



**AUSTRALIAN KARTING  
ASSOCIATION Ltd.  
(KARTING AUSTRALIA)  
BY-LAWS AND POLICIES**

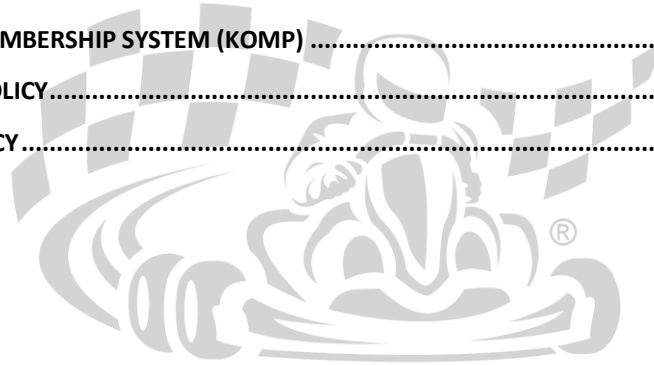
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# KARTING

## A U S T R A L I A

## AUTHORITY

AKA is the sole National Sporting Federation for Karting in Australia.

The General Assembly of the Federation Internationale de 'l Automobile (**FIA**) in accordance with the FIA Statutes and following a request from the Confederation of Australian Motor Sport Ltd. (**CAMS/ Motorsport Australia**), has formally delegated the full sporting authority for the sport of karting (other than Super Karts) in Australia to AKA.

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These By-laws are made in accordance with Article 20 of the Australian Karting Association Ltd ACN 160 100 265 (**AKA or KA**) Constitution (**Constitution.**)

### ARTICLE 20

#### 20 POLICIES, RULES, REGULATIONS AND BY-LAWS

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##### 20.1 Making and Amending Policies, Rules, Regulations and By-Laws

- a) *In addition to policies made under **clause 7.2**, the Directors may from time to time make Policies, Procedures, Rules, Regulations and By-Laws:*
  - (i) *that are required to be made under this Constitution; and*
  - (ii) *which in their opinion are necessary or desirable for the control, administration and management of the Company's affairs and may amend, repeal and replace those Policies, Procedures, Rules, Regulations and By-Laws.*
- b) *The Policies referred to in **clause 7.2** take effect 7 days after the service of the Policy on the Member and shall be of force and effect on that date.*
- c) *The Policies, Rules, Regulations and By-Laws referred to in **clause 20.1 a)** take effect and shall be of force and effect on the date that the Policy, Rule, Regulation or By-Law is promulgated.*

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## COPYRIGHT NOTICE AND CONDITIONS OF USE

KA is the owner of the copyright and all other intellectual property rights in the Australia Karting Manual and National Competition Rules and is By-Laws, Policies, Procedures and Standards. KA is the owner of the KA Trade Marks (whether registered or unregistered).

KA invests substantial time and resources every year in developing, reviewing and updating the Karting Manual including the National Competition Rules and the By-laws, Policies, Procedures, Regulations and Safety Standards under which karting as a sport is conducted in Australia.

KA expressly reserves its rights to take immediate legal action against any person or entity that infringes or authorises the infringement of its copyright or other intellectual property rights by using or authorising the use of the Karting Manual and National Competition Rules, By-laws, Policies, Procedures, Regulations and Safety Standards.

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## BY-LAW and POLICY MANAGER

Unless otherwise specified herein, the KA CEO shall have responsibility for the Management of all By-laws and Policies.

## BY-LAWS

<b>B1</b>	RESPONSIBILITIES DELEGATED TO MEMBER STATES
<b>B2</b>	BOARD CHARTER
<b>B3</b>	AUTHORITY AND DELEGATION
<b>B4</b>	FUTURE FUND
<b>B5</b>	NATIONAL CLUB AFFILIATION REQUIREMENTS
<b>B6</b>	FEEES
<b>B7</b>	DISCIPLINE OF MEMBERS
<b>B8</b>	KARTING AUSTRALIA TRIBUNAL
<b>B9</b>	RULE CHANGE PROCEDURES
<b>B10</b>	HOMOLOGATION PROCEDURES
<b>B11</b>	NATIONAL INFRASTRUCTURE DEVELOPMENT FUND
<b>B12</b>	KARTING AUSTRALIA LIFE MEMBERSHIP, HONORS AND AWARDS

## B1 RESPONSIBILITIES DELEGATED TO MEMBER STATES

Scheduled Review Triennially in conjunction with the Member States

Date of Board Approval 28 November 2022

### PURPOSE

The purpose of this By-law is to document those General Administrative, Operational Responsibilities and Sporting Powers that the AKA Ltd Board has determined should be formally delegated to each Member State in accordance with Articles 5.1(a)(i) and 20 of the Constitution – 16 October 2019 so as to enable each Member State to effectively and efficiently conduct, encourage, promote, advance, control and manage Karting within their State in accordance with the Rules, Regulations, By-Laws, Policies and Safety Standards formulated, adopted, and issued by AKA Ltd (“AKA”).

### APPLIES TO

AKA Ltd., Karting Australia (New South Wales) Inc., AKA (NT) Inc., AKA (Qld) Inc., AKA (SA) Inc., Karting Tas (Inc.), Victorian Karting Association (Inc.), Karting WA Inc. (the “Member States”).

### RESPONSIBILITIES DELEGATED TO EACH MEMBER STATE

With specific reference to the Sporting Powers and administration of karting within the Member State, the AKA Ltd Board has allocated to each Member State certain responsibilities in the following areas:

- (a) To be the primary contact on all karting matters within their State;
- (b) Sale and issuing AKA competition and social drivers’ licences (Licence) that are required in accordance with the Rules including:
  - i. The right to set the fee that it will charge for each category of Licence; and
  - ii. The obligation to promptly remit to AKA, the fee that AKA has resolved to charge the Member State for each category of Licence.
- (c) Issuing and distribution of AKA Event Organising Permits required in accordance with the Rules including:
  - i. The right to set the fee that it will charge for each category of Organising Permit in accordance with the Competition Level of each Event:
 

State Championship	State Series	State Cup	State Trophy
Zonal Competition	Club Competition	Organised Social (Recreational) Karting	
- (d) Conducting Circuit inspections and issuing AKA Circuit Licences in accordance with the Rules and Safety Standards, including:
  - i. The right to set the fee that it will charge for:
    - Conducting a Circuit Inspection; and
    - Issuing an AKA Circuit Licence.
- (e) Remittance to AKA of all monies collected on behalf of AKA in accordance with AKA’s trading terms;
- (f) Co-ordinating karting on behalf of AKA and in accordance with AKA’s Rules, Regulations, By-Laws, Policies and Safety Standards;
- (g) Enforcing the AKA’s Rules, Regulations, By-Laws, Policies and Safety Standards;
- (h) Formulate, adopt, issue, interpret State Regulations specific to their State that respect AKA’s Rules, and that must be approved by AKA annually;
- (i) Acting as Tribunal Registrars and organising a judicial and disciplinary system in accordance with AKA’s Rules, Regulations, By-Laws, Policies;
- (j) Recruitment and training of Officials in accordance with AKA’s Rules, Regulations, By-Laws, Policies and Safety Standards;
- (k) Production of an annual State Calendar of Karting Events for their State which shall not conflict with the National Calendar of events produced by AKA;
- (l) Forwarding correspondence as required to all AKA members;
- (m) Promotion and marketing of karting generally within each state or territory;
- (n) Seeking and obtaining grants, sponsorship and other funds through government, commercial and philanthropic entities that do not conflict with AKA’s main sponsor/s;
- (o) Maintaining and archiving of records;
- (p) Issuing of gauges and technical equipment required for scrutineering of kart components;
- (q) Any other matter at the discretion of AKA.

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## B2 KARTING AUSTRALIA BOARD CHARTER

Scheduled Reviewed

As Required

Date of Board Approval

17 February 2015

Last Board Review: 11 November 2019

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### Introduction

The Australian Karting Association Ltd trading as Karting Australia (“KA” or the “Company”) is governed under the *Corporations Act 2001*(Cth) and other associated corporate law and the Constitution.

This Charter is subservient to the Constitution and the *Corporations Act 2001* (Cth), to the extent of any inconsistency. KA is the governing body for the sport of Karting in Australia. The power and authority to organise and control the sport within Australia has been delegated to the Company by the Federation of Internationale de l’Automobile (**FIA**) through the Confederation of Australian Motorsport (**Motorsport Australia**).

The Board seeks to ensure that its corporate governance obligations are maintained at an appropriately high standard of accountability. This includes structures and processes in relation to decision-making and accountability, which control its behaviour and enhance its performance.

To support this, the following principles are adopted by the Board:

### Role of the Board

1. The primary function of the Board of the Company, in accordance with its Constitution, is to oversee the management of KA and to ensure the effective promotion, administration and control of Karting in Australia.
2. The Board of KA is responsible for providing corporate and strategic governance to the organisation. The organisation is essentially one which must service the needs of its members and other stakeholders and concurrently promote and regulate karting activity across a spectrum ranging from recreational, club and amateur competition to elite Karting activity.
3. The Directors are required to understand the needs of the organisation and their legal responsibilities as Directors. If appointed because of special skills (for example financial, legal, marketing), Directors are expected to contribute those skills to the Board and the organisation.
4. In addition to this are the general key functions of all Boards, which are to monitor the performance of the management of the organisation and adopt an annual budget, ensure that internal control systems are in place, and monitor the progress and results associated with these functions.
5. The role of a Board and its Directors is to give direction to the organisation and to accept initial responsibility for its management. It is not the Directors’ role to take part in the day-to-day management of the organisation.
6. The Board has collective authority. Individual Board Directors have no authority unless specifically delegated and minuted by the Board. In this case they are enacting the collective authority of the Board not their own individual authority.

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### Duties of Directors

The Directors will at all times act in accordance with the law, including but not limited to:

1. act in good faith in the best interests of the organisation and for a proper purpose;
2. to avoid conflicts of interest;
3. act as an independent member of the Board;
4. bring an independent mind to decisions;
5. exercise care and diligence (including taking steps to ensure each is properly informed and has a proper understanding of the position of KA financially and in relation to work, health and safety);
6. not to misuse position or information;
7. not gain an advantage for themselves or someone else;
8. ensure that the organisation does not operate while insolvent.

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### Role of the Chair

An effective Chair creates the conditions for the Board and individual Directors to carry out their duties and functions effectively. The role of the Chair is to:

1. behave in a professional manner at all times;
2. provide coherent leadership of the Board to engender a cohesive and effective team;
3. establish an effective working relationship with the Chief Executive Officer;



4. promote effective relationships and open communication, both internal and external to the Boardroom between Directors, management and the Member States,
5. address the development needs of the Board as a whole with a view to enhancing its overall effectiveness including identifying and meeting the development needs of individual Directors;
6. promote a high standard of governance and be reasonably satisfied that Directors take proper account, and adhere to, statutory and other compliance and probity requirements;
7. provide a clear structure for the effective running of Board meetings and conduct meetings of the Board so as to facilitate the full participation of Directors;
8. ensure the discussion at meetings is on issues that, according to the Constitution and KA policies, clearly belong to the Board to decide, and do not impinge on the role of the CEO;
9. manage appropriately any declared or perceived conflicts of interest and/or potential conflicts of interest;
10. represent the Board to external parties as an official spokesperson for the Board and KA;

The Chair may delegate authority but always remains accountable for its use.

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### Board Code of Ethics

The Directors consider there are certain fundamental ethical values that underpin their role as Directors of the Company and as members of its Board and its Committees. Directors will therefore:

1. act with integrity and good faith;
2. be honest and open with each other at all times;
3. treat each other with professionalism, courtesy and respect allowing reasonable opportunity for others to put forward their views;
4. not improperly influence other Board members or management;
5. declare to the Chair and the Board any conflicts of interest, both actual, potential and perceived;
6. work co-operatively among themselves and with management in the best interests of the Company;
7. recognise the separate roles and responsibilities of the Board and Management, including any concurrent or exclusive delegations;
8. develop an understanding of the role and functions of the Company;
9. be diligent and continuously strive to improve the Board's operation;
10. observe the spirit as well as the letter of the laws under which the Company operates;
11. not improperly use information;
12. not allow personal interests or the interests of associated persons to conflict with the interests of the organisation;
13. avoid any behaviour that is likely to bring the Board or the Company into disrepute;
14. make reasonable enquiries in order to ensure that the organization is operating efficiently and towards its objectives;
15. devoting sufficient time to the organisation and fully preparing for Board meetings;
16. Maintain KA's solidarity - be prepared to consider and debate matters within the confines of the Board, with informed and meaningful arguments, and to publicly support KA's ultimate decisions.
17. Should not publicly voice any negative comments or individual opinions relating to the CEO, staff, fellow Directors or any Company matter or issue;
18. Should respect the confidentiality of sensitive issues or business items under negotiation or discussion.

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### Matters Requiring Board Action

A variety of matters require Board consideration, oversight and action and are not within the authority delegated to the Chief Executive Officer. Specifically, the following are the Board's responsibility:

1. The appointment of the Chief Executive Officer;
2. Review the performance of the Chief Executive Officer annually. The Chair will undertake a formal performance appraisal with the CEO and will consult with the Board as part of the evaluation;
3. Replace the Chief Executive Officer when necessary;
4. The remuneration of, and delegation of authority to the Chief Executive Officer and general approval of policies relating to the Chief Executive Officer's sub-delegation;
5. Adoption of annual business plans and budgets and approval of longer-term strategic plans for the Company;
6. Oversight and review of corporate strategy, performance and legal compliance throughout the Company for all of its activities; including consideration of regular reports from management on the financial and operational performance of the Company against agreed performance targets;
7. Review of management's performance
8. Approval of all Financial Statements including Directors' Reports;
9. Approval of the Annual Report and any other significant report which the Chief Executive Officer or Chair consider need Board approval;



10. Approval, oversight and review of all policies and procedures specifically requiring Board Approval as designated by the "Board Authority Delegation" Policy including:
  - Audit and compliance functions and their performance;
  - Internal control and corporate governance functions and their performance;
  - Remuneration policies and performance;
  - The Company's risk management and compliance framework; and
11. Elect the Chair and any appointed Directors according to the Constitution
12. Approve the Competition Rules to govern the sport;
13. Appoint the CIK Delegate every year;
14. Appoint and remove as necessary, Directors, Officials or members;
15. Other matters which by law or under legislation must be dealt with by the Board.

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### General Principles Concerning Management

1. The Board should not itself manage the Company as this responsibility is delegated to the Chief Executive Officer. However, the Board must put in place policies, procedures and structures so that it is able to discharge its role of bearing ultimate responsibility for KA.
2. The Board must set the framework within which the Company operates and, to an appropriate degree, oversee and supervise its operations.
3. As well as having the ultimate responsibility for the operations of the Company, the Board must be aware of and have due respect to the obligations of the Company as a matter of general law or as a result of particular obligations imposed under relevant legislation including the Corporations Act and relating to work health and safety.
4. The formal delegation of management authority is to the Chief Executive Officer, who will be the prime source of information to the Board.
5. Subject to the oversight of the Board, it is for the Chief Executive Officer, acting within his or her delegated authority, to determine how to conduct the management of the Company.
6. The Board must:
  - be satisfied with management's plans for carrying on and developing its activities;
  - ensure that management will seek authority to undertake material changes to those agreed plans;
  - place limits on the extent to which management can commit resources or dispose of assets or raise funds without specific approval;
  - ensure that it is kept well informed of progress and events which might significantly affect the Company;
  - monitor, so far as it reasonably can, the performance of those senior members of management on whom it is relying for the proper management of the business and its key component parts; and
  - be aware of any significant risks to employees, the Company's standing, profit and assets and endorse management's action plans to mitigate such risks.

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### Stakeholder Engagement

1. Optimising the strategic engagement with Members and stakeholders is the prime responsibility of the Chair and the CEO with the planned assistance of other individual Directors as required.
2. Working with stakeholders and managing the relationships, partnerships and networks on a day-to-day are the business of the CEO.
3. The CEO will address:
  - Developing and maintaining contacts in media and government
  - Documenting and disseminating information to key decision makers
  - Positioning and aligning KA with other similar bodies
  - Developing a good working knowledge of media and government.
  - Lobbying and public relations opportunities
  - Developing business networks and working to promote the reputation of KA are important ways for Members to add value to KA.

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### Communication with Media

1. The Chair of the Board is the only board member authorised to communicate directly with the media. In circumstances where other board members are asked to provide comment, they should refer the media representative to the Chair or the CEO.
2. The Chair and the CEO may agree to delegate responsibility for media comment to specific employees in relation to certain limited areas of KA activity.

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### Communication with internal parties and non-media external parties

1. Communication with internal parties within KA (e.g. staff) should ordinarily be undertaken through the Chair or CEO.
2. In relation to external parties other than the media, it is recognised that Board members may have periodic contact with such parties as a result of attending KA events or due to their other involvement in karting or motorsport. Board members should exercise discretion in such circumstances to avoid making any comment that may be purported as expressing the view of the Board as a whole, except with prior permission of the Chair or the Board.

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### Independent Professional Advice

1. If, in furtherance of a Director's duties to the Company, the Director obtains independent professional advice, the Company will meet the reasonable costs of such advice provided that:
  - the Chair of the Board gave prior approval to the obtaining of the advice; or
  - if the Chair was unavailable or refused to give such approval, the Board gave prior approval to the obtaining of the advice.
2. The advice must be made available to all Directors.

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### Induction and Training

1. The Board must provide an induction process for new Directors.
2. All Directors are required to display appropriate skills and knowledge of governance, Directors' roles and responsibilities. The Company encourages Directors to update and enhance their skills and knowledge.

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### Access to Company Information

1. All Directors have direct access to the Company Secretary.
2. Directors are entitled to access KA information and documentation that will enable them to discharge their role as Directors of the Company. It is expected that requests for information will be kept at a sufficiently high level to fulfill oversight responsibilities without getting involved in the transactional detail which is the responsibility of management.
3. Directors will adhere to the following protocol when seeking information:
  - Approach the CEO to request the required information providing a reason for wanting to access the information.
  - If the information is not forthcoming within a reasonable time, discuss with the Chair.
  - If the information is still not forthcoming, write a letter to all Directors and the CEO detailing the information that is required, purpose of the information, and who the Director intends to approach in order to obtain the information.
4. When considering an application from a Director to access KA information, other than Board papers, the CEO or Chair may ask the Director for the reason for their request to establish that the information is required for a proper purpose.

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### Insurance and indemnity

Deeds should be entered into between Directors severally and the Company, recording arrangements on indemnification, insurance and access to Company documents and independent legal advice at the Company's expense.

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### Board Performance

1. The Board will undertake performance evaluations on a regular basis that:
  - reviews the performance of the Board against the requirements of this Charter;
  - reviews the performance of the Board Committees against the requirements of their respective Terms of Reference; and
  - reviews the individual performances of the Chair, the Chief Executive Officer, the Directors and the CIK Delegate.
2. The general management and oversight of this process of review, together with development of appropriate Board member performance assessment measures, is the responsibility of the Chair.

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### Conduct of Meetings

1. Frequency
  - The Board shall meet as often as deemed necessary, and at a minimum in compliance with the Constitution.
  - Meetings, including those additional to the timetable, are called by the Chief Executive Officer as directed by the Board or the Chair and any Director may request the Chief Executive Officer to call a meeting.
2. Method of Meeting

- Meetings are either in person or by electronic medium, including teleconference, or combination, as consented to by all the Directors.
  - The location and time of the meeting will be advised in the Meeting Agenda prior to each meeting.
3. Attendance
- All Directors are expected to attend all Board meetings
  - If any Director misses three Board meetings in a row without good explanation, then their position will be treated as a casual vacancy.
  - The CIK Delegate will be invited to attend Board meetings (when deemed relevant and appropriate by the Chair);
  - The Company Secretary must attend all Board meetings (where practicable);
  - The Chief Executive Officer shall attend all Board Meetings (where appropriate);
  - The Minutes will record on each occasion the names of those present and those absent and where a person is present for only part of a meeting, the time when that person was present.
4. Chair
- If the Chair is not available within ten (10) minutes after the time appointed for holding the meeting or declines to act for the meeting or part of the meeting, one of the other Directors shall Chair the meeting or part of it.
5. Quorum
- A quorum at a meeting of the Board is a simple majority of Directors present in person (cl 15.4).
  - The quorum must be present at all times during the meeting.
6. Agenda
- The CEO in consultation with the Chair, is responsible for preparing an agenda for each KA Board meeting.
  - any Director may request items or notices of motion be added to the agenda for upcoming meetings. This request should be made in writing to the Chair and copied to the CEO.
  - The Chair is to ensure that meeting content will be only those issues, that according to this Charter, clearly belong to the KA Board to decide.
  - The Agenda for each Board meeting may set a regular session for private discussion by Directors, who may invite any person to attend in whole or in part.
7. Board Papers
- The CEO is responsible for the preparation and circulation of Board papers. However, where a Director or Committee is making a recommendation to the Board, a Board paper will need to be completed for submission to the CEO.
  - The Chair should vet papers or any other information supporting each draft agenda item to ensure they adequately inform the debate, add to the discussion and help Directors to reach a decision. Effective papers should have the right balance between data and detail, analysis and insight, drawing on relevant expertise. They should be written succinctly, follow a consistent format and clearly identify the issues, stating the resolution recommended.
  - The Board agenda and supporting agenda papers shall be distributed to all Directors where possible at least five (5) days prior to the relevant meeting, and it is an agreed expectation that all circulated papers are read prior and Directors attend the meetings with opinions and recommendations formed.
  - If the Board paper relates to a matter in which there is a known conflict of interest with a particular Director, the relevant Board paper will be removed by the CEO, on the instructions of the Chair, from the set of Board papers sent to that Director. In the case of the Chair having a conflict of interest, the Board will appoint another Director to make final decisions on the forwarding of Board papers to the Chair.
  - The Secretary should maintain a complete set of Board papers for Corporations law purposes. Individual Directors may also retain their own Board papers in a secure location.
8. Decision making
- Each Director shall be entitled to one (1) vote on each resolution at Board meetings. A resolution must be supported by a majority of votes cast by those present and entitled to vote. The person presiding does not have a casting vote. A tied vote shall be deemed to be resolved in the negative.
  - The Board may pass a resolution without a Board meeting being held if the majority of all the Directors entitled to vote on the resolution sign a document containing a statement that they are in favour of the resolution. Separate documents may be used for signing by Directors if the wording of the resolution and statement is identical in each copy. The resolution is passed when the last Director signs and shall be noted at the following scheduled Board meeting.
  - If email resolutions are required, the relevant resolution shall be passed if the majority of all the Directors entitled to vote on the resolution send an email containing a statement that they are in favour of the resolution; and when the last Director votes on the resolution. The resolution shall be noted at the following scheduled Board meeting.

9. Minutes

- Minutes of meetings of the Board and resolutions of the Board must be prepared by the Minute Secretary as soon as reasonably possible following the meeting. Minutes will then be circulated to all Directors and confirmed at the next subsequent meeting of the Board.
- Where votes are taken by the Board, votes and abstentions will be included in the Minutes.
- The Minutes are the official record of proceedings and resolutions of the meeting.
- Upon the confirmation of the Minutes, the Chair will sign a copy as a true and correct record and the Minutes will be filed in the Minute Book Register.
- Minutes of meetings of the Board are to be distributed to the Directors, the Chief Executive Officer, and the Company Secretary. The minutes are confidential and are not to be distributed to any other party without the approval of the Board.

10. Company Secretary

- The Board must appoint a Company Secretary, or another person who is not necessarily the Company Secretary, to act as Minute Secretary of the Board and attend meetings of the Board as required.

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**Confidentiality**

Every person, the Directors, Chief Executive Officer, Company Secretary, auditors, solicitors, all officers, agents and staff of the company shall be bound to observe strict confidentiality.

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**Committees**

1. The Board may delegate any of its powers consistent with the Constitution to a Committee as well as other advisers and consultants as they think fit.
2. Such Committees have no decision-making power in their own right and are bound to follow their terms of reference and report and make recommendations to the Board of Directors. The Board is not bound to follow such recommendations.
3. Currently, the standing Committees are:
  - National Safety Committee
  - National Officials Committee
  - Vintage Karting Committee



## Conflicts of Interest

### Independence and Potential Conflict

1. The effective management of conflicts of interest is critical to minimise potential reputation or brand damage, and stress or damage to an individual, the Board or KA as a whole.
2. Having regard to these guidelines, the Board works on the assumption that a Director is effectively independent. He or she is not a member of Management and is free of any interest and any business or other relationship that could, or could reasonably be perceived to, materially interfere with the Director's ability to act in the best interests of KA (which is the statutory obligation of each Director). The Board will assess the materiality of any given relationship that may affect independence on a case-by-case basis.
3. Each Director's independence is assessed by the Board on an individual basis, focusing on an assessment of each Director's capacity to bring independence of judgment to Board decisions. In this context, Directors are required to promptly disclose their interests in contracts and other directorships and offices held and associations that might be perceived to represent a conflict with their duties as officers of KA.
4. Identification of a potential conflict is paramount. A conflict may exist because of:
  - Personal interests, particularly but not exclusively involving personal gain or the potential for personal gain.
  - Organisational interests, particularly but not exclusively where a Director may have to consider the same matter within a different organisational setting.
  - Other commitments or arrangements individuals have, within and outside KA or karting in general.
  - Private or personal interests include gaining any possible advantage for himself, his family, relatives, friends and acquaintances.
5. It is possible for a Director to have a pre-existing potential conflict which is only recognised by the individual (and potentially by others) when a relevant matter is raised in a meeting or after a meeting. The key requirement is that the individual should notify the Chair as soon as he or she becomes aware of the conflict or potential conflict.
6. A guiding principle of the Board is that it is critical to manage not just a conflict of interest but also the perception that there is or may be a conflict of issue.
7. Accordingly, the ability for any or all of the Directors to raise the issue of conflict at any stage is encouraged.
8. On becoming aware of a conflict or potential conflict the Chair should invoke the Conflict of Interest Management Process.

### Conflict of Interest Management Process

1. KA manages conflict of interest through three key Conflict of Interest Management Processes, as follows:

#### Process 1:

1. The Chair will provide all Board members the opportunity at the start of each Board meeting to declare any conflict or raise any concerns regarding perceptions of conflict that have arisen or may arise in the course of tackling the agenda for that meeting.
  - This item is a standing Agenda item for each Board meeting.

#### Process 2:

1. On being advised of a potential conflict, the Chair acting on the advice of the Board then decides whether:
  - A conflict exists, and it is substantial enough to require further action about, and
  - Whether the Director needs to step out from the meeting / discussion, or whether the meeting/Board would benefit from the person remaining, and
  - Any other action needed.
2. Options include allowing the person with the conflict to remain in the meeting but not vote and also the option of remaining in the room, speaking on the issue but not voting. It may be enough that a conflict is declared and recorded, and that Director does not speak or vote on the matter.
3. Whatever action is taken to manage the conflict needs to be recorded in the minutes clearly and transparently.

#### Process 3:

1. For ongoing matters where a Director has a standing conflict, the Chair should make appropriate arrangements with the Director and others to ensure there is no impact from the conflict.
2. This should be recorded in the minutes at each meeting.
3. If the discussion of a conflict of interest involves the Chair, then an Acting Chair needs to be appointed by the rest of the Board to manage the discussion.

### Execution of Documents

1. The Board must execute a document or deed under of the Corporations Act 2001, by authorising the signing of the document or deed in one of the following ways:
  - Seal to be affixed in accordance with a resolution of the Board, and in the presence of two (2) Directors;





- A document may be executed without using a common seal if the document is signed by two (2) Directors not interested in the contract or arrangement to which the document relates.

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**Staff Attendance at Board Meetings**

1. With the exception of the Chief Executive Officer and the Company Secretary, staff are not required to attend Board meetings, except as invited from time to time to report on matters arising, or to be available for consultation.
2. The Board respects the value of staff member's time and other commitments and therefore does not expect staff to be available without prior arrangement or at least reasonable notice.

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**Changes to this Charter**

1. No changes to this Charter shall be made without the approval of the Board.
2. The Charter will be reviewed to incorporate any relevant changes to the Constitution.
3. The Charter is a living document. The Charter will be regularly reviewed and updated to reflect changes in the environment in which KA operates, and amendments and developments in policies and procedures.





## B3 AUTHORITY AND DELEGATIONS

Scheduled Reviewed Triennially or as required.

Date of Board Approval

3 March 2014

Updated: 11 November 2019

### Introduction

This policy sets out the circumstances under which the Board may delegate its responsibilities.

Delegations of authority are the mechanisms by which KA enables officers of KA to act on behalf of KA.

### Purpose

The purpose of this Policy is to establish a framework for delegating authority within KA in a manner that facilitates efficiency and effectiveness and increases the accountability of staff and volunteers for their performance.

The policy applies to all members of the Board and the staff and volunteers of KA who have delegated authority to act and sign documents on behalf of KA.

Delegations of authority within KA are intended to achieve four objectives:

1. to ensure the efficiency and effectiveness of the organisation's administrative processes;
2. to ensure that the appropriate officers have been provided with the level of authority necessary to discharge their responsibilities; and
3. to ensure that delegated authority is exercised by the most appropriate and best-informed individuals within the organisation; and
4. to ensure internal controls are effective.

Delegations are a key element in effective governance and management of KA and provide formal authority to particular staff and volunteers to commit the organisation and/or incur liabilities for the organisation.

### Policy

The Board of KA is responsible for the management of the organisation.

Under the Corporations Act ("the Act") and KA's Constitution, the Board can delegate any of its functions except:

1. The power of delegation;
2. The power to make and adopt Rules and general kart regulations (the Karting Australia Manual) (Constitution Rule 12.1(d));
3. The adoption of the organisation's strategic plan;
4. The adoption of the organisation's business plan;
5. The adoption of the organisation's annual budget; and
6. Any functions reserved to the Board under the Corporations Act.

The Board may delegate its functions to:

1. A member or members of the Board; and
2. A sub-committee of the Board; and
3. The Chief Executive Officer ("**the CEO**") and through the CEO to members of the staff and officers of the organisation.

The CEO:

1. Is charged with the duty of promoting the interests and furthering the development of KA; and
2. Is responsible for the operational, administrative, financial, and other business of KA; and
3. Exercises a general supervision over the staff and volunteers of KA.

The CEO may seek the approval of the Board to delegate any function or any power or duty conferred or imposed upon them, subject to this delegations policy, to any member of the staff of the organisation, or any person or persons, or any committee of persons.

