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IMPROPER USE OF DRUGS AND MEDICINE POLICY

VERSION 1.0 APRIL 2023

PART I – APPLICATION

1. Purpose

- 1.1 Kung Fu Wushu Australia (KWA) understands that the improper use of drugs and medicine in sport can pose a serious health risk to athletes. KWA is committed to ensuring the health, safety and wellbeing of participants at all levels. KWA therefore takes its responsibility to deter athletes from the use of such substances seriously.
- 1.2 KWA recognises that the improper use of drugs and medicine can have a significant impact on the culture of Kung Fu Wushu environments and the performance of athletes. KWA is committed to creating clean and safe Kung Fu Wushu environments where performances and outcomes are fair and honest. KWA strives to discourage and prevent the improper use of drugs and medicine in Kung Fu Wushu to ensure public confidence in outcomes and role model behaviour of athletes for the community.
- 1.3 KWA recognises that the increasing availability and accessibility of Illegal and Illicit Drugs presents a current threat to the community generally, the sport industry, the sport of Kung Fu Wushu and its participants. KWA takes its responsibility to ensure that science and medicine services are provided to athletes by appropriately qualified and supervised staff to combat this integrity and health threat.
- 1.4 The Improper Use of Drugs and Medicine (Policy) seeks to address the aforementioned issues, in a fair and proportionate manner.
- 1.5 The purpose of this Policy is to:
 - (a) provide an effective deterrent to Illegal and Illicit Drugs use by Relevant Athletes, Personnel and the broader Kung Fu Wushu community;
 - (b) address and deter any unlawful distribution and use of Illegal and Illicit Drugs in connection with Kung Fu Wushu;
 - (c) ensure that appropriately qualified staff are appointed and supported to provide science and medicine services to Relevant Athletes;
 - (d) ensure that injections are only administered to Relevant Athletes as part of appropriate medical treatment;
 - (e) provide a positive example for young people and others in the community; and

(f) protect and promote the reputation and integrity of Kung Fu Wushu generally, its administrators, sponsors, participants and other stakeholders.

1.6 If anything in this Policy is inconsistent with any relevant Federal, State or Territory law, the relevant Federal, State or Territory law prevails to the extent of the inconsistency.

2. Application

2.1 This Policy applies to the following individuals and organisations:

(a) persons and administrators appointed or elected to boards of directors, executives and/or committees (including sub-committees) of AKFOs and office bearers of AKFOs such as presidents, vice-presidents, treasurers, secretaries and selectors;

(b) employees of AKFOs (whether engaged as full time, part time or casual staff), volunteers of AKFOs, and contractors of AKFOs;

(c) officials appointed or elected by an AKFO in relation to players and/or teams which represent such organisations including team management personnel such as coaches, managers, physiotherapists, and other support personnel;

(d) medical practitioners and Sports Science Sports Medicine practitioners;

(e) Kung Fu Wushu coaches (including assistant coaches) who:

(i) are appointed and/or employed by an AKFO (whether paid or unpaid);

(ii) are a KWA Coach Member;

(iii) are members of a coaching organisation e.g. Kung Fu Wushu Coaches Australia and internationally recognised coaching associations; and/or

(iv) have an agreement (whether or not in writing) with an AKFO to coach Kung Fu Wushu at a facility owned, occupied or managed by, or affiliated with, that AKFO;

(f) Officials;

(g) Kung Fu Wushu players who:

(i) enter any tournament, competition, activity or event (including camps and training sessions) being held or sanctioned by an AKFO;

(ii) are registered with a Regional Association and/or Affiliated Club as a player and/or member of that Regional Association and/or Affiliated Club;

(h) any other person who is a member or user of, or affiliated to, an AKFO (including life members or service award holders);

(i) any other person or entity (for example a parent/guardian, spectator or sponsor) who or which agrees, in writing (whether on a ticket, entry form or otherwise), to be bound by this Policy; and

(j) all Australian Kung Fu Organisations, (collectively, Personnel).

2.2 KWA has adopted and implemented the Australian National Anti-Doping Policy, which can be found here. If there is any inconsistency between this Policy and the Australian National Anti-Doping Policy, then the Australian National Anti-Doping Policy will prevail.

3. Procedural Obligations

3.1 AKFOs must:

(a) adopt and comply with this Policy;

- (b) publish, distribute and promote this Policy (and any amendments made to it) to their members, in the manner required by KWA or an MA and upon reasonable request, make this Policy available for inspection, or copying;
- (c) make such amendments to their constitution, rules or policies necessary for this Policy to be enforceable; and
- (d) ensure that its members adopt this Policy (e.g. a Member Association imposes the Policy on its Affiliated Clubs, and the Affiliated Clubs in turn impose it on their individual members).

4. Definitions

4.1 Defined terms not otherwise defined in this Policy have the meaning given to them in KWA's National Policies.

4.2 The terms below have the following meanings in this Policy:

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 and available here.

