

ALCOHOL & DRUGS SAFETY TESTING POLICY

As adopted by



AUSTRALIAN POLO FEDERATION LTD
PO BOX 150, Windsor, NSW 2756
T 0459 272 277 F (02) 4311 2660
Email apf@australianpolo.com.au
Website www.australianpolo.com.au

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AUSTRALIAN POLO FEDERATION LTD

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1. Overview

The Australian Polo Federation is committed to providing a safe and healthy environment for all players participating in affiliated polo tournaments and events.

The Australian Polo Federation has a duty of care to take reasonable steps to protect its registered members from injury, and the risk of injury increases when players are affected by drugs or alcohol. All players have an obligation not to place at risk the health of another person at Australian Polo Federation affiliated events.

This Alcohol & Drugs Safety Testing Policy (**Policy**) is aimed at ensuring the duty of care of Australian Polo Federation is met. It includes guidelines for the testing of licit and illicit substances that affect performance, conduct or safety and includes management of players that test positive.

The Australian Polo Federation recognises alcohol and drug abuse and dependence as medical illnesses and encourages affected players to seek treatment.

2. Purpose

The purposes of this Policy are as follows.

- (a) To reduce the risk of accidents and injuries to all players, non-players, spectators and horses at Australian Polo Federation Activities.
- (b) To ensure the safety and enjoyment of all Participants in polo Activities.
- (c) To manage and control the misuse/abuse of alcohol and other drugs in polo.
- (d) To deal appropriately with player performance and problems caused by the misuse or abuse of alcohol and other drugs.

3. Definitions

In this document the term:

"**Activity**" means any activity relating to polo under APF delegated control, either of a competitive or non-competitive nature, including but not limited to a:

- (a) tournament;
- (b) training exercise; or
- (c) other event that is conducted, sponsored or auspiced by APF, an affiliated polo club or State Association.

"**APF**" means the Australian Polo Federation.

"**BAC**" means blood alcohol content.

"**Disciplinary Committee**" means the disciplinary committee appointed by the board of a State Association to deal with alleged breaches of this Policy in a State or Territory.

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"**Event Organiser**" means the controller, organiser or person responsible for an Activity, including those authorised by APF to plan and execute an Activity on its behalf.

"**NATA**" means the National Association of Testing Authorities, Australia.

"**National Appeals Committee**" means the committee appointed by APF to hear appeals under this Policy.

"**Participant**" means a person involved in an Activity in any capacity including, but not limited to:

- (a) mounted, such as playing or umpiring; or
- (b) unmounted, such as acting as a medical officer or reserve player, or working in administration or logistics.

"**Prohibited Substance**" means any substance which is listed as a prohibited substance on the World Anti-Doping Agency (**WADA**) Prohibit List, as described in Article 4.1 of the WADA Code, and published and amended by WADA from time to time.

"**State Association**" means a body which is a member of APF and which has the responsibility of controlling the sport of polo in a State or Territory of Australia.

"**SO**" means a Safety Officer, appointed under clause 7(a) by each State Association from time to time.

"**Test**" means any test conducted under this Policy to detect BAC or the presence of a Prohibited Substance, including but not limited to:

- (a) a breathalyser test of BAC;
- (b) a saliva test for Prohibited Substances which yields results on the day of the Activity;
- (c) a saliva test for Prohibited Substances which is sent to a laboratory for results, (typically involving 'A' and 'B' samples in accordance with accepted standards); and
- (d) other forms of Testing utilised by the Tester from time to time.

"**Tester**" means a person belonging to an approved provider of drug and alcohol testing services as engaged by APF to administer the Tests at Activities.

4. Scope

This Policy applies to all Participants in all Activities.

5. Jurisdiction

This Policy is made by the Directors of APF in accordance with rules 3(d) and 10 of APF constitution.

6. Prohibitions

A Participant must not:

- (a) participate in an Activity or present for participation:
 - (i) while affected by alcohol or a Prohibited Substance;

- (ii) with BAC of or over 0.05%; or
- (iii) with any Prohibited Substance in his/her system;
- (b) use, consume, possess, manufacture, sell, or purchase a Prohibited Substance at an Activity;
- (c) attempt to induce fellow players to engage in the use, consumption, possession, manufacture, sale, or purchase of a Prohibited Substance at an Activity;
- (d) refuse to undergo a Test; or
- (e) give false answers to any questions from any person administering a Test.