KA is committed to the highest standards of integrity, fairness and ethical conduct, including full compliance with all relevant legal requirements, and in turn requires that all its Board members, officers (including its CEO), managers, employees, volunteers and contractors acting on its behalf meet those same standards of integrity, fairness and ethical behaviour, including compliance with all legal requirements.

There is no circumstance under which it is acceptable for KA or any of its employees or contractors to knowingly and deliberately not comply with the law or to act unethically in the course of performing or advancing KA's business.

## B4 FUTURE FUND

Scheduled Reviewed Triennially or as required

Date of Board Approval 30 May 2016 Updated: 11 November 2019

### Purpose

The KA Future Fund (“Future Fund”) is a financial planning tool that will allow the Board to make plans now and in the future during times of prosperity to ensure the long term financial security of the company and to provide for future investment in services and infrastructure that will strengthen the sport of karting for decades to come.

The Future Fund is a special bank account into which KA will deposit the gains of strong financial management in the ‘good times’ to reinvest into our sport so as to secure the long-term future of karting in Australia.

Through the Future Fund, the members of tomorrow will share in the proceeds of today’s sound financial management and growth for many years and decades to come. Through the Future Fund, KA will build a stronger sport of karting.

### Vision

KA’s Future Fund will preserve the benefits of our currently improved revenue streams and allow the Board to set aside the wealth created in a given period of prosperity for use at a later point in time for future generations of competitors.

The Future Fund will quarantine revenue from KA’s current and future operating surplus activity for investment that will provide ongoing benefits to Karting and to current and future competitors.

### How It Will Work

#### Management And Investment Strategy

The Future Fund will be managed by the KA Board. A separate interest-bearing bank account will be opened in the name of **Australian Karting Association Ltd Future Fund**.

#### Payments Into The Fund

1. Payments into the Future Fund will be made only in years when KA is operating in surplus.
2. The KA Board will determine at its discretion, the amount to be paid into the Future Fund each year.
3. Deposits into the Future Fund will only be made after the close of the financial year and following audit of the accounts for that year.
  - a. Following is the basis of the considerations of the Board as to the amount to be deposited into the Future Fund in any year (after audit):
 

• Trading Surplus – Less than \$100,000	30% of surplus
• Trading Surplus –\$100,001 - \$200,000	50% of surplus
• Trading Surplus –\$200,001 - \$400,000	70% of surplus
• Trading Surplus – More than \$400,001	75% of surplus
• Bequests & Donations to Karting Australia	100% of Bequests & Donations
4. The strategy to accrue benefits into the Future Fund will be reviewed by the Board from time to time.

#### Investment Strategy

The Board will determine the investment strategy of the Future Fund from time to time but will generally take a conservative approach to investments.

#### Payments Out Of The Fund

Once a minimum balance (as determined by the Board) is accrued, funds will become available for infrastructure and initiatives that will yield ongoing benefits to the sport of karting including:

- Investments in physical infrastructure which have significant and long-lasting benefits for the sport.
- Investments in other initiatives which will build long-lasting benefits for the sport.

The Future Fund would not be expected to support the regular operating expenses of Karting Australia.

#### Reporting

The Future Fund will be shown as an asset on the Karting Australia Balance Sheet.

## **B5 2025 NATIONAL CLUB AFFILIATION REQUIREMENTS**

Scheduled Reviewed Annual

Date of Board Approval 25 November 2024

### **Bylaw B5 - National Club Affiliation Requirements**

Club affiliation with a State Karting Association (**SKA**) and Karting Australia (**KA**) for the calendar year commencing on 1 January 2025 is contingent upon the club's adherence to the following National Affiliation Requirements:

- a) Completion and submission of the Club Affiliation Form to the respective SKA, accompanied by the payment of the National Club Affiliation Fee in the amount of \$50.00.
- b) The club must maintain its legal status as an entity in accordance with the applicable requirements of the relevant State, Territory, or Commonwealth legislation, as detailed in Appendix A.
- c) All club participants, including Competitors, Drivers, and Officials, must be registered on Karting Australia's KOMP portal. Additionally, the club must ensure that any employees, volunteers, Officials, and contractors who are required by State law to obtain a 'Working With Children Check' have applied for and received such clearance before engaging in any organised and sanctioned Club activities.
- d) The club must accept and comply with the constitution of its SKA as well as the KA Constitution, and must adhere to all Rules, Regulations, Policies, Procedures, Safety Standards, and directives issued by KA and use its best endeavours to ensure that its members also comply with the constitutions and adhere to the aforementioned Rules, Regulations, Policies, Procedures, Safety Standards, and directives.

KA's Bylaws and Policies can be found online at: <https://www.karting.net.au/administration/by-laws-policies>

#### e) Obligations of Clubs:

- (i) Clubs must ensure that all karting activities, including both competitive (**Racing**) and recreational karting (**Karting Activities**), are conducted strictly in accordance with the Rules and Regulations, including all Appendices thereto. Such activities must be carried out under the authority of and in accordance with a properly issued Organising Permit by either the SKA or KA and overseen by appropriately Accredited and Licensed Officials.
- (ii) Clubs must attain and maintain Karting Australia Risk Management (**KARM**) Basic Accreditation.
- (iii) Clubs are required to appoint a competent person or persons to the role of Club Safety Officer in accordance with General Rules, Chapter 4, Rule 2. The appointed Club Safety Officer(s) must successfully complete the KA Club Safety Officer course via the KA Officials Academy by no later than 31 January each year or within one (1) month of assuming the position, whichever occurs first.
- (iv) Clubs shall comply with requests from KA and/or the SKA for club Information (included but not limited to Club office bearer details) in a timely manner.
- (v) Clubs must adhere to KA's injury and incident reporting procedures, including the proper completion of injury report forms. All injuries must be documented in strict accordance with the prescribed injury report procedure.
- (vi) Clubs must ensure that at least two (2) members of the Club Executive or Committee have successfully completed the Volunteer Management Course in the KA Officials Academy.
- (vii) Clubs must ensure that they obtain and maintain, at all relevant times, public liability insurance cover for all activities undertaken at the venue occupied by the Club that do not fall within the scope of coverage under

KA's public liability insurance, including (without limitation) any camping at the venue or hiring of any portion of the venue to any person:

- A. With a reputable insurance company.
- B. For an amount, covering such risks and containing such terms that are acceptable to or required by KA, acting reasonably, from time to time.

(viii) Clubs must provide KA or their SKA with a Certificate of Currency confirming compliance with clause (e)(vii) immediately upon request.

(ix) Clubs must ensure that written agreements are entered into with third parties with respect to the hire of any of the Club's facilities.

(x) Clubs must ensure that they comply with all terms applying to their occupation of their venue, including under any leasing or licensing agreement.

f) Clubs' Commitment Throughout 2025:

- (i) Clubs shall work progressively to achieve and sustain higher levels of KARM Accreditation.
- (ii) Clubs are obligated to fulfil their employment obligations, including the maintenance of appropriate WorkCover insurance.
- (iii) Clubs must ensure continuous compliance with all venue safety requirements including but not limited to:
  - A. Ensuring that the Circuit and Track are properly licensed and that all required work schedules prescribed by the State or National Track Inspector are completed promptly.
  - B. Maintaining the Circuit and Track in accordance with the conditions of the Circuit Licence, "KA Circuit Regulations and Guidelines", and the Rules, with specific attention to General Rules, Chapter 4.
  - C. Displaying the current Organising Permit prominently on the Club Notice Board at the Circuit during all Karting Activities and Meetings.
  - D. Displaying the latest approved Waiver/Disclaimer signs in the grid area and at all entrances to the facility.
  - E. Ensuring that every individual who operates a vehicle at the Circuit holds the appropriate license and has received adequate training for its safe operation.
  - F. Ensuring that if the club uses a motorised retrieval vehicle - with or without a trailer (**MRV**) it will do so strictly in compliance with General Rules, Chapter 4, Rule 19.
  - G. Prominently displaying all Required Official Signage and Safety Rules at locations prescribed in the "KA Circuit Regulations and Guidelines" – Section A, Rule 24 (a) Waivers and (b) Karting Activity (Private Practice) Rules (c) General Safety Requirements signs, in the form as prescribed by KA. <https://www.karting.net.au/track-safety-signage>
  - H. Conducting trial evacuation exercises (Fire Drills) at least twice annually.
  - I. Ensuring full compliance with the Medical Services/Requirement Rules as specified in General Rules, Chapter 6.
  - J. Keeping a fully equipped, regularly maintained First Aid Kit accessible on-site during all KA Permitted Karting Activities and Meetings.
  - K. Ensure that a list of EMERGENCY contact phone numbers is prominently displayed next to the "Karting Activity Rules and Conditions" sign at the Out Grid. Additionally, during any KA Permitted Karting Activity, the KAC responsible for the activity must have a charged, operational mobile phone in their possession at all times.
  - L. Implementing a Member Protection Information Officer (**MPIO**) procedure, ensuring that at least one individual per club has completed the online MPIO Course by the start of the Calendar year. The Club MPIO should not be a member of the Club Executive. Exemptions to this requirement may be granted to smaller clubs upon application to KA or the SKA.



- (iv) Clubs must maintain precise records on KOMP to demonstrate compliance with the provisions of Clauses E. and F. herein.

## APPENDIX A

### Incorporated Club Responsibilities

Legislation differs in each state or territory, so it is difficult to outline detailed requirements for Incorporated Bodies (Associations and Clubs), but basically, an incorporated association may need to:

- Have a current constitution and act in accordance with its objects and rules;
- Have a committee, responsible for managing the Club;
- Have a Public Officer;
- Have a registered office in its state of incorporation;
- Hold an annual general meeting once every calendar year;
- Lodge an annual statement every year;
- Keep proper accounting records and, where required, prepare, have audited and lodge financial statements;
- Keep minutes of all committee and general meetings;
- Keep registers of members and all committee members.

For more information about incorporating an association and post-incorporation obligations, visit the website of the relevant State or Territory authority.





## B6 2025 FEES

Scheduled Reviewed Annual

Date of Board Approval 13 November 2023

ORGANISING PERMIT FEES	KA CHARGE
Australian Kart Championship Event	\$2184.00
National Series Event	\$1632.00
National Cup Event	\$1431.00
State Kart Championship Event	The Organising Permit Fee for these Events is set and retained by each State Karting Association. Refer to your State Karting Association.
State Series Event	
State Cup Event	
State Trophy Event	
Zonal Competition Event	
Club Competition	
Temporary Circuit Event	
LICENCES	KA CHARGE
<b>AUSTRALIAN RACING LICENCES</b> (Including Insurance)	
KA Licence A, B, C, D Grade – Licence Renewal - Cadet, Junior, Senior	Refer to your State Karting Association.
KA Licence A, B, C, D Grade – New Licence - Cadet, Junior, Senior	
KA 8-Day Licence (1 per year only for any person)	\$106.00
<b>INTERNATIONAL RACING LICENCES</b>	
International Driver's Licence	\$1040.00
International Driver's Licence – Upgrade or Downgrade	\$530.00
International Competitor's (Entrant's) Licence	\$265.00
Approval to Compete in International Event/s on an International Licence issued by KA. For each application made - may include multiple events.	\$318.00
Trans-Tasman Visa (New Zealand)	\$212.00
<b>RACING OVERSEAS ON A KA DOMESTIC LICENCE</b>	
Approval to Compete overseas on KA Domestic Licence. For each application made - may include multiple events.	\$312.00
<b>KA NON-RACING LICENCES – Recreational, Kac, Vintage, Participant's Licences</b> (Including Insurance)	
KA Licence E Grade - Recreational (non-competition) – New or Renewal *	Refer to your State Karting Association.
KA Vintage Licence	
Karting Activity Controller (KAC) - Level 5 Licence	\$25.00
KA Participant's Licence	No Charge
<b>JUDICIARY</b>	
Protest (National Championship, National Series, National Cup)	\$700.00
Protest From any other Competition	\$150.00
Appeal (Tribunal - State and Club Level Meetings)	\$900.00
Appeal (Tribunal – National Level Meetings)	\$4,750.00
Appeal to AMSAC	Apply to Motorsport Australia
<b>NATIONAL INFRASTRUCTURE DEVELOPMENT FUND LEVY</b>	
Applies to all Entries at all Events (No GST)	\$3.00
<b>PHOTOGRAPHERS ACCREDITATION</b>	
Photographers Accreditation – New or Renewal   Includes Vest	\$212.00
<b>DEALER TRADE LICENCE</b>	
Dealer Trade Licence – New or Renewal	\$750.00

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Note: All fees are inclusive of 10% GST where applicable.



## COMPONENT HOMOLOGATION AND APPROVAL FEES

Component	Application Fee + GST	Testing Evaluation and Parity Review Fee + GST	Approval For Use in Competition Fee + GST
<b>ENGINE</b>	<b>\$ 4,300.00</b>	<b>TBA</b>	<b>\$ 5,345.00 + GST</b>
A Homologated engine is a complete stand-alone power unit that includes the carburettor and ignition system and may also include a cooling system, starting system, clutch system, induction system and exhaust system.			Plus, either: An annual fee or a royalty per engine sold.
<b>EVOLUTION COMPONENT</b>	<b>\$ 2,675.00</b>	<b>TBA</b>	<b>TBA</b>
It is recognised that motorsport is constantly evolving. For reasons of quality improvement, design improvement, safety, production costs and manufacturing considerations, Components 'evolve'.			
In this policy such developments of Components are referred to as an "Evolution Component".			
Evolution Components must be able to be interchangeably used with the previously used component.			
<b>AFTER MARKET COMPONENT</b>	<b>\$ 2,675.00</b>	<b>TBA</b>	<b>\$ 2,675.00 + GST</b>
This is a component that may be approved to replace an Original Equipment Manufacturer (OEM) Component in any KA Homologated engine or component.			Plus, either: An annual fee or a royalty per engine sold.
Aftermarket Components are not classed as a "Non-Tech components"			
Acceptance of an aftermarket component will generally be based on reasons of cost benefits, availability, safety and any known possible negative issues of an OEM component.			
<b>NON-FIA KARTING HOMOLOGATED CHASSIS</b>	<b>Application and Approval Fee</b>		<b>\$2000.00 + GST</b>
To ensure competition integrity and compliance with the Australian Kart Formula, all chassis used in Karting Australia's (KA) National level competitions must meet specific requirements. This includes being approved by Karting Australia and able to be scrutinised against the manufacturer's official design and specifications.			
<b>Approval Process for Chassis Manufacturers</b>			
Manufacturers who wish to have their chassis approved for use in KA National competitions must follow this process:			
<b>1. Submit an Application for Approval</b>			
<ul style="list-style-type: none"> <li>The manufacturer must apply to Karting Australia.</li> <li>This application must include a Confirmation Chassis for inspection and compliance testing; and</li> <li>Detailed Approval Documents, including technical drawings, images, and specifications, similar to FIA Karting homologation documents. These documents must accurately reflect the technical specifications of the Confirmation Chassis.</li> </ul>			
<b>2. Approval for Use in National Competitions</b>			
<ul style="list-style-type: none"> <li>Upon successful assessment, the chassis may be approved for use in Karting Australia national-level events such as the Australian Kart Championship (AKC), National Series, National Cup, and State Championship.</li> </ul>			
This process ensures that all chassis models used in competition can be reliably scrutinised for compliance by KA officials, maintaining fairness and integrity in the sport.			

## B7 COMPLAINTS AND DISCIPLINE OF MEMBERS BY-LAW

Scheduled Reviewed Triennially or as required

Date of Board Approval: 28 November 2022

### 1. Purpose

KA provides an environment which protects the health, safety, and wellbeing of all members of KA, including all those who participate in the activities of KA, its Affiliated State bodies and Clubs, competitors, officials, volunteers, employees, organisers, and spectators.

If a Member is reasonably suspected to have breached our Non-sporting Rules, that Member may be subject to a Complaint and, if necessary, an Investigation conducted in accordance with this Disciplinary By-law and/or a Disciplinary Hearing and/or Disciplinary action in accordance with the procedures and powers detailed in By-law B8.

This By-law provides the mechanism and procedures for dealing with grievances, complaints, malpractice, and non-compliance with KA's Non-sporting Rules, and the application of discipline that may be required to ensure compliance with the Non-sporting Rules by our Members and their right of Appeal.

The Complaints Process should be independent, transparent, and fair for all involved in Karting, while dealing with complaints efficiently and effectively to ensure confidence that prohibited conduct will be managed via the most appropriate resolution and discipline mechanism.

### 2. Definitions

Defined terms not otherwise defined in this By-law have been defined in and have the meaning given to them, in the KA "Australian Karting Manual - National Competition Rules" (NCR), KA Constitution, KA Integrity Policies including, for the sake of clarity, the KA Integrity Framework (KIF). The following words have the corresponding meaning:

**Alleged Breach** has the meaning given in clause 3.2.

**Alternative Dispute Resolution** is a collective term for processes, such as mediation, to resolve disputes without the need for litigation that will be applied to resolve the alleged breach in accordance with clause 5.5.

**Appeals Tribunal** means the appeals tribunal established under clause 9, being either an Internal Tribunal as provided by this By-law or the National Sports Tribunal (NST).

**Arbitration** means the hearing and binding determination of a dispute conducted by a Hearings Tribunal or Appeals Tribunal.

**Complaint** means a formal notification, using a KA Complaint Form, of a complaint relating to Prohibited Conduct by a Respondent of an Eligible Policy in relation to KA's Non-sporting Rules.

**Complaints Process** means the process of handling and resolving a Complaint under this By-law from the point where the Complaint is received to the finalisation of the Resolution Process.

**Complainant** means a person who or an organisation which makes a Complaint about an Alleged Breach

by a Respondent in accordance with this By-law.

**Concern** means a preliminary advice, using a Concern Form, that a Member/s may not be complying with KA's Non-sporting Rules.

**Disciplinary Action** means disciplinary action as set out in the Resolution Process.

**Eligible Policies** means the following Karting integrity policies adopted under the KIF

- a. The Karting Australia Framework;
- b. Child Safeguarding Policy;
- c. Member Protection Policy;
- d. Improper Use of Drugs and Medicine Policy;
- e. Code of Conduct Policy;
- f. Social Media And Acceptable Use Of Social Media Policy;
- g. Competition Manipulation and Sport Wagering Policy;
- h. This Complaints and Discipline of Members By-law;
- i. KA Tribunals (By-law 8).

**Employment Matter** means a Complaint directly relating to allegations concerning an Employee acting in the course of their employment duties.

**Hearings Tribunal** means the first instance tribunal established under clause 8, being either an Internal Tribunal or the NST as provided by this By-law.

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**KA National Complaints Officer** as defined in the 'KIF'.

**KA National Integrity Manager** as defined in the 'KIF'.

**Karting** as defined in the 'KIF'.

**Legal Practitioner** is a person holding a current practising certificate as a lawyer or barrister in any Australian jurisdiction.

**NST** means the National Sports Tribunal.

**NST Eligible Matter** means an Alleged Breach that is a kind of dispute<sup>1</sup> that falls within the jurisdiction of the NST.

**NST Excluded Matter** means an Alleged Breach that is a kind of dispute that is expressly excluded from the NST's jurisdiction.

**NST Legislation** means the National Sports Tribunal Act 2019 (Cth) (**NST Act**) and all legislative and notifiable instruments adopted under the NST Act<sup>2</sup>

<sup>1</sup> See NST Legislation for more information

<sup>2</sup> Such as the National Sports Tribunal Rule 2020 (Cth), National Sports Tribunal (Practice and Procedure) Determination 2020 (Cth), National Sports Tribunal Act 2019 – Principles for Allocating a Member to a Dispute 2020 (Cth), or such other legislative instruments issued under the NST Act from time to time.



**Non-sporting Rules** means KA's Constitution, By-laws, Rules (other than those that are required to be dealt with by Stewards, and/or Disciplinary Tribunal's and/or Investigatory Tribunal's as specified in the National Competition Rules), Policies – including but not limited to the KA Integrity Framework, Member Protection Policy, Child Safeguarding Policy, Procedures and Regulations.

**Personal Grievance** means any form of grievance between two or more people that does not concern a breach of an Eligible Policy.

**Policy** means this Complaints, Disputes of Members By-law, including any schedules and annexures.

**Prohibited Conduct** means conduct described as such in an Eligible Policy.

**Provisional Action** has the meaning given in clause 5.6.

**Protected Disclosure** means, where a Sport Organisation is a "regulated entity"<sup>3</sup> under the whistleblower laws<sup>4</sup> in the *Corporations Act 2001* (Cth), a disclosure of information to the Sport Organisation that qualifies for protection under those laws<sup>5</sup>.

**Relevant Organisation** has the meaning given in the 'KIF'.

**Relevant Person** has the meaning given in the 'KIF'.

**Resolution Process** means the chosen process for resolving an Alleged Breach under this By-law,<sup>24</sup> including a Breach Offer.

**Respondent** means the person/s or organisation/s against whom a Complaint has been made.

**Sanction** means a sanction imposed on a Respondent for breaching an Eligible Policy in accordance with clause 7.5.

**Vulnerable Person** means a person who is (a) under the age of 18; or (b) aged 18 or over but is or may be unable to take care of themselves or is unable to protect themselves against harm or exploitation, by reason of age, illness, trauma or disability, or any other reason.

**Whistleblower Policy** means a policy which is compliant with the requirements of section 1317AI (1) of the *Corporations Act 2001* (Cth).

### 3. Preliminary Matters

#### 3.1 What is a Complaint?

A Complaint means a complaint lodged with a KA Affiliated Club, Member State or KA National Complaints Officer in accordance with clause 4.1 of this By-law.

<sup>3</sup> Refer to section 1317AAB of the Corporations Act 2001 (Cth).

<sup>4</sup> As above, Part 9.4AAA.

<sup>5</sup> As above, s 1317AA.

Any Member, the KA Board, or the KA CEO (**Complainant**) may raise a Concern or make a formal Complaint about a Member in relation to any alleged breach of our Non-sporting Rules if they reasonably believe that a person or a member organisation has breached the Non-sporting Rules.

### 3.2 What is an Alleged Breach?

- a. An Alleged Breach is an allegation or information that a Relevant Person or Relevant Organisation (including KA or Karting Organisations where appropriate) has engaged in Prohibited Conduct under an Eligible Policy but does not include a Complaint that falls under clause 3.3(a).
- b. It is a breach of this By-law for any person or organisation bound by this By-law to do anything contrary to this By-law, including but not limited to:
  - i. Breach the Code of Conduct;
  - ii. Bring the sport and/or KA into disrepute, or act in a manner likely to bring the sport and/or KA into disrepute;
  - iii. Fail to follow KA Policies;
  - iv. Engage in Prohibited Conduct;
  - v. Engage in misconduct or serious misconduct;
  - vi. Appoint or continue to appoint a person to a role that involves working with Children contrary to the Integrity Policies
  - vii. Discriminate against or harass or bully any person;
  - viii. Victimise another person for making or supporting a Complaint;
  - ix. Verbally or physically assault another person, intimidate another person, or create a hostile environment within the sport and/or KA;
  - x. Disclose to any unauthorised person or organisation any KA information that is of a private, confidential, or privileged nature;
  - xi. Make a Complaint they knew to be untrue, vexatious, malicious or improper;
  - xii. Fail to comply with a penalty imposed after a finding that the individual or organisation has breached this By-law;
  - xiii. Fail to comply with a direction given to the individual or organisation during the discipline process; or
  - xiv. Act in any way contrary to this By-law.

### 3.3 What is not an Alleged Breach?

- a. An Alleged Breach does not include an allegation or information:
  - i. that does not relate to Prohibited Conduct under an Eligible Policy;
  - ii. that constitutes a Protected Disclosure;
  - iii. that is solely a Personal Grievance;
  - iv. that is mischievous, vexatious, or knowingly untrue;
  - v. that has been the subject of a previous complaint; or
  - vi. where the Respondent is excluded by clause 3.5.
- b. A Complaint is not excluded from being an Alleged Breach by clause 3.3(a)(v) if the Complaint contains additional information and evidence that was not known at the time of the original Complaint.

### 3.4 Who can be a Complainant?

- a. A Complainant can be any Relevant Person or organisation including KA or a Relevant Organisation, who has information that an Alleged Breach of an Eligible Policy has occurred.



- b. KA aims to ensure our Complaints procedure has integrity and is free of unfair repercussions or Victimisation against any person making a complaint.
- c. If at any point in the Complaint process the CEO, or a person or persons appointed to investigate a Complaint considers that a Complainant has knowingly made an untrue Complaint or the Complaint is vexatious or malicious, the matter may be referred to the KA Internal Tribunal or the National Sports Tribunal (NST) for appropriate action which may include disciplinary action against the complainant.
- d. KA and Member States and Affiliated Clubs should also take all necessary steps to make sure that people involved in a Complaint are not victimised by anyone for coming forward with a Complaint or for helping to resolve. Disciplinary measures will be imposed on anyone who victimises another person for making a Complaint.

### 3.5 Who can be a Respondent?

- a. A Respondent must be a Relevant Person or a Relevant Organisation who is bound by the Eligible Policy they are alleged to have breached.
- b. In accordance with clause 2.1 (e) of the KIF, a person or organisation who was bound by the Eligible Policy that they are alleged to have breached at the time they allegedly committed the breach who would otherwise cease to have been bound by that Eligible Policy may still be a Respondent if they were bound by the Framework at the time when they became aware that a complaint may be made against them.
- c. Once a Complaint has been made under this By-law, the Respondent will continue to be bound by this By-law and the relevant Eligible Policy/ies in respect of that Complaint and any related complaint until the Complaints Process has been finalised.
- d. A Respondent cannot be a person or organisation that KA or a Karting Organisation has no jurisdiction over.
- e. The Complainant and the Respondent(s) will be entitled to support throughout this process from their chosen support person or adviser. However, a support person or advisor cannot be a support person if he or she has been admitted to practice as a lawyer or worked as a trainee lawyer.

### 3.6 Standard of Proof

- a. Unless otherwise specified, this standard of proof that applies to all decisions made under this By-law (including by a Hearings Tribunal) is “balance of probabilities”.
- b. Where a Respondent has been convicted or found guilty in a criminal, disciplinary or professional proceeding of engaging in conduct which would be a breach of an Eligible Policy, the Respondent is deemed under this By-law to have committed Prohibited Conduct without requiring further investigation.

### 3.7 Confidentiality

- a. All Complaints (and all information disclosed in relation to them), including the outcomes of any Resolution Process, will be kept confidential by KA, and Karting Organisations, and will not be disclosed to any third parties, except as provided in this clause.
- b. KA may make the following disclosures:
  - i. to Karting Organisations in accordance with this By-law;
  - ii. to the parties to a Complaint (Respondent and the Complainant) to ensure a fair process;
  - iii. to any person to facilitate the proper handling of the Complaint under this By-law;
  - iv. in accordance with clause 5.1, where a Complaint is determined to not be an Alleged Breach under this By-law;



- v. to the employer of a Respondent, where KA considers it reasonably necessary to allow the employer to take action under and in accordance with the Respondent's employment relationship with the employer;
  - vi. to external agencies so they can deal with the alleged conduct (e.g., law enforcement agencies, government or regulatory authorities, a child protection agency);
  - vii. to:
    - A. Relevant Organisations
    - B. Relevant Persons
 to inform them of relevant Sanctions or Provisional Actions imposed;
  - viii. in accordance with clause 3.8, where a sanction is to be publicly disclosed;
  - ix. to any third party, including foreign sporting bodies, law enforcement agencies and government or regulatory authorities, for the primary purpose of:
    - A. preventing or lessening a risk to the safety, health, or wellbeing of a person; or
    - B. protecting children participating in a sport, or
    - C. protecting the safety of participants in a sport;
  - x. in response to a request by a House or a Committee of the Parliament of the Commonwealth of Australia; and
  - xi. as required by law, any court or the NST.
- c. KA and Relevant Organisations may make the following disclosures:
- i. to the parties to an Alleged Breach (Respondent and the Complainant) in relation to the Resolution Process;
  - ii. to the employer of a Respondent, in accordance with clause 5.6(d) or as otherwise necessary to allow the employer to take action under and in accordance with the Respondent's employment relationship with the employer where:
    - A. one or more other employees of the Respondent's employer may be at risk of suffering harm; or
    - B. the employer may be in breach of an applicable law by failing to take action in relation to the Respondent;
  - iii. to any person to facilitate the proper handling of the Alleged Breach, including any Provisional Action under this By-law;
  - iv. to external agencies so they can deal with Alleged conduct (e.g., law enforcement agencies, government or regulatory authorities, a child protection agency);
  - v. to:
    - A. Relevant Persons; or
    - B. Relevant Organisations,
 To inform them of relevant Sanctions or Provisional Action imposed;
  - vi. in accordance with clause 3.8, where a Sanction is to be publicly disclosed;
  - vii. to any third party for the primary purpose of:
    - A. preventing or lessening a risk to the safety, health, or wellbeing of a person; or
    - B. protecting children participating in a sport; or
    - C. protecting the safety of participants in a sport; and
  - viii. as required by law, any court or the NST.

### 3.8 Public disclosure of Sanctions

- a. Where an Alleged Breach is found to have been substantiated and Sanctions are imposed, the Internal Tribunal or Sport Integrity Australia may give recommendation to KA that the Sanctions imposed are to be publicly disclosed where the Internal Tribunal or Sport Integrity Australia reasonably considers that this is necessary to give full effect to the Sanctions. The

direction will include the period for which the Sanction is to remain on the public register. Where the Sanctions are imposed by the NST the public disclosure of the Sanctions will be in accordance with the NST legislation.

- b. Sanctions that may be subject to a direction of public disclosure include, but are not limited to:
  - i. Suspension of membership or from certain activities;
  - ii. Removal of accreditation; and
  - iii. Expulsion.
- c. KA will maintain a register of persons subject to publicly disclosable Sanctions on its website. The public register will include the name of the individual or organisation being sanctioned, the Sanction imposed, and the period of the Sanction. KA will remove Sanctions from the public register when the period of disclosure determined by KA in accordance with clause 3.8(a) has expired.
- d. Details of Breaches will not be published on KA's website, but where appropriate, may be disclosed to third parties (such as to the National Sport Organisation for another sport that the individual who committed the Breach is a member of) in accordance with clauses 3.7 (c)(vi) and 3.7 (c)(vii) (as applicable).
- e. Sanctions will not be publicly disclosed until the Complaint has been finalised in accordance with clause 10.

### 3.9 Failure to cooperate

- a. Subject to clause 3.9(c), persons bound by this By-law must cooperate fully with a Complaints Process they are involved in, including any Resolution Process chosen to resolve an Alleged Breach.
- b. Subject to clause 3.9(c), a Hearing Tribunal or an Appeals tribunal may draw an inference adverse to the Respondent based on a Respondent's failure or refusal, after a request has been made in a reasonable time in a reasonable time in advance, to answer any relevant question, provide relevant documentation, and/or participate in the Complaints Process. The Respondent must be made aware of such an inference being drawn in relation to any particular allegation forming part of an Alleged Breach.
- c. No individual or organisation bound by this By-law is required to answer a question or provide information where to do so would be a breach of any applicable law, and no adverse inference (such as those in clause 3.9(b)) may be drawn where that individual or organisation discloses the relevant law.

