

MOTORCYCLING AUSTRALIA POLICY

Title:	Drug & Alcohol Policy and Testing Procedures
Last Review Date:	21 December 2022
Next Review Date:	December 2024
Responsible Persons:	Motorcycling Australia Board
Authority	This Policy is made under clause 15 of the MA Constitution. It is binding on all Members of MA and volunteers, and all employees of MA and its SCBs, and is to be interpreted in accordance with the MA Constitution.

Part 1: Drug & Alcohol Policy

1 Overview and Purpose

MA is committed to promoting the welfare of everyone who participates in the Sport.

Our Sport is inherently dangerous. MA recognises that the use of drugs and alcohol can adversely affect a person's performance, reducing their capability of performing the actions reasonably required in relation to the Sport, and increasing the likelihood of personal injury and/or property damage.

For the avoidance of doubt, this Policy is complimentary to the testing that may be carried out by SIA or by MA under the ADP. The provisions of the ADP shall prevail over this Policy in the event of conflict.

This Policy seeks to:

- a) Keep Events free from the hazards associated with the use of drugs and alcohol;
- b) Communicate MA's stance on the use of drugs and alcohol in our Sport;
- c) Communicate MA's drug and alcohol testing regime; and
- d) Communicate that it is unacceptable to be under the influence of drugs or alcohol while taking part in the Sport or an Event.

2 Scope

This Policy applies to and binds any person:

- a) Who is required to be licensed under the GCRs;
- b) Who has signed-on at an Event;
- c) Who enters the "pit" or "paddock" area at an Event; or
- d) Who an RCB requires be compliant with this Policy from time to time, such as a condition of entry to an Event.

3 Definitions

For the purposes of this Policy and the Testing Procedures, the following terms shall have the following meanings:

Alcohol Testing means testing to determine the presence of alcohol in the body.

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

Drug Test means testing to determine the presence of Prohibited Substances in the body.

Event means the organised motorcycling activity described in a permit issued by an RCB.

GCRs means the MA General Competition Rules in force at the time of the Event, published by MA in the Manual of Motorcycle Sports.

Licence means an MA licence of whatever name or description.

MA means Motorcycling Australia Limited.

Negative means a Test result indicating the absence of alcohol or of a Prohibited Substance in a Sample, or that the presence of such substances are at below threshold levels for initial screening or Testing.

Non-Negative means an initial Test result indicating the presence of alcohol or of a Prohibited Substance in a Sample at or above threshold levels for initial screening or Testing.

Participant means a person who is, or is selected to, or has been, or may be, subject to a Test.

Policy means this policy (including the Testing Procedures set out in Part 2) as amended by MA from time to time.

Positive means the result of secondary Testing of a Non-Negative Sample that confirms the presence of alcohol or of a Prohibited Substance.

Prohibited Substance means any substance considered illegal under legislation of the state or territory where a breach occurs, and/or those substances listed in [Schedule 1 of the Criminal Code Regulations 2019 \(Cth\)](#) as amended from time to time.

Promoter means the holder of an Event permit issued by an RCB.

RCB means Relevant Controlling Body, being MA or an SCB.

Sample means a sample provided in conjunction with a Test.

SCB means a State Controlling Body affiliated to and recognised by MA as its sole delegate and the RCB within that SCB's State or Territory.

Screening Test means a Test undertaken by a Testing Person to detect potential breaches of this Policy.

Sport means the sport or recreational activity of motorcycling.

SIA means Sport Integrity Australia.

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

Testing Person can be one of the following:

- Part of the medical team at the event;
- A Promoter (or its nominee) competent in using the Tests;
- A nominated person competent in using the tests (i.e. Senior Official or RCB representative);

- A member of the State Police force; or
- A contractor approved by the RCB.

Headings are for convenience only and do not affect interpretation and, unless the context indicates a contrary intention, "includes" in any form is not a word of limitation, a reference to "month" is to a calendar month, and a reference to "\$" or "dollar" is to Australian currency.

