Interpretation

- 2.1 In this Illicit Drugs Policy, the AFL adopts various terms and procedures defined in the AFL Anti-Doping Code with the necessary modifications made to fit the context of this code.

- 2.2 “adopt” and “adopted” wherever it appears in this Illicit Drugs Policy shall mean adopted from the AFL Anti-Doping Code with the necessary modifications being made so as to apply to Illicit Drugs.
- 2.3 In adopting terms and procedures defined in the AFL Anti-Doping Code, if there is any doubt or controversy as to how such terms shall be adopted, the General Manager – Football Operations shall in his absolute discretion determine such matters and his decision in respect thereof shall be final and binding.
- 2.4 In particular Sections 2.1, 2.2, 2.3 and 2.4 of the AFL Anti-Doping Code shall be adopted into this Illicit Drugs Policy.
- 2.5 “Testing Authority” shall mean the testing agency or body appointed by the General Manager – Football Operations from time to time.
- 2.6 “Penalty Unit” shall have the same meaning as set out in the AFL Player Rules (“the Rules”).
- 3. *Application of Illicit Drugs Policy***
- 3.1 This Illicit Drugs Policy shall apply to the same persons as are subject to the AFL Anti-Doping Code.
- 3.2 Schedule 1 details the substances and classes of substances prohibited under this Illicit Drugs Policy (“Illicit Drugs”).
- 3.3 All tests conducted on match days shall be referred to be dealt with under the AFL Anti-Doping Code, to the exclusion of this Illicit Drugs Policy.

4. *Illicit Drugs/Trafficking Prohibited*

A person shall contravene this Illicit Drugs Policy where:

- 4.1 there is present in or an indication that there has been present in a person's body tissue or fluids, any of the substances or classes of substances set out in Schedule 1;
- 4.2 a person possesses, uses or administers any of the substances or classes of substances set out in Schedule 1; or
- 4.3 a person engages in trafficking of any of the substances or classes of substances set out in Schedule 1.

5. *Appointment of Agent*

Until any contrary determination of the General Manager – Football Operations, Symbion Pathology Pty Ltd and its authorised nominees shall be the AFL testing agency for the purpose of this Illicit Drugs Policy.

6. *Obligations and Testing*

- 6.1 The obligations on persons shall be adopted from the AFL Anti-Doping Code. In particular Sections 4.3(3) and 5 shall apply.
- 6.2 Sampling and testing of Players must be conducted substantially in conformity with the Australian Standard AS/NZ 4308 and the procedure set out in Schedule 2. Sample analysis and custodial procedures shall be conducted in accordance with the Australian Standard AS/NZ 4308 and the procedure set out in Schedule 2. Minor irregularities, which cannot reasonably be considered to have affected the results of otherwise valid tests, will not invalidate such results. Minor irregularities do not include the chain of custody of the sample, improper sealing of the container(s) in which the sample is stored, failure to request the signature

of the player or failure to provide the player with an opportunity to be present or be represented at the opening and analysis of the 'B' sample if analysis of the 'B' sample is requested.

- 6.3 Samples for testing under this Illicit Drugs Policy may only be taken at the time of any scheduled training session or when a Player is performing duties in the course of his employment with his Club.
- 6.4 A person who refuses or fails to submit a sample for collection after notification as authorised under this Illicit Drugs Policy or otherwise evades a sample collection shall be deemed to have returned a positive test.
- 6.5 A person who deliberately attempts to substitute, dilute or adulterate a specimen shall be deemed to have returned a positive test.
- 6.6 A person who is found to be in possession of Illicit Drugs shall be deemed to have returned a positive test.
- 6.7 A person subject to this Illicit Drugs Policy shall fully co-operate in its administration and the provisions of Sections 10.7 and 10.8 (including sanctions) of the AFL Anti-Doping Code shall be adopted into this Illicit Drugs Policy.

7. *AFL Club Testing Prohibited*

No AFL Club shall test a Player for Illicit Drugs without first obtaining the consent of the AFL Medical Officer.

8. *Reference to Program*

- 8.1 An AFL Club may refer a Player to the AFL Medical Officer for testing, education, counselling or treatment where the AFL Club satisfies the AFL Medical Officer on reasonable grounds that the Player's mental or physical

ability to satisfactorily perform his services to the AFL Club is impaired as a result of an association with Illicit Drugs.