### 3.10 Vulnerable Persons

- a. Where a Complainant or Respondent is a Vulnerable Person, the parent or guardian of the Vulnerable Person may act on behalf of the Vulnerable Person and accompany them throughout the Complaints Process, including any interview, Alternative Dispute Resolution process, or Hearings Tribunal or Appeals Tribunal.
- b. KA and Relevant Organisations will have regard to the guide entitled "Complaint Handling Guide: Upholding the rights of children and young people" issued by the National Office for Child Safety in managing Complaints made on behalf of or involving Vulnerable Persons, currently available at [Complaint Handling Guide: Upholding the rights of children and young people \(pmc.gov.au\)](http://pmc.gov.au), or such other guide that may replace it.
- c. This clause is at all times subject to clause 8.1(b) and 8.2(b) of this By-law and Karting Australia By-law 8.

### 3.11 Appointment of KA National Complaints Officer

KA will appoint a person to be the KA National Complaints Officer, who will be the person within KA with primary responsibility for managing KA's obligations under this By-law.

### 3.12 Time Limits

Where there is a time limit imposed by this By-law (other than a time limit relating to a Hearing Tribunal or Appeals Tribunal before the NST) and a person requests an extension to that time limit, KA may at its discretion grant the extension, having regard to any relevant circumstances.

## 4. How to Make a Complaint

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### 4.1 Submitting a Complaint

- a. A Relevant Person, Relevant Organisation, or KA may submit a Concern by completing the KA Concern Form or a Complaint by completing the KA Complaint Form and submitting it to the relevant authority (Affiliated Club, Member State and/or KA National Complaints Officer). If a Concern or Complaint relates to behaviour or an incident that occurred at the:
  - i. **Club level**, or involves people operating at the Club level, then the KA Concern/Complaint should be reported to and handled by the relevant Club in the first instance.
    1. Note: The Club upon receiving a properly completed KA Concern/KA Complaint Form must provide a copy of the KA Concern/KA Complaint Form to their Member State for their information.
  - ii. **State level**, or involves people operating at the state level, then the Concern/Complaint should be reported to and handled by the relevant Member State in the first instance.
    1. Note: The Member State upon receiving a properly completed KA Concern/Complaint Form must provide a copy of the KA Concern/Complaint to KA for their information.
  - iii. Only matters that relate to, or which occurred at, the **National level**, as well as serious cases referred from the Member State and club level, should be referred using the appropriate KA Concern/Complaint Form to the KA Complaint Officer and dealt with by KA.
- b. A KA Concern/KA Complaint Form may only be submitted on behalf of KA or a Karting Organisation by the CEO or equivalent of the organisation.
- c. A KA Concern/KA Complaint Form may be submitted by a parent or guardian on behalf of a Vulnerable Person.
- d. A KA Concern/KA Complaint Form cannot be submitted anonymously.
- e. KA Complaints Officer or equivalent at an Affiliated Club and/or Member State will acknowledge receipt of the KA Complaint Form.

### 4.2 Withdrawing a Complaint

- a. A Complainant may withdraw their Complaint at any time before KA makes a finding under clause 6.1.
- b. Withdrawing a Complaint must be done by writing to Affiliated Club/Member State/KA, to which it was submitted unless the Complaint was referred to KA in accordance with Clause 4.1(a)(iii) above, in which case, the withdrawal notice, must be sent to the KA Complaints Officer.
- c. Withdrawing a Complaint must be done by writing from the same contact address used in the KA Complaints Form, or another contact address that has been previously notified to KA during the

## 5. Complaint Assessment

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### 5.1 Initial Threshold Questions/Determining whether the Complaint is In-scope

- a. Upon receipt of a KA Complaint Form, the complaint receiver organisation must initially determine whether:
  - i. the Complaint is a Protected Disclosure, in which case it must be dealt with under the KA Whistleblower Policy;
  - ii. the Complaint is solely a Personal Grievance;
  - iii. the Complaint is not an Alleged Breach of an Eligible Policy;
  - iv. the Complaint is mischievous, vexatious, or unknowingly untrue;
  - v. the Respondent is not an eligible Respondent as outlined in clause 3.5;
  - vi. the Complaint is primarily an Employment Matter;
  - vii. the Complaint relates to Prohibited Conduct under an Eligible Policy which also falls under another KA policy; or
  - viii. the Complaint requires mandatory reporting to occur under Australian Child Protection Legislation or other laws, in which case KA and/or Karting Organisation must do so in accordance with the KA Child Safeguarding Policy<sup>6</sup>.
- b. Subject to clause 5.1(e), if the Complaint falls within any of the circumstances set out in clause 5.1(a)(i) to (v), the process under this By-law is permanently discontinued.
- c. If a Complaint falls within the circumstances set out in clause 5.1(a)(viii), it will be handled in 30 accordance with clause 5.4.
- d. Complaints that fall under clauses 5.1.(a)(i) to (v) should be dealt with by KA or a KA Organisation under the appropriate processes.
- e. In assessing a Complaint that falls under clauses 5.1 (a)(vi) or (a)(vii), KA and/or a KA Organisation will undertake a risk assessment which considers the following:
  - i. the overall risk to Karting; and
  - ii. whether the Respondent is engaged or accredited by KA or a Member Organisation in any capacity other than as an employee.
- f. After undertaking the assessment in clause 5.1(e), Complaints that fall under clause 5.1(a)(vi) or (vii) may be referred to KA or a Karting Organisation to be dealt with under the appropriate process, which for Employment Matters includes the human resources policies of the Respondent's employer, in which case the process under this By-law is permanently discontinued, or they may be deemed to be Alleged Breaches within the scope of this By-law and assessed in accordance with this By-law.
- g. A determination by KA or a Karting Organisation under clause 5.1(f) to deem an Employment Matter to be an Alleged Breach within the scope of this By-law does not preclude the employer of the Respondent from taking its own separate action under and in accordance with the Respondent's employment relationship with the employer. Any such action may be taken in addition to any action taken by KA or a Karting Organisation under this By-law.

### 5.2 Notification to Parties

- a. KA and/or a Karting Organisation will communicate with the Complainant and the Respondent
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<sup>6</sup> Refer to the "Responding to Child Abuse Allegations" Annexure A in the KA Child Safeguarding Policy.



at appropriate intervals throughout the Complaints Process to keep them informed about the process until a Resolution Process has been chosen or the Complaints Process is otherwise discontinued, including

- i. notifying the Complainant of whether the Complaint satisfies the Initial Threshold Questions, including whether it has been referred to KA or a Karting Organisation or to an external referral organisation;
  - ii. after a Complaint is determined to have satisfied the Initial Threshold Questions and when KA or a Karting Organisation considers that it is appropriate to do so, notifying the Respondent that a Compliant has been made against them;
  - iii. notifying the Respondent of any Provisional Actions to be put in place;
  - iv. notifying both the Complainant and the Respondent if the Complaint is referred to Alternative Dispute Resolution under clause 5.5;
  - v. notifying both the Complainant and the Respondent of the Resolution Process chosen; and
  - vi. providing a Breach Notice to the Respondent.
- b. The Respondent will not be entitled to a copy of the Complaint Form as submitted by the Complainant but will be provided with a summary of the Alleged Breach(es) and sufficient details of the Complaint to allow them to respond. Both the Complainant and the Respondent will be informed of any relevant additional information that becomes known as part of the assessment process and provided with a reasonable opportunity to respond.
- c. KA and/or Karting Organisation will be responsible for communicating with the Respondent throughout the Resolution Process and will notify both the Complainant and the Respondent of the outcome of the Complaints Process when it has been finalised in accordance with clause 10.

### 5.3 Assessment

- a. If a Complaint is found to have met the Initial Threshold Question and is not permanently discontinued, KA and/or Karting Organisation will undertake an assessment and may collect further information to determine:
  - i. if the Complaint is an Alleged Breach; and
  - ii. if so, the most appropriate Resolution Process to deal with the Complaint.
- b. Subject to 5.3(d), an assessment may be conducted in such a manner as determined by KA and/or Karting Organisation in its absolute discretion. KA and/or Karting Organisation may, on the basis of the assessment, make findings as to whether the Standard of Proof has been met in respect of the Alleged Breach.
- c. This assessment may or may not involve formal interviews and collection of additional evidence at KA's and/or Karting Organisation's discretion.
- d. In conducting assessments, KA and/or KA Organisations will comply with the rules of procedural fairness and will provide both the Complainant and the Respondent a reasonable opportunity to be heard.
- e. During and assessment, investigatory or disciplinary proceedings under this By-law, the CEO may determine at their discretion, that a respondent may not participate in Karting, and/or attend a Karting Facility, pending the determination of such proceedings (including any available appeal).

### 5.4 External Referral

- a. KA and/or Karting Organisation may, at any time before or while dealing with a Complaint under this By-law, refer the Complaint to a relevant external organisation (this may include law enforcement agency, government or regulatory authority or child protection agency).
- b. If an external referral is made, KA and/or Karting Organisation may suspend the Complaints



Process pending external resolution. KA and/or Karting Organisation shall inform the Complainant of any such decision unless directed not to do so by the external referral organisation.

- c. If the Resolution Process is suspended due to an external referral, KA and/or Karting Organisation must determine whether any Provisional Action should be taken against the Respondent under clause 5.6.
- d. If the Complaint is not resolved by the external referral organisation and is referred back to KA and/or Karting Organisation, KA and/or Karting Organisation may resume the Complaints Process.

## 5.5 Referral to Alternative Dispute Resolution

- a. At any time after determining that the Complaint satisfies the Initial Threshold Questions but before making a finding in accordance with clause 6.1, KA and/or Karting Organisation may, where it considers it appropriate to do so, refer the Complainant and the respondent to Alternative Dispute Resolution and direct the KA National Complaints Officer to coordinate the process.
- b. KA and/or Karting Organisation, the Respondent or the Complainant may, at any time before a finding is made under clause 6.1, request that KA and/or Karting Organisation refer a matter to Alternative Dispute Resolution under clause 5.5.(a).
- c. An Alternative Dispute Resolution process may include:
  - i. Mediation;
  - ii. Conciliation; or
  - iii. Case Appraisal (only at the NST).
- d. In accordance with clause 5.5(e), the Alternate Dispute Resolution process will be facilitated by:
  - i. The NST if the Alternative Dispute Resolution process can be facilitated by the NST;
  - ii. Where the Alternative Dispute Resolution process cannot be facilitated by the NST, by:
    - A. KA
    - B. Karting Organisation; or
    - C. An independent third-party provider.
- e. In order to implement the Alternative Dispute Resolution process, the KA National Complaints Officer will:
  - i. if the matter is an NST Eligible Matter, make an application to the NST for mediation, conciliation, or case appraisal of the Alleged Breach;
  - ii. if the matter is neither an NST Eligible or NST Excluded Matter, apply to the NST CEO for approval of the dispute to be referred to the NST for Alternative Dispute Resolution, failing which it will be dealt with under (iii); or
  - iii. refer the Complaint to Alternative Dispute Resolution facilitated by KA, a Karting Organisation or a third-party provider.
- f. The parties to an Alternative Dispute Resolution process will be the Complainant, the Respondent, and KA or a Karting Organisation (the Parties). Additional persons may participate in exceptional circumstances and only if the facilitator of the Alternative Dispute Resolution process deems it appropriate.
- g. The Parties are required to participate in the Alternative Dispute Resolution process in good faith.
- h. Where the Alternative Dispute Resolution process is facilitated by the NST:
  - i. KA and/or Karting Organisation is responsible for making the application and paying the application fee; and
  - ii. The procedure will be in accordance with the NST Legislation.
- i. Where the Alternative Dispute Resolution process is facilitated by KA, a Karting Organisation, or a third-party provider:

- i. KA and/or Karting Organisation is responsible for paying the appointed facilitator’s fee, if any; and
- ii. The procedure will be in accordance with the rules prescribed by those bodies, as the case may be.
- j. An Alleged Breach will be finalised through Alternative Dispute Resolution where KA, the Complainant and the Respondent execute a written agreement to an outcome.
- k. If the Complaint of an Alleged Breach is resolved through Alternative Dispute Resolution, the KA National Complaints Officer must proceed to finalising the complaint in accordance with clause 10.
- l. If:
  - i. Either the Complainant or the Respondent fails and/or refuses to participate in the Alternative Dispute Resolution Process; or
  - ii. Alternative Dispute Resolution does not resolve the Complaint, the KA National Complaints Officer must refer the Alleged Breach back to KA and/or the Karting Organisation, who will resume the Complaints Process.

## 5.6 Provisional Action

- a. Where the Alleged Breach involves behaviour that:
  - i. may be “Prohibited Conduct” under the Child Safeguarding Policy; and/or
  - ii. has or may result in, serious criminal charges<sup>7</sup> being laid against the Respondent; and/or
  - iii. suggests there is a further or ongoing risk of harm being suffered by one or more persons involved in the Sport,

KA and/or Karting Organisations will determine, in its absolute discretion, whether any Provisional Action(s) will be taken.
- b. Provisional Action includes, but is not limited to, suspension, restriction of duties or temporary redeployment, suspension or restriction of rights, privileges and benefits, or any other action(s) at the discretion of KA and/or Karting Organisations, including seeking advice from KA.
- c. In the event that Provisional Action is imposed a respondent may seek to have that decision reviewed only by an expedited hearing convened in accordance with clause 8. An expedited hearing convened under this clause shall only consider the decision to impose the Provisional Action and will not consider the merits of the Complaint.
- d. Where KA and/or Karting Organisation determines that Provisional Action will be taken in relation to an Employment Matter deemed to be an Alleged Breach within the scope of this By-law in accordance with clause 5.1(f) KA and/or Karting Organisation will provide the KA National Complaints Officer with all necessary information relating to that Employment Matter, which will be provided to the Respondent’s employer within a timely manner, to allow that employer to:
  - i. implement the Provisional Action in accordance with its obligations to the Respondent;
  - ii. determine whether separate action will be taken under the respondent’s employment with the employer; and
  - iii. if deemed necessary by the employer, take all relevant action in relation to the Employment Matter under the Respondent’s employment with the employer.

## 5.7 Unreasonable demands/behaviours

- a. Where a Complainant makes unreasonable demands or exhibits unreasonable behaviour, such

<sup>7</sup> A “serious criminal charge” is a charge under the Commonwealth or State/Territory criminal law that is punishable by imprisonment for a maximum period of five years or more. Such offences include (but are not limited to) recklessly, negligently, or intentionally causing injury, indecent assault, theft, possession of child pornography, manslaughter, rape, sexual penetration of a child, sexual assault, drug trafficking.

as:

- i. raising the same issues, which have previously been reported, without presenting new evidence;
- ii. unreasonable persistence regarding outcomes;
- iii. unreasonable demands relating time timeframes for resolutions;
- iv. being rude, aggressive, or abusive towards KA and/or Karting Organisations staff or volunteers.

Complaints may not be acknowledged, and KA and Karting Organisations may exercise discretion to minimise or control its dealings with the Complainant. The Complainant will be given clear advice and reasons why.

## 6. Assessment Findings and Determination

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### 6.1 Findings and Determination of KA and/or Karting Organisations

- a. After conducting its Assessment of a Complaint under clause 5.3, KA and/or a Karting Organisation will determine if the Complaint is within scope of this By-law to:
  - i. make findings as to whether, to the requisite Standard of Proof, the Alleged Breach is:
    - A. substantiated;
    - B. unsubstantiated; or
    - C. unable to be substantiated.
  - ii. make a determination as to the Resolution Process to be applied, which will be:
    - A. No Further Action; or
    - B. Breach Notice.
- b. KA and/or Karting Organisation will notify the Complainant and the Respondent of its findings<sup>34</sup> and determination under this clause.
- c. If we decide that a complaint should be investigated, we will follow the steps outlined below:
  - i. We will provide a written brief to the investigator that sets out the terms of engagement and his or her roles and responsibilities.
  - ii. Any Member that is to be the subject of an investigation under this By-law will be provided with full details of the complaint by way of an Investigation Notice that is completed by the CEO.
- d. The investigator will:
  - (i) Interview the Complainant, record the interview and document it in writing;
  - (ii) Interview the Respondent(s) to allow them to answer the complaint, record the interview and document it in writing;
  - (iii) Obtain statements from witnesses and collect other relevant evidence (if any);
  - (iv) Make a finding as to whether the complaint is:
    - 1) **substantiated** (there is sufficient evidence to support the complaint)
    - 2) **inconclusive** (there is insufficient evidence either way);
    - 3) **unsubstantiated** (there is sufficient evidence to show that the complaint is unfounded);
    - 4) **mischievous, vexatious, or knowingly untrue.**
  - (v) Provide a written Investigation Report to the CEO documenting the complaint, the investigation process, the evidence, and, if requested, any findings and recommendations.
    - 1) The investigation report should substantially replicate the template Investigation Report provided by Karting Australia.

## 6.2 KA to Manage Resolution Process

- a. Relevant Organisations must implement the Resolution Process as determined by KA and/or a Member State and/or a Club.
- b. KA and/or a Member State, at its discretion may delegate the management of the Resolution Process to another Karting Organisation. When determining if the Resolution Process should be delegated, KA and/or the Member State must consider:
  - i. any conflict of interest that may arise if the Resolution Process were to be managed at the Karting Organisation level;
  - ii. the nature and seriousness of the Alleged Breach;
  - iii. whether the matter would best be resolved through the NST, which would require KA to remain party to the proceedings; and
  - iv. the capacity of the Karting Organisation to manage the Resolution Process.
- c. The KA National Complaints Officer is responsible for communicating with the Complainant, Respondent, KA and/or Karting Organisations (where applicable) and for ensuring that the Resolution Process is implemented.

## 7. Resolution Process

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### 7.1 No Further Action

- a. Where KA and/or a Karting Organisation has made a determination of No Further Action and has notified the parties of this determination under clause 6.1(a)(ii)(A), the KA National Complaints Officer:
  - i. is not required to also notify the Parties of this outcome under clause 5.2; and
  - ii. shall keep a record of the Complaint as per clause 10.3.

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### 7.2 Breach Notice

- a. In determining a Breach Notice,
  - i. Where a Club has made a determination of Breach Notice and before it notified the parties of this determination under clause 6.1(a)(ii)(B), it will notify the relevant Member State of its recommendation which may be adjusted or confirmed by the Member State and then notified to the parties by the Club;
  - ii. Where a Member State has made a determination of Breach Notice and before it notifies the parties of this determination under clause 6.1(a)(ii)(B), it will notify KA of its recommendation which may be adjusted or confirmed by KA and then notified to the parties by the Member State;
  - iii. Where KA has made a determination of Breach Notice it will notify the parties of this determination under clause 6.1(a)(ii)(B),

Recommendations must include:

- 1) the Alleged Breach
  - 2) whether or not a Sanction is to be imposed on the Respondent and if so, the Sanction;
  - 3) whether or not a reduced Sanction should be offered to the Respondent, and if so, the reduced Sanction; and
  - 4) whether or not the Sanction is to be publicly disclosed in accordance with clause 3.8.
- b. KA or a Karting Organisation will then issue the Respondent with a Breach Notice. The Breach Notice will:
    - i. notify the Respondent of the Alleged Breach, including the alleged conduct and relevant section(s) of the Eligible Policy;
    - ii. state the proposed Sanction for the Alleged Breach, and if applicable, any proposed discounted Sanction;

- iii. state that the Sanction is to be publicly disclosed (if applicable);
  - iv. state that the Respondent has a right to a hearing in relation to the Alleged Breach and/or the proposed Sanction;
  - v. state that the Respondent may admit the Alleged Breach, waive their right to a hearing and accept the proposed Sanction or the proposed discounted Sanction (if applicable);
  - vi. state that if the Respondent does not respond within 14 days of receipt of the Breach Notice, they will be deemed to have admitted the Alleged Breach, waived their right to a hearing and accepted the proposed Sanction;
  - vii. state that any response to the Breach Notice must be made to KA and/or the issuing Karting Organisation, and provide the Respondent with the contact details of the KA National Complaints Officer; and
  - viii. be provided to the Respondent, KA, and (if applicable) Karting Organisation (if applicable).
- c. In response to a Breach Notice, a Respondent may:
- i. admit the Alleged Breach, waive their right to a hearing and accept the proposed Sanction or proposed reduced Sanction (if applicable);
  - ii. dispute the Alleged Breach and/or the proposed Sanction, in which case the Alleged Breach will be referred to a hearing Tribunal under this By-law; or
  - iii. not respond, in which case they will be deemed to have admitted the Alleged Breach, waived their right to a hearing and accepted the proposed Sanction.
  - iv. A respondent has 14 days from receipt of the Breach Notice to notify the KA National Complaints Officer of their decision.

### 7.3 Resolution without a hearing

Where a Respondent admits the Alleged Breach (thereafter, a Breach), waives their right to a hearing and accepts the Sanction, or is deemed to have done so, the KA National Complaints Officer must take all necessary steps to impose and implement the Sanction (if applicable), and proceed to finalising the Complaint in accordance with clause 10.

### 7.4 Referral to a hearing

- a. If the Respondent disputes the Alleged Breach and/or Sanction, the KA National Complaints Officer must:
- i. refer the Alleged Breach to an Internal Hearing tribunal, either at the KA level or Karting Organisation level.
  - ii. if an NST Eligible Matter, refer the Alleged Breach to the NST General Division for arbitration;
  - iii. if neither an NST Eligible or NST Excluded Matter, apply to the NST CEO for approval for the matter to be arbitrated in the NST General Division, failing which it must be dealt with under (iii); or
- b. In accordance with By-law B7, a KA Tribunal may be formed to hear a proceeding:
- (i) referred to it by the CEO; or
  - (ii) referred to it or escalated by a Member State either
    - 1) because of the serious nature of the complaint,
    - 2) because it was unable to be resolved at the state level or
    - 3) because the policy of the Member State directs it to befor an alleged breach of this By-law.
- c. The KA Tribunal procedure is outlined in By-law B8
- d. Disciplinary matters may alternatively be referred by the CEO to the NST for mediation or hearing in accordance with NST legislation.



- e. A Respondent may lodge an appeal to the Appeal Tribunal in respect of a KA Tribunal decision. The decision of the Appeal Tribunal is final and binding on the people involved.
- f. An appeal may also be lodged to the NST Appeals Division in circumstances outlined in clause 9 of this By-law.
- g. Every organisation bound by the By-law will recognise and enforce any decision made, and form of discipline imposed, by the KA Tribunal or NST under the By-law.
- h. If a Karting Organisation and/or KA is a Respondent, the KA National Complaints Officer will in the first instance apply to the NST General Division for arbitration either under (i) or (ii), failing which an Internal Hearing tribunal at the KA level will be convened.
- i. Where an application to the NST for arbitration is made, KA is responsible for making the application and paying any application and service fees to the NST, even if the matter has been delegated under clause 6.2 (b). The charges may be apportioned in accordance with the NST Legislation.

## 7.5 Sanctions

- a. Where a Respondent is found to have committed a Breach of an Eligible Policy, KA or a Karting Organisation, or a Hearing Tribunal (if applicable) may subject to clause 7.5(b), determine to impose a Sanction on that Respondent.
- b. KA, a Karting Organisation, or a Hearing Tribunal (as applicable) is not permitted to issue a Sanction in relation to the Respondent's employment that may only lawfully be imposed by the Respondent's employer (including, but not limited to, termination or suspension of the Respondent's employment with their employer, demotion of the Respondent and a verbal or written warning regarding the Respondent's breach of their employment agreement).
- c. Subject to clause 7.5(b), the Sanction may include any of the following measures (but is not limited to these measures), or any combination of such:
  - i. a reprimand or warning;
  - ii. verbal or written apology;
  - iii. direction to attend counselling or training to address their behaviour;
  - iv. suspended Sanction and/or good behaviour period;
  - v. removal of accreditation;
  - vi. removal or withdrawal of awards, prizes, trophies, placings, records or achievements (such a life membership) or achievements bestowed in any Competitions, activities or events held or sanctioned by KA;
  - vii. banning from a particular event or events, competition, or activity;
  - viii. suspension of membership from KA and/or a Karting Organisation and any other members or affiliates;
  - ix. suspension from such activities or events held by or under the auspices of KA or a Karting Organisation;
  - x. suspension and/or termination of any rights, privileges and benefits provided by KA or a Karting Organisation;
  - xi. expulsion from KA or a Karting Organisation;
  - xii. fine; and
  - xiii. any other form of discipline that is considered appropriate.
- d. KA, a Karting Organisation, or a Hearing Tribunal (if applicable) have absolute discretion to determine the appropriate Sanction, including as to whether a combination of measures to be imposed, and the terms and the period of any measures, subject to clauses 7.5(b) and (e).
- e. A financial penalty may only be imposed as or as part of a Sanction where the Respondent is an incorporated entity.

- f. The following factors will be considered when determining the appropriate Sanction:
  - i. the nature and seriousness of the behaviour or incidents;
  - ii. the considerations (if any) of the Complainant;
  - iii. the contrition, or lack thereof, of the Respondent;
  - iv. any Provisional Action taken in relation to the Breach;
  - v. the effect of the Sanction on a Respondent including any personal, professional, or financial consequences;
  - vi. if there have been relevant prior warnings or disciplinary action against the Respondent; and
  - vii. if there are any mitigating circumstances.
- g. If there is more than one Breach of an Eligible Policy, where appropriate, the Sanction may be imposed having regard to all the Breaches considered together, and the seriousness of the overall conduct in question.
- h. Sanctions imposed under this By-law shall commence from the date of the decision, unless otherwise directed.

## 8. Hearing Tribunals

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### 8.1 Arbitration in the NST

- a. If arbitration is sought in the NST General Division, the NST will:
  - i. determine whether the Provisional Action imposed is disproportionate; or
  - ii. arbitrate the Alleged Breach and determine whether a Sanction be imposed, and if so, what Sanction, in accordance with clause 7.5.
- b. The procedure for an arbitration in the NST will be in accordance with the NST Legislation.

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### 8.2 Internal Hearing Tribunal

- a. If an Internal Hearing Tribunal is required under clause 7.4(a)(i), the KA National Complaints Officer must convene a Hearing Tribunal to:
  - i. determine whether the provisional Action imposed is disproportionate; or
  - ii. arbitrate the Alleged Breach and determine whether a Sanction be imposed, and if so, what Sanction in accordance with clause 7.5.
- b. An Internal Hearing tribunal convened under this clause will comply with By-law 8 Karting Australia Tribunal.

### 8.3 Parties and right to attend hearings

- a. The parties to a proceeding will be:
  - i. KA, or where KA has delegated the management of the Resolution Process to the Karting Organisation, the Karting Organisation; and
  - ii. the Respondent.
- b. If the Hearing Tribunal is the NST:
  - i. notwithstanding clause 8.3(a)(i), KA must be a party to the proceeding; and
  - ii. the NST Member may, at their discretion, allow any person who may have a relevant interest in the dispute to participate in the proceeding;

### 8.4 Notification of Hearing Tribunal decision

- a. The Hearing Tribunal will notify the parties to the proceeding of the decision in accordance with its relevant procedures, after which the KA National Complaints Officer will:
  - i. notify and provide a copy of the decision to Karting Organisation if required; and
  - ii. subject to any appeal under clause 9, proceed with finalising the Complaint in accordance

with clause 10.

## 9. Appeals

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### 9.1 Right of Appeal

- a. An appeal from a decision of the KA Tribunal can be lodged with either the KA Appeal Tribunal or the NST Appeals Division at the discretion of the CEO.
- b. An appeal from a decision of the NST must be lodged with the NST Appeals Division.

### 9.2 Decisions subject to appeal

- a. A decision of a Hearing Tribunal under clauses 8.1(a)(ii) or 8.2(a)(ii) may be appealed as set out in this clause 9.
- b. A decision of a Hearing Tribunal under clauses 8.1(a)(i) or 8.2(a)(i) is not subject to appeal.

### 9.3 Persons entitled to appeal

- a. The following persons are entitled to appeal a decision of a Hearing Tribunal under clauses 8.1(a)(ii) and 8.2(a)(ii) of this By-law:
  - i. KA;
  - ii. where KA has delegated the management of the Resolution Process to the Karting Organisation, the Karting Organisation; and
  - iii. the Respondent, (each an Appellant).

### 9.4 Grounds of appeal

- a. The decision of a Hearing Tribunal can only be appealed on the following Grounds of Appeal:
  - i. the Hearing Tribunal failed to abide by this By-law or to properly apply the relevant Eligible Policy and such failure resulted in a denial of natural justice; and/or
  - ii. no reasonable decision maker in the position of the Hearing Tribunal, based on the material before them, could reasonable make such a decision.

### 9.5 Notice of appeal

- a. To submit a valid Notice of Appeal, an Appellant must, within 14 days of the date of receipt of the decision made by the Hearing Tribunal:
  - i. if the Hearing Tribunal was an Internal Hearing Tribunal:
    - A. if the Alleged Breach is an NST Excluded Matter:
      1. lodge with the KA National Complaints Officer the Notice of Appeal stating they wish to appeal, which states in full their Grounds of Appeal, including any relevant documents as annexures;
      2. pay the appeal fee as set from time to time by KA using either of the payment methods listed below;
        - 1) Credit Card or Debit Card (Visa or Mastercard) by supplying the following information:
          - Name of card holder;
          - Card number;
          - Card expiry date;
          - CSV number.
        - 2) Direct Deposit payable to:



- Account name: AKA Ltd
- BSB: 062589
- Account Number: 10923638

Note: Please use your KA Licence Number as the payment reference

3. serve, by email, by post, or physically, on the other party to the appeal a copy of the Notice of Appeal on the other parties; or
- B. If the Alleged Breach is at the KA level and is either an NST Eligible Matter, or neither an NST Eligible Matter or NST Excluded Matter:
1. lodge and 'Application for an Appeal' form with the NST, which must state in full their 'Grounds of Appeal';
  2. pay the requisite application fee; and
  3. serve, by email, by post, or physically, on the other party to the appeal a copy of the 'Application for an Appeal', (together, a Notice of Appeal); or
- ii. if the Hearing Tribunal was the NST General Division:
- A. lodge an 'Application for an Appeal' form with the NST, which must state in full their Grounds of Appeal;
  - B. pay the requisite application fee; and
  - C. serve, by email, by post, or physically, on the other party to the appeal a copy of the 'Application for an Appeal'.
- b. If an appeal is lodged under:
- i. clause 9.5(a)(i)(A), the matter must be dealt with by an Internal Appeals Tribunal; or
  - ii. clause 9.5(a)(ii)(B) and it is neither an NST Eligible or NST Excluded Matter, KA may apply 40 to the NST CEO for approval, and if the NST CEO does not approve the matter, it must be dealt with by an Internal Appeals Tribunal; or
  - iii. clause 9.5(a)(ii)(B) and it is an NST Eligible Matter, it must be dealt with by the NST Appeals Division.