4 Prohibited Activities

It is a breach of this Policy for any Participant to:

- 4.1 use, consume, possess, manufacture, sell, purchase or otherwise transfer a Prohibited Substance at or during an Event;
- 4.2 have a blood alcohol reading of more than 0.00 at or during an Event;
- 4.3 have any Prohibited Substance in their system at or during an Event;
- 4.4 refuse to provide a Sample as part of a Test;
- 4.5 refuse to comply with a direction in respect of a Test; or
- 4.6 subvert or tamper with the Testing process, including giving false answers to any questions from any person administering a Test, or make a false declaration.

5 Sanctions

- 5.1 Subject always to the ADP, any person who breaches any of the provisions of Part 1 clause 4 of this Policy:
 - 5.1.1 will be sanctioned in accordance with clause 7 of the Testing Procedures in Part 2 hereof; and
 - 5.1.2 may also face sanction or penalty under any other rule, regulation, policy or procedure of MA, an SCB or Promoter (such as under the GCRs)
- 5.2 For clarity, where a person who is in breach of this Policy invokes the Substance of Abuse provisions in the ADP such person shall be sanctioned exclusively in accordance with the ADP.

6 Rehabilitation and Counselling

MA recognises drug and alcohol dependency as a treatable condition. Any person who breaches Part 1 clause 4 of this Policy is encouraged to seek professional help and advice and to undertake appropriate treatment.

7 Disputes

A dispute regarding the implementation of this Policy or of the Testing Procedures will be managed in accordance with MA's Non-NIF Complaint and Dispute Resolution Policy.

8 SIA and MA's ADP

In accordance with the ADP, MA will report information relevant to a possible anti-doping rule violation to SIA.

Part 2: Testing Procedures

1 Introduction

These procedures are to be followed in implementing this Policy, including:

- 1.1 how Drug and Alcohol Testing will be conducted;
- 1.2 the actions to be followed in response to Drug or Alcohol Tests including immediate response and follow-up actions; and
- 1.3 how matters of confidentiality, discipline and disputes will be handled.

2 Testing Methods and Limits

2.1 Testing Methods

An RCB may conduct Testing consistent with these procedures.

2.1.1 Screening Drug Tests will be undertaken using the following methods:

- 2.1.1.1 An oral swab with reference to AS4760 - *Procedures for the collection detection and quantification of drugs in oral fluid.*
- 2.1.1.2 Drug confirmation tests will be undertaken in accordance with the abovementioned Australian Standard.
- 2.1.1.3 Urine sample with reference to AS/NZS 4308:2008 - *Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine.*

2.1.2 Alcohol tests will be undertaken using alcohol breath analysers in accordance with AS/NZS 3574:1997 – *Breath Alcohol testing devices for personal use.*

2.2 Testing Limits

2.2.1 Screening Test:

The Screening Test will utilise an immunoassay test for a variety of substances including:

Amphetamine (AMP)
Benzodiazepine
Cannabinoid (THC)
Cocaine (COC)
Methamphetamine (MET)
Opiate

2.2.2 Blood Alcohol Target Concentrations

Alcohol	0.00 g/100ml
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3 Event Testing

3.1 Testing Person

Random Drug and Alcohol Testing may be conducted at Events by a Testing Person.

The Testing Person should develop and implement an operationally appropriate selection process to the satisfaction of the RCB.

3.2 Selection

Testing may be conducted upon any Participant to detect the presence of alcohol or a Prohibited Substance in the following circumstances:

3.2.1 Random Testing

Participants will be selected by printing the entry list, and grouping entries into respective classes, which may include riders, media, officials and teams.

3.2.2 Targeted Testing

- 3.2.2.1 When the Promoter or an official suspects, on reasonable grounds, that a person is under the influence of alcohol or a Prohibited Substance (see also Suspicion Testing).
- 3.2.2.2 A Participant who has previously returned a Non-Negative result may be Target Tested over the following 12 months and their names will automatically be entered into the selection list.

3.2.3 Voluntary Testing

Testing may be undertaken on a voluntary basis if a Participant requests a Test prior to or during the Event.

3.2.4 Suspicion Testing

The Clerk of Course or Steward will take action under this Policy if they have observed or received information or have reasonable grounds to suspect that a person is exhibiting signs of being under the influence of drugs or alcohol and such person may be required to undertake a Test.