- 8.2 A Player may refer himself to the AFL Medical Officer for testing, education, counselling or treatment at any time.

9. *AFL Medical Officer*

- 9.1 The AFL Medical Officer shall be responsible for the supervision and administration of this Illicit Drugs Policy and more specifically to receive from the Testing Authority, the results of any positive test for Illicit Drugs.

- 9.2 Where a positive test or deemed positive test is returned for a person subject to this Illicit Drugs Policy, the AFL Medical Officer shall inform such person and require their attendance or attendances before the AFL Medical Officer or any other person specified by the AFL Medical Officer for the purpose of education, counselling and treatment in respect of Illicit Drugs. Where such person is a playing member of an AFL Club, the AFL Medical Officer shall inform the relevant AFL Club Medical Officer of the positive test or deemed positive test with a view to involving the AFL Club Medical Officer in the further education, counselling and treatment of the Player. A person who fails to attend the AFL Medical Officer or any specified person on any occasion when required in accordance with this Section, shall be deemed to have returned a further positive test.

- 9.3 A person who returns a positive test or is deemed to have returned a positive test under this Illicit Drugs Policy may appeal that finding by application to the AFL Appeal Board in accordance with the form prescribed as Form 17 of the Rules and within the time specified in Rule 11.2 of the Rules. For clarification and the avoidance of doubt, a positive test or deemed positive test result shall for the purposes of the right of appeal, be deemed to be an act or decision affecting a Player made by the AFL pursuant to the Rules. All time limits and other

procedural matters set out in Rule 11 of the Rules shall apply to any appeal under this Illicit Drugs Policy.

- 9.4 A person who returns or is deemed to return a positive test may, at the direction of the AFL Medical Officer, be target tested by the Testing Authority.
- 9.5 A person who returns or is deemed to return a second positive test in accordance with this Illicit Drugs Policy shall again be dealt with by the AFL Medical Officer with a view to further educating, counselling and treating the person. Where such person is a playing member of an AFL Club, the AFL Medical Officer shall again inform the relevant AFL Club Medical Officer of the second positive test or deemed positive test with a view to involving the AFL Club Medical Officer in the further education, counselling and treatment of the Player.
- 9.6 When informing an AFL Club Medical Officer of a positive test or deemed positive test, the AFL Medical Officer shall, prior to informing the AFL Club Medical Officer, request and obtain a signed undertaking in a form acceptable to the AFL Medical Officer, requiring the AFL Club Medical Officer to maintain confidence in respect of the detection so that the AFL Club Medical Officer shall not report the fact of detection to any other person without the consent in writing of the AFL Medical Officer.
- 9.7 The AFL Medical Officer shall report to the General Manager – Football Operations on circumstances known or suspected to amount to a breach of this Illicit Drugs Policy or any practice concerning the use of drugs in Australian football including without limitation information in relation to tests – actual or deemed, education, counselling and the treatment of persons subject to this Illicit Drugs Policy.
- 9.8 This Illicit Drugs Policy provides obligations on the AFL Medical Officer to disclose information in relation to persons subject to this Policy, to various others including without limitation those involved in the education, counselling and treatment of persons subject to this Illicit Drugs Policy, AFL Club Medical

Officers and the General Manager – Football Operations. Each Player in the AFL Competition consents to the provision of information by the AFL Medical Officer in accordance with this Illicit Drugs Policy as a condition of the registration of such Player. The consent to the provision of information required under this Illicit Drugs Policy shall be deemed to be included as an eligibility requirement for the Registration of Players in accordance with Rule 2.2 of the Rules. Each other person subject to this Illicit Drugs Policy consents to the provision of information required to be disclosed by the AFL Medical Officer and the Rules shall be deemed to contain a provision to that effect.

10. *No Misconduct – Playing Contract*

The fact of a first or second positive test result or deemed positive test result under this Illicit Drugs Policy shall not constitute misconduct for the purpose of Clause 17 of the AFL Standard Playing Contract.

11. *Conduct Unbecoming*

11.1 Where a person subject to this Illicit Drugs Policy and the Rules returns or is deemed to return a third or subsequent positive test in accordance with this Illicit Drugs Policy, the AFL Medical Officer shall notify the General Manager – Football Operations who in turn shall notify the General Manager or Chief Executive of the AFL Club concerned.