7. Safety testing

Safety Officer

- (a) Each State Association shall ensure that it appoints an SO for every Activity that occurs in their respective state. Each State Association retains the discretion to change their respective SO as and when required from time to time and so as to ensure that an SO will be in attendance at every Activity.
- (b) The SO is responsible for overseeing the safety of the Activity and facilitating and overseeing administration of all Tests and Testers in accordance with this Policy. APF may direct a State Association to change the identity of the appointed SO from time to time.
- (c) Notwithstanding anything else set out in the Policy, there may be circumstances where Testing, for either BAC or Prohibited Substances, is unavailable at an Activity. In these cases, if the SO reasonably suspects, having regard to the indicative factors set out in Appendix A, that a Participant is in breach of rule 6(a) the Participant will be removed from the Activity, in the interests of maintaining the safety of Participants, horses and property.

Tests

- (d) At an Activity, any Test may be conducted upon any Participant, to detect the presence of alcohol or a Prohibited Substance in the following circumstances:
 - (i) on a voluntary basis if a Participant requests a Test prior to or during an Activity;
 - (ii) where an SO reasonably suspects, having regard to the indicative factors set out in Appendix A, that a Participant is in breach of rule 6(a);
 - (iii) on a random basis; and/or
 - (iv) on a targeted basis (where targeted testing may be undertaken against a collective group and/or individuals at the discretion of an SO or the APF Alcohol and Drug Safety subcommittee).
- (e) This Policy does not restrict or limit the possibility of testing under any other rule, regulation, policy, or procedure of APF, by the Australian Sports Anti-Doping Authority (**ASADA**) or by law enforcement agencies.

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- (f) Parental consent will be sought for minors before being subjected to a Test. Where consent is not provided, the minor will be taken to be in breach of rule 6(d).

Testing administration

- (g) SO's may be accredited to carry out preliminary breathalyser and saliva tests of BAC. All other tests conducted at an Activity, and for prohibited substances other than alcohol, will be carried out by accredited Testers under the authorisation of the APF and the supervision of the SO.
- (h) All laboratory testing will be conducted by NATA-accredited laboratories that are accredited to the relevant Australian standard from time to time (and being the Australian Standard 4760 - 2006 Procedures for Specimen Collection and the Detection and Quantitation of Drugs in Oral Fluid as at the date of adoption of this Policy).
- (i) Results of all Tests will be kept confidential to APF, the Tester, and the State Association. The results of all tests will be destroyed after being held for seven years by APF or an authorised agent thereof. Access to copies of a Participant's Test results will be made available to the Participant upon request. For the avoidance of doubt, this rule is not intended to limit the ability of the APF, a State Association and/or Club from reporting on any findings of breach under this Policy (as well as any penalty that results from any breach).

Alcohol

- (j) Preliminary testing for alcohol will be conducted by breathalyser.
- (k) Where a breathalyser test conducted on the day of an Activity for alcohol yields a positive result, a second test (being conducted by way of a saliva test) will be taken and examined in a laboratory, in accordance with standards set out in rule 7(h).
- (l) The results of the preliminary breathalyser Tests may be relied upon for the purposes of excluding a Participant from the Activity, in the interests of maintaining the safety of Participants, horses and property, with such exclusion to be determined at the discretion of the SO.
- (m) The results of the secondary Test may be relied upon for the purposes of disciplinary action under rule 8(a).

Prohibited Substances

- (n) Testing for Prohibited Substances may be conducted by examining the breath or saliva of a person.
- (o) Where a preliminary saliva Test conducted on the day of an Activity for Prohibited Substances yields a positive result, a second Test will be taken by the Tester and will be examined in a laboratory, in accordance with standards set out in rule 7(h). The results of these secondary Tests may be relied upon for the purposes of disciplinary action under rule 8(a).

8. Consequences of breach

- (a) Each State Association shall appoint a Disciplinary Committee to consider and, if necessary, impose sanctions for breaches of this Policy. Any such

Disciplinary Committee that is convened may refer to the *APF Discipline Regulations and Procedures (Regulations)* for an indication of the penalties recommended by APF. In addition to the recommended penalties set out in the Regulations, in circumstances where there is a breach of this Policy by way of a positive result for more than one substance, the APF recommends that the penalty should be increased accordingly.