## 9.6 Appeals in the NST Appeals Division

- a. If an Appellant lodges a valid Notice of Appeal in the NST Appeals Division, the NST will determine the matter.
- b. The procedure for an appeal in the NST Appeals Divisions will be in accordance with clause 9.5 and the NST legislation.

## 9.7 Internal Appeals Tribunal

- a. If an Appellant lodges a valid Notice of Appeal to be dealt with by an Internal Appeals Tribunal, the Internal Appeals Tribunal will determine the matter.
- b. The procedure for an appeal is in Schedule 1

## 9.8 Determination for Appeal Tribunal

- a. The Appeals Tribunal's arbitration of the appeal:
  - i. must determine, to the Standard of Proof, whether one or both Grounds of Appeal (as applicable) are proven, and must not rehear the matter of the facts of the Alleged Breach; and
  - ii. may result in the Appeals Tribunal removing, or altering the Sanction imposed on a Respondent, in accordance with clause 7.5.

## 9.9 Notification of Appeal Tribunal decision

- a. The Appeal Tribunal will notify the parties to the proceeding of the decision in accordance with its relevant procedures, after which the KA National Complaints Officer will:
  - i. Notify and provide a copy of the decision to KA and/or Karting Organisation; and
  - ii. Proceed to finalising the Complaint in accordance with clause 10.

## 10 Finalising Complaints

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### 10.1 Finalisation of Resolution Process

- a. A Resolution Process will be finalised, and an outcome reached when:
  - i. No Further Action – when KA and/or Karting Organisation notifies the relevant parties of its determination under clause 6.1;
  - ii. Breach Notice – where the Respondent admits the Alleged Breach, waives their right to a hearing and accepts the Sanction, or is deemed to have done so under clause 7.2(c);
  - iii. Hearing Tribunal – where the parties to the proceeding are notified of the decision and no appeal has been filed; or
  - iv. Appeal Tribunal – where the parties to the proceeding are notified of the decision.
- b. Once the applicable Resolution Process (including any appeal) under this By-law has concluded, the decision is final and binding on all parties involved and there is no further right of appeal to any external body or tribunal.

### 10.2 Notification of outcome and implementation of Sanction

- a. When a Resolution Process is finalised, the KA National Complaints Officer will:
  - i. notify KA, Karting Organisation (if applicable), the Complainant and Respondent of the outcome in writing, unless otherwise provided for in this By-law;
  - ii. take all necessary steps to implement any Sanction imposed (if applicable); and
  - iii. ensure KA publicly discloses the matters referred to in clause 3.8(c) (if applicable).

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### 10.3 Recording Decisions and Outcomes

- a. KA and/or Karting Organisations shall keep all records of all Complaints and Concerns for a minimum of 7 years from the date the Resolution Process is finalised, which will include at a minimum a record (including dates, where relevant) of:
  - i. the Alleged Breach;
  - ii. the Complainant;
  - iii. the Respondent;
  - iv. the Resolution Process;
  - v. the Outcome;
  - vi. any Sanctions and/or Provisional Action imposed.
- b. Records must be maintained in a secure and confidential place, which may be electronically.

## 11.0 Interpretation & Other Information

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### 11.1 Commencement

This By-law commences on the date printed on the front cover known as the date of Board Approval (Commencement Date).

### 11.2 Prior complaints

Complaints relating to conduct which occurred prior to the Commencement Date:



- a. must be dealt with under the polices and processes of KA or relevant Karting Organisation existing at the time the complaint was made, regardless of where that Complaint is at in that process;
- b. cannot be resubmitted to KA or Karting Organisation under this By-law; and
- c. are not subject to any appeal under this By-law.

### 11.3 Requirements for Karting Organisations

Karting Organisations must adopt and implement this By-law as their complaints management policy for complaints arising under all Eligible Policies.

### 11.4 Interpretation

- a. Any document required to be provided under this By-law may be given by:
  - i. sending it to an email or other electronic address, or to a postal address, nominated by the recipient party; or
  - ii. Email, post, or hand delivering it to that party's registered office.
- b. A document is taken to have been received under this By-law if sent by email or other electronic transmission, on the date of transmission, or if hand delivered, on the date of delivery or if sent by post, 5 business days after it was sent.
- c. Relevant Persons are responsible for keeping their contact details up to date with KA or the Relevant Organisation they are associated with, as appropriate. Delivery to the last known address is sufficient in circumstances where the current whereabouts of a Relevant Person are not known.

### 11.5 Amendment

- a. KA may amend this By-law from time to time. KA and Karting Organisations must make the new <sup>42</sup> version available on its website as soon as possible including the date on which any amendment/s take effect.
- b. Any Complaint under this By-law which is not finalised at the time of an amendment to this By-law will continue to be processed under the substantive provisions of this By-law in force at the time KA and/or a Karting Organisation received the KA Complaint Form unless KA and/or the Hearing Tribunal determines the principle of "lex mitior" appropriately applies in the circumstances.

## SCHEDULE 1 – INTERNAL APPEALS TRIBUNAL PROCEDURE

### Interpretation

1. **In this Schedule:**  
**Appeal Chair** means the chair of a particular Appeals Tribunal in accordance with Schedule 1.  
**Tribunal Member** means an individual person sitting on an Appeals Tribunal.
2. Defined terms not otherwise defined in this Schedule have meaning given to them in the By-law or KIF.
3. All clause references refer to this Schedule unless otherwise provided.

### Convening Internal Appeals Tribunal

4. As required under clause 9.7 of the By-law, the KA National Complaints Officer will convene an Appeals Tribunal in accordance with this Schedule.
5. The Appeals Tribunal shall be convened as soon as reasonably practicable after a referral under clause 9.7 of the By-law and shall endeavour to convene no later than two weeks after notification by the KA Integrity Unit.

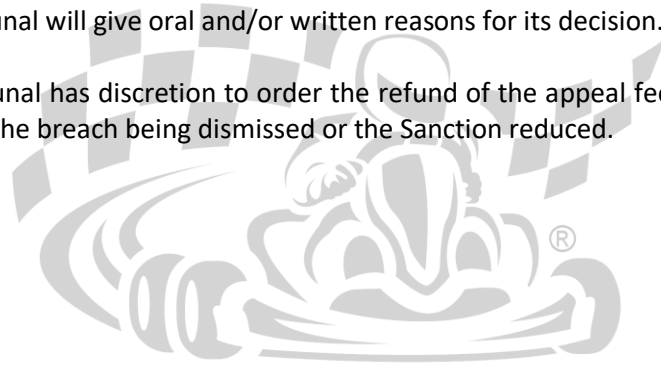
### Composition of Internal Appeals Tribunal

6. Subject to Clause 7 of this Schedule, each Appeals Tribunal shall:
  - a. comprise three (3) Tribunal Members selected by the KA National Complaints Officer;
  - b. comprise at least one Legal Practitioner and one Sports Administrator; and
  - c. be chaired by the Appeal Chair who shall be appointed by the KA National Complaints Officer and shall be:
    - i. a Legal Practitioner; and
    - ii. a person of experience and skills suitable to the function of chairing an Appeals Tribunal,  
none of whom sat on or was involved in the original Hearings Tribunal for the Alleged Breach subject of the appeal.
7. Should a Tribunal Member become unable to sit on a Tribunal following the convening of the Tribunal for whatever reason, the KA National Complaints Manager shall appoint a replacement Tribunal Member.
8. Should a party challenge the impartiality of a Tribunal Member, the challenge will be determined by the Chair sitting alone, unless that challenge relates to the Chair in which case it will be determined by:
  - a. the KA National Complaints Officer; or
  - b. if the KA National Complaints Officer is unavailable or unable to act, the other members of the Tribunal.
9. There should be no right of appeal from a decision made under clause 9.

### Procedure of Internal Appeals Tribunal

10. Subject to this Schedule, the Appeals Tribunal and persons appearing before it are bound by the same procedures under this By-law as if the Appeals Tribunal was the Tribunal hearing a matter at first instance.
11. The Appeals Tribunal must limit its hearing to consideration of the Ground(s) of Appeal relied upon by the Appellant under clause 9.4(a) of this By-law, in accordance with 9.6 of the By-law.

12. The Respondent to an Appeals Tribunal will be given the opportunity to file a written submission in response to the Notice of Appeal.
13. The parties to an Appeal Tribunal may not call witnesses unless given leave to do so by the Appeals tribunal. The Appeals Tribunal will not allow a party to call a witness to give evidence in relation to any matter outside of the Ground(s) of Appeal relied upon by the Appellant.
14. An Appeals Tribunal has the power to:
  - a. dismiss the appeal;
  - b. uphold the appeal;
  - c. impose any of the Sanctions set out in the By-law; or
  - d. reduce, increase, or otherwise vary any Sanction imposed by the Hearing Tribunal under the By-law, in accordance with clause 9.8 of the By-law but otherwise in such a manner as it thinks fit.
15. At the conclusion of the appeal, the Appeal Chair shall ensure that the Appellant, Respondent and KA are informed of the determination of the Appeals Tribunal. The Appeal Chair shall also notify the KA National Complaints Officer of the decision of the Internal Appeals Tribunal.
16. The Appeals Tribunal will give oral and/or written reasons for its decision.
17. The Appeals Tribunal has discretion to order the refund of the appeal fee and shall do so where the appeal results in the breach being dismissed or the Sanction reduced.



**KARTING**  
**A U S T R A L I A**

## B8 KARTING AUSTRALIA TRIBUNAL

Scheduled Reviewed Triennially or as required

Date of Board Approval 30 May 2016 Updated: 19 September 2022

### Preamble

- A. The relationships between AKA Ltd (**KA**), and the affiliated State Karting Associations (**Member States**), the affiliated member Clubs, are regulated by the Constitution of KA, the National Competition Rules, By-laws, Policies, Procedures and Safety Standards (**Rules**) promulgated from time to time by KA.
- B. The relationship between the Member States and the Clubs is regulated by the constitution of the Member States and the Rules promulgated from time to time by KA.
- C. The relationship between the Clubs and their members (including the individual members) is regulated by the constitution of the Club and the Rules promulgated from time to time by KA and/or their Member State.
- D. The Code of Conduct contains certain provisions that are designed to provide for the hearing and determination of alleged breaches of the Code of Conduct in the most cost effective and expeditious manner.
- E. The KA Integrity Framework (**KIF**) and Integrity Policies including but not limited to the Member Protection Policy (**MPP**) and the Code Of Conduct (**COC**) contains certain disciplinary and judicial functions to ensure that the objectives and requirements of the KIF, the Integrity Policies including the MPP are met at all times.
- F. Certain By-laws, Regulations, Policies and Procedures require disciplinary and judicial functions to be exercised by an independent judicial, investigatory and/or disciplinary body.
- G. The KA Board has promulgated By-laws for the Discipline of Members that fall beyond the scope of the Judicial rules contained within the National Competition Rules.
- H. It is envisaged that from time to time certain matters may also arise that may not specifically fall under the scope of a Dispute under the Constitution, or an alleged breach of the KIF, the COC and/or the MPP or any other Policy or By-law but that require investigation, hearing, determination, resolution, and discipline. These may be referred to the KA Tribunal by the Board or the CEO so as to be resolved in the most cost effective and expeditious manner.
- I. This By-law sets out the procedures for the formation of an internal dispute resolution body and provides it with its powers and the framework for the efficient resolution of any disputes or matters requiring the discipline of a member or members that may arise from time to time.

### 1.1 Interpretation

In addition to the definitions in the KA Manual, and the Constitution, these definitions set out the meaning of words used in this Policy and its attachments without limiting the ordinary and natural meaning of the words.

**AGM** means the Annual General Meeting of KA

**KA** means Australian Karting Association Ltd trading as Karting Australia

**KA Tribunal** means this Tribunal

**KA Tribunal Member** means any of the three (3) Independent Persons appointed to the KA Tribunal in accordance with this By-law

**Board** means the Board of KA

**By-law** means any By-law, Policy or Regulation promulgated by the Board of KA, which in their opinion are necessary or desirable for the control, administration and management of KA's affairs in accordance with the Constitution

**CEO** means the Chief Executive Officer of KA

**Club** means a club admitted as a Member of KA in accordance with the Constitution

**Code of Conduct** means a code that has been ratified by the Board to regulate the conduct of Members. Code of Behaviour shall have the same meaning

**Constitution** means the Constitution of KA

**Disciplinary Proceedings** means formal disciplinary procedures instituted by KA against a Member other than a Member State

**Dispute** means a dispute between KA and a Member State

**Grievance** means a grievance between KA and a Member State

**Independent Person** means a person who is not affiliated in any way whatsoever with a Member.

**Individual Member** means a person to whom a competition licence, participant's Licence and/or an official's licence or such other Licence that has been issued in accordance with the Rules and/or any other person nominated by the Company who accordingly has been admitted to the Company as an individual member in accordance with the Constitution

**KA Manual** means the Australian Karting Manual (the National Competition Rules.)

**Karting** means the sport of sprint kart racing in Australia

**Member** means any of the categories of member defined by the Constitution and this By-law.

**MPP** means the KA Member Protection Policy

**Rules of Karting** means all the provisions of the Australian Karting Manual (the National Competition Rules.)

## 1.2 Tribunal and Members

- (a) There is a tribunal called the KA Tribunal.
- (b) One member of the KA Tribunal is to be appointed by the KA Tribunal Members as Chairperson of the KA Tribunal and the others are to be appointed as Deputy Chairpersons of the KA Tribunal.

## 1.3 Tribunal Objectives

The objectives of the KA Tribunal are to as expeditiously as possible and at minimal cost:

- (a) resolve any Grievance and/or Dispute/s; and
- (b) exercise the authority given to it by the MPP, the Code of Conduct, By-laws, Policy and Regulations, and

in exercising its power, have regard to the welfare, needs and interests of Karting generally, KA, Members States and Members of KA.

## 1.4 Appointment of Members

Subject to 1.5(c), all KA Tribunal Members must be approved by the Member States present and entitled to vote at the AGM with a majority of those present and entitled to vote approving the appointment.

## 1.5 Term of Appointment

- (a) At the AGM the Board will recommend a list of no more than 5 Independent Persons to fill positions on the KA Tribunal.
- (b) Each KA Tribunal member shall be appointed for a two (2) year term by the Member States at an AGM.



- (c) In the event the Members States of KA are unable, for whatever reason, to appoint the minimum quota of three (3) KA Tribunal Members, the KA Board will appoint as many Independent Persons as KA Tribunal Members as required to fill the three (3) person quota.
- (d) In the event a proceeding in the KA Tribunal has not been completed prior to the end of the year of appointment, the KA Tribunal Members will continue to take part in the proceeding until the proceeding has been concluded. A proceeding will not be concluded unless a publication of the decision has occurred pursuant to clause 1.13.

#### **1.6 Resignation of a KA Tribunal Member**

- (a) Upon the resignation of a KA Tribunal Member the Board shall appoint a replacement pursuant to clause 1.6(b).
- (b) Should the number of KA Tribunal Members fall below three (3), the KA Board will appoint an Independent Person as a KA Tribunal Member until the next AGM of the members of KA, where upon the members of KA will appoint a new KA Tribunal Member pursuant to clause 1.4

#### **1.7 Jurisdiction and powers of the KA Tribunal**

The KA Tribunal has jurisdiction to investigate, hear, determine, rule on and declare judgement on any matters referred to it in relation to:

- (a) all disputes arising between KA and any Member State;
- (b) any Disciplinary Proceedings referred to it by either the KA Board or the CEO;
- (c) any matter arising out of the Code of Conduct; and
- (d) any matter referred to it in accordance with the KA Member Protection Policy
- (e) any matter requiring investigation referred to it by either the KA Board or the CEO
- (f) any other matter referred to it by either the KA Board or the CEO.

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#### **1.8 Impose and recommend penalties**

At the conclusion of any Investigatory or Disciplinary Proceedings referred to it, the KA Tribunal may impose and/or recommend to the KA Board the imposition of such penalties as it feels are appropriate which may include one or more of the following forms of discipline:

- (a) a reprimand or warning;
- (b) verbal or written apology;
- (c) direction to attend counselling or training to address their behaviour;
- (d) suspended Sanction and/or good behaviour period;
- (e) removal of accreditation;
- (f) removal or withdrawal of awards, prizes, trophies, placings, records or achievements (such a life membership) or achievements bestowed in any Competitions, activities or events held or sanctioned by KA;
- (g) banning from a particular event or events, competition, or activity;
- (h) suspension of membership from KA and/or a Karting Organisation and any other members or affiliates;
- (i) suspension from such activities or events held by or under the auspices of KA or a Karting Organisation;
- (j) suspension and/or termination of any rights, privileges and benefits provided by KA or a Karting Organisation;
- (k) expulsion from KA or a Karting Organisation;
- (l) fine; and
- (m) any other form of discipline that is considered appropriate.

## 1.9 Decisions

The KA Tribunal's decisions in a proceeding is by way of a majority decision of the KA Tribunal Members in the proceedings.

## 1.10 Procedures of KA Tribunal

In the exercise of its jurisdiction the KA Tribunal:

- (a) must observe natural justice; and
- (b) must proceed expeditiously with as little formality and technicality as is consistent with a fair and proper consideration of the matter before it; and
- (c) is not bound by rules of practice as to evidence and may inform itself on any matter as it considers appropriate which includes engaging external experts to investigate and provide reports on any matter; and
- (d) may regulate its procedures as it considers appropriate in the circumstances.

## 1.11 Constitution of the KA Tribunal

- (a) The KA Tribunal shall consist of up to three (3) KA Tribunal Members; however, a quorum of the Tribunal shall be two (2) members.
- (b) For the purpose of exercising its jurisdiction pursuant to clause 1.11, the KA Tribunal is properly constituted by the KA Tribunal chairperson, or the delegate of the chairperson who must be a KA Tribunal Member.

## 1.12 Preparing For Hearing

- (a) The Tribunal panel members will be provided with a copy of all the relevant correspondence, reports or information received and sent by the CEO relating to the complaint/allegations.
- (b) The Tribunal hearing will be held as soon as practicable. However, adequate time must be provided for the respondent(s) to prepare for the hearing.

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### Directions

- (c) The KA Tribunal may hold a conference for considering, or giving directions at or after the conference, about any matter or proceeding in its jurisdiction.
  - i. on the application of a Member or on the KA Tribunal's own initiative; and
  - ii. before a matter or proceeding commences or at any time during the matter or proceedings.
- (d) A direction given by the KA Tribunal under this clause is binding on the parties.
- (e) Without limiting subsection (c) and having regard to clause 1.9, the KA Tribunal may consider or give directions about the following as it considers appropriate: –
  - i. the conduct of the matter or proceeding;
  - ii. the requirement for the parties to give discovery or allow inspections of evidentiary material;
  - iii. the requirement for the parties to file pleadings;
  - iv. striking out the matter or proceeding on the ground that it is vexatious or frivolous.

### Organising The Hearing

- (f) The CEO will inform the respondent(s) and the complainant(s) in writing that a Tribunal hearing will take place. The notice will outline:

- i. that the respondent has a right to appear at the Tribunal hearing to defend the complaint/allegations;
  - ii. the details of the complaint and of all allegations, as well as the provision or clause of any policy, rule or regulation that has allegedly been breached;
  - iii. the date, time and venue of the Tribunal hearing;
  - iv. that verbal and/or written submissions can be presented at the Tribunal hearing;
  - v. that witnesses may attend the Tribunal hearing to support the position of the respondent/s;
  - vi. an outline of any possible sanctions that may be imposed if the complaint is found to be true;
  - vii. That legal representation will not be allowed. [The respondent may be assisted by a support person at a Tribunal hearing. For example, where the respondent is a minor, he or she should have a parent or guardian present. However, a person cannot be a support person if he or she has been admitted to practice as a lawyer or worked as a trainee lawyer.] A copy of any investigation report findings will be provided to the respondent(s).
- (g) The CEO will notify the complainant in writing that a Tribunal hearing will take place. The notice will outline:
- i. that the person has a right to appear at the Tribunal hearing to support their complaint;
  - ii. the details of the complaint, including any relevant rules or regulations the respondent is accused of breaching;
  - iii. the date, time and venue of the Tribunal hearing;
  - iv. that verbal and/or written submissions can be presented at the Tribunal hearing;
  - v. that witnesses may attend the Tribunal hearing to support the complainant's position;
  - vi. that legal representation will not be allowed.
  - vii. A copy of any investigation report findings will be provided to the complainant.
- (h) If the complainant believes the details of the complaint are incorrect or insufficient, he or she should inform the CEO as soon as possible so that the respondent(s) and members of the Tribunal panel can be properly informed of the complaint.
- (i) If possible, the Tribunal panel should include at least one person with knowledge or experience of the relevant laws/rules (e.g. anti-discrimination).

### 1.13 Tribunal Hearing Procedure

- (a) The following people will be allowed to attend the Tribunal hearing:
- i. Tribunal panel members;
  - ii. The respondent(s);
  - iii. The complainant(s);
  - iv. Any witnesses called by the respondent(s);
  - v. Any witnesses called by the complainant(s);
  - vi. any parent/guardian or support person required to support the respondent or the complainant.
- (b) If the respondent(s) is not present at the set hearing time and the Tribunal chairperson considers that no valid reason has been presented for this absence, the Tribunal hearing will continue subject to the chairperson being satisfied that all Tribunal notification requirements have been met.
- (c) If the Tribunal chairperson considers that there is a valid reason for the non-attendance of the respondent(s), or the chairperson does not believe the Tribunal notification requirements have been met, then the Tribunal hearing will be rescheduled to a later date.

- (d) If the Tribunal chairperson wishes to reschedule the Tribunal hearing date, the Tribunal chairperson will inform the CEO of the need to reschedule the hearing and the CEO will arrange for the Tribunal to be reconvened.
- (e) The Tribunal chairperson will read out the complaint, ask each respondent if he or she understands the complaint and if he or she agrees or disagrees with the complaint.
- (f) If the respondent agrees with the complaint, he or she will be asked to provide any evidence or witnesses that should be considered by the Tribunal when determining any sanctions.
- (g) If the respondent disagrees with the complaint, the complainant(s) will be asked to describe the circumstances that lead to the complaint being made.
  - i. Reference may be made to brief notes.
  - ii. The complainant(s) may call witnesses.
  - iii. The respondent(s) may question the complainant(s) and any witnesses.
- (h) The respondent will then be asked to respond to the complaint.
  - i. Reference may be made to brief notes.
  - ii. The respondent(s) may call witnesses.
  - iii. The complainant(s) may ask questions of the respondent and any witnesses.
- (i) The complainant(s) and respondent(s) may be present when evidence is presented to the Tribunal hearing. Witnesses may be asked to wait outside the hearing until they are required.
- (j) The Tribunal may:
  - i. consider any evidence, and in any form, that it deems relevant;
  - ii. ask questions of any person giving evidence;
  - iii. limit the number of witnesses (including limiting witnesses to those persons who only provide new evidence);
  - iv. require (to the extent it has power to do so) the attendance of any witness it deems relevant; and
  - v. act in an inquisitorial manner in order to establish the truth of the issue/complaint before it.
- (k) Video evidence, if available, may be presented. Arrangements for the viewing of this evidence must be made entirely by the person(s) wishing to offer this type of evidence.
- (l) If the Tribunal panel considers that at any time during the hearing there is any unreasonable or intimidatory behaviour from anyone, the Tribunal chairperson may deny further involvement of that person in the hearing.
- (m) After all the evidence has been presented, the Tribunal will make its decision in private.
  - i. The Tribunal must decide whether the complaint has, on the balance of probabilities, been substantiated.
  - ii. All Tribunal decisions will be by majority vote.
- (n) The Tribunal chairperson may announce the decision of the Tribunal at the conclusion of the hearing. Alternatively, he or she may reserve the decision of the Tribunal at the conclusion of the hearing and deliver the decision at a later time.
- (o) The respondent(s) will have the opportunity to make submissions to the Tribunal in relation to any sanctions that may be imposed.
- (p) Within 48 hours of the Tribunal delivering its decision, the Tribunal chairperson will:
  - i. Forward a notice of the Tribunal's decision to the CEO, including details of any sanction imposed or recommended to be imposed by the Board.
  - ii. Forward a letter reconfirming the Tribunal's decision to the respondent(s), including any sanction imposed. The letter should also outline the process and grounds for an appeal, if allowed.

**1.14 Publication of Decisions**

Decisions made by the KA Tribunal are to be distributed in writing and/or email to the Complainants(s) and Member States within thirty (30) days of the conclusion of the KA Tribunal proceeding, unless special circumstances exist.

**1.15 Decisions Binding**

- (a) The parties agree that any decision of the KA Tribunal is binding;
- (b) A participant in a proceeding before the KA Tribunal, who is dissatisfied with the KA Tribunal's decision may seek Leave to Appeal in accordance with By-law B7.

**1.16 Reasonable Costs**

Any reasonable costs including legal costs incurred by the KA Tribunal or its members in defending its findings or decisions will be paid for in full by KA.

**1.17 Proper Exercise of Power**

It is a proper exercise of power for the KA Tribunal (if it so wishes) to rely on previous findings where it has previously considered an issue.

**2 KA Tribunal remedies to be exhausted**

The parties to the MOU agree that they will not become a party to any suit at law or in equity against the other parties until the remedies provided by the KA Tribunal have been exhausted.





## B9 RULE CHANGE PROCEDURES

Scheduled Reviewed Triennially or as required

Date of Board Approval 24 February 2017

Last Board Review: 11 November 2019

### INTRODUCTION

KA is the sole body empowered to make rules for the conduct of sprint karting competition in Australia.

It is the intention of the KA Board to provide stability of regulations and to restrict changes to the KA Manual and Rules to a minimum during any competition year.

As an overriding principle, unless there are issues of safety, pending force majeure, force majeure, and compliance with laws or compelling supply difficulties, rules will not generally be the subject of change at any time other than for the commencement of a competition year.

**Applications should be submitted by no later than 30 May each year.**

### DEFINITIONS

In addition to the definitions in the KA Manual, the following definitions apply to this policy:

**Industry Suppliers**

Means any of the major suppliers of karts, chassis, engines and general components used in karting competition

**Key National Officials**

Means any of the National Officials identified on the KA Organisational Structure Chart

### Applies To

The policy applies to proposals for new Rules or changes to any of the Rules in the KA Manual in the General Regulations, Competition, Technical and Competition Classes sections.

This policy does not apply to homologation, re-homologation and component evolutions.

### Objectives

To provide a clear framework for the submission of well thought out proposals for Rule changes that may improve the elements of competition in karting in Australia at any of the levels of Club, State, and National competition.

To provide stability of regulations and wherever possible to restrict sporting and technical rule changes to be made on an annual basis.

### POLICY

**New Rules and Rule Change Requests (Requests) may be made by the following people or groups:**

- Board Members
- CEO and KA Staff
- Member States
- Key National Officials
- KA Functional Committees
- Industry Suppliers

### Rule Change request Form Are To Be used

- All Requests should be made using the New Rule / Rule Change Request Form.
- All sections of the form must be completed in full.
- The precise changes requested should be identified including the supply of any technical drawing that may be required for the sake of absolute clarity and interpretation of the proposed rule.
- The reason for the Request and what the New Rule / Rule Change is meant to achieve must be clearly identified.



- All cost implication must be clearly and accurately identified including:
- any redundancy costs that may be incurred by Competitors if the Request is approved; and
- any cost savings or benefits that will occur if the Request is approved; and
- the cost of any new components for which approval is sought.

All completed Rule Change Requests from Individual members, Clubs and Member States must be submitted to the KA National Office in accordance with the A1 Process through the Member States.

Upon receipt of a completed Request, the CEO in conjunction with the appropriate National officials and members of the KA staff will give preliminary consideration to the requested change/s before submitting them to the annual rule review committee (and if deemed necessary, the functional committees ) for more detailed consideration.

- The Rule Review Committee will be tasked with evaluating the Request and whether it should be accepted as submitted, rejected or accepted in some modified format.
- A Request will only ever become a KA Rule following review, consideration and ratification by the Board.

**Requests for the following year should be submitted by no later than 30 May in any year.**

- Issues of safety, pending force majeure, force majeure, compliance with laws or compelling supply difficulties may at the discretion of the Board be dealt with on short notice.
- The Board has absolute discretion to determine and implement any Rule change or new Rule at any time in the interests of the sport of karting, including, when time is of the essence making an immediate determination without the need for further referral.

**Related Policies**

- Homologation Policy

**Other Links and References**

- Rule Change Request Form



## B10 HOMOLOGATION PROCEDURES

Scheduled Reviewed Triennially or as required

Date of Board Approval

2 December 2014

Updated: 11 November 2019

### DEFINITIONS

In addition to the definitions in the KA National Competition Rules, the following definitions apply to this Policy:

#### **Approval Process**

Means the process by which a Component and/or Homologated Component becomes Approved.

#### **Approved**

Means that the Component, following evaluation and where considered necessary, Homologation by KA or CIK-FIA is approved for use in any KA Authorised Activities. Approval shall have the same meaning.

#### **CIK Homologated Engine**

Means an Engine that has a current CIK-FIA Homologation number, with the corresponding CIK-FIA Homologation technical documentation. These engines do not require a separate KA Homologation but must be Approved by KA before use in any KA Authorised Activities.

#### **Component**

Means an item that is used on a Kart in Competition. By way of example only, and not limited to the following, a Component may be an engine, chassis, ignition, wheel, brakes (either whole or individual components), clutch, carburettor, tyre.

#### **Evolutionary Component**

Means a Component that is an evolution of a Component used in either a KA Homologated Engine, CIK-FIA Homologated Engine or Chassis that is used in any KA Authorised Activities.

#### **Importer**

Means an individual or body corporate that is the authorised Australian Importer of the Component that is the subject of the Homologation and/or Approval application.

#### **Manufacturer**

Means the bonafide Manufacturer of the Component to be Homologated and/or Approved.

#### **Model of Component**

Applies to any identical Chassis, engine and tyres from a production series distinguishable by a determined design and general external outline, conforming to the same mechanical design. The characteristic defining a Model of Component is determined by similar objects which may be reproduced.