Typical indicators of impairment due to alcohol or a Prohibited Substance include:

- Slurred or impaired speech;
- Their breath smells of alcohol;
- They stagger, their movements are jerky and off target;
- They admit to drinking certain quantities of alcohol;
- Their eyes are bleary and heavy;
- They exhibit a dulled tired appearance;
- They are aggressive in their speech or manner;
- Their face is flushed;
- Their pupils are large with sluggish reaction to light;
- They behave in an unusual, dangerous, erratic or euphoric state; or
- Evidence of substance misuse within Events which can be linked with reasonable certainty to an individual.

3.3 Timing

As this Policy is a Member welfare initiative, Testing can be carried out at any time during an Event. Testing People are encouraged to ensure Testing is undertaken before a Participant engages in on-track activity.

3.4 Notification

3.4.1 No Notification to Participants

Participants acknowledge and agree that they will not be informed when Tests will be conducted.

3.4.2 Event Notification

Participants may be notified at sign-on or directly in person that they have been selected for Testing under this Policy.

Participants will be directed when and where to report for Testing.

The Testing Person will provide Participants with information regarding the test they will undertake. Participants are required to read, understand and sign the Acknowledgement and Declaration form confirming their consent to undertake the Test.

Sample Notification to Attend for Testing

Dear Participant

You have been randomly selected to participate in Prohibited Substance screening under Motorcycling Australia's Drug and Alcohol Policy (available at <https://www.ma.org.au/licences-rules/policies-si/motorcycling-australia-policies/>). The Policy's purpose is to promote the welfare of Members by reducing the likelihood of Events being adversely affected by people who have drugs and/or alcohol in their system.

You are required to undertake a Test to screen for the presence of alcohol and/or of a Prohibited Substance in your body.

The drug screening equipment will test for illicit, restricted and some currently legal drugs which have the potential to cause impairment, e.g. cannabis, opiates (such as heroin and morphine), cocaine, amphetamine type substances (such as speed and ecstasy) and THC.

Please make your way immediately to the Testing area at [insert location of Testing areastation] and present this Notice to MA's nominated Testing Person.

You are required to read, understand and complete the Acknowledgement and Declaration Form (enclosed) prior to making your way to the Testing area. There are penalties for making a false declaration and for refusing to submit to Testing.

Please inform the testing person about any medications (prescribed or non-prescribed) or other drugs that you have used during the last week which may affect the screening Test.

If you are required to provide a urine sample and are unable to provide a sample immediately you must wait, under the supervision of the Testing Person, until a sample can be obtained.

Should a test produce a **Non-Negative** result, you will not be permitted to take part in the event.

A **Negative** result will allow you to continue to take part in the event.

Refusing to complete the test will automatically exclude you from taking part in the event.

Please take your time in completing this documentation.

If you have any questions regarding the procedures, please discuss these with the Testing Person.

3.5 Designated area

A designated testing area will be established at the Event. Participants will be required to enter the Testing area one at a time to undertake the Test.

A designated testing area would ideally include a private area with a table and chairs to fill in the paperwork and a designated toilet such as a portaloos or private toilet for urine testing.

Prior to the Test being conducted, Participants will be requested to provide the completed Acknowledgement and Declaration form. They will also be required to provide their full name, date of birth and Licence number. These details are to be recorded on the Control Form.

3.6 Representatives

Participants are entitled to have a representative and/or interpreter accompany them to the Testing area.

If a Participant is a minor (under 18 years of age) they are required to bring a parent or guardian with them.

3.7 Follow up testing

A Participant who returns a Non-Negative Drug Test will be subject to follow up testing for a period of 12 months (the Probationary Period).

If no further Non-Negative results are reported in the Probationary Period, the Participant will be placed back in the usual random selection pool.

4 Alcohol Testing Procedure

4.1 All Alcohol Testing procedures shall comply with AS/NZS 3547:1997 *Breath alcohol testing devices for personal use*.

4.2 The Participant will be required to supply an exhaled air sample from their lungs directed into an approved breath analysis instrument sufficient to obtain a valid reading on the instrument.

4.3 Participants will be asked not to consume any substances by mouth for a period of 5 minutes prior to the Alcohol Test being carried out.