Affiliated Clubs means those Kung Fu Wushu clubs, which are a member of, or affiliated to, a Regional Association and/or a Member Association.

Affiliated Organisations means those organisations (other than Member Associations, Regional Associations and Affiliated Clubs) which are affiliated with Kung Fu Wushu Australia or an MA from time to time in accordance with the KWA or MA constitution (as the case may be).

Australian Kung Fu Organisation (AKFO) includes Member Associations, Affiliated Organisations, Regional Associations and Affiliated Clubs.

Chief Medical Officer (CMO) is the Medical Practitioner appointed by KWA to advise and lead medical services for Kung Fu Wushu.

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 and/or 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 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.

Member Association/s (MA or MAs) means members of Kung Fu Wushu Australia in accordance with its constitution.

Officials includes referees, court supervisors, chair umpires, lines people and other related tournament officials referees involved in the regulation of the game of Kung Fu Wushu appointed by an AKFO and/or any person who holds a KWA officials membership.

Personnel has the meaning set out in clause 2.1 of this Policy.

Policy means this Improper Use of Drugs and Medicine Policy.

Possession means the actual, physical Possession, or the constructive Possession of an Illegal Drug¹.

Prohibited Conduct means conduct proscribed at Part III of this Policy.

Regional Associations means those regional or metropolitan Kung Fu Wushu associations which are members of, or affiliated to, a Member Association.

Relevant Athlete means:

- (a) International-Level Athletes – which means Athletes who compete in Kung Fu Wushu at the international level, as determined by each International Federation, consistent with the International Standard for Testing and Investigations, including but not limited to the Australian Team, KWA Athlete Agreement Holders and KWA Funded Athletes;
- (b) National-Level Athletes – which means:
 - i. an Athlete in the SIA Registered Testing Pool, National Testing Pool or Domestic Testing Pool; or
 - ii. an Athlete who participates in or prepares for a sporting event or sporting competition declared under clause 1.05A of the NAD scheme and published on the SIA website; or
 - iii. an Athlete that is part of KWA's National Kung Fu Wushu Academy and/or National Development Squad(s).

Relevant Persons means:

- (a) Coaches as defined in 2.1(e) of this Policy;
- (b) Employees of AKFOs (whether engaged as full time, part time or casual staff);
- (c) Medical and Sports Science Sports Medicine Practitioners as defined in 2.1(d) of this Policy;
- (d) Officials; and
- (e) Support Personnel as defined in 2.1(c) of this Policy.

Supplement includes any synthetic or natural chemical 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.

Non-Compliant Supplement includes any supplement which is not a 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.

Kung Fu Wushu Australia (KWA) means Kung Fu Wushu Australia Limited (ABN 61 006 281 125).

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.

Therapeutic Use Exemption (TUE) 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.

PART II – OBLIGATIONS

5. Illegal and Illicit Drugs

5.1 Personnel must not Use, Possess or Traffic Illegal and/or Illicit Drugs.

6. Sport Science and Sport Medicine Personnel

- 6.1 KWA and AKFOs must, in the sports science and sports medicine fields:
- (a) only employ, or engage in a voluntary capacity, those individuals who:
 - (i) comply with the AIS Sports Science Sports Medicine Practitioner Minimum Standards; or
 - (ii) are a Chiropractor, Nurse, Osteopath or Paramedic who is registered with the Australian Health Practitioners Regulation Agency, to work with Relevant Athletes;
 - (b) 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
 - (c) ensure that educational or vocational qualifications, or applicable professional registrations, of all such individuals are verified, checked and recorded at least annually.

7. Medication

- 7.1 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.
- 7.2 Relevant Athletes should refer to Global DRO website here 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.
- 7.3 KWA requires all Relevant Athletes to determine if they need an in-advance or retroactive TUE by referring to the Sport Integrity Australia website here. Once determined the Relevant Athlete should comply with the relevant requirements.
- 7.4 Relevant Athletes should notify the Chief Medical Officer or person nominated by KWA when Medications have been provided by a Medical Practitioner not appointed by KWA.
- 7.5 Relevant Athletes must not use expired Medication.

8. Injections

- 8.1 Relevant Persons or Relevant Athletes with a documented medical condition requiring the possession of injection equipment must notify the Chief Medical Officer or nominated person of their condition and subsequently be listed on the KWA or AKFO self-injection register.
- 8.2 If a Relevant Athlete is unable to self-inject (for example due to age, impairment or incapacity) then a carer² may also be listed on the self-injection register.
- 8.3 Relevant Persons and/or Relevant Athletes must not be in possession of any hypodermic needles or other injection equipment, unless:
 - (a) the individual is a Health Professional authorised to administer injections; or
 - (b) the individual's possession has been authorised by the Chief Medical Officer or other Medical Practitioner and is listed on KWA or AKFO's self-injection register.
- 8.4 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.
- 8.5 Subject to clause 8.2, Relevant Athletes must not allow any person other than the Chief Medical Officer or another Health Professional authorised to administer injections to administer an injection to them. Any such injection must only be administered by the Health Professional authorised to administer injections for a purpose permitted under this Policy.
- 8.6 Relevant Persons must only administer injections to Relevant Athletes if:
 - (a) the Relevant Person is a Health Professional authorised to administer injections or is an authorised carer for the Relevant Athlete; and
 - (b) the injection is for a purpose permitted under this Policy.