#### **Production Samples**

Means an identical sample of the Component, which is the subject of the Homologation and/or Approval application that will be retained by KA for examination and reference in the matter of future technical compliance. They shall be provided to KA at no cost and will become the property of KA.

### HOMOLOGATION PROCESS

The **Homologation process** is the official assessment made by KA that a Component has been built to a requisite technical specification as prescribed by KA and meets the requirements specified by KA. The Homologation Document comprehensively details the technical specifications of the Component.

The Homologation of a Component is only valid in the group and/or Classes for which it is specified, and for the period indicated on the Homologation form.

A key consideration in the Homologation of any Component is that it must be in the best interests of karting in Australia and complementary to the future direction of karting. Such consideration will be directed by KA.

For a Homologation application to be able to be submitted to KA, it must:

- come in a completed form; and
- be on the condition that the Manufacturer and/or Importer has made a statement specifying they will comply with the specifications and requirements of the Rules on the form attached to this Policy and Process.

A completed application can only be submitted to KA by the bona fide Importer or Manufacturer of the Component.

Other than at the absolute discretion of KA or on the grounds of safety, the commencement of use of a newly homologated component and/or an Evolutionary Component in KA authorised activities including Competition, racing, practice, private practice or social karting activities (the “KA Authorised Activities”) will not generally be in the same year in which the Homologation of such Component/s took place.

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## APPLIES TO

The process applies to proposals for the Homologation of new and evolutionary Components for use in karting in Australia.

This process (other than for and evolution of a Component) does not apply to any Homologations and/or registrations which have either been applied for or previously approved by the AKA and which are current.

This process only applies to a Homologation application and an evolutionary upgrade which is received after the date this Policy and Process was first approved by the Board.

Homologation of a Component by KA does not imply that the Component will automatically be approved for used in KA Authorised Activities. The Component must be specifically Approved by KA for use in KA Authorised Activities prior to its first use in any KA Authorised Activities. KA at its sole discretion may determine the implementation date/s for use in KA Authorised Activities for all Components which will not generally be in the same year in which the approval for use has been sought.

Homologation of a Component by the CIK-FIA for use, does not imply that the Component is able to be automatically used in KA Authorised Activities. Any such Component must be Approved by KA for use prior to its first use in any KA Authorised Activities. KA at its sole discretion may determine the implementation date/s for use in KA Authorised Activities for all Components.

Final Homologation must be approved by the CEO on behalf of the Board and be promulgated prior to a Component being permitted for use in any KA Authorised Activity.

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## OBJECTIVES

To provide a clear framework for the submission of Components that a Manufacturer or Importer wish to have considered for use in karting Competition in Australia at any of the levels of Club, State, and National Competition.

### Homologation and/or Approval Criteria

There are three (3) main types of Homologation and/or Approval which are facilitated by KA, these being Homologation and/or Approval of Components which:

- Are not Homologated by the CIK-FIA but which must be Homologated and Approved by KA; or
- Have been Homologated by the CIK-FIA but which require Approval by KA prior to their use in karting Competition in Australia.
- Do not need to be Homologated, but which require Approval by KA prior to their use in karting Competition in Australia.

The requirements for Homologation and Approval of a Model of Component, regardless of if it has been Homologated by the CIK-FIA is mandatory and will be in accordance with this Policy and Process.

Each supplier of a Component, be they the Manufacturer and/or the Importer, must execute a written statement which will form part of the Homologation and/or process. It must be signed by the person(s) able to bind the company by Law. E.g: Director, CEO.

In so doing, the Manufacturer and/or Importer undertakes to comply with the prescriptions of the ISC, the Rules and all policies and procedures of KA. Should it be determined, at the absolute discretion of KA, that these requirements have not been complied with; KA may deem the Homologation or Approval application null and void. In such circumstances, all fees paid in accordance with this Component Homologation Policy and Procedure will be non-refundable.

## Homologation and Approval of a Component

For Homologation and Approval of a Component, the Manufacturer and/or Importer will be required to supply:

1. A fully completed Homologation Application form; and
2. A fully completed National Homologation form providing full details of the item for which Homologation is being sought; and
3. A fully completed Acceptance of Rules form; and
4. A fully completed Competition Approval form; and
5. Production certificates confirming the minimum identical number of components available for commercial sale; and
6. At least two (2) Production Samples of the Component for which Homologation is being sought; and
7. At least nine (9) sets of all gauges, electronic checking devices and scrutineering equipment specific to the Component so as to allow the Component to be examined and scrutinised for compliance with the specifications detailed on the National Homologation form for the Component.

**The Components indicated in Appendix 1 require Homologation for use in Competition. Other items may be added to the list of Components requiring Homologation from time to time.**

For all engines the Model definition applies to the following elements:

- Stroke and Bore;
- Orientation of the reed box (vertical or horizontal);
- Number of transfer ducts;
- Presence of a power valve;
- Complete cylinder (barrel and liner).

## Approval of a Component

For Approval of a Component, the Manufacturer and/or Importer will be required to supply:

- A fully completed Approval Application form; and
- A fully completed Acceptance of Rules form; and
- Production certificates confirming the minimum identical number of components available for commercial sale; and
- Two (2) Production Samples of the Component for which Approval is being sought; and
- If considered necessary by KA, nine (9) sets of all gauges, electronic checking devices and scrutineering equipment specific to the Component to allow the Component to be examined and scrutinised for compliance with the specifications detailed on the Approval Application form for the Component.

## Homologation and Approval Steps

1. Homologation Application and Fee must be received by KA
2. Completed National Homologation form in hard copy and electronic forms
3. The CEO gives preliminary consideration as to whether it is desirable to accept and consider the component for Homologation
4. The Manufacturer of the Component is to provide the two (2) Homologation samples of the Component to KA.
5. The National Technical Commissioner is to inspect sample against Homologation Document that is submitted with the Application. They are entitled to seek additional advice from any source, including the KA Technical Committee that in conjunction with the CEO is deemed appropriate.
6. The National Technical Commissioner, following all investigations and reviews that they consider necessary will make a recommendation to the CEO that the Component:
  - a) Should be Homologated; or
  - b) that the Homologation Application should be modified; or
  - c) that the Homologation Application should be rejected.
7. The CEO will advise the Board accordingly and unless the Board has delegated the Homologation responsibility to the CEO, the Board will be required to approve or reject the Homologation. The CEO will advise the Manufacturer and/or Importer of the outcome.

## Homologation and Approval Fees

KA will determine the fees payable on an annual basis.



- Application Fee
- Payment of Expenses relating to Homologation and/or Approval evaluation
- Approval Fee

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#### **HOMOLOGATION AMENDMENTS & VALIDITY**

- The Homologation of a component will be valid for a period of six (6) years.
- Evolutions of a Homologation will be accepted no more frequently, than every two (2) years, or in exceptional circumstances, as determined by the CEO, less than 2 years.
- Other than on the grounds of safety as determined by KA, Evolutions of a Homologation must be completed by no later than 1 October of any year for implementation no sooner than the following year.
- Amendments may be made to a Homologation of the basis of safety at any time during the Homologation term, however always with the approval of KA.

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#### **Approval Steps**

1. Approval Application and Fee must be received by KA
2. Completed Application form in electronic form
3. KA to inspect sample against Approval Document
4. National Technical Commissioner Recommendation to CEO
5. CEO approves or rejects the Recommendation or refers it to the Board for further consideration.
6. Manufacturer and/or Importer advised of outcome

#### **Approval Fees**

KA will determine the fees payable on an annual basis.

- Application Fee
- Payment of Expenses relating to Approval evaluation
- Approval Fee

#### **Approval Amendments & Validity**

The Approval of a component will be valid for a period of six (6) years.

Amendments may be made to an Approval of the basis of safety at any time during the Approval term, however always with the approval of KA.

#### **The Components indicated in Appendix 1 require Approval for use in Competition.**

Any other Component which is not indicated in the table above, may be required to complete the Approval process at the absolute discretion of KA.

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#### **Testing / Validation**

The National Technical Commissioner under the direction of the CEO and or the Director – Technical shall conduct the evaluation of the Component to determine the specification of the Component against the documents supplied to make a recommendation to the Board as to whether or not the Component should be Homologated and/or Approved.

#### **Compliance Costs**

All costs associated with the development and/or procurement of scrutiny equipment to check compliance with the Rules will be at the cost of the Manufacturer and/or Importer. This shall include, but not be limited to one (1) set of equipment per state/ territory plus one (1) set to be retained by KA.

#### **Related Policies**

- Request For Rule Change Policy

#### **Other References**

- Homologation Application
- Approval Application
- Acceptance of Rules Form
- National Homologation Form - Engine
- National Homologation Form – Chassis
- Sample National Homologation Form – Engine

## B11 NATIONAL INFRASTRUCTURE DEVELOPMENT FUND

Scheduled Reviewed Triennially or as required

Date of Board Approval

28 November 2022

Updated: 25 November 2024

### BACKGROUND

The origins of the Infrastructure Development Fund stem from the Track Development Fund that was established in 1994.

The original concept, intent and principles under which the Fund operated from its inception and that are recorded in the Minutes of the 1994 AKA Inc Annual Conference, are as relevant today, more than a quarter of a century later as they were at the time of the Fund's inception.

*“The concept of the Trust Fund is that each and every competitor makes a VERY SMALL contribution to the building of karting facilities each time they use a facility. For the system to work effectively in the shortest possible times, from inception, the following criteria are required:*

- *Large contribution base*
- *Low cost to the competitor*
- *Utilisation of available funds*

*Because of these criteria the system will not be as effective if it is undertaken on a State-by-State basis.*

*The system must be considered as a national system where each and every Karter contributes equally to the construction of new and upgrading of existing facilities.”*

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### 1. PURPOSE OF THE FUND

The National Infrastructure Development Fund (**Infrastructure Development Fund**) has been established to provide funding assistance to Australian Karting Association Ltd.'s (**“Karting Australia”** or **“KA”**) Member States (**“States”**); and through them to the affiliated Clubs (**“Clubs”**); assisting them to partner with local stakeholders to improve karting facilities and facilitate increased participation in the sport of karting in Australia.

### 2. OBJECTIVES OF THE FUND

The objectives of the Infrastructure Development Fund are:

- a. To assist States and Clubs to develop quality, sustainable karting facilities.
- b. To ensure a strong community base for karting at all levels.
- c. To create quality and safe environments that increase karting participation.
- d. To assist States and Clubs in securing or leveraging a financial commitment and support from the various levels of government, other sport user groups, sponsors, local community and business organisations, and/or other strategic partners to contribute towards funding the development or upgrade of karting facilities.
- e. To reduce State and Club application costs/efforts by providing an application form that will generally satisfy the submission requirements of other funding bodies including Governments at various levels.

### 3. STRUCTURE OF THE FUND

Karting Australia has established the Fund with the following structure:

- a. Karting Australia is the Manager and Operator of the Infrastructure Development Fund;
- b. The Fund will be operated and protected within the terms and conditions of the Karting Australia's Bylaws;
- c. The Fund will be operated for the benefit of all Australian States and Territories and their respective Clubs;
- d. The capital and income of the Infrastructure Development Fund is held by Karting Australia on behalf of the Fund;
- e. The source of capital funds for the making of loans:
  - i. Funds transferred by TDF beneficiaries to KA for use by the Fund;
  - ii. Future Driver levies;
  - iii. Interest from investments;
  - iv. Bequeaths and philanthropic donations.
- f. A separate interest-bearing bank account will be opened in the name of **Karting Australia Infrastructure Development Fund**;
- g. Karting Australia will determine the investment strategy of the Fund from time to time but will generally take a conservative approach to investments;
- h. The Fund will be shown as an asset on the KA balance sheet.

### 4. PROCESS OVERVIEW

- a. Karting Australia will assess applications from State's and Club's (together with their affiliated State as required under the Bylaws) for funding under this program and will notify the applicant(s) of the outcome.
- b. Karting Australia will assess the merit of each application based on the assessment criteria within these guidelines.

### 5. FUND RULES AND ELIGIBILITY CRITERIA

#### 5.1 Who Can Apply?

Applications can be made by Affiliated State Association's and/or Affiliated Clubs (with the support of their State Association) provided that:

- a. The applicants do not have any overdue amounts, levies or debts owed to Karting Australia and/or the State Association; and
- b. The applicants are in compliance with Karting Australia's Rules, Affiliation Requirements, Regulations, Policies and Procedures; and
- c. The applicants must have achieved Karting Australia Risk Management (KARM) Basic Accreditation; and
- d. The applicants are considered by Karting Australia to be of good standing within the sport.

#### 5.2 Eligible and Ineligible Projects

Karting Australia, as Manager and Operator of the fund will be focused on supporting projects that are aligned to the purpose and objectives of the fund.

### 5.2.1 Eligible Projects

Eligible projects include, but are not limited to:

- a. Circuit safety improvements (not maintenance) for example (but not limited to) replacement of wood chips with gravel catch traps;
- b. Development of new karting tracks where appropriate;
- c. Amenities including toilets, change rooms, showers, clubrooms and parking facilities;
- d. Viewing facilities, fencing, audio and visual technology;
- e. Grid structures, scrutineering and technical facilities;
- f. Track re-surfacing and upgrades;
- g. Shade structures;
- h. Flood lighting installations or upgrades.

### 5.2.2 Ineligible Projects

Ineligible projects include, but are not limited to:

- a. General maintenance;
- b. Projects that require ongoing funding assistance;
- c. Requests for ongoing assistance with operational cost;
- d. Related to routine or cyclical maintenance works;
- e. Purchase and/or lease of tools;
- f. Equipment finance.

Note: Clubs will need to discuss their proposals with their State Association and obtain their support.

### 5.3 Levels of Funding Assistance

- a. As the fund has been established to assist States and Clubs to improve karting facilities, it is expected that additional financial contributions to the project will be provided outside of the Infrastructure Development Fund by either the Club, State or other third parties.
- b. As a guiding principle, the Fund may support applications up to a maximum of 80% of the project costs. The normal maximum level of funding provided to a Club through the Infrastructure Development Fund will generally be capped at \$140,000.00.

### 5.4 Timelines

- a. Applications for funding are open year-round.
- b. Provided applications are received in the fully completed form and substance outlined within these guidelines, Karting Australia will endeavour to assess applications within 8 weeks.

### 5.5 Conditions of Funding

- a. **No Retrospective Funding:** Funding requests must not be retrospective. Projects must commence only after the Club/State has submitted the loan application to KA.
- b. **Use of Funds:** Infrastructure Development Funds must be allocated exclusively to the specified project.
- c. **Disbursement Methods:** Funds may be disbursed in progressive instalments, as a lump sum payment, or directly to contractors, in accordance with agreed terms and conditions.
- d. **Capital Expenditure Only:** Funding requests must be for capital expenditures only.
- e. **Financial Standing:** Applicants must have no outstanding amounts, levies, or debts owed to KA or their State Association.

- f. **Standard Deed of Loan:** Successful applicants must enter into a Deed of Loan provided by Karting Australia, outlining all funding conditions and obligations.
- g. **Loan Agreement Requirement:** Applicants will formalise the funding arrangement by signing the Deed of Loan with KA.
- h. **Ongoing Collaboration:** The Club must collaborate with KA from the planning stage through to project completion, ensuring consistent engagement and compliance with KA requirements, including final approval of Circuit works.
- i. **Project Manager Designation:** A senior representative from the State or Club must be appointed as the Project Manager responsible for liaising with KA.
- j. **Approval for Works:** Clubs must seek approval for works in accordance with the KA Circuit Extension and Changes Policy.
- k. **Completion Certification:** Upon project completion, the senior representative must submit a certificate of completion to KA, confirming all work is finalised.

## 5.6 Lodgment of Applications

Applications are to be submitted to CEO Karting Australia via Email: [admin@karting.net.au](mailto:admin@karting.net.au)

## 6. ASSESSMENT CRITERIA

Applications will be assessed against the following criteria:

### a) What will the project achieve?

Demonstrate the extent to which the project improves the karting facility and will lead to an increase in participation in karting at the Club.

### b) Why is the project required?

Demonstrate the extent to which the project:

- Responds to identified needs and issues of the State/Club.
- Is supported strategically by the Club business plan.
- Is supported by government (if at all.)

### c) Who will be involved in the project?

Demonstrate the extent to which the State/Club:

- Have consulted and collaborated with a variety of stakeholders (may include the local council, other clubs, community groups, local businesses) as appropriate.
- Will be managed by an appropriate team.
- Has engaged with KA under the Circuit Extension and Changes Policy

### d) How will the project be achieved?

Demonstrate the extent to which the State/Club clearly identifies the project scope, cash flow and timelines.

## 7. FURTHER INFORMATION

For further information in relation to the Infrastructure Development Fund and/or the process for applying for a loan, please contact Karting Australia CEO at [admin@karting.net.au](mailto:admin@karting.net.au)



## B12 KARTING AUSTRALIA LIFE MEMBERSHIP, HONORS AND AWARDS

Scheduled Reviewed Triennially or as required

Date of Board Approval 20 December 2023

### Introduction

By establishing a relevant Honors and Awards program, Karting Australia not only immortalises our unsung heroes, but also fosters a greater sense of pride and camaraderie in the Australian Karting community. It is an integral component in the Karting Australia 'Volunteer Management Framework' and 'Strategic Plan'.

This Bylaw sets out the criteria and nomination requirements for the four highest honours bestowed by Karting Australia: Life Membership, the Lifetime Achievement Award, the Impact On Karting Award and Service Awards.

Recognising the exceptional commitment, leadership, and passion that individuals have demonstrated in their contribution to Australian karting. These awards represent the pinnacle of acknowledgement from Karting Australia.

**Life Membership** is awarded by the Member States upon recommendation of the Board to individuals whose accomplishments in karting signify exceptional leadership, commitment, and passion. Recipients of this honour have significantly enhanced the value and standing of Australian karting. Nominations are evaluated on stringent criteria, which ensures that this prestigious award is reserved for those who have truly made an indelible mark on the sport.

**Karting Australia Lifetime Achievement Award** recognises those who have reached the pinnacle of recognition in karting on a national basis. This award serves to acknowledge outstanding contributions to the sport, including exceptional achievements, notable innovations, or significant advancements in the field.

**Karting Australia Impact On Karting Award** recognises those whose achievements in karting have been an outstanding individual contribution, and demonstrated leadership, commitment and passion which has added greatly to the value and stature of Australian karting on a state and/or national basis.

**Karting Australia Service Award** is conferred upon a member who has demonstrated diligent service at the national level over specified periods of time. Nominees for this award must have consistently been involved in national level karting officiating, events, or activities for a minimum of five (5) years. These individuals are characterised by a high level of dedication and made an unwavering commitment to the sport making them deserving of this acknowledgment.

These Awards and Honors form an essential part of our commitment to recognising and honouring the efforts of those who devote themselves to the growth and elevation of karting in Australia. It is our belief that such recognition motivates and inspires both the awardees and their peers, fostering a culture of excellence and achievement within the Karting Australia community.

Recognising excellence, length, and quality of service within the sport is crucial, as it instils a culture of striving for the best, thereby uplifting the overall standard of Australian Karting.

## CRITERIA, NOMINATION REQUIREMENTS AND PROCEDURES FOR AWARDING:

### LIFE MEMBERSHIP OF KARTING AUSTRALIA

Life Membership represents a prestigious recognition bestowed upon those individuals who are of good standing and have demonstrated an exceptional degree of dedication and service to karting in Australia and Karting Australia. The rigorous selection process and evaluation standards guarantee that this distinguished honour is conferred solely upon the most meritorious members of the Karting Australia fraternity.

#### Criteria for Life Membership

1. **Service Duration:** The nominee must have been actively involved in karting in Australia for at least **8 years**, demonstrating sustained and significant service to the karting community.
2. **Contribution:** The nominee must have made a positive, and enduring impact on the sport. This could be at the local, regional, or national level.
3. **Integrity:** The nominee must have always acted with honesty and integrity, upholding the values of Karting Australia, and never having been found guilty of a severe violation of the rules or code of conduct.
4. **Innovation:** The nominee has shown consistent dedication towards the growth, development, or enhancement of karting in Australia.
5. **Leadership:** The nominee has shown exemplary leadership and has acted as a role model to others within the karting community.

#### Nomination Requirements

1. Nominations can be made by any Director, the CEO, any existing member of Karting Australia, including Individual Members and Life Members.
2. Nominations must be submitted in writing using the online form to the Karting Australia Board of Directors and should include a detailed account of the nominee's service and contributions to karting.
3. Nominations should include evidence of the nominee's contributions, which might be in the form of CMC/KOMP records, newspaper articles, photographs, testimonies, or other relevant documents.
4. Nominations should be seconded by at least two other members of Karting Australia.
5. Nominations must be received by the Board at least three months prior to the Annual General Meeting of Karting Australia.

#### Procedure for Awarding Life Membership

1. The Karting Australia Board of Directors reviews all nominations.
2. Each nomination is evaluated against the established criteria. The Board will contact the referees for more information if required.
3. The Board will vote on each nominee. A nominee must receive votes from at least two-thirds of the Board to be recommended to the Member States to be granted life membership.
4. The list of recommended nominees will be brought before the next Annual General Meeting of Karting Australia.
5. The Member States will vote on each recommended nominee. A recommended nominee must receive votes from at least 51% of the Member States to be granted life membership.
6. Successful nominees will be notified by the Board and invited to the annual Karting Australia Awards ceremony where they will be officially awarded their life membership.
7. The decision of the Board is final, and no discussions regarding the decision will be entered into post-judgement.

## CRITERIA, NOMINATION REQUIREMENTS AND PROCEDURES FOR AWARDING:

### KARTING AUSTRALIA LIFETIME ACHIEVEMENT AWARD

The Karting Australia Lifetime Achievement Award represents the pinnacle of recognition any individual can receive from Karting Australia. There is a strict limit of no more than one (1) Lifetime Achievement Award to be bestowed annually. The Board is responsible for granting this Honor in acknowledgement of an individual's exceptional contribution and longstanding service towards the growth and management of Australian karting on a national scale.

Nominees worthy of this prestigious award must be of good standing, have a history of extensive service, evidence of notable accomplishments at the highest echelons, and a distinct and surpassing contribution to the sport of karting.

#### Criteria for the Lifetime Achievement Award

1. **Service Duration:** The nominee must have been actively involved in karting in Australia for at least twelve (12) years, demonstrating sustained and outstanding service to the karting community.
2. **Contribution:** The nominee must have made a profound, positive, and enduring impact on the sport. This must be at the national level.
3. **Integrity:** The nominee must have always acted with honesty and integrity, upholding the values of Karting Australia, and never having been found guilty of a severe violation of the rules or code of conduct.
4. **Innovation:** The nominee has shown consistent dedication towards the growth, development, or enhancement of karting in Australia.
5. **Leadership:** The nominee has shown exemplary leadership and has acted as a role model to others within the karting community.

#### Nomination Requirements

1. Nominations can be made by any Director, the CEO, any existing member of Karting Australia, including Individual Members and Life Members.
2. Nominations must be submitted in writing using the online form to the Karting Australia Board of Directors and should include a detailed account of the nominee's service and contributions to karting.
3. Nominations should include evidence of the nominee's contributions, which might be in the form of CMC/KOMP records, newspaper articles, photographs, testimonies, etc.
4. Nominations should be seconded by at least two other members of Karting Australia.
5. Nominations must be received by the Board by no later than 28 February in the year that the award will be made.

#### Procedure for Awarding the Lifetime Achievement Award

1. The Karting Australia Board of Directors reviews all nominations.
2. Each nomination is evaluated against the established criteria. The Board will contact the referees for more information if required.
3. The Board will vote on each nominee. A nominee must receive votes from at least two-thirds of the Board to be granted the Award Of Merit.
4. Successful nominee will be notified by the Board and invited to the annual Karting Australia Awards ceremony where they will be officially awarded the Lifetime Achievement Award.
5. The decision of the Board is final, and no discussions regarding the decision will be entered into post-judgment.

## CRITERIA, NOMINATION REQUIREMENTS AND PROCEDURES FOR AWARDING:

### KARTING AUSTRALIA IMPACT ON KARTING AWARD

The Karting Australia Impact on Karting Award will be awarded by the Board to a person or persons who is of good standing and whose achievements in karting have demonstrated leadership, commitment and passion which has added greatly to the value and stature of Australian karting. It is awarded by the Board for outstanding individual contribution and duration of service to the development and administration of Australian karting, on a state and/or national basis.

Nominees worthy of this award must have showcased considerable positive impact on karting, a longstanding dedication to service, significant accomplishments at either State or National levels, and contributions to karting that are remarkably superior to others.

#### Criteria for the Impact On Karting Award

1. **Service Duration:** The nominee may have been actively involved in karting in Australia for at least ten **(10) years**, demonstrating sustained and significant service to the karting community.
2. **Contribution:** The nominee must have made a significant, positive, and enduring impact on the sport on a state and/or national basis.
3. **Integrity:** The nominee must have always acted with honesty and integrity, upholding the values of Karting Australia, and never having been found guilty of a severe violation of the rules or code of conduct.
4. **Innovation:** The nominee has shown consistent dedication towards the growth, development, or enhancement of karting in Australia.
5. **Leadership:** The nominee has shown exemplary leadership and has acted as a role model to others within the karting community.

#### Nomination Requirements

1. Nominations can be made by any Director, the CEO, any existing member of Karting Australia, including Individual Members and Life Members.
2. Nominations must be submitted in writing using the online form to the Karting Australia Board of Directors and should include a detailed account of the nominee's service and contributions to karting.
3. Nominations should include evidence of the nominee's contributions, which might be in the form of CMC/KOMP records, newspaper articles, photographs, testimonies, etc.
4. Nominations should be seconded by at least two other members of Karting Australia.
5. Nominations must be received by the Board by no later than 28 February in the year that the award will be made.

#### Procedure for Awarding the Impact on Karting Award

1. The Karting Australia Board of Directors reviews all nominations.
2. Each nomination is evaluated against the established criteria. The Board will contact the referees for more information if required.
3. The Board will vote on each nominee. A nominee must receive votes from at least two-thirds of the Board to be granted the Impact on Karting Award.
4. Successful nominee will be notified by the Board and invited to the annual Karting Australia Awards ceremony where they will be officially awarded the Award Of Merit.
5. The decision of the Board is final, and no discussions regarding the decision will be entered into post-judgement.

## CRITERIA, NOMINATION REQUIREMENTS AND PROCEDURES FOR AWARDING:

### KARTING AUSTRALIA SERVICE AWARD

The Karting Australia Service Award is awarded for service to Australian Karting at the National Level.

A nominee for the KA Service Award must be a member of good standing who has demonstrated diligent service to the sport by being involved in National Level Karting officiating, events and/or activities on a continual basis and by the display of a high level of dedication to the sport over designated periods of time.

To be made at 5-year increments, starting at 5 years, then 10 years, 15 years, 20 years and 25 years.

#### Criteria for Service Award

1. **Service Duration:** The nominee should have been actively involved in karting in Australia for at least:
  - 5 years for 5 Year Award;
  - 10 years for the 10 Year Award;
  - 15 years for the 15 Year Award;
  - 20 years for the 20 Year Award;
  - 25 years for the 25 Year Award.and have demonstrated sustained and significant service to the karting community.
2. **Contribution:** The nominee must have made a positive impact on the sport at the national level.
3. **Integrity:** The nominee must have always acted with honesty and integrity, upholding the values of Karting Australia, and never having been found guilty of a severe violation of the rules or code of conduct.
4. **Innovation:** The nominee has shown consistent dedication towards the growth, development, or enhancement of karting in Australia.
5. **Leadership:** The nominee has shown leadership and has acted as a role model to others within the karting community.

#### Nomination Requirements

1. Nominations can be made by the CEO, and any existing member of Karting Australia, including Individual Members and Life Members.
2. Nominations must be submitted in writing using the online form to the Karting Australia Board of Directors and should include a detailed account of the nominee's service to karting at the National level and evidence of achievement of the nominee's service duration which should include CMS/KOMP and may include records, newspaper articles, photographs, testimonies, etc.
3. Nominations must be received by the Board by no later than 28 February in the year that the award will be made.

#### Procedure for Awarding the Service Award

1. The Karting Australia Board of Directors reviews all nominations.
2. Each nomination is evaluated against the established criteria.
3. The Board will vote on each nominee. A nominee must receive votes from at least two-thirds of the Board to be granted the Service Award.
4. The decision of the Board is final, and no discussions regarding the decision will be entered into post-judgement.

#### State Service Awards

State Associations are recommended to follow the same criteria, nomination requirements and procedures with Nominations being considered by each State Executive.



## POLICIES

P1-12	INTEGRITY POLICIES
P13	LICENCE PHOTOGRAPH REQUIREMENTS
P15-19	SAFETY AND RISK MANAGEMENT POLICIES
P21	CIRCUITS
P24-30	OFFICIALS
P33-36	RACING
P40-41	GENERAL
P42	COMPETITION FIXING
P45	ANTI-DOPING
P43	GIRLS RACE TOO
P14,20,22,23, 32, 36, 37, 38, 39, 44	DELIBERATELY BLANK

## P1 KARTING AUSTRALIA INTEGRITY FRAMEWORK ('KIF')

Scheduled Reviewed Triennially or as required

Date of Board Approval

19 September 2022

Last Board Review: 19 September 2022

### 1. Background

#### 1.1 Introduction

- a. Karting Australia Integrity Framework applies to all Activities organised or authorised by Australian Karting Association Ltd (**KA**) or a Member Organisation and will be adopted in full by each Karting Member Organisation.
- b. Sports integrity means the manifestation of the ethics and values that promote community confidence in sport. Threats to the integrity of sport includes the:
  - i. manipulation of sporting competitions;
  - ii. improper use of drugs and medicine in sport;
  - iii. abuse of children and other persons in a sporting environment; and
  - iv. failure to protect Members and other persons in a sporting environment, from bullying, intimidation, discrimination, or harassment.
- c. KA seeks to take a proactive approach to mitigate the integrity threats to Karting in Australia and to provide a safe, fair, and trustworthy environment for all Participants at all levels of Karting.
- d. The KA Integrity Framework is one of KA's responses to the threats to the integrity of Karting and sets out the broad expectations for the conduct of all Participants in Karting, including procedures for managing, reporting, investigating, and determining potential breaches of its Integrity Policies.

#### 1.2 Definitions

Defined terms not otherwise defined in this Policy have been defined in and have the meaning given to them, in the KA "Australian Karting Manual - National Competition Rules" (**NCR**) and the KA Constitution. In the KA Integrity Framework, the following words have the corresponding meaning:

**Activity** means any sanctioned Karting Competition or Karting Activity that is required to be conducted under an Organising Permit issued by KA or a Member Organisation in accordance with the NCR, or a related activity including but not limited to a social activity, working bee, promotional activity, and the like, organised by a Relevant Organisation.