4.4 The following extract must be read to Participants prior to undertaking the Test:

"You are about to have your exhaled air tested to ensure compliance with MA's Drug and Alcohol Policy in relation to the presence of alcohol in your body. Should the test result be Non-Negative, a further Test will be undertaken shortly to confirm the first Test. You are required to follow the instructions of the Testing Person."

4.5 If the Test indicates blood alcohol content (BAC) of 0.01 g/100mL or above, the Participant is required to do a secondary Test. The following must be read to the Participant after the initial Test:

"Your exhaled air has indicated the presence of alcohol in your body. This is a breach of MA's Drug and Alcohol Policy. Another Test will be performed shortly to confirm the initial Test. You will be required to be accompanied by a witness at all times for the next 20 minutes.

You will not be permitted to consume any substance by mouth until after the second Test'.

4.6 The second Test must be carried out no sooner than 15 minutes and no more than 20 minutes after the original Test.

4.7 The Participant must refrain from taking any fluid or substance orally during the waiting period. This includes smoking or vaping.

- 4.8 The Participant shall be accompanied by a witness appointed by the Testing Person for the entire period between the two Tests.
- 4.9 If the secondary Test result is 0.00 g/100mL BAC, the result will be deemed as Negative and the person may continue to take part in the Event. No record will be entered onto the database.
- 4.10 If the result of the secondary Test result is above 0.00 g/100mL BAC:
- 4.10.1 A Positive result will be recorded and notified to the Steward;
 - 4.10.2 The result of all Tests performed must be recorded, together with the names of the Participant and the witness, the time and date of the Test and the result e.g. OK if 0, or actual reading if >0;
 - 4.10.3 The Participant must be advised by the Testing Person of the result of both Tests, specifically the reading noted on the instrument;
 - 4.10.4 The Participant will be excluded from taking any further part in the Event; and
 - 4.10.5 The Test results will be recorded on the database.
- 4.11 Failure to submit to a Test without an acceptable reason will be deemed a Positive test result.

5 Drug Testing Procedure

- 5.1 All Drug Testing procedures are to comply with relevant Australian Standards.
- 5.2 The Participant will be required to supply either an oral fluid sample or urine sample in the appropriate testing device provided to them by the Testing Person sufficient to obtain a valid reading on the instrument.
- 5.3 If a Negative result is returned, the Sample will be disposed of and the Participant may continue to take part in the Event.
- 5.4 If a Non-Negative result is returned:
- 5.4.1 The Participant is required to remain with the Testing Person. A secondary Test may be carried out in accordance with Part 2 clause 2 no more than 60 minutes after the initial Test. For urine Testing, the initial Sample may be used in a second Testing kit;
 - 5.4.2 The Participant must remain with the Testing Person and refrain from taking any fluid or substances orally, other than water, during the waiting period. This includes smoking and vaping;
 - 5.4.3 The Testing Person will notify the Steward under strict confidentiality; and
 - 5.4.4 The Participant will be excluded from the Event, however the Participant may voluntary withdraw from the event.
- 5.5 Failure to submit to a Test without an acceptable reason will be deemed a Non-Negative result and will be treated accordingly.

6 Procedures for Responses

The RCB may appoint a medical service provider to be actively involved in the response to any Non-Negative or Positive Drug or Alcohol Test result In which case such medical service provider will be responsible for ensuring:

- 6.1 Independence and impartiality;
- 6.2 Integrity and accuracy of the Testing and analysis process; and
- 6.3 Quality assurance (i.e minimising the ability to cheat the system, recording accurate information).

6.4 Screening Test result is Negative

Where a Participant returns a Negative Test result the collected Sample will be disposed of and the Participant may continue to take part in the Event. No record of the test will be recorded on the Participant's Licence records.

6.5 Screening Test Result is Non-Negative or Positive

6.5.1 6.2.1 Alcohol Test

Where an secondary Alcohol Test result is greater than 0.00g/100mL BAC, it will be deemed a Positive result and the Participant deemed unfit to continue to take part in the Event. The Test will be recorded on the Participant's Licence records.