- (b) Any Participant found to have breached any of the prohibitions set out in rule 6 will be subject to whatever sanction (if any) is imposed by the relevant Disciplinary Committee, including, but not limited to:
 - (i) suspension or expulsion from Activities for a period of time; or
 - (ii) fines payable to APF.
- (c) In exercising its duties under this Policy, a Disciplinary Committee may take into account medical evidence from a treating medical practitioner on behalf of a Participant that a relevant Test shows the presence of a Prohibited Substance due to:
 - (i) the injection or consumption of medical compounds or proprietary medicines in normal and recommended quantities entirely for recognised medical purposes, other than the treatment of drug addiction or dependency; or
 - (ii) the ingestion of food or other nutritional substances in the ordinary course of dietary nourishment.
- (d) Any Participant found to have breached the prohibition under rule 6(a)(iii) will be liable for the costs of administering the relevant Tests.
- (e) Any Participant who uses, consumes, possesses, manufactures, sells, or purchases an illegal substance or a Prohibited Substance may be referred to the police and/or ASADA in addition to any other sanction set out in this Policy.
- (f) Any Participant suspended or expelled for a breach of this Policy may be obliged to submit to drug and alcohol testing by an accredited agency as a condition of re-instatement.
- (g) Sanction or official reproach of a person under this Policy does not restrict or limit the possibility of sanctions or penalties under any other rule, regulation, policy, or procedure of APF or affiliated body, Event Organiser or other controlling body.

9. Prescription medication

- (a) If a Participant considers there is a possibility that prescription medication is affecting their ability to participate safely in an Activity, the Participant must inform the relevant SO prior to the Activity. It is not necessary for the person to disclose the illness, ailment or the medication which they are taking.
- (b) If a Participant follows the procedure in rule 9(a), then:
 - (i) the Participant may participate in an Activity if he/she can provide medical clearance from their treating medical practitioner clearly stating the medication will not affect the Participant's ability to perform their duties (in the case of a player, or other mounted person such as

- an umpire, the medical clearance must explicitly attest that they are fit to ride and manoeuvre their mount); or
- (ii) the Participant cannot participate in the Activity if he/she cannot provide such a medical clearance.
- (c) If a Participant tests positive for a Prohibited Substance, it is a defence to a breach of rule 6 if the Participant can produce a medical clearance that:
- (i) satisfies rule 9(b); and
 - (ii) provides a legitimate medical reason for the Prohibited Substance, or a substance/s with similar test indicators, to be present in his/her system.

10. Appeals

- (a) Subject to rule 10(b), a decision of a Disciplinary Committee under rule 8(a) is final.
- (b) The only grounds upon which a decision of a Disciplinary Committee may be appealed are:
 - (i) that the Disciplinary Committee erred in identifying a breach because it erred in its interpretation of this Policy; or
 - (ii) the penalty imposed was done so in error, or was manifestly excessive.
- (c) In the event of an appeal, APF shall convene a National Disciplinary Appeal Committee to consider the matter by receiving submissions from the Participant and any other relevant parties.
- (d) The National Appeals Committee will only consider the appeal of a Disciplinary Committee decision if:
 - (i) a request to review the decision is submitted to APF in writing within seven (7) days of the decision;
 - (ii) the request is accompanied by a payment of \$500 to cover administrative costs in conducting the review, which shall be refunded only if the National Appeals Committee finds there was no breach, overturns or imposes a lesser penalty; and
 - (iii) the request is supported by a statement which sets out clearly the error of the Disciplinary Committee relied upon under rule 10(b).
- (e) The National Appeals Committee may:
 - (i) overturn the Disciplinary Committee's decision;
 - (ii) amend any sanctions imposed by the Disciplinary Committee; or
 - (iii) uphold the decision of the Disciplinary Committee unamended.

11. Rehabilitation and counselling

APF recognises drug and alcohol dependency as a treatable condition. Any person who breaches rule 6 of this Policy is encouraged to seek advice and to take appropriate

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treatment before there are repeated breaches and their performance is affected leading to more serious consequences.

Appendix A

Guidelines for the Signs of Possible Effects of Alcohol and/or Other Drugs

Signs of an individual being affected by drugs and/or alcohol may include the following.

1. Habitual lateness or excessive absenteeism;
2. Aggressive outbursts;
3. Problems with coordination, forgetfulness, near miss incidents; and
4. Possible time management issues.

Clear intoxication at work may include:

1. strong smell of alcohol on breath;
2. slurred or incoherent speech;
3. unsteadiness on feet;
4. red, bloodshot or watery eyes;
5. flushed or ruddy face;
6. noticeably smaller or larger pupils;
7. lack of, or poor, motor coordination;
8. being aggressive or argumentative;
9. being overexcited or agitated;
10. not being able to follow simple instructions;
11. drowsiness or asleep during breaks;
12. difficulty in concentrating on task or conversation;
13. poor balance; and
14. loss of inhibitions.

Any Participating person who believes another Participating person is displaying signs of possible effects of drugs and/or alcohol should report their concern to the STO or Event Organiser. As soon as practicable, the situation should be discussed with the Participating person displaying such possible effects in regard to their "Fit to Play" status and the person may be referred to complete a drug & alcohol Test.