**Administrators** – see 'Participant'.

**Authorised Provider** – see 'Relevant Organisation'.

**Board** means the Board of KA.

**CEO** means the chief executive officer of KA as appointed from time to time.

**Child** or **Children** means a child or young person, or two or more children or young persons, who is or are under the age of 18 years.

**Club** – see 'Relevant Organisation'.

**Coach** – see 'Participant'.

**Contractor** means any person or organisation engaged to provide services for or on behalf of KA or a Member Organisation, and includes agents, advisers, and subcontractors of KA or a Member Organisation and employees, officers, volunteers, and agents of a contractor or subcontractor.

**Circuit** – see ‘NCR’s’.

**Complaints and Discipline of Members By-law** means the By-law adopted by KA under this Framework, for the handling and resolution of Complaints and the application of Discipline regarding Prohibited Conduct.

**Disciplinary Measures** means any Provisional Action taken or Sanction imposed under the KA Complaints and Discipline of Members Bylaw, as defined in that Bylaw.

**Driver** – see ‘Participant’.

**Employee** means a person employed by KA or a Member Organisation.

**Framework** means this KA Integrity Framework document, including any schedules and annexures ‘KIF’ shall have the same meaning.

**Integrity Policy** means the following KA sports integrity-related policies adopted under this Framework:

- a. This Framework document;
- b. Child Safeguarding Policy;
- c. Member Protection Policy;
- d. Complaints and Discipline of Members By-law (By-law7);
- e. KA Tribunals (By-law 8);
- f. Competition Manipulation and Sports Wagering Policy; and
- g. Improper Use of Drugs and Medicine Policy

**Individual Member** – see ‘Member’.

**Integrity Unit** means KA’s Integrity Unit, as established under this policy.

**Karting Activity** – see ‘NCR’s’.

**Karting** means the sport of Karting, as governed by KA under the delegated authority from the Confederation of Australian Motorsport (**Motorsport Australia**) and the Fédération Internationale de ‘Automobile (**FIA**).

**Karting Facility** means a facility at which a Karting Competition and/or Karting Activity takes place.

**Karting Organisation** – see ‘Relevant Organisation’.

**Licence Holder** – see ‘NCR’s’.

**Member** means a member of KA or a Member Organisation under clause 5 of KA’s constitution, including:

- a. Member State means a legal entity recognised by KA as representing the state;
- b. Club means a club or association admitted as a Member to KA;

- c. Individual Members means a person to whom a Licence has been issued and/or any other person nominated by KA who accordingly has been admitted to KA as an individual member;
- d. Affiliate Member, means a body with similar and/or aligned interests to KA (but not including a Club or association registered with a Member State);
- e. Life Member means a person admitted to KA as a life member.

**Member Organisations – see ‘Member’.**

**National Complaints Officer** means the person responsible for receiving complaints under this Framework to be managed by a review process under the Complaints and Discipline of Members By-law.

**National Integrity Manager** means the person responsible for KA’s Integrity Unit and for the implementation, management, reporting and review of this Framework.

**Officials – see ‘Participant’.**

**Participant** means:

- a. **Driver** - see ‘NCR’s’;
- b. **Coach** is a person who is recognised and/or accredited by KA or a Member Organisation to train a Driver to Compete in a sanctioned Karting Competition or to participate in a Karting Activity including but not limited to training and/or practice. Instructor shall have the same meaning;
- c. **Administrator** is a person who has a role in the administration or operation of KA, a Karting Organisation, Circuit or Karting Facility including owners, directors, committee members or other persons;
- d. **Official** – see ‘NCR’s’;
- e. **Licence Holder** – see ‘NCR’s’;
- f. **Organiser** – see ‘NCR’s’;
- g. **Support Personnel** who are appointed in a professional or voluntary capacity by a Karting Organisation, KA, or competition, series, club, or team sanctioned by KA including but not limited to karting industry personnel.

**Prohibited Conduct** means the conduct proscribed by this Framework and the Integrity Policies.

**Relevant Organisation** means any of the following organisations:

- a. **KA**;
- b. **Member Organisation** – see ‘Member’;
- c. **Karting Organisation**, which means and includes:
  - i. **Member Organisation** - see ‘Member’;
  - ii. **Clubs** - see ‘Member’;
  - iii. **Authorised Provider**, which means any non-Member organisations including but not limited to service providers and suppliers, authorised to conduct Karting Activities sanctioned by KA or a Karting Organisation;
- d. **Team** means a collection of Drivers who Compete in a Competition and/or who participate in a Karting Activity; and
- e. Any other organisation who has agreed to be bound by this Framework/the Integrity Policies.

**Relevant Person** means any of the following persons:

- a. **Licence Holder** – see ‘Member’

- b. **Individual Member** – see ‘Member’;
- c. **Participant** – see ‘Member’;
- d. **Employee**;
- e. **Contractor**;
- f. **Volunteer**, which means any person engaged by KA or a Karting Organisation in any capacity who is not otherwise an Employee or Contractor, including directors and office holders, coaches, driving instructors, officials, administrators, and support personnel including team mechanics and pit crew; and
- g. Any other individual who has agreed to be bound by this Framework/the Integrity Policies.

**Support Personnel** – see ‘Participant’.

**Team** – see ‘Relevant Organisation’.

**Volunteer** – see ‘Relevant Person’.

## 2. Jurisdiction

### 2.1 Who the Framework applies to

- a. This Framework applies to and binds all Relevant Persons and Relevant Organisations as set out in the Integrity Policies.
- b. Employees are expected to abide by the terms of this Framework as a reasonable and lawful direction of KA or the Karting Organisation they are employed by (as relevant) as their employer.
- c. KA and Karting Organisations must ensure that all Contractors and Volunteers are contractually bound to abide by the terms of this Framework.
- d. By participating in an Activity, a Participant is deemed to have agreed to be bound by the Framework.
- e. Any person or organisation who:
  - i. has had a complaint made against them under the Complaints and Discipline Policy; and
  - ii. was bound by the Framework at the time the complaint was made or when they became aware that a complaint may be made;
  - iii. would, for any reason, otherwise have ceased to be bound by this Framework at any time after the complaint was made or when they became aware that the complaint may be made.
- f. Remains bound by the Framework in respect of the complaint and any related complaint until the complaints process has been finalised in accordance with the Complaints and Discipline of Members By-law.

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## 3. Scope

### 3.1 Scope

- a. The KA Integrity Framework comprises this Framework document and the **Integrity Policies**.
- b. Nothing in this Framework limits the rights or obligations of any person under any other KA policy, code of conduct or other relevant agreement.
- c. This Framework does not override or limit the application of any laws of Australia or a state/territory.
- d. The 'Summary' at the start of each Integrity Policy is not intended to be and should not be construed in any way as a complete and comprehensive overview of the relevant Integrity Policy. To the extent of any inconsistency, the operative provisions of the relevant Integrity Policy prevail.

## 4. Prohibited Conduct



#### 4.1 Prohibited Conduct

In addition to the Prohibited Conduct proscribed by the Integrity Policies, a Relevant Person or Relevant Organisation commits a breach of this Framework when they:

- a. Fail to report any Prohibited Conduct, as defined under this Framework or an Integrity Policy, to KA National Complaints Officer as soon as reasonably practicable;
- b. Deliberately or wilfully withhold information in relation to any possible Prohibited Conduct;
- c. Fail to provide further information or documentation as requested as part of a Complaint Process under this Framework, including a failure to fully and in good faith participate in an interview;
- d. Fail to comply with or enforce Disciplinary Measures imposed under the Complaints and Discipline of Members By-law; or
- e. Knowingly provide any inaccurate and/or misleading information during the course of any investigation or proceedings under this Framework.

#### 4.2 Additional matters

- a. Where conduct may constitute 'Prohibited Conduct' under this Framework or any Integrity Policy but is a Reportable Conduct under KA's Whistleblower Policy, it must be dealt with under such policy.
- b. The Australian National Anti-Doping Policy will prevail to the extent of any inconsistency with this Framework in all instances. Any allegation relating to a breach or possible breach of Australian National Anti-Doping Policy will be dealt with under that policy.
- c. Nothing in this Framework or the Integrity Policies prevents the KA Board from referring any alleged Prohibited Conduct or criminal conduct to a relevant law enforcement agency.

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### 5. KA's Responsibility to Manage Framework

#### 5.1 Responsibility for the management of the Framework

- a. KA will ensure that it has an Integrity Unit<sup>8</sup> headed by a National Integrity Manager who shall report, directly, to the CEO.
- b. The National Integrity Manager is responsible for the implementation, management, reporting and review of this Framework within KA.
- c. KA will ensure that it appoints a National Complaints Manager<sup>9</sup> for the purposes of the Complaints and Discipline of Members By-law.

#### 5.2 National Integrity Manager

The National Integrity Manager will:

- a. Be responsible for the supervision and administration of this Framework, the Integrity Policies, and the associated education programs;
- b. Monitor the compliance of any Sanctions;
- c. Act in a professional, discreet, and confidential manner in undertaking the obligations of their role under this Framework;
- d. Be responsible for ensuring that this Framework and the Integrity Policies are regularly reviewed, and any required amendments are approved by the KA Board; and

<sup>8</sup> The size of the Integrity Unit is to be determined by KA based on the volume, nature, and seriousness of integrity issues within Karting and available financial resources. For the avoidance of doubt, the Integrity Unit may, if appropriate, solely comprise the KA Integrity Manager.

<sup>9</sup> KA may appoint the same person to be both the KA National Complaints Officer and the National Integrity Manager.

- e. Will provide the KA Board with regular reports of:
  - i. information relating to Alleged Breaches and Prohibited Conduct under the Integrity Policies;
  - ii. the operation of and overall compliance with the Integrity Policies; and
  - iii. any education programs that Participants have been required to undertake.

### 5.3 National Complaints Officer

The National Complaints Officer will be the point of contact in relation to the functions of the KA Discipline of Members By-law and will have such responsibilities as set out in that policy.

### 5.4 Education

- a. With the support of external agencies, KA will plan, implement, and maintain an education strategy that incorporates material addressing the matters covered by each Integrity Policy.
- b. The National Integrity Manager will, from time to time, direct certain Participants to undertake education programs, which will be relevant and proportionate to their level of participation in Karting and the associated integrity risks.

### 5.5 Recruitment of Employees and Volunteers

- a. KA and Karting Organisations should conduct any appropriate background checks required by an Integrity Policy for prospective Employees, Contractors, and Volunteers to screen for prior conduct that would constitute a breach of this Framework or the Integrity Policies.
- b. KA and Karting Organisations should undertake induction processes for Employees, Contractors and Volunteers that incorporate familiarisation with this Framework and the Integrity Policies, and other sports integrity education and training as determined by KA from time to time.

## 6. Additional Responsibilities

### 6.1 Relevant Organisation responsibilities

In addition to that required under the Integrity Policies, KA and Member Organisations shall: implement and comply with this Framework;

- a. Ensure that all other policies, rules, and programs that apply to Relevant Persons and Relevant Organisations are consistent with this Framework;
- b. Use their best efforts to assist Relevant Persons and Relevant Organisations to fulfil their responsibilities under this Framework;
- c. Publish, distribute, and promote this Framework and the Integrity Policies (and any updates from time to time) and shall be responsible for making such documents available and accessible to Relevant Persons and Relevant Organisations; and
- d. Ensure their Employees and contractors act in a discreet and confidential manner in discharging their obligations under this Framework.
- e. Recognise any Sanction imposed under this Framework;
- f. Take all necessary steps to enforce any Sanction imposed under this Framework;
- g. Assist in any investigation or proceedings regarding any Prohibited Conduct and ensure that they do not knowingly provide any inaccurate and/or misleading information during the course of any investigation or proceedings.

### 6.2 Relevant Person responsibilities

In addition to that required under the Integrity Policies, Relevant Persons shall:

- a. Make themselves aware of the contents of this Framework;
- b. Comply with all relevant provisions of the Framework;
- c. Comply with any decisions and/or Sanctions imposed under the Framework.
- d. Undertake sports integrity education as directed by the National Integrity Manager;

- e. Assist in any investigation or proceedings regarding any Prohibited Conduct and ensure that they do not knowingly provide any inaccurate and/or misleading information during the course of any investigation or proceedings.

## 7. Complaints and Discipline of Members By-law

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The Complaints and Discipline of Members By-law applies to any alleged Prohibited Conduct, including reports of breaches, of this Framework or any Integrity Policy.

## 8. Interpretation & Other Information

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### 8.1 Application and Commencement

- a. This Framework is approved by the Board.
- b. This Framework:
  - i. Commences on the date outlined in the Policy Title (**Commencement Date**);
  - ii. Is subject to KA's Constitution and if there is any inconsistency, the Constitution will prevail; and
  - iii. When in force, is binding on all those listed in Jurisdiction.

### 8.2 Amendment

- a. The Board may amend this Framework and the Integrity Policies from time to time and such amendments will be effective on the date specified by the Board.
- b. Member Organisations must adopt this Framework, including any amendments, in full and without amendment, as a policy under their constitution, within three (3) months of the date it is adopted by KA.

### 8.3 Inconsistency

This Framework applies to each Integrity Policy. When interpreting an Integrity Policy, any provisions of that Integrity Policy inconsistent with this Framework apply to the extent of that inconsistency.

### 8.4 Interpretation

The following rules of interpretation apply to the Framework and each Integrity Policy:

- a. Headings are for convenience only and shall not be deemed part of the substance of the document or to affect in any way the language of the provisions to which they refer.
- b. Words in the singular include the plural and vice versa.
- c. Reference to 'including' and similar words are not words of limitation.
- d. Words importing a gender include any other gender.
- e. A reference to a clause is a reference to a clause or subclause of this Framework.
- f. Where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings.
- g. In the event any provision of this Framework is determined invalid or unenforceable, the remaining provisions shall not be affected, and the document shall not fail because any part of it is held invalid.
- h. Except as otherwise stated herein, failure to exercise or enforce any right conferred by this Framework shall not be deemed to be a waiver of any such right nor operate to bar the exercise or enforcement thereof or of any other right on any other occasion.
- i. Defined terms are Capitalised and consistent across the Framework/Integrity Policies.

## P2 MEMBER PROTECTION POLICY

Scheduled Review Triennially or as required (Replaces MPP Updated 11/11/2019)

Date of Board Approval 19 September 2022 Last Board Review: 19 September 2022

### Background

Australian Karting Association Ltd ('KA') is committed to ensuring that everyone involved with Karting is treated with respect and dignity and is protected from abuse, bullying, harassment, sexual misconduct, unlawful discrimination, victimisation, and vilification.

This Policy seeks to ensure that everyone involved in Karting is aware of their rights and responsibilities. This Policy sets out the standards of behaviour expected of those involved in Karting and the behaviours that are not acceptable ('Prohibited Conduct').

## 1. Definitions and interpretation

### 1.1 Defined terms

Defined terms not otherwise defined in this Policy have been defined in, and have the meaning given to them, in the KA "Australian Karting Manual - National Competition Rules" (NCR), KA Constitution and KA Integrity Framework (KIF). In this Policy, the following words have the corresponding meaning:

**Abuse** means any type of abuse (including physical, emotional, psychological, sexual, and inappropriate use of power) that has caused, is causing or is likely to cause harm to a person's wellbeing, whether in person or as the result of a publication viewable by any other person by any means.

**Bullying** means a person or group of people repeatedly and intentionally using words or actions, or the inappropriate use of power, against someone or a group of people to cause distress and risk to their wellbeing.

**Harassment** means any type of behaviour towards a person that they do not want and that is offensive, abusive, belittling or threatening and is reasonably likely to cause harm to the person who is the subject of the harassment.

**Policy** means this Member Protection Policy including any schedules and annexures.

**Prohibited Conduct** means the conduct proscribed at clause 3 of this Policy.

**Relevant Organisation** – see the 'KIF'.

**Relevant Person** – see the 'KIF'.

**Sexual Misconduct** means:

- a. **Sexual Harassment**, which is any unwanted or unwelcome sexual behaviour where a reasonable person would anticipate the possibility that the person being harassed would feel offended, humiliated, or intimidated; and
- b. **Sexual Offences**, which include any criminal offence involving sexual activity or actions of indecency.

**Unlawful Discrimination** includes:

- a. **Direct Discrimination**, when a person or group of people is treated less favourably than another person or group, because of a personal characteristic; and
- b. **Indirect Discrimination**, when an unreasonable rule or policy applies to everyone but has the effect of disadvantaging some people because of a personal characteristic they share, where such personal characteristic is protected by applicable anti-discrimination legislation.

**Victimisation** means subjecting a person, or threatening to subject a person, to any unfair treatment because the person has made, or intends to pursue their right to make, a complaint or lawful disclosure, including under applicable legislation or this Policy, or for supporting another person to take such action.

**Vilification** means a public act, conduct or behaviour that incites hatred, serious contempt for, or revulsion or severe ridicule of, a person or group of people because of a particular characteristic they hold, as covered by applicable legislation, including their race or religion, or homosexuality, transgender, or HIV/AIDS status.

## 1.2 Interpretation

Definitions of Abuse, Bullying, Harassment, Sexual Misconduct, Unlawful Discrimination, Victimisation and Vilification must be read in the context of SCHEDULE 1.

## 2. Jurisdiction

### 2.1 Who the Policy applies to?

This Policy applies to:

- a. Relevant Persons; and
- b. Relevant Organisations.

### 2.2 When the Policy applies

- a. All Relevant Persons and Relevant Organisations to which this Policy applies must always comply with this Policy (whilst they are a Relevant Person or Relevant Organisation), including:
  - i. in relation to any dealings, they have with Relevant Organisations or their staff, contractors, and representatives;
  - ii. when dealing with other Relevant Persons or Relevant Organisations in their capacity as a Relevant Person/Relevant Organisation; and
  - iii. in relation to their Membership or standing as a Relevant Person or Relevant Organisation in general.
- b. The following is **not** within the scope of this Policy:
  - i. where an interaction (including social media interactions) occurs involving one or more Relevant Persons or Relevant Organisations, and the only link or connection between the interaction and Karting is the fact that one or more individuals are



Relevant Persons or Relevant Organisations<sup>10</sup>;

- ii. where Prohibited Conduct occurs in contravention of this Policy, and subsequent conduct, or interaction(s) that, whilst related to the original Prohibited Conduct, no longer directly relates to any of Karting (even where such conduct or interaction(s) would otherwise be Prohibited Conduct)<sup>11</sup>.

### 3. Prohibited Conduct

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A Relevant Person or Relevant Organisation commits a breach this Policy when they, either alone or in conjunction with another or others, engage in any of the following conduct against one or more Relevant Persons or Relevant Organisations, in the circumstances outlined in clause 2:

- a. Abuse;
- b. Bullying;
- c. Harassment;
- d. Sexual Misconduct;
- e. Unlawful Discrimination;
- f. Victimisation; or
- g. Vilification.

**SCHEDULE 1** sets out examples of what may constitute Prohibited Conduct under this Policy.

### 4. Complaints and Discipline of Members By-law

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The Complaints, and Discipline of Members By-law applies to any alleged Prohibited Conduct, including reports of breaches, of this Policy.

### 5. KA Integrity Framework

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The KA Integrity Framework applies to this Member Protection Policy. When interpreting this Policy, any provisions inconsistent with the KA Integrity Framework apply to the extent of that inconsistency.

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<sup>10</sup> Such as two Members of a Relevant Organisation getting into a verbal or physical argument at a shopping centre, or two Members sending abusive social media messages to each other that have no direct link to karting.

<sup>11</sup> Such as where a Member of a Relevant Organisation allegedly breaches this Policy by physically assaulting another Member at a Meeting, but then the personal grievance(s) between those two individuals spills into issues not directly related to karting, such as social media abuse or trolling.

## SCHEDULE 1 - Examples of Prohibited Conduct

1. **Abuse** must be behaviour of a nature and level of seriousness which includes, but is not limited to:
  - a. Physical abuse and assault including hitting, slapping, punching, kicking, destroying property, sleep, and food deprivation, forced feeding, unreasonable physical restraint, spitting at another person or biting;
  - b. Sexual abuse including rape and assault, using sexually degrading insults, forced sex or sexual acts, deliberately causing pain during sex, unwanted touching or exposure to pornography, sexual jokes, using sex to coerce compliance;
  - c. Emotional abuse such as repeated and intentional embarrassment in public, preventing or excluding someone from participating in sport activities, stalking, humiliation, or intimidation;
  - d. Verbal abuse such as repeated or severe insults, name calling, criticism, swearing and humiliation, attacks on someone's intelligence, body shaming, or aggressive yelling;
  - e. Financial abuse such as restricting access to bank accounts, taking control of finances and money, forbidding someone from working, taking someone's pay and not allowing them to access it;
  - f. Neglect of a person's needs.
2. **Bullying** must be behaviour of a nature and level of seriousness which includes, but is not limited to, repeatedly:
  - a. Keeping someone out of a group (online or offline);
  - b. Acting in an unpleasant way near or towards someone;
  - c. Giving nasty looks, making rude gestures, calling names, being rude and impolite, constantly negative and teasing;
  - d. Spreading rumours or lies, or misrepresenting someone (i.e., using their social media account to post messages as if it were them);
  - e. 'Fooling around', 'messaging about' or other random or supposedly playful conduct that goes too far;
  - f. Harassing someone based on their race, sex, religion, gender, or a disability;
  - g. Intentionally and repeatedly hurting someone physically;
  - h. Intentionally stalking someone; and
  - i. Taking advantage of any power over someone else, but does **not** include legitimate and reasonable:
    - i. management action;
    - ii. management processes;
    - iii. disciplinary action; or
    - iv. allocation of activities in compliance with agreed systems.
3. **Harassment** must be behaviour of a nature and level of seriousness which includes, but is not limited to:
  - a. Telling insulting jokes about racial groups;

- b. Sending explicit or sexually suggestive emails or text messages;
- c. Displaying racially offensive or pornographic images or screen savers;
- d. Making derogatory comments or taunts about someone's race;
- e. Asking intrusive questions about someone's personal life, including his or her sex life;
- f. Sexual harassment or any of the above conduct in the workplace by employers, co-workers, and other workplace participants;
- g. Any of the above conduct in the workplace, based on or linked to a person's disability or the disability of an associate; and
- h. Offensive behaviour based on race or racial hatred, such as something done in public that offends, insults, or humiliates a person or group of people because of their race, colour or nationality or ethnicity.

4. **Sexual Misconduct** is behaviour including, but not limited to:

- a. Unwelcome touching;
- b. Staring or leering;
- c. Suggestive comments or jokes;
- d. Showing or sharing sexually explicit images or pictures;
- e. Unwanted invitations to go out on dates;
- f. Requests for sex;
- g. Intrusive questions about a person's private life or body;
- h. Unnecessary familiarity, such as deliberately brushing up against a person;
- i. Insults or taunts based on sex;
- j. Sexually explicit physical contact;
- k. Sending sexually explicit or suggestive emails, texts, or other electronic/social media messages;
- l. Displaying pornographic images or screen savers;
- m. Asking intrusive questions about someone's personal life, including about his or her sex life; and
- n. Criminal offences such as rape, indecent or sexual assault, sexual penetration, or relationship with a child under the age of 16 and possession of child pornography.

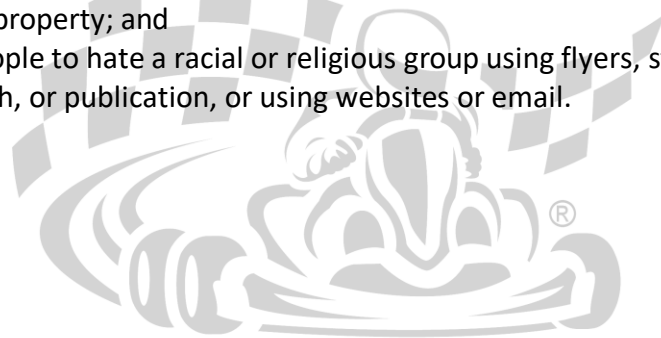
5. **Unlawful Discrimination** is unfair treatment based on a person's:

- a. Age;
- b. Disability;
- c. Race, colour, nationality, ethnicity, or migrant status;
- d. Sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding; and
- e. Sexual orientation, gender identity or intersex status.

6. **Victimisation** is behaviour including, but not limited to:



- a. Dismissal of an employee/volunteer or disadvantage to their employment/involvement in sport;
  - b. Alteration of an employee's position or duties to his or her disadvantage;
  - c. Discrimination between an employee and other employees;
  - d. Repeated failure to select an individual on merit;
  - e. A reduction in future contract value; and
  - f. Removal of coaching and other financial and non-financial support.
7. **Vilification** is behaviour including, but not limited to:
- a. Speaking about a person's race or religion in a way that could make other people dislike, hate, or ridicule them;
  - b. Publishing claims that a racial or religious group is involved in serious crimes without any evidence in support;
  - c. Repeated and serious verbal or physical abuse about the race or religion of another person;
  - d. Encouraging violence against people who belong to a particular race or religion, or damaging their property; and
  - e. Encouraging people to hate a racial or religious group using flyers, stickers, posters, a speech, or publication, or using websites or email.



**KARTING**  
**A U S T R A L I A**

### P3 CHILD SAFEGUARDING POLICY

Scheduled Reviewed	Triennially or as required	<i>(Replaces MPP Part B Updated 11/11/2019)</i>
Date of Board Approval	19 September 2022	Last Board Review: 19 September 2022 <i>Links Updated 5 February 2024</i>

#### BACKGROUND

Australian Karting Association Ltd (**KA**) has a zero-tolerance policy to child abuse and neglect in any form.

KA is committed to safeguarding and promoting the welfare of Children in Karting by providing a safe and inclusive environment and by ensuring that everyone involved in Karting is educated and informed of their responsibilities to protect and look after Children.

All Children have the right to feel safe and protected from all forms of abuse, harm, and neglect. Children have the right to take part in sport in a safe, positive, and enjoyable environment.

KA aims to create and maintain an inclusive, child-safe environment that is understood, endorsed, implemented, and adhered to by everyone involved in Karting.

This Policy is part of KA’s proactive and preventative approach to upholding its commitment to the safety, wellbeing, participation, and empowerment of all Children who access Karting.

This Policy seeks to ensure that everyone involved in Karting is aware of their rights and responsibilities in relation to Children. This Policy sets out the standards of behaviour expected of those involved in Karting and the behaviours that are not acceptable (**‘Prohibited Conduct’**).

This Policy imposes obligations on KA and Karting Organisations in relation to responding to allegations of Prohibited Conduct, including by reporting suspected Child Abuse to the appropriate authorities, and to implementing a commitment to child safety and child-safe practices, including recruitment and screening of staff and volunteers.

#### 1. Definitions

Defined terms not otherwise defined in this Policy have been defined in and have the meaning given to them, in the KA “Australian Karting Manual - National Competition Rules” (**‘NCR’**), KA Constitution and KA Integrity Framework (**‘KIF’**). In this Policy, the following words have the corresponding meaning:

**Abuse** means any type of abuse (including physical, emotional, psychological, sexual, and inappropriate use of power) that has caused, is causing or is likely to cause harm to a person's wellbeing, whether in person or as the result of a publication viewable by any other person by any means.<sup>12</sup> **“Harm”** has the same meaning.

<sup>12</sup> Refer to Schedule 1 of the Member Protection Policy for examples of behaviour that may constitute Abuse.



**Administrators** – see the ‘KIF’.

**Authorised Provider** – see the ‘KIF’.

**Australian Child Protection Legislation** means all state/territory child protection legislation as amended from time to time, a summary of which is available [HERE](#).

**Bullying** means a person or group of people repeatedly and intentionally using words or actions, or the inappropriate use of power, against someone or a group of people to cause distress and risk to their wellbeing.<sup>13</sup>

**Child or Children** means a child or young person, or two or more children or young persons, who is or are under the age of 18 years.

**Child Abuse** has the meaning given to it in Schedule 1 and includes the following as outlined in that Schedule:

- a. Physical Abuse
- b. Emotional or Psychological Abuse
- c. Sexual Abuse
- d. Neglect
- e. Exposure to Family Violence.

**Child Safe Commitment** refers to Relevant Organisations' commitment to child safety in Karting, as outlined in Annexure B.

**Child Safe Practices** refer to the child safety requirements and practices adopted and implemented by Relevant Organisations to help ensure the safety of Children participating in a Karting Activity as outlined in Annexure B.

**Coach** – see the ‘KIF’.

**Grooming** refers to the process by which an adult establishes a trusting relationship with a child and those associated with the child's care and wellbeing, to create an environment in which abuse can occur.

**Harassment** means any type of behaviour towards a person that they do not want and that is offensive, abusive, belittling or threatening and is reasonably likely to cause harm to the person who is the subject of the harassment.<sup>14</sup>

**Member State** – see the ‘KIF’.

**Misconduct with a Child** means any behaviour involving a Child that is objectively age inappropriate and/or places the Child at risk of harm.

**MPP** means the Member Protection Policy of Karting Australia.

**Officials** – see the ‘KIF’.

<sup>13</sup> Refer to Schedule 1 of the Member Protection Policy for examples of behaviour that may constitute Bullying.

<sup>14</sup> Refer to Schedule 1 of the Member Protection Policy for examples of behaviour that may constitute Harassment.

**Policy** means this Child Safeguarding Policy including any schedules and annexures.

**Prohibited Conduct** means conduct in breach of clause 4 of this Policy.

**Recruitment & Screening** means the child safety recruitment and screening requirements adopted and implemented by Relevant Organisations to help ensure the safety of Children participating in Karting, as outlined in Annexure C.

**Relevant Organisation - see the 'KIF'.**

**Sexual Misconduct** means<sup>15</sup>:

- a. Sexual Harassment, which is any unwanted or unwelcome sexual behaviour where a reasonable person would anticipate the possibility that the person being harassed would feel offended, humiliated, or intimidated; and
- b. Sexual Offences, which include any criminal offence involving sexual activity or actions of indecency.

**Support Personnel – see the 'KIF'.**

**Volunteer – see 'KIF'.**

**Unlawful Discrimination** includes:

- a. Direct Discrimination, when a person or group of people is treated less favourably than another person or group, because of a personal characteristic; and
- b. Indirect Discrimination, when an unreasonable rule or policy applies to everyone but has the effect of disadvantaging some people because of a personal characteristic they share, where such personal characteristic is protected by applicable anti-discrimination legislation.<sup>16</sup>

**Victimisation** means subjecting a person, or threatening to subject a person, to any unfair treatment because the person has made, or intends to pursue their right to make, a complaint or lawful disclosure, including under applicable legislation or this Policy, or for supporting another person to take such action.<sup>17</sup>

**Vilification** means a public act, conduct or behaviour that incites hatred, serious contempt for, or revulsion or severe ridicule of, a person or group of people because of a particular characteristic they hold, as covered by applicable legislation, including their race or religion, or homosexuality, transgender, or HIV/AIDS status.<sup>18</sup>

**WWCC** means a 'Working with Children Check' (however named) under the applicable legislation of a state or territory, a summary of which is available [HERE](#)

<sup>15</sup> Refer to Schedule 1 of the Member Protection Policy for examples of behaviour that may constitute Sexual Misconduct.