6.5.2 Drug Test

When a Drug Test returns a Non-Negative result the Participant will be excluded from taking any further part in the Event

7 Penalties

First Positive Test Result

Any Participant returning a Positive Drug or Alcohol Test result for the first time will:

- 7.1 Be immediately excluded from the Event;
- 7.2 Have their Licence suspended, and be prohibited from entering Restricted Areas (all areas except spectator areas), with the lifting of such suspension being conditional upon compliance with the following penalty obligations:
 - 7.2.1 provide to the RCB a pathology report confirming there are no Prohibited Substances or alcohol in the Participants body;
 - 7.2.2 undertake a recognised counselling program at their own expense and deliver to the RCB proof of successful completion of such program.
- 7.3 Be required to successfully undertake Targeted Testing for Prohibited Substances or alcohol for a period of 12 months (the Probationary Period);
- 7.4 Depending on the nature of the breach, have the details of the breach notified to SIA; and
- 7.5 Have the details of the breach added to the MA Fines and Suspensions database including the breach date, the Event, the Prohibited Substance, action taken, and sanction(s).

Positive Test Result During Probationary Period:

Any Participant returning a Positive Drug or Alcohol Test result whilst serving a Probationary Period will:

- 7.6 Be immediately excluded from the Event;
- 7.7 Have their Licence suspended for six (6) months, and during that period be prohibited from entering Restricted Areas (all areas except spectator areas), with the lifting of such suspension being conditional upon compliance with the following penalty obligations;
 - 7.7.1 pay to the RCB a fine of \$2,000 (plus GST);
 - 7.7.2 undertake a counselling program recognised by MA at their own expense and deliver to the RCB proof of successful completion of such program; and

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- 7.7.3 at the end of such six (6) month period, provide to the RCB a pathology report confirming there is no Prohibited Substances or alcohol in the Participants body;
- 7.8 Depending on the nature of the breach, have the details of the breach notified to SIA; and
- 7.9 Have the details of the breach added to the MA Fines and Suspensions database including the breach date, the Event, the Prohibited Substance, action taken, and sanction(s).

Second Positive Test Result:

Any Participant testing positive for prohibited substances for a second time on record (but not whilst serving a Probationary Period) will:

- 7.10 Be immediately excluded from the Event;
- 7.11 Have their Licence suspended for three (3) months, and during that period be prohibited from entering Restricted Areas (all areas except spectator areas), with the lifting of such suspension being conditional upon compliance with the following penalty obligations:
 - 7.11.1 pay to the RCB a fine of \$2,000 (plus GST);
 - 7.11.2 undertake a recognised counselling program at their own expense and deliver to the RCB proof of successful completion of such program; and
 - 7.11.3 at the end of such three (3) month period, provide to the RCB a pathology report confirming there is no Prohibited Substances or alcohol in the Participants body;
- 7.12 Depending on the nature of the breach, have the details of the breach notified to SIA; and
- 7.13 Have the details of the breach added to the MA Fines and Suspensions database including the breach date, the Event, the Prohibited Substance, action taken, and sanction(s).

Third Positive Test Result:

- 7.14 Any Participant Testing positive for a Prohibited Substance for a third time on record will:
 - 7.14.1 Be immediately excluded from the Event;
 - 7.14.2 Have their Licence suspended for three (3) years, and during that period be prohibited from entering Restricted Areas (all areas except spectator areas);
 - 7.14.3 Be subject to further sanction as determined by and at the discretion of MA, including the imposition of a fine of up to \$10,000 payable to MA, and the imposition of conditions for the Participant's return to the Sport; and
 - 7.14.4 Have the details of the breach added to the MA Fines and Suspensions database including the breach date, the Event, the Prohibited Substance, action taken, and sanction(s).
- 7.15 Where a Participant has returned a positive Test result for a third time on record, the RCB will:
 - 7.15.1 Upload the signed Drug Test acknowledgement form to the Participant's Licence record;
 - 7.15.2 File the original signed Drug Test acknowledgement form in the Event file;
 - 7.15.3 Ensure the laboratory report (if available) is securely saved;
 - 7.15.4 Notify the Participant of the Test result and the sanction(s) and include the relevant information sheet; and
 - 7.15.5 Add the Participant notification to the MA Fines and Suspensions database and to the Participant's Licence record; and