11.2 Upon the AFL Medical Officer so informing the General Manager – Football Operations, the person concerned shall by virtue of the third positive test or deemed positive test for Illicit Drugs, be deemed to have engaged in conduct which is unbecoming or likely to prejudice the reputation or interests of the AFL or to bring the game of football into disrepute, in breach of Rule 1.6 of the Rules. The General Manager – Football Operations shall refer such person to the AFL Tribunal in accordance with Rule 1.6(a) of the Rules.

12. AFL Tribunal

12.1 The AFL Tribunal shall hear and determine any matter referred to in Section 11, in accordance with the provisions of Rule 23 of the Rules provided that:

12.1.1 a person deemed to have engaged in conduct in breach of Rule 1.6 of the Rules or charged with such conduct, shall be entitled to legal representation before the AFL Tribunal;

12.1.2 a person deemed to have engaged in conduct in breach of Rule 1.6 of the Rules shall be referred to the AFL Tribunal for a hearing in respect of sanction only;

12.1.3 where a Player is deemed to have engaged in conduct in breach of Rule 1.6 of the Rules, the AFL Tribunal shall, subject to Section 12.2, impose a sanction for a first such offence of suspension of the right to participate in the AFL Competition for not less than six (6) matches and not more than twelve (12) matches save in the case of marijuana where the sanction for a first offence shall be up to six (6) matches. For a second or subsequent offence, a suspension for not less than twelve (12) matches or in the case of marijuana, not less than six (6) matches, shall apply;

12.1.4. where a person other than a Player is deemed to have engaged in conduct in breach of Rule 1.6 of the Rules, the AFL Tribunal shall, subject to Section 12.2, deal with the matter in any manner which it thinks fit provided that for a first offence where such person participates in anyway in the AFL Competition, that person shall – in addition to any other sanction, not be entitled to participate in the AFL Competition for the equivalent period of not less than six (6) matches and not more than twelve (12) matches save in the case of marijuana, where for a first offence, a person shall not be entitled to participate in the AFL Competition for up to six (6) matches. For a second or subsequent offence, a person shall not be entitled to participate in the AFL

Competition for not less than twelve (12) matches or in the case of marijuana, not less than six (6) matches;

- 12.2 The AFL Tribunal may reduce the above minimum sanctions only where it is satisfied that there are exceptional and compelling circumstances which would make it harsh and unreasonable to apply the minimum sanctions in all the circumstances of the case.

13. *Appeal*

- 13.1 Where a person has been referred to the AFL Tribunal in accordance with Section 11 and that person has appealed a test result or deemed test result in accordance with Section 9.4, the AFL Tribunal shall stay its proceedings until the AFL Appeal Board has determined whether the relevant finding or deeming that the person has tested positive to Illicit Drugs, was correctly made.
- 13.2 A person who lodges an appeal in accordance with Section 9.4 shall bear the onus of proving on the balance of probabilities, that the positive test or deemed positive test should be disregarded such that the person will not have been found to have returned or deemed to have returned the relevant positive test under this Illicit Drugs Policy.
- 13.3 Where the AFL Appeal Board finds that a person has failed to establish that a positive test or deemed positive test should be disregarded, the AFL Appeal Board shall so declare.
- 13.4 As soon as practical following such a declaration from the AFL Appeal Board and where a person has returned or is deemed to have returned a third or subsequent positive test, the AFL Tribunal shall determine the matter in accordance with the provisions of this Illicit Drugs Policy.
- 13.5 A person shall have no further right of appeal to the AFL Appeal Board other than as expressly provided in this Illicit Drugs Policy.

14. Term of Operation

14.1 This Policy shall operate for a period of four (4) years commencing on 14 February 2007.

14.2 The provisions of the Policy may only be varied during the Term by the agreement of the AFL and the AFLPA.

14.3 The AFLPA and the AFL agree to commence negotiations on the possible extension of the Term of the Policy (including without limitations the provisions of the Policy) no later than six (6) months prior to the expiration of the Term.