<sup>16</sup> Refer to Schedule 1 of the Member Protection Policy for examples of behaviour that may constitute Unlawful Discrimination.

<sup>6</sup> Refer to Schedule 1 of the Member Protection Policy for examples of behaviour that may constitute Victimisation.

<sup>7</sup> Refer to Schedule 1 of the Member Protection Policy for examples of behaviour that may constitute Vilification.

## 2. Jurisdiction

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### 2.1 Who this policy applies to

This Policy applies to:

- a. Relevant Persons; and
- b. Relevant Organisations

### 2.2 When this policy applies

- a. All Relevant Persons and Relevant Organisations to which this Policy applies must comply with this Policy (at all times whilst they are a Relevant Person or Relevant Organisation), including:
  - i. in relation to any dealings, they have with a Child arising from the Relevant Person's, Relevant Organisation's, or the Child's involvement in any capacity with Karting.
  - ii. in relation to any dealings in relation to a Child that they might have with a Relevant Organisation or their staff, contractors, and representatives;
  - iii. when dealing with a Child or other Relevant Person or Relevant Organisation in their capacity as a Relevant Person or Relevant Organisation; and
  - iv. in relation to their Membership or standing as a Relevant Person or Relevant Organisation in general.
- b. The following is **not** within the scope of this Policy:
  - i. interactions involving a Relevant Person and a Child where there is no direct or indirect link to Karting or a Relevant Organisation.

## 3. Requirements of Relevant Persons and Organisations

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### 3.1 Requirements of Relevant Persons

Relevant Persons must always:

- a. comply with the requirements of Responding to Child Abuse Allegations in Annexure A;
- b. comply with the Child Safe Practices as set out in Annexure C;
- c. report any concerns or allegations of Prohibited Conduct involving any Relevant Person or Relevant Organisation;
- d. provide true and accurate information during Recruitment & Screening;
- e. comply with all obligations that they are subject to under the Australian Child Protection Legislation; and
- f. comply with all legislative obligations that they are subject to in relation to reporting of suspected Child Abuse or a WWCC<sup>19</sup>.

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<sup>19</sup> Child Family Community Australia Working with Children Checks & Police Checks Resource Sheet [website](#).

### 3.2 Requirements of Relevant Organisations

Relevant Organisations must:

- a. adopt, implement, and comply with the:
  - i. Child Safe Commitment (Annexure B);
  - ii. Child Safe Practices (Annexure C); and
  - iii. Recruitment & Screening (Annexure D)including reviewing and amending those requirements from time to time;
- b. comply with the 'Responding to Child Abuse Allegations' in Annexure A;
- c. use best efforts to assist Relevant Persons to fulfil their responsibilities under this Policy;
- d. recognise any Sanction imposed under this Policy; and
- e. take all necessary steps to:
  - i. enforce any Sanction imposed under this Policy and the Discipline of Members By-law; and
  - ii. procure compliance with the 'Responding to Child Abuse Allegations' in Annexure A.

## 4. Prohibited Conduct

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### 4.1 Prohibited Conduct

A Relevant Person or Relevant Organisation commits a breach of this Policy when:

- a. they, either alone or in conjunction with another or others, engage in any of the following conduct against, or in relation to, a Child or Children in the circumstances outlined in clause 2.2.:
  - i. Child Abuse;
  - ii. Grooming;
  - iii. Misconduct with a Child;
  - iv. request or infer that the Child keep any communication secret from their parents, guardian, carer, or other Relevant Person such as a coach or administrator, or Relevant Organisation;
  - v. supply alcohol, or drugs (including tobacco) to a Child;
  - vi. supply medicines, except when permitted by law or with the consent of the parent, guardian, or carer of the Child and under a valid prescription for that Child and at the prescribed dosage; or
  - vii. commit any act that would constitute Prohibited Conduct under the Member Protection Policy;
- b. there is a breach of a requirement imposed under clause 3.1, or sub-clauses 3.2(a), 3.2(b) or 3.2(e)(ii);
- c. they are involved in or have knowledge of and do not report a breach of clauses 4.1(a) or 4.1(b); or
- d. they have engaged in an attempt to breach sub-clauses 4.1(a) (i), (ii), (iii) or (v).

## 5. Reporting

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Where a Relevant Organisation becomes aware of an Alleged Breach and the information known about that Alleged Breach is such that it would cause a reasonable person to suspect that a Child is, or is at risk of, being abused and/or neglected:

- i. the Relevant Organisation must comply with, and procure compliance with, the requirements of Responding to Child Abuse Allegations in Annexure A; and
- ii. no further action under the Complaints & Discipline of Members By-law in relation to that Alleged Breach, except Provisional Action or Assessment, should occur until the obligations in (i) are complied with.

## 6. Complaints and Discipline of Members By-Law

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The Complaints and Discipline of Members By-law applies to any alleged Prohibited Conduct, including reports of breaches, of this Policy.

## 7. Karting Australia Integrity Framework

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The Karting Australia Integrity Framework applies to this Child Safeguarding Policy. When interpreting this Policy, any provisions inconsistent with the KIF apply to the extent of that inconsistency.





## Karting Australia Child Safeguarding Policy South Australia Addendum

### 1. Introduction

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In South Australia, organisations providing services to children and young people must, by law, provide child safe environments. Those organisations are required to:

- have child safe environments policy(ies) in place and at a minimum, review their policy(ies) once every 5 years;
- meet Working With Children Check obligations; and
- lodge a child safe environments compliance statement with the Department of Human Services and lodge a new statement each time policy(ies) are reviewed and updated (or every 5 years, whichever occurs first).

The South Australian Addendum (Addendum) has been developed to supplement the KA Child Safeguarding Policy to meet compliance requirements. To the extent of any inconsistency between this Addendum and the Child Safeguarding Policy, this Addendum will prevail. Any capitalised terms used and not defined in this Addendum have the meaning given in the KA Child Safeguarding Policy or Karting Australia Integrity Framework (KIF).

The KA Child Safeguarding Policy and this Addendum must also be read, interpreted, and applied with reference to, and in conjunction with the Safety Act and Prohibited Persons Act as defined in section 2 below.

The purpose of this Addendum is to ensure that Relevant Organisations and Relevant Persons in South Australia comply with their legislative obligations under the South Australian Child Protection Legislation. This Addendum is not intended to create any additional Prohibited conduct under the KA Child Safeguarding Policy.

### 2. Definitions

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Defined terms not otherwise defined in this Addendum have been defined in and have the meaning to them in the KIF and the KA Child Safeguarding Policy. In this Addendum the following words have the corresponding meaning:

**Australian Karting Association South Australia Inc** is the Member State governing body for Karting in South Australia.

**Harm** as defined in Section 17 of the Safety Act means physical or psychological harm (whether caused by an act or omission), including harm caused by sexual, physical, mental, or emotional abuse or neglect. This definition should be read in conjunction with the definition of Abuse as defined in the KA Child Safeguarding Policy.

**Mandatory Notifiers** means people specified under the Safety Act to report to the Department for Child protection if they suspect on reasonable grounds that a child is, or may be at, risk and this suspicion is formed in the course of their work (paid or unpaid).

**Prescribed Position** means a position:

- in which a person works, or in the ordinary course of his or her duties, it is reasonably foreseeable that a person in that position will work, with children and/or young people.
- Set out in the [Prohibited Persons Regulations 2019 \(SA\)](#).

**Prohibited Persons Act** means the *Child Safety (Prohibited Persons) Act 2016 (SA)*, being the South Australian legislation regarding Working with Children Check requirements.

**Risk** as defined in Section 18 of the Safety Act. This includes that a child or young person will be taken to be at risk if:

- the child or young person has suffered harm (being harm of a kind against which a child or young person is ordinarily protected): or
- there is a likelihood that the child or young person will suffer harm (being harm of a kind against which a child or young person is ordinarily protected).

**Safety Act** means the *Children & Young People (Safety) Act 2017 (SA)*, being the South Australian Child Protection Legislation.

### 3. Scope

The Addendum applies to all Relevant Organisations and Relevant Persons affiliated with Australian Karting Association South Australia Inc.

### 4. Working with Children Checks

- The Prohibited Persons Act requires people working or volunteering with children in South Australia to have a valid Working With Children Check prior to commencing working with children and young people.
- A Relevant Person who works in a Prescribed Position must have a valid Working With Children Check.
- A Relevant Organisation can only appoint or continue to appoint a Relevant Person in a Prescribed Position if:
  - they have verified that the Relevant Person has had a Working With Children Check conducted in the last 5 years; and
  - that the person is not prohibited from working with children.
- The Prohibited Person Act requires organisations to contact the Central Assessment Unit (Department of Human Services Screening Unit) if:
  - they become aware of any assessable information in relation to the person;
  - they become aware that the person is prohibited from working with children under a law of the Commonwealth or of another state or territory;
  - they become aware that the person is (or becomes) a registrable offender under the *Child Sex Offenders Registration Act 2006*.
  - the person makes a disclosure to the employer under section 66 of the *Child Sex Offenders Registration Act 2006*.

## 5. Mandatory Notifiers

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- a. Under the Safety Act, the following people are mandated notifiers:
- i. medical practitioners;
  - ii. pharmacists;
  - iii. registered or enrolled nurses;
  - iv. dentists;
  - v. psychologists;
  - vi. police officers;
  - vii. community corrections officers under the Correctional Services Act;
  - viii. social workers;
  - ix. ministers of religion;
  - x. employees of, or volunteers in, an organisation formed for religious or spiritual purposes;
  - xi. teachers employed to teach in a school, pre-school, or kindergarten;
  - xii. employees of, or volunteers in, an organisation that provides health, welfare, education, sporting or recreational, childcare, or residential services wholly or partly for children and young people, being a person who:
    - A. provides such services directly to children and young people or
    - B. holds a management position in the organisation the duties of which include direct responsibility for, or direct supervision of, the provision of those services to children and young people<sup>20</sup>; or
  - xiii. an officer or employee of a prescribed organisation (as per section 114, of the Safety Act) who holds a management position in the organisation, the duties of which include direct responsibility for, or indirect supervision of, the provision of services to children.<sup>21</sup>
- b. Mandated notifiers are required by law to notify the Department for Child Protection via the Child Abuse Report Line (CARL), Phone 131478, if they suspect on reasonable grounds that a Child is, or may be, at risk and the suspicion is formed in the course of the person's work (whether paid or voluntary) or in carrying out official duties.
- c. By way of general guidance, reporting obligations arise where there is "a reasonable suspicion" that a Child may be "at risk".

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<sup>20</sup> Section 30(3), Children and Young People (Safety) Act 2017

<sup>21</sup> Regulation 9, Children and Young People (Safety) Regulations 2017

## 6. Child Safe Compliance

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a. Under the Safety Act, Relevant Organisations affiliated with **Australian Karting Association South Australia Inc:**

- i. with significant membership of, or involvement by, Children and Young People; or
- ii. who provide coaching to Children and Young People.

must:

iii. prepare or adopt policies and procedures designed to ensure that safe environments for Children and Young People are established and maintained; and

iv. lodge (or have a representative body such as Australian Karting Association South Australia Inc. lodge on its behalf) a statement with the Department of Human Services certifying that these child safe environment policies and procedures are in place for affiliated clubs.

b. Adoption and implementation of the Child Safeguarding Policy and this Addendum will assist Relevant Organisations affiliated with Australian Karting Association South Australia Inc. meet these obligations.

c. To be included on Australian Karting Association South Australia Inc. Child Safe Environments Compliance Statement Relevant Organisations affiliated with Australian Karting Association South Australia Inc. must provide the required information annually as specified by Australian Karting Association South Australia Inc.

d. Failure to do so means that a Relevant Organisations affiliated with Karting Australia will need to separately and independently lodge a compliance statement of its own, confirming its compliance (assuming appropriate compliance steps have been taken). Failure to lodge a compliance statement can result in a fine up to \$10,000.

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## 7. Child Safeguarding Policy Implementation

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a. Risk Management

i. Australian Karting Association South Australia Inc. takes a risk-based approach to ensure that all activities are child safe and will undertake risk assessments for any activity that may involve contact with children.

ii. The risk assessment will consider:

- A. the contact (with Children) and levels of direct supervision;
- B. the risk factors;
- C. the mitigation factors;
- D. the management strategies.

b. Involving Children

Australian Karting Association South Australia Inc. is committed to involving children in decisions that affect them and providing them with information about their rights. We do this by:

- i. establishing a Youth Advisory Committee/Youth representative position on the Board;
- ii. obtaining feedback from Children through surveys or focus groups;

- iii. providing a child-friendly version of the Child Safeguarding Policy and other procedures;
- iv. displaying child-friendly posters about Children's rights and how to raise a concern at local karting clubs/facilities.

c. Supporting Employees and Volunteers

Australian Karting Association South Australia Inc. is committed to providing Employees and Volunteers with ongoing training and support to ensure they understand their responsibilities in relation to Child Safety. We will do this by:

- i. conducting an induction for all employees and volunteers outlining their obligations under the Child Safeguarding Policy and Child Safe Practices;
- ii. undertaking regular performance appraisals;
- iii. regular supervision sessions that include a focus on Child safety and wellbeing;
- iv. appointing a Child safety officer;
- v. access to online resources around issues concerning child safety and wellbeing;
- vi. providing professional development opportunities to build knowledge and skills regarding the wellbeing and development of Children.

d. Communication and Awareness of Child Safeguarding Policy

Australian Karting Association South Australia Inc. is committed to promoting a child-safe sporting environment. We will do this by:

- i. having a dedicated, easy to access child-safe area on our website;
- ii. providing information about the Child Safeguarding Policy, Child Safe Practices and Recruitment and Screening requirements as part of membership and event registration, affiliation agreements and coach and officials accreditation;
- iii. utilising social media channels to promote the Child Safeguarding Policy and the value Karting places on Child Safety;
- iv. displaying posters about Child Safe Practices and how to make a complaint or provides feedback at local karting clubs/facilities.



## SCHEDULE 1 – Child Abuse Definitions

**Child Abuse** is the mistreatment of a Child that:

- a. causes, is causing or is likely to cause any detrimental effect so that a Child's physical, psychological, or emotional wellbeing; or
- b. does, or is likely to, endanger that a Child's physical or emotional health, development, or wellbeing,

whether through a:

- i. single act, omission, or circumstance; or
- ii. series or combination of acts, omissions, or circumstances,

and includes:

- 1. Physical Abuse** occurs when a person subjects a Child to application of physical force, which may cause injury intentionally or inadvertently because of physical punishment or the aggressive treatment of a Child. Physically abusive behaviour includes, but is not limited to:
  - a. shoving, hitting, slapping, shaking, throwing, punching, biting, burning, kicking; and
  - b. harmful training methods or overtraining where there is the potential to result in damage to a Child's physical development.
- 2. Emotional or Psychological Abuse** occurs when a Child does not receive the love, affection, or attention they need for healthy emotional, psychological, and social development or are exposed to violence/abuse against other Children or adults. Such abuse may involve:
  - a. repeated rejection or threats to a Child;
  - b. constant criticism, teasing, ignoring, threatening, yelling, scapegoating, ridicule, intentional exclusion, continual coldness, and rejection;
  - c. bullying and harassment;
  - d. harmful training methods or overtraining where there is the potential to result in damage to a Child's physical, intellectual, or emotional wellbeing and development.
- 3. Sexual Abuse** occurs when an adult, or a person in authority (i.e., older, or younger but more physically or intellectually developed) involves a Child in any sexual activity. A child cannot provide consent, therefore even if 'consent' is given, it still constitutes sexual abuse.
  - a. Perpetrators of sexual abuse take advantage of their power, authority, or position over the Child for their own benefit. It can include making sexual comments to a Child, kissing, touching a Child's genitals or breasts, oral sex, or intercourse with a Child.
  - b. Sexual exploitation is a form of Sexual Abuse and occurs when Children are forced into or involved in sexual activities that are then unlawfully recorded in some way, or recorded without the consent of one or more parties, or used to produce child sexual abuse material.
  - c. Such material can be in the form of photographs or videos, whether published or circulated on the internet or social media. Encouraging a Child to view pornographic videos, websites, or images, or engaging a Child to participate in sexual conversations over social media or otherwise is also considered sexual exploitation.



4. **Neglect** is the persistent failure or deliberate failure or intent to harm or denial to meet a Child's basic needs. Child Neglect includes the failure to provide adequate food, clothing, shelter, supervision, clean water, medical attention, to the extent that the Child's health and development is or is likely to be harmed. Types of neglect include physical, medical, emotional, educational neglect and abandonment.
  
5. **Exposure to Family Violence** is any abusive behaviour used by a person in a relationship to gain and maintain control over their partner or ex-partner. It can include a broad range of behaviour that causes fear and physical and/or psychological harm. If a Child is living in a household where there have been incidents of domestic violence, then they may be at risk of significant physical and/or psychological harm.



## Annexure A: Responding to Child Abuse Allegations

### You must ACT.

As a person involved in Karting you play a crucial role in protecting Children.

You must follow the four actions set out below when responding to any Child Abuse allegations.

### Action 1 - Responding

If a Child is at risk of immediate harm, you must ensure their safety by:

- Calling 000 for medical and/or police assistance to respond to urgent health or safety concerns;
- Administering first aid, if required;
- Separating at-risk Child and others involved;
- Identifying an appropriate contact person for any on-going liaison with the Police.

If there is **no** immediate harm, go to Action 2 below.

### Action 2 – Reporting

If you suspect, on reasonable grounds that a Child was, is, or is at risk of being abused and/or neglected, you must report it to the police and/or the relevant State/Territory child protection agency.

If the alleged Child Abuse is occurring in a Relevant Organisation, it must also be documented on the Report Form.

You must also report internally to the KA National Complaints Officer on **(07) 5655 4340** or [integrityunit@karting.net.au](mailto:integrityunit@karting.net.au)

### Action 3 – Contact

You must contact the police and/or the relevant child protection agency to determine the information that may be shared with parents/guardians, and who should lead this contact (i.e., police, child protection department or Relevant Organisation representative). This could include advice:

1. Not to contact the parents or guardians in circumstances where they are alleged to have engaged in the abuse.
2. To contact the parents/guardians and provide agreed information as soon as possible.

### Action 4 - Support

- Support should be provided to any Child that has experienced abuse.
- It is important that the person providing support to the Child does not attempt to provide support which is outside of the scope of their role.
- Support should include maintaining a calm open manner when listening to any allegations and disclosures, while avoiding seeking detailed information or asking leading questions.
- This information needs to be well documented and shared with Karting's National Integrity Manager on **(07) 5655 4340** or [integrityunit@karting.net.au](mailto:integrityunit@karting.net.au)

Further support for the Child, relevant adults and others involved may be required, including a referral to wellbeing or healthcare professionals and or the development of a safety plan.



## Annexure B: Child Safe Commitment

### KARTING AUSTRALIA'S CHILD SAFE COMMITMENT STATEMENT

Karting Australia is committed to promoting and protecting the safety and wellbeing of children who access activities, programs, services, and facilities within our 'Karting community'.

The Karting Australia Child Safeguarding Policy and procedures seek to address risks to child safety and to establish child safe culture and practices. Our policy has been promulgated to promote and protect the rights of all children, from all backgrounds and abilities, in Karting. In doing so we strive to create an encouraging environment where children feel safe, respected, and valued.

Karting Australia acknowledges our karting community, including but not limited to licence holders, members, volunteers, officials, parents/guardians, and employees, all have a part to play in contributing to the positive experiences of children in our sport.

Karting Australia will actively promote the safety of children, by recognising and requiring the need for Member States and Affiliated Clubs to take direct responsibility for providing a safe physical, emotional and online environment for children in their community.

If a concern or allegation is identified in relation to a child abuse incident that has occurred within the Karting community, Karting Australia will ensure it is treated seriously and dealt with in accordance with the relevant legislation and **Karting Australia Integrity Framework**.

**Karting Australia Board**

19 September 2022

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## Annexure C: Child Safe Practices

Karting Australia is committed to safeguarding everyone involved in our organisation including Children in our care, ensuring that they feel and are safe. Karting Australia's Child Safe Practices have been developed to identify and prevent behaviour that may be harmful to the Children in our sport.

A breach of the Child Safe Practices is a breach of the Child Safeguarding Policy and will be managed by the Complaints, and Discipline of Members By-law.

There may be exceptional situations where aspects of the Child Safe Practices do not apply, for example in an emergency it may be appropriate to physically restrain a child. However, it is crucial that, where possible, you seek authorisation prior to taking action that does not comply with these standards or that you notify a Relevant Organisation as soon possible after any incident in which these standards are not complied with.

### 1.1 Sexual misconduct

- a. Under no circumstances is any form of 'sexual behaviour' to occur between, with, or in the presence of Children.
- b. 'Sexual behaviour' needs to be interpreted widely, to encompass the entire range of actions that would reasonably be considered to be sexual in nature, including but not limited to:
  - i. 'contact behaviour', such as sexual intercourse, kissing, fondling, sexual penetration or exploiting a child through prostitution; and
  - ii. 'non-contact behaviour', sexual innuendo, inappropriate text messaging, inappropriate photography or exposure to pornography or nudity.

### 1.2 Professional boundaries

- a. Relevant Persons must act within the scope of their role (as specified in their position description or contract) when working with Children who are involved or have been involved in our sport. They must not:
  - i. provide any form of support to a child or their family unrelated to the scope of their role, where there is no existing social, personal, or family relationship (e.g., financial assistance, babysitting, provide accommodation);
  - ii. use a personal phone, camera, or video camera to take images of Children;
  - iii. exhibit any type of favouritism towards a Child;
  - iv. transport Children unless specifically approved;
  - v. give gifts/presents to Children other than the provision of official awards;
  - vi. engage in open discussions of mature or adult nature in the presence of Children;
  - vii. discriminate against any Child, including on the basis of gender identity, culture, race, or disability;
  - viii. have one on one contact with a Child outside of authorised sport activities (includes direct contact such as in-person as well as indirect, such as by phone, or online); or
  - ix. accept an invitation to attend any private social function at the request of a Child or their family, where there is no existing social, personal, or family relationship.
- b. If Relevant Persons become aware of a situation in which a Child requires assistance that is beyond the confines of that person's role, they should undertake any or all of the following at the earliest opportunity:
  - i. refer the matter to an appropriate support agency;
  - ii. refer the Child to an appropriate support agency;
  - iii. contact the Child's parent or guardian;
  - iv. seek advice from a Relevant Organisation.



### 1.3 Use of language and tone of voice

Language and tone of voice used in the presence of Children should:

- a. provide clear direction, boost their confidence, encourage, or affirm them;
- b. not be harmful to Children. In this respect, not use language that is:
  - i. discriminatory, racist, or sexist;
  - ii. derogatory, belittling, or negative, for example, for example, by calling a Child a 'loser' or telling them they are 'too fat';
  - iii. intended to threaten or frighten; or
  - iv. profane or sexual.

### 1.4 Positive guidance (Discipline)

- a. Children participating in our sport will be made aware of the acceptable limits of their behaviour so that we can provide a positive experience for all participants.
- b. Relevant Persons and Relevant Organisations must use appropriate techniques and behaviour management strategies to ensure:
  - i. an effective and positive environment; and
  - ii. the safety and/or wellbeing of Children and personnel participating in sport.
- c. Relevant Persons and Relevant Organisations must use strategies that are fair, respectful, and appropriate to the developmental stage of the Children involved.
- d. Children need to be provided with clear directions and given an opportunity to redirect their behaviour in a positive manner.
- e. Under no circumstances are Relevant Persons or Relevant Organisations to take disciplinary action involving physical punishment or any form of treatment that could reasonably be considered as degrading, cruel, frightening or humiliating.

### 1.5 Supervision

- a. Children participating in our sport programs and services must always be supervised. Supervision must be constant, active, and diligent and requires Relevant Persons to always be in a position to observe each Child, respond to individual needs and immediately intervene if necessary.
- b. One-to-one unsupervised situations with Children should be avoided, however some services and programs may involve such circumstances (e.g., medical treatment) and in this case, these situations will need to be identified and recorded by the Relevant Organisation.
- c. Any incident of one-to-one unsupervised contact should be immediately reported to the Relevant Organisations management within 24 hours of the incident occurring.

### 1.6 Use of electronic or online communications

- a. For any electronic or online communication with Children in our sport we adopt a two-deep model, that is, copy in the organisation and a parent or guardian in all communication.
- b. When communicating with Children, Relevant Organisations and Relevant Persons must ensure content is:
  - i. directly associated with delivering our services, such as advising that a scheduled event is cancelled;
  - ii. concise with personal or social content limited only to convey the message in a polite and friendly manner;
  - iii. devoid of any sexualised language; and
  - iv. not promoting unauthorised social activity or contact.

### 1.7 Photographs of Children

- a. Children are to be photographed or videoed while involved in our sport only if:
  - i. the Child's parent or guardian has provided prior written approval for the photographs to be taken or for the video footage to be captured;
  - ii. the context is directly related to participation in our sport;
  - iii. the Child is appropriately dressed and posed; and
  - iv. the image is taken in the presence of other personnel.
- b. Individuals wishing to photograph Children in a restricted area of a Karting event must be a KA Accredited Photography and Media person.
- c. Relevant Organisations and Relevant Persons must not distribute images or videos (including as an attachment to an email) to anyone outside our sport organisation other than the Child photographed or their parent, without organisational knowledge and approval.
- d. Images (digital or hard copy) are to be stored in a manner that prevents unauthorised access by others and will be destroyed or deleted as soon as they are no longer required.
- e. Images are not to be exhibited online or in publications (annual report) without parental knowledge and approval (through a signed image consent form), or such images must be presented in a manner that de-identifies the Child. Any caption or accompanying text may need to be checked so that it does not identify a Child if such identification is potentially detrimental.

### 1.8 Physical contact with Children

- a. Any physical contact with Children must be appropriate to the delivery of our sport programs or services and based on the needs of the Child such as assisting with the use of equipment, technique, treatment by a health practitioner or administering first aid.
- b. Under no circumstances should Relevant Persons have contact with Children participating in our programs and services that:
  - i. involves touching of genitals, buttocks, or the breast area other than as part of delivering medical or allied health services;
  - ii. would appear to a reasonable observer to have a sexual connotation;
  - iii. is intended to cause pain or distress to the Child (e.g., corporal punishment);
  - iv. is overly physical (e.g., wrestling, horseplay, tickling or other roughhousing);
  - v. is unnecessary (e.g., assisting with toileting when a Child does not require assistance); or
  - vi. is initiated against the wishes of the Child, except if such contact may be necessary to prevent injury to the Child or to others, in which case:
    - physical restraint should be a last resort;
    - the level of force used must be appropriate to the specific circumstances, and aimed solely at restraining the Child to prevent harm to themselves or others; and
    - the incident must be reported to management as soon as possible.
- c. Relevant Persons are required to report to the Relevant Organisation any physical contact initiated by a Child that is sexualised and/or inappropriate, for example, acts of physical aggression, as soon as possible, to enable the situation to be managed in the interests of the safety of the Child, Relevant Persons, and any other participants.

### 1.9 Overnight stays and sleeping arrangements

- a. Karting activities, programs and services do not require Affiliated Clubs, Member Organisations or Karting Australia Personnel to have overnight stays or sleeping arrangements for Children.
- b. Overnight stays and sleeping arrangements are the responsibility of parents/guardians.

- c. If parents/guardians elect to utilise Affiliated Club facilities for overnight stays, then practices and behaviour by Relevant Persons involved during an overnight stay must be consistent with the practices and behaviour expected during delivery of our sport at all other times.

#### **1.10 Change room arrangements**

Karting Competitions and Activities do not normally require the use of group changing facilities for Licence Holders. If group change room facilities are utilised, then the following shall apply:

- a. Children should be supervised in change rooms whilst ensuring their right to privacy.
- b. A minimum of two Relevant Persons of the same gender as the group should always be present,
- c. Relevant Persons must not shower or change at the same time as supervising groups of Children.
- d. Relevant Persons must avoid one-to-one situations with a Child in a change room area
- e. Relevant Persons need to ensure adequate supervision in 'public' change rooms when they are used, providing the level of supervision required for preventing abuse by members of the public, adult users, or general misbehaviour, while also respecting a Child's privacy.
- f. Phones, cameras and recording devices are not to be used in changing rooms and in particular whilst Children are getting dressed.

#### **1.11 Use of, possession, or supply of alcohol or drugs**

Relevant Persons, whilst responsible for the care of Children, must not:

- a. use, possess or be under the influence of an illicit drug; ®
- b. use or be under the influence of alcohol;
- c. be impaired by any other legal drug such as prescription or over the counter drugs;
- d. supply alcohol or drugs (including tobacco); or
- e. supply or administer medicines, except when permitted by law or with the consent of the parent, guardian, or carer of the Child and under a valid prescription for that Child and at the prescribed dosage.

#### **1.12 Parent/Guardian Involvement**

Relevant Organisations must:

- a. ensure that a parent/guardian is involved in any significant decision, including the signing of any documentation in relation to their Child's involvement in Karting
- b. conduct all practice / training sessions in locations that allow parents/guardians to watch their Children during practice / training.
- c. make parents/guardians aware of the standard of behaviour required when watching their Child during training. Parents/guardians displaying inappropriate conduct may be asked to leave but may not be denied access for an undetermined amount of time.

#### **1.13 Transporting Children**

- a. Karting activities, programs and services do not require Affiliated Clubs, Member Organisations or KA Personnel to transport children.
- b. Transportation is the responsibility of parents/guardians.

## Annexure D: Recruitment and Screening

These recruitment and screening requirements have been developed to provide a fair, safe, consistent, and comprehensive recruitment process across our sport. Our sport takes child protection seriously and ensures that the organisation recruits' personnel that are suitably qualified and committed to providing professional, safe, and enjoyable programs and services to Children.

### 1. Child-Related Positions

- a. All roles within our sport (employees and volunteers) both new and existing must be assessed using Appendix 1: Child-Related Position Assessment.
- b. A child-related position means a position that involves or may involve contact with children, either under the position description or due to the nature of the role.
- c. Positions assessed as 'child-related' must be appointed using the recruitment and screening process outlined in Annexure D.

