

POLICY CHANGE

Information Bulletin

August 11, 2011



Supported by:



Australian Government
Australian Sports Commission

Affected Discipline:

All

Policy pertains to:

Safety Policy

Current policy in 2011 Manual of Motorcycle Sport:

GCR 11.27

New policy after change:

SAFETY POLICY – DRUG AND ALCOHOL TESTING

1. OVERVIEW

MA is committed to ensuring the health and safety of all people associated with its operations and to providing a safe environment. MA and its members, including clubs and promoters, also have a legal duty to take reasonable care of participants in Events.

Motorcycle sport is inherently dangerous. MA recognises that the use of drugs and alcohol can adversely affect an individual's performance and can be a contributing factor towards making the sport unsafe, increasing the likelihood that injuries and damage to property and equipment will or could occur.

This Policy is designed to ensure that MA complies with its legal obligations and reinforces its commitment to the safety of all participants.

For the avoidance of doubt, this Policy does not replace or in any way affect the anti-doping testing that may be carried out by ASADA or by MA under the Anti-Doping Policy.

2. SCOPE

This Policy applies to:

- (a) all people who are required to be licensed under the Manual (for the avoidance of doubt, this includes all riders, officials (whether paid or volunteers), coaches and mechanics);
- (b) all people who enter the "pit" or "paddock" area at a Location; and
- (c) anyone else who MA or any SCB requires to comply with it from time to time, for example as a condition of entry to a Location.



3. PURPOSE

The purposes of this Policy are as follows.

- (a) To create a safe and healthy environment for all participants in Events that is free from the hazards that may be associated with the use of drugs and alcohol.
- (b) To ensure that MA complies with its legal obligations to provide a safe environment for participants.
- (c) To communicate this policy on the use of drugs and alcohol during Events, and the drug and alcohol testing regime.
- (d) To communicate that it is unacceptable to be under the influence of drugs or alcohol during Events.

4. DEFINITIONS

For the purposes of this Policy, the following terms shall have the following meanings.

Anti-Doping Policy means MA's "Anti-Doping Policy" as amended from time to time.

ASADA means the Australian Sports Anti-Doping Authority.

Event means a motorcycling event sanctioned by MA directly, or indirectly through a SCB. This may include, but is not limited to, a race, training or testing and exhibitions.

Event Organiser means MA, a SCB, MA member club, promoter or any other entity having control of an Event.

Location means any venue where an Event is taking place.

MA means Motorcycling Australia Limited.

Manual means the "Manual of Motorcycle Sport" produced by MA, as amended from time to time. This means and includes any policies, rules or documents which MA determines amend or supplement the "Manual of Motorcycle Sport" from time to time.

Policy means this policy (including any schedules or annexures) as adopted and amended by MA from time to time.

Prohibited Substance means any substance which is listed in the "List of Prohibited Illicit Drugs" published by the Australian Sports Commission from time to time.

Sample means a sample provided in conjunction with a Test.

SCB means a "State Controlling Body" for the sport of motorcycling as recognised by MA under its constitution.



Significant Incident means any incident which occurs during an Event that results in a person requiring medical treatment, property damage, or any other incident which, in the opinion of the Event Organiser (or its nominee) requires further investigation. This latter category may include dangerous occurrences or near misses during a race.

Test means any test conducted under this Policy to detect the presence of alcohol or a Prohibited Substance.

5. PROHIBITED ACTIVITIES

The use of drugs or alcohol can affect an individual's ability to safely participate in Events and can contribute to dangerous incidents. Any person to whom this Policy applies must not:

- (a) use, consume, possess, manufacture, sell, purchase or otherwise transfer a Prohibited Substance at a Location;
- (b) have a blood alcohol reading of more than 0.00 at a Location;
- (c) have any Prohibited Substances in their system at a Location;
- (d) refuse to provide a Sample as part of a Test; or
- (e) give false answers to any questions from any person administering a Test.

6. SANCTIONS

- (a) Any person who breaches any of the provisions of clause 5 will be refused participation in the relevant Event at the Location.
- (b) There will be no sanction on a person under this Policy except as set out in sub-clause (a) above. However, for the avoidance of doubt, this does not restrict or limit the possibility of sanctions or penalties under any other rule, regulation, policy, procedure of MA, a SCB, Event Organiser or other controlling body (including, but not limited to, under the procedures in the Manual or the Anti-Doping Policy).

7. PRESCRIBED MEDICATION

- (a) If a person to whom this Policy applies considers there is a possibility that prescribed medication is affecting their ability to participate safely in an Event, that person shall inform the Event Organiser immediately. 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 sub-clause (a) above, then:
 - (i) they can participate in an Event if they can provide a medical clearance from their treating medical practitioner clearly stating the medication will not affect the participant's ability to perform their duties (for a rider, it must state the medication does not affect the ability of the rider to control a motorcycle); or
 - (ii) they can not participate in the Event if they can not provide such a medical clearance.



8. TESTING

- (a) At a Location, an Event Organiser may conduct a Test upon any person to whom this Policy applies 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 the Event;
 - (ii) randomly as determined by the Event Organiser;
 - (iii) when the Event Organiser suspects, on reasonable grounds, that the person is under the influence of alcohol or a Prohibited Substance.
- (b) An Event Organiser may conduct a Test by testing the breath, urine or saliva of a person. However, such method of testing must be approved by MA.
- (c) The result of any Test and any decision made by the Event Organiser which follows is final. There is no appeal process and a person is not entitled to undergo a second Test.

9. CONFIDENTIALITY

The results of all Tests will be kept confidential to the organisation conducting the Test, the Event Organiser, any relevant SCB, and MA.

10. REHABILITATION AND COUNSELLING

MA recognises drug and alcohol dependency as a treatable condition. Any person who breaches clause 5 of this Policy is encouraged to seek advice and to take appropriate treatment before their performance is affected.

Rule suggested by:

Board

Rule adopted by:

MA Board

Date rule change takes effect from:

August 1, 2011

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