SCHEDULE 1

1. Substances

Stimulants - amphetamine, benzphetamine, cocaine, dimethylamphetamine, ephedrine, methamphetamine, methylamphetamine and other substances with similar biological effect(s)

Narcotics – diamorphine (heroin), hydromorphone, methadone, morphine, oxycodone, pethidine and other substances with similar biological effects where there is no evidence of reasonable therapeutic use

Cannabinoids – hashish, marijuana, THC and other substances with similar biological effect(s)

2. Classes of substances

Stimulants

Narcotics

Cannabinoids

Schedule 2

Illicit Drugs Policy Testing Procedures

- Dr Harry Unglik and Dr Peter Harcourt will contact the pathology provider with the names of players to be tested– a random selection method will be used in the majority of cases.
- Up to five (5) players only to be tested at each testing session.
- The accredited collector will contact the Club Liaison Officer on arrival at the AFL club training site and identify himself. These collectors will be wearing identification that clearly states they are representing the AFL and the pathology group. If the Club Liaison Officer is not present then the Club Football Manager must be contacted.
- A collector will open the envelope containing the names of the players to be tested, in the presence of the Club Liaison Officer.
- The Club Liaison Officer must be present at commencement of each of these sessions in order to facilitate these procedures, to verify the players nominated and be available to address any issues that may arise during the testing session.
- At the completion of the training session or, if the player is not training for any reason, as soon as practical, the Club Liaison Officer will notify the nominated players and bring them to an area where they can wait until the collection of urine drug screens is completed. The Player will be provided with a copy of the IDP testing procedure for his perusal.
- Players must remain in the testing area at all times until they have completed all requirements.
- No mobile phone use is permitted.
- A collector will observe each collection as well as complete/collate the paperwork.
- 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.
- The toilet facility is prepared to provide security and privacy – toilet colouring agent such as “blue loo” is used so the water in the toilet bowl remains coloured. Also, there should be no other accessible source of water in the toilet cubicle.
- The player will be asked to remove all unnecessary outer garments, empty pockets and leave all personal items and bags outside the toilet area.

- The collector will ask the player to wash their hands and after such time the player will remain in the presence of the collector and not have access to any taps, soap dispensers or cleaning agents that may be used to adulterate the urine sample.
- When the player has provided the urine sample, the urine container will be handed directly to the collector with the sample remaining within sight of both parties at all times until sealed for dispatch to the laboratory.
- The collector will immediately read and record the urine temperature on the chain of custody form. The temperature reading should occur within four minutes of collection. The acceptable range is 33° – 38°C. If the temperature strip does not register a temperature and the urine feels warm, apply a second temperature strip and read temperature from that strip.
- 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.
- The sample is split between the two storage tubes and the analyser tube, all of which are capped and sealed with numbered tamper-resistant seals in the presence of the player.
- The chain of custody form is signed by both the collector and the player.
- Each tube is placed in an individual tamper evident test tube bag and sealed by removing strip cover over glue strip then folding over top of bag. All three tubes are placed in the plastic biohazard bag and sealed by removing the blue seal from top of bag then seal top of bag by pushing top edges of bag together
- The chain of custody form is placed in the outside pocket of the biohazard transport bag; the bag is then folded over and sealed with the remaining numbered tamper evident tape. The sealed biohazard bag is placed in the transport box and sealed with red tamper-resistant seal. The collector will sign and date the final tamper resistant seal. This complete process will take place within sight of the player.
- The Laboratory Advice Form will be completed with the unique Specimen Number and Bar Code.
- 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.
- The transport satchel is stored in a secure place until all specimen collections are completed.
- The AFL will provide five (5) small “clean” envelopes and one (1) large envelope i.e. without AFL logos.
- The collector will place the top copy of the chain of custody form (white copy) for each player in one of the smaller envelopes, then apply evidence tape to seal the

envelope. Both the player 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 AFL Medical Officer then sealed normally. The envelopes will be couriered or mailed by Gold Express Post to the AFL Medical Officer.

- In the case of a player not being able to pass urine in the first instance and the collection kit has been opened, the player must remain with the collector and in view of the opened collection kit, until such time as they are able to pass urine.

Note: The Club Liaison Officer plays an important role in the IDP procedures.

Ensure the appointed person is fully aware of this Policy and the obligations that the Club and Player has.