- 8.7 For the purposes of clauses 8.5 and 8.6, the only purposes permitted under this Policy are where an injection is medically required for:
- (a) vaccination purposes; or
 - (b) treatment of a documented medical condition; or
 - (c) investigation of a suspected medical condition.

9. Supplements

- 9.1 KWA 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.
- 9.2 KWA acknowledges the value of accredited third-party auditing programs to reduce the risk of Supplements containing substances included on the Prohibited List. KWA 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.
- 9.3 KWA adopts the AIS Sport Supplement Framework, which classifies Supplements into four categories according to their effectiveness, safety and current status on the Prohibited List and is available here.
- 9.4 KWA recommends that Relevant Athletes use Sports Integrity Australia's mobile app which lists supplements sold on Australian shelves, which have been certified by HASKWA or Informed Sport. The details of how to access and download this app are available here.
- 9.5 Supplements may only be used by Relevant Athletes in accordance with:
- (a) this Policy;
 - (b) KWA's Sports Food and Supplements Policy; and
 - (c) any documented procedure for the use of Supplements, as adopted by KWA from time to time.
- 9.6 Relevant Persons must not supply or provide Non-compliant Supplements to a Relevant Athlete.

10. No publishing or transmitting certain Illegal Drug content

- 10.1 Personnel must not publish or transmit 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.

11. Reporting

- 11.1 Personnel must report any criminal activity or conduct that may amount to Prohibited Conduct under this Policy to Kung Fu Wushu Australia (KWA) to any other entity as required by law.

11.2 A report to the KWA can be made via email to Secretary@kungfuwushuaustralia.com

PART III – PROHIBITED CONDUCT

12. Prohibited Conduct of Personnel

- 12.1 Personnel commit a breach of this Policy when they:
- (a) subject to clause 17.1:
 - (i) are convicted of any breach of a relevant State or territory or Commonwealth law relating to or involving an Illegal and illicit Drug; or
 - (ii) facilitate, administer, assist, aide, abet, encourage, induce, cover up or are in any way complicit in a breach of clauses 12.1(a)(i), 13 or 14; or
 - (b) fail to report the matters outlined in clause 11.

13. Prohibited Conduct of Relevant Athletes

- 13.1 A Relevant Athlete commits a breach of this Policy when they:
- (a) use prescription or over the counter Medication in an unlawful manner; or
 - (b) do not comply with clauses 8.3, 8.4 or 8.5.

14. Prohibited Conduct of Relevant Persons

- 14.1 Relevant Persons commit a breach of this Policy when they:
- (a) do not comply with clause 8.3 or 8.6;
 - (b) do not comply with clause 9.6; or
 - (c) facilitate, assist, aide, abet, encourage, cover up or are in any way complicit in a breach of clause 14.1(b).

15. Prohibited Conduct of AKFOs

- 15.1 An AKFO commits a breach of this Policy when they:
- (a) fail to report the matters outlined in clause 11; or
 - (b) facilitate, assist, aide, abet, encourage, cover up or are in any way complicit in a breach of clause 13 or 14.

PART V – COMPLAINTS AND DISPUTES

16. Complaint and Dispute Handling Procedure

- 16.1 An alleged breach of this Policy will be managed in accordance with the complaint handling processes set out in KWA's Protection Protection Policy (PPP).
- 16.2 Accordingly, any alleged breach of this Policy will be categorised as either a Vexatious, Baseless or Trivial, Category A or Category B breach in accordance with the list of factors set out in clause 10.11 of the PPP.
- 16.3 Depending on the categorisation of the alleged breach, the complaint will be handled in accordance with the relevant Section of the PPP.

PART VI – MISCELLANEOUS MATTERS

17. Legitimate therapeutic purpose

- 17.1 If an Illegal and/or 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 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.

18. Patient confidentiality

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

19. Lifesaving medical treatment

- 19.1 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.

20. Review and promotion

- 20.1 This Policy will be reviewed on a regular basis. In addition to this regular review, recommendation for changes to this Policy may be submitted to the KWA via secretary@kungfuwushuaustralia.com for consideration. If changes are made, the Policy will be updated via KWA's website.
- 20.2 This Policy will be made available to the general public and will be communicated to all Board and staff members of KWA and all AKFOs, on KWA's website.
- 20.3 Should a person wish to make any enquiries in relation to this Policy, please contact the secretary@kungfuwushuaustralia.com

Version Control: Version Number: 1
Effective Date: Effective April 2023
Previous Versions: N/A