7.16 Depending on the nature of the breach, have the details of the breach notified to SIA.

Sample Participant Notification Letter

It is recommended that a letter / email be sent to the Participant who has returned a positive Test result together with the relevant drug information sheet (i.e. cannabis, cocaine etc). The following sample may be used where a Participant returns a Positive Test result for the first time:

Contravention of MA Drug and Alcohol Policy (example)

At the name of event held at name of venue on the date a random Test for alcohol and/or Prohibited Substances was carried out in accordance with the MA Drug and Alcohol Policy (Policy).

Your name was selected at random and you signed a declaration acknowledging your consent to undergo testing, and setting out the conditions for testing.

A Test was conducted by an approved Testing Person and your Test returned a Non-Negative reading for name of substance.

In accordance with the Policy you were not permitted to participate in the above event.

[Laboratory testing of a second sample has confirmed the positive on-site test result].

The test results have been noted on your licence records held by Motorcycling Australia, and your licence has been suspended, and you will not be able to participate in any MA-sanctioned activity or to purchase a one-event licence until:

- 1 You undertake within the next 12 months a recognised counselling program and deliver proof to MA or your State Body of your successful completion of that program;
- 2 MA, or your State Office receives a pathology test result clearing you of any alcohol or illicit drugs in your system.

You will be subject to target Testing over the next 12 months and if you record another Non-Negative result within this probation period your licence will be automatically suspended for 6 months and you will be fined \$2,000 (Plus GST).

In the interests of our sport, your fellow competitors and your own health, MA encourages you read the attached fact sheet.

MA looks forward to your future participation at MA-sanctioned events.

7.17 Report by Testing Person

The Testing Person shall report to the Steward, for inclusion in the Stewards report of the Event, if no Non-Negative results were produced in secondary Testing.

If secondary Testing produced one or more Non-Negative results, those results shall be hand delivered, or sent by secure means, to the RCB.

8 Procedure where Participant Refuses to Undertake a Drug or Alcohol Test

A Participant who refused to undertake a Drug or Alcohol Test will:

- 8.1 be deemed to have returned a Non-Negative Test result;
- 8.2 be excluded from taking part in the Event;
- 8.3 have the abovementioned sanctions recorded on their Licence record; and

8.4 be target Tested for a further 12 months, and a Non-Negative Test result during this period will result in a six (6) month automatic suspension of their Licence.

9 Prescribed Medication

9.1 If a person to whom this Policy applies considers there is a possibility that prescribed medication is affecting their ability to participate in an Event, they shall inform the Promoter immediately. It is not necessary for the person to disclose the illness, ailment or the medication which they are taking.

9.2 A person who makes a disclosure under Part 2 clause 9.1:

9.2.1 may take part in an Event if they provide a medical clearance from their treating medical practitioner clearly stating the medication will not affect the person's ability to perform their duties or, in respect of a rider, stating the medication does not affect the ability of the rider to control a motorcycle; or

9.2.2 in the absence of such medical clearance, will be excluded from the Event.

9.3 This clause 9 does not operate as an exception to Part 1 clause 4 of this Policy (Prohibited Activities).

10 Exceptional Circumstances

10.1 Exceptional circumstances exist only if the presence of the Prohibited Substance is beyond the control of the Participant (i.e. the Participant is administered the prohibited substance in hospital without their knowledge).

10.2 Exceptional circumstances do not exist merely because the participant:

10.2.1 Took the prohibited substance inadvertently, or

10.2.2 Did not know that the substance was a Prohibited Substance.

10.3 If the Participant claims to have taken a legal medication, the Testing Person may take into account the Participant's SIA-approved therapeutic use exemption in deciding the necessary action to be taken.

11 Confidentiality

It is imperative that confidentiality is given the utmost importance. The results of all Tests will be kept confidential to the Testing Person, the Promoter and the RCB.

12 Record Management

Records of Drug and Alcohol Testing will be managed in accordance with the MA Privacy Policy and used only to enable the review, and where necessary amendment of this Policy and these Procedures.