### 2. Position Descriptions

- a. Developing appropriate selection criteria for a position is a valuable first step to reducing the risk of appointing someone who poses a child safety risk.
- b. Examples of appropriate selection criteria may include: 'Must have experience working with Children.' 'Must be able to demonstrate an understanding of appropriate behaviours when engaging with Children.'

### 3. Advertising

- a. All positions identified as child-related will include the following statement in the position description and any advertising: ***Karting Australia is committed to protecting Children from harm. We require all applicants that will work with Children to undergo an extensive screening process prior to appointment.***

### 4. Interviews

- a. All applicants for child-related positions are required to attend at least one interview, preferably in person or on a videoconference (e.g., MS Teams, Webex, Zoom etc.).
- b. During the interview, questions regarding the applicant's suitability to work with Children must be included. Refer to Appendix 2: Interview Requirements and Sample Questions.

### 5. Working with Children Checks

- a. Working with Children Check (WWCC) laws aim to prevent people who pose a risk from working with Children as paid employees or volunteers. WWCC laws are currently in place in all Australian states and territories.
- b. These laws require certain individuals involved in areas such as sport and recreation to undertake a check to determine their suitability to work (in a paid or volunteer capacity) with Children. Whether a particular individual is required to undertake a check or can begin work while a WWCC application is being reviewed depends on the WWCC laws of the relevant state or territory.
- c. Relevant Organisations must meet the requirements of the relevant state or territory WWCC laws including travelling to other states or territories. Specific state and territory requirements can be found here: <https://aifs.gov.au/resources/resource-sheets/pre-employment-and-volunteer-screening-checks>
- d. All personnel that require a WWCC will supply a copy of it to, or be validated by, the organisation making the appointment.

- e. Relevant Organisations may not engage a person who does not have a satisfactory WWCC in the relevant jurisdiction(s).
- f. Regardless of whether an individual is required or otherwise eligible to obtain a WWCC in the relevant jurisdiction(s), it is a serious breach of the Child Safe Policy if an individual:
  - i. who has convictions that would make them ineligible to be granted a WWCC is appointed to a child-related position in our sport; or
  - ii. continues in a child-related position if they have been charged or convicted of a crime that would make them ineligible to be granted a WWCC.
- g. Relevant Persons are required to report any criminal conviction or charge that indicates that they may present a potential risk to the Children to whom they help deliver programs or services, such as illegal drug possession or use, gun crimes and assault including adult sexual assault.

## 6. National Criminal History Record Checks

- a. Depending on the relevant jurisdictional legislation a Relevant Organisations may require the preferred candidates to have completed a 'national criminal history record check' (also known as a 'police check') where the candidate does not otherwise meet the jurisdictional threshold to apply for and obtain a WWCC.
- a. A criminal history does not automatically preclude an applicant from being appointed unless their criminal history suggests that they may pose a risk to Children. If there is information relevant to the employment decision, the applicant will be provided with an opportunity to respond to the contents of their police check (if they wish to do so).
- b. The decision to appoint or not appoint an applicant because of a police check result, along with the rationale for that decision, must be communicated to the applicant by the Relevant Organisation.
- c. A copy of the police check must not be retained. The original must either be returned to the applicant if requested or be destroyed in a secure manner on completion of the recruitment process. If the applicant is appointed, a record of the date and certificate number of the police check should be recorded in their personnel file.

## 7. International Criminal History Record Checks

- a. Any applicant who has resided overseas for 12 months or more in the last ten years must obtain an international criminal check.
- b. Some countries will not release information regarding an individual for personal or third-party purposes. Where police records checks cannot be made, reference checks must be conducted with at least two referees that personally knew the individual whilst they were residing in the other country.
- c. The Relevant Organisation must inform the applicant that referees will be asked whether they have knowledge or information concerning the applicant that would adversely affect the applicant from performing the job, including any relevant criminal offences. The credentials of persons acting as referees must be verified and can include previous employers or government officials).
- d. Overseas applicants should not commence until this process is satisfactorily completed.

## 8. Monitoring compliance

- a. Relevant Organisations will ensure that all personnel in child-related positions have a current WWCC as specified in state and territory legislation:  
<https://aifs.gov.au/resources/resource-sheets/pre-employment-and-volunteer-screening-checks>



- b. On request from KA, a Member State and/or an Affiliated Club must provide proof of their records of all child related positions, including all volunteers, identifying names, roles, current WWCC card sighted and expiry dates as a minimum.
- c. A Member State will have the authority to request this information from an Affiliated Club at any time.

#### 9. Reference checks

- a. The Relevant Organisation will conduct a minimum of two reference checks for the preferred applicant to gather additional information about the applicant's suitability to work in the role for which they have applied.
- b. The selected referees must:
  - i. be able to provide information relating to the applicant's suitability to work with Children;
  - ii. have known the applicant for at least 12 months;
  - iii. not be related to the applicant;
  - iv. be able to vouch for the applicant's reputation and character.

**Please note:** Written character references are not sufficient unless also followed up and verified through direct contact.

- c. Referees will be asked directly about any concerns they may have about the applicant working with Children. Refer to Appendix 3: Reference Check Requirements and Sample Questions.

#### 10. Qualification and registration checks

Educational or vocational qualifications, or professional registration will be verified for the preferred applicant for the position, if applicable.

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#### 11. Minors

- a. If a person under the age of 18 is appointed to a child-related position, the Relevant Organisation must:
  - i. comply with the relevant WWCC legislation;
  - ii. undertake appropriate screening (interviews and referee checks);
  - iii. ensure that they are aware that they are bound by the Child Safeguarding Policy, Child Safe Practices and the obligations associated with working with Children; and
  - iv. obtain information about any pre-existing relationships, especially where the Child-applicant interacts personally with another Child participant.

## Appendix 1: Child-Related Position Assessment

Note: State and territory jurisdictions have different requirements regarding screening and WWCC. This child-related position assessment aims to assist Relevant Organisations identify child-related positions however, **it should not be used to determine if a Relevant Person requires a WWCC.**

Specific state and territory requirements can be found here:

<https://aifs.gov.au/resources/resource-sheets/pre-employment-and-volunteer-screening-checks>

Question – Does the position/activity (paid/unpaid or volunteer):	Yes	No
Involve supervising children?		
Involve being alone with children or engaging with children in a way that is not observed or monitored?		
Involve activities with children away from the organisation’s usual location?		
Involve direct one-on-one or group contact with children via phone, letter, email, online or social media?		
Involve supervising child-to-child online contact?		
Have access (online or paper based) to a child’s or children’s personal and/or confidential information?		
Involve the need for physical contact/touching children?		
Have a perceived or actual level of authority (including from a child’s perspective)?		
Involve any other type of contact with children?		

If you answered YES to one or more of the above questions, the position is a **child-related position**.

The Relevant Organisation is required to undertake the recruitment and screening process as outlined in Annexure 3, including conducting interviews and reference checks.

Relevant Organisations must also meet the requirements of the relevant state or territory WWCC laws.

## Appendix 2: Interview Requirements and Sample Questions

1. The interview process is a very important step in selecting the right people for your organisation and in identifying any people that may pose a risk of harm to children.
2. An open-ended style of behavioural-based questioning will give insights into the applicant's values, attitudes and understanding of professional boundaries and accountability.
3. All applicants should be informed during the interview that referees will be contacted as part of any final selection process.

### Questions that MUST be asked

- Would you please tell us about your beliefs and values in relation to working with children?
- Would you please tell us about your awareness and understanding of child protection?
- Would you please tell us about your professional experience, competencies, and qualifications in relation to working with children?
- What boundaries are important when working with children?
- Have you ever had any disciplinary action taken against you in relation to you working with children?

### Additional Questions (for positions that work predominately with children) that MAY be asked

- What do you find most rewarding about working with children?
- What do you find most challenging about working with children?
- How would you handle a child that is behaving in a manner that is disruptive in a group setting?
- How do you think your peers, supervisors and referees would describe the way you work with children?
- Are there any children whom you would not wish to work with and, if so, why?
- How would you deal with a child who is acting aggressively?
- Have you ever lost your temper working with children? What was the trigger for this? What was the outcome?
- How would you respond to a child who disclosed they were being subjected to abuse?
- A parent of a child attending your service wants someone from the organisation to care for their child out of hours. What would be your response to this request?
- What would you do if you thought another staff member or volunteer had harmed or was harming a child?
- What would you do if you thought a child was being abused at home?
- Can you tell us about children you have found challenging to work with? What strategies do you use to handle challenging behaviour?
- How would you handle a child that appears sad and refuses to participate in activities?

**Take notice of your own thoughts and feelings when interacting with the applicant. Ask for more information if the applicant does not provide sufficient information in his or her responses.**

#### Red Flags include, but are not limited to:

- unexplained lengthy gaps in employment history
- strange or inappropriate questions / statements about children
- expresses an interest in spending time alone with children / in working with children of a particular age or gender
- excessive interest in child photography
- being evasive or inconsistent in responding to questions.

### Appendix 3: Reference Check Requirements and Sample Questions

- The purpose of seeking references is to obtain objective and factual information to support appointment decisions.
- Ask the same questions of each referee.
- When contacting the referee, identify yourself and your position, give the name of the candidate and the reason for your call.
- Before asking questions, describe the job and the competencies that you are seeking.

#### Questions that MUST be asked

- Are you related to the applicant? (Please note, if the person answers yes, you cannot proceed with this referee check and another referee needs to be obtained from the applicant).
- In what capacity have you known the applicant and for what length of time? (Please note, if less than 12 months another referee should be obtained from the applicant)
- How would you describe the personal character of the applicant?
- Would you have any concerns about this applicant working with or being in contact with children?
- How does the person respond to supervision/oversight?
- In your time working with the applicant, was there anything that led you to believe that this applicant is not suitable to work with or be in contact with children?
- To your knowledge, has this person ever been involved with the abuse or neglect of children?

#### The panel should consider the validity of the referees by reflecting on the following questions:

- What is the relationship between the referee and the applicant?
- Has the referee known the applicant in a professional capacity and if so when and for how long?
- Is the referee able to provide relevant information about the applicant's work history and performance?
- Has the referee observed the applicant demonstrating the skills and knowledge required for the position?

#### 'Red Flags' include, but are not limited to:

- A reluctant referee
- A referee who does not know (or appear to know) the applicant well
- Information that the referee will not provide
- Information that differs from the applicant's account
- Evasive or convoluted responses
- Referees that would not re-hire the applicant
- Referees that cannot be contacted
- Referees that were not informed they would be used.

## P4 COMPETITION MANIPULATION AND SPORTS WAGERING POLICY

Scheduled Reviewed

Triennially or as required

(Replaces Policy 42 Competition Fixing Policy)

Date of Board Approval

19 September 2022

Last Board Review: 19 September 2022

### Background

The manipulation of sporting competitions and related activities undermines the integrity of sport. Manipulating sporting competitions can be a crime and punishable by law.

This Policy prescribes prohibited conduct which constitutes a breach, as well as offences which must be reported to Australian Karting Association Ltd ('KA').

Through this Policy, KA aims to ensure that its core values, good reputation and positive behaviours and attitudes are maintained.

### 1. Definitions

Defined terms not otherwise defined in this Policy have been defined in, and have the meaning given to them, in the KA "Australian Karting Manual – National Competition Rules" (**NCR**), KA Constitution and KA Integrity Framework (**KIF**). In this Policy the following words have the corresponding meaning:

**Benefit** means any advantage and is not limited to property.

**Inside Information** means any information connected to the conduct, management or organisation of a sporting event that is not generally available and if it were generally available, the information, would, or would be likely to, influence a person's decision to bet on the sporting event or in making any other betting decision.

**Policy** means this Competition Manipulation and Sport Wagering Policy.

**Prohibited Conduct** means conduct proscribed by clause 3 of this Policy.

**Wagering Service Provider** means any company or other undertaking that promotes, brokers, arranges or conducts any form of wagering activity in relation to Karting in Australia.

### 2. Jurisdiction

This Policy applies to:

- a. Relevant Persons; and
- b. Relevant Organisations.

### 3. Prohibited Conduct

A Relevant Person commits a breach of this Policy when they, either alone or in conjunction with another or others, engage in any of the following conduct:

- a. participate (whether by act or omission) in improperly altering the result or the course of an Activity in order to remove all or part of the unpredictable nature of the Activity to obtain a Benefit for themselves or others by:
  - i. the direct, pre-meditated or planned interference with the natural course of an Activity



- or element of an Activity<sup>22</sup>;
  - ii. providing modified or false information related to a driver's identity or personal information;
  - iii. intentionally modifying playing surfaces, equipment, or driver's physiology to improperly influence the natural course of the event<sup>23</sup>; or
  - iv. providing or receiving any Benefit that might reasonably be expected to bring the Relevant Person, KA, or Karting into disrepute;
- b. bet, or enter into any other form of financial speculation on any Activity, or on any incident or occurrence in an Activity, connected with KA, whether or not they are participating in the Activity. For the avoidance of doubt:
- i. any bets placed by a betting syndicate or group, such as a 'punter's club', of which the Relevant Person is a member;
  - ii. an interest in any bet, including having someone else place a bet on their behalf; or
  - iii. allowing another person to place a bet using a Relevant Person's account, shall be treated as if the bet was placed by the Relevant Person as an individual;
- c. facilitate or assist with the making of a bet on any Activity or part of any Activity including communicating in any way, such as by using a mobile phone, computer or other electronic or other device, information that might give another person an unfair advantage if they were to engage in betting related to that information, other than as required as part of their official duties;
- d. disclose Inside Information, other than as required as part of their official duties;
- e. accept a Benefit to incite, cause or contribute to any breach of this Policy;
- f. facilitate, assist, aid, abet, encourage, induce, cover-up or be complicit in any Prohibited Conduct;
- g. attempt to engage in any conduct which would be Prohibited Conduct if successful; or
- h. fail to promptly report to the KA's National Integrity Manager any of the matters listed in clause 4.1(a) and (b).

## 4. Obligations

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### 4.1 Reporting

- a. A Relevant Person must, where permitted by law, promptly notify the KA's National Integrity Manager if he or she:
- i. is interviewed as a suspect, charged, or arrested by a law enforcement body in respect of conduct that falls with the definition of Prohibited Conduct;
  - ii. has been approached by another person to engage in Prohibited Conduct;
  - iii. knows or reasonably suspects that another person has engaged in Prohibited Conduct, or has been approached to engage in Prohibited Conduct; or
  - iv. has received or is aware or reasonably suspects that another person has received, actual or implied threats of any nature in relation to any past or proposed Prohibited Conduct.
- b. A Relevant Person has a continuing obligation to report any new knowledge or suspicion regarding any Prohibited Conduct under this Policy, even if the Relevant Person's prior knowledge or suspicion has already been reported.
- c. Notification by a Relevant Person under this clause 4.1 may be made verbally or in writing by the Relevant Person and may be made anonymously if there is a genuine concern of reprisal. A

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<sup>22</sup> Examples may include, but not limited to, intentionally conceding points, pre-arranging the outcome of a competition, deliberate underperformance (also known as 'tanking') in any manner (through selections or not playing to a person's merits), influencing driver selections and strategy, or intentional unfair or incorrect officiating

<sup>23</sup> For the avoidance of doubt, this does not include any matters dealt with under other relevant policies relating to anti-doping, eligibility, gender identity or selection criteria.



Relevant Person who makes a report anonymously is responsible for keeping a record that will allow them to confirm that they have met their obligations under clause 4.1(a).

- d. KA and Relevant Persons should be aware of relevant Commonwealth, State and Territory legal requirements to report criminal activity in relation to the manipulation of sporting competitions (match-fixing) and Inside Information.

## 4.2 Information sharing

- a. KA and Sport Integrity Australia may share information (including Personal Information as defined in the *Privacy Act 1988* (Cth)) at any time relating to Relevant Persons or Relevant Organisations with Wagering Service Providers, law enforcement agencies, government agencies or other sporting organisations to prevent, identify and investigate alleged Prohibited Conduct.
- b. KA must share the following information with Sport Integrity Australia:
- c. Any notification received from a Relevant Person under clause 4.1; and
- d. Any information received from Wagering Service Providers under clause 4.3.
- e. In sharing information, KA will remain bound by the legal obligations contained in the *Privacy Act 1988* (Cth) and KA's Privacy Policy.

## 4.3 Monitoring by Wagering Service Providers

- a. Relevant Persons must disclose information to KA and Sport Integrity Australia regarding all of their commercial agreements, interests, and connections with Wagering Service Providers. For the avoidance of doubt, this does not include the disclosure of accounts that Relevant Persons may hold with Wagering Service Providers.
- b. KA will work with Wagering Service Providers to ensure the ongoing integrity of Activities under the auspices of KA and Karting Organisations.
- c. KA or Sport Integrity Australia may request Wagering Service Providers to monitor and conduct regular audits of their databases and records to monitor the incidents of suspicious betting transactions (including single or multiple betting transactions or market fluctuations) that may indicate or tend to indicate that Relevant Persons have engaged in Prohibited Conduct under this Policy.
- d. To enable the Wagering Service Provider to conduct such audits, KA may, from time to time and subject to any terms and conditions imposed by KA (including in relation to confidentiality and privacy), provide to Wagering Service Providers details of Relevant Persons who are precluded by this Policy from engaging in Prohibited Conduct.
- e. Wagering Service Providers may provide KA with regular written reports on incidents of suspicious betting transactions (including single or multiple betting transactions or market fluctuations) that may indicate or tend to indicate that Relevant Persons have engaged in Prohibited Conduct.
- f. All requests for information or provision of information by Sport Integrity Australia, KA or a Wagering Service Provider shall be kept strictly confidential and shall not be divulged to any third party or otherwise made use of, except where required by law or by this Policy, is permitted by KA or Wagering Service Provider, or where information is already in the public domain other than because of a breach of this Policy.

## 4.4 Sponsorship within Karting

- a. KA may enter into a commercial arrangement with a Wagering Service Provider from time to time, subject to any applicable legislative requirements.
- b. A Relevant Organisation may enter into a commercial arrangement with a Wagering Service Provider with the written consent of KA. Such consent may be withheld at the discretion of KA where the proposed commercial arrangement:
  - i. conflicts with an existing commercial arrangement made between KA and a Wagering Service



Provider(s); and/or

- ii. is with a Wagering Service Provider with whom KA has not entered into an integrity agreement as required under any applicable state/territory Wagering legislation.
- c. Subject to clause 4.4(b), a Relevant Person or Relevant Organisation must not:
  - i. enter into any form of commercial arrangement with a Wagering Service Provider;
  - ii. induce, advertise, or promote betting on an Activity, without the prior permission of KA; or
  - iii. promote or endorse a Wagering Service Provider.

## 5. Complaints and Discipline of Members By-law

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The Complaints and Discipline of Members By-law applies to any alleged Prohibited Conduct, including reports of breaches of this Policy.

## 6. KA Integrity Framework

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The KA Integrity Framework applies to this Competition Manipulation and Sport Wagering Policy. When interpreting this Policy, any provisions inconsistent with the KA Integrity Framework apply to the extent of that inconsistency.

## P5 IMPROPER USE OF DRUGS AND MEDICINE POLICY

Scheduled Reviewed Triennially or as required

Date of Board Approval 19 September 2022 Last Board Review: 19 September 2020

### Background

- a. There is an increasing concern about the improper use of drugs and medicine in sport.
- b. Australian Karting Association Ltd ('KA') is committed to the health, safety, and wellbeing of Relevant Persons and to providing a safe and clean environment for Participants in Karting, including by ensuring that science and medicine services are provided to athletes by appropriately qualified and supervised staff that are subject to the KA Integrity Framework.
- c. Illegal Drugs represent a widespread community problem and can pose a serious health issue for individuals. KA is aware of the availability and the prevalence of use of Illegal Drugs and seeks to deter Relevant Persons from the use of such substances.
- d. The use of Illegal Drugs has a significant impact on the culture of sporting environments and the performance of individuals. Such use also brings Participants, KA and Karting into disrepute and does not provide a positive example for members of the community that may view our athletes as role models.
- e. The purpose of this Policy is to provide a framework to:
  - i. address and deter any unlawful distribution and use of Illegal Drugs in connection with Karting;
  - ii. aim to reduce the harm caused by Illegal Drugs to Relevant Persons and the broader community;
  - iii. ensure that appropriately qualified personnel are appointed to provide science and medicine services to athletes within Karting; and
  - iv. ensure that injections are only administered to athletes within Karting as part of appropriate medical treatment.
- f. The Australia Institute of Sport (AIS) leads the sport sector in best practice for Sport Science and Sport Medicine and works collaboratively with Sport Integrity Australia in relation to compliance with policy and standards relating to Sport Science and Sport Medicine.

#### 1. Definitions

Defined terms not otherwise defined in this Policy have the meaning given to them, in the KA "Australian Karting Manual – National Competition Rules" (NCR), KA Constitution and KA Integrity Framework (KIF). In this Policy, the following words have the corresponding meaning:

**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 as published and amended by the AIS from time to time and available [here](#).

**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 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 \(CT\)](#), 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.

**National Medical Officer** is the Medical Practitioner appointed by KA to advise and lead medical services for Karting.

**Policy** means this Improper Use of Drugs and Medicine Policy.

**Possession** means the actual, physical Possession, or the constructive Possession of an Illegal Drug <sup>24</sup>.

**Prohibited Conduct** means conduct proscribed at clause 4.1 of this Policy.

**Relevant Driver** means:

- a. International Competition Licence Holders – see ‘NCR’;
- b. National Championship Level Drivers – which means a Driver who Competes at National Championship level.

**Relevant Personnel** means:

- a. Coaches;
- b. Employees;
- c. Medical Practitioners;
- d. Officials.
- e. Sports Science Sports Medicine Personnel;
- f. Support Personnel; and
- g. Any other person who has agreed to be bound by this Policy (other than a Driver).

**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 <sup>25</sup>.

**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

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<sup>24</sup> **Constructive possession** refers to a situation where a Relevant Person has no hands-on custody of Illegal Drugs but has knowledge of the location of Illegal Drugs and the ability to exercise control/or a degree of control over them. For example, if the Relevant Person have stored drugs stored in a safety deposit box. Whilst the Relevant Person does not have actual physical custody of the Illegal Drugs, they have knowledge of the location of the Illegal Drugs and the ability to exercise control over them. Thus, under the legal doctrine of constructive possession, the Relevant Person is still considered in possession of the contents of their safety deposit box.

<sup>25</sup> **Sport Integrity Australia** advises that no supplement is free from anti-doping risk.





which are compliant with the Australia New Zealand Food Standards Code are excluded. Medicines which are compliant with the Therapeutic Goods Act are excluded.

**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.

**TUE or Therapeutic Use Exemption** 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.

## 2. Jurisdiction

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This Policy applies to:

- i. Relevant Persons; and
- ii. Relevant Organisations.

## 3. Obligations

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### 3.1 Illegal Drugs

Relevant Persons must not Use, Possess or Traffic Illegal Drugs.

### 3.2 Sport Science and Sport Medicine Personnel

KA and Karting Organisations 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 Drivers;
- 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.

### 3.3 Medication

- a. 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.
- b. Relevant Drivers should refer to Global DRO website [here](#) or the Sport Integrity Australia App 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.
- c. KA requires all Relevant Drivers to determine if they need an [in-advance](#) or [retroactive](#) TUE by referring to the Sport Integrity Australia website [here](#). Once determined the Relevant Driver should comply with the relevant requirements.
- d. Relevant Drivers should notify the National Medical Officer or person nominated by KA when Medications have been provided/prescribed by a Medical Practitioner not appointed by KA or a Karting Organisation.
- e. Relevant Drivers must not use expired Medication.

### 3.4 Injections

- a. Relevant Personnel or Relevant Drivers with a documented medical condition requiring the possession of injection equipment must notify the National Medical Officer.
- b. If a Relevant Driver is unable to self-inject (for example due to age, impairment, or incapacity) then a carer<sup>26</sup> may also be identified to the National Medical Officer.
- c. Relevant Personnel and Relevant Drivers must not be in possession of any hypodermic needles or other injection equipment, unless:
  - i. the individual is a Health Professional authorised to administer injections; or
  - ii. the individual's possession has been authorised by the National Medical Officer or other Medical Practitioner.
- d. Relevant Drivers must not self-inject any substance unless authorised to do so by the National Medical Officer or other Medical Practitioner for the treatment of a documented medical condition.
- e. Subject to clause 3.4(b), Relevant Drivers must not allow any person other than a Health Professional authorised to administer injections or authorised carer to administer an injection to them. Any such injection must only be administered by a Health Professional authorised to administer injections or the authorised carer for a purpose permitted under this Policy.
- f. Relevant Personnel must only administer injections to Relevant Drivers if:
  - i. the Relevant Personnel is a Health Professional authorised to administer injections or is an authorised carer for the Relevant Driver; and
  - ii. the injection is for a purpose permitted under this Policy.
- g. For the purposes of clauses 3.4(e) and (f), the only purposes permitted under this Policy are where an injection is medically required for:
  - i. vaccination purposes;
  - ii. treatment of a documented medical condition; or
  - iii. investigation of a suspected medical condition.

### 3.5 Supplements

- a. KA recognises that Dietary Supplements may be taken by Relevant Drivers 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.
- b. KA acknowledges the value of accredited third-party auditing programs to reduce the risk of Supplements containing substances included on the Prohibited List. KA 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.
- c. KA 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](#).
- d. Supplements may only be used by Relevant Drivers in accordance with:
  - i. this Policy; and
  - ii. any documented procedure for the use of Supplements, as adopted by KA and a Karting Organisation from time to time.
- e. Relevant Personnel must not supply or provide Non-compliant Supplements to a Relevant Driver.

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<sup>26</sup> Carers who are not the Relevant Driver's parent or guardian must still obtain prior consent from a parent or guardian where required to do so by law or policy, including under the Child Safeguarding Policy.

## 4. Prohibited Conduct

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### 4.1 Prohibited Conduct of Relevant Persons

A Relevant Person commits a breach of this Policy when they:

- a. Subject to clause 8.1:
  - i. are convicted of any breach of a relevant state or territory or Commonwealth law relating to or involving an Illegal Drug; or
  - ii. facilitate, administer, assist, aide, abet, encourage, induce, cover up or are in any way complicit in a breach of clauses 4.1(a)(i), 4.2 or 4.3; or
- b. fail to report the matters outlined in clause 5.2.

### 4.2 Prohibited Conduct of Relevant Drivers

A Relevant Driver 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 3.4(c), 3.4(d), or 3.4(e).

### 4.3 Prohibited Conduct of Relevant Personnel

A Relevant Personnel commits a breach of this Policy when they:

- a. do not comply with clause 3.4(c) or 3.4(f);
- b. do not comply with clause 3.5(e); or
- c. facilitate, assist, aide, abet, encourage, cover up or are in any way complicit in a breach of clause 4.3(b).

### 4.4 Prohibited Conduct of Relevant Organisations

A Relevant Organisation commits a breach of this Policy when they:

- a. fail to report the matters outlined in clause 5.2; or
- b. facilitate, assist, aide, abet, encourage, cover up or are in any way complicit in a breach of clause 4.2 or 4.3.

## 5. Additional Obligations

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### 5.1 No publishing or transmitting certain Illegal Drug content

Relevant Persons 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.

### 5.2 Reporting

Relevant Persons and Relevant Organisations must report any criminal activity or conduct that may amount to Prohibited Conduct under this Policy to Sport Integrity Australia and to any other entity as required by law.

## 6. Complaints and Discipline of Members By-Law

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The Complaints and Discipline of Members By-Law applies to any alleged Prohibited Conduct, including reports of breaches, of this Policy.

## 7. KA Integrity Framework

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The KA Integrity Framework applies to this Improper Use of Drugs and Medicine Policy. When interpreting this Policy, any provisions inconsistent with the KA Integrity Framework apply to the extent of that inconsistency.

## 8. Other Matters

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### 8.1 Legitimate therapeutic purpose

If an Illegal 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.

### 8.2 Patient confidentiality

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

### 8.3 Lifesaving medical treatment

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.

### 8.4 Support

KA may refer a Relevant Person for medical assessment and education where there are reasonable grounds for doing so and may determine, and grant, any associated financial support to a Relevant Person, if any.

## P6 CODE OF CONDUCT

Scheduled Review Triennially or as required (Replaced Policy P4 MPP Part D)

Date of Board Approval 19 September 2022 Updated 25 November 2024

### Overview

Karting Australia seeks to provide a safe, fair, and inclusive environment for everyone involved in our organisation and in our sport. We always endeavour to carry on the business of providing fair, safe, and socially responsible motor sport, an activity which is, therefore, vulnerable if its media, public or professional image is tarnished in any way.

We require certain standards of behaviour by all **Relevant Persons** and **Relevant Organisations** to which this Policy applies (whilst they are a Relevant Person or a Relevant Organisation), spectators, parents/guardians of Relevant Persons that are minors and all other persons under our control (**Other Persons**):

- When attending any KA sanctioned and/or related activity in any capacity whatsoever (**KA Activity**) regardless of whether they are taking part in a paid or unpaid/voluntary capacity;
- Whilst travelling to or from a KA Activity; and
- At all other times at which Relevant Persons are wearing KA apparel or uniforms, whether compulsorily or by choice.

Our Codes of Conduct are underpinned by the following core values:

- To act professionally and always represent KA and our sport in a professional manner;
- To act within the Rules and spirit of our sport;
- To display respect and courtesy towards everyone involved in our sport;
- To prevent discrimination and harassment;
- To prioritise the safety and well-being and health of all people who participate in and who are involved in our sport; and
- To encourage and support opportunities for participation in all aspects of our sport.

This Code of Conduct, as amended from time to time, binds all Relevant Persons, Relevant Organisations and Other Persons.

### Breaches of This Code

Failure by any person to comply with the standards of conduct required by the Code of Conduct may result in, amongst other things, immediate removal from a particular Meeting, Event or Karting Activity held under an Organising Permit by the Club or Organiser of the Meeting, Event or Karting Activity without refund and:

- For Relevant Persons and Relevant Organisations, Disciplinary Measures being taken against the offender;
- For Other Persons:
  - a reprimand or warning;
  - bans from attending particular Circuits, Courses, Meetings or Events, Competitions or Karting Activities held under an Organising Permit issued by KA or a Karting Organisation without refund;
  - suspension or expulsion from Karting Activities or Meetings; and
  - any other sanction considered appropriate by KA, a Member State or a Club (as the case may be).



## Addressing Alleged Breaches

If KA, a Member State or a Club (**Initiating Entity**) determines, in its sole discretion, that an Other Person may have breached this Code, the Other Person must:

- provide the Initiating Entity with any information reasonably requested by it regarding the potential breach of this Code;
- reasonably cooperate with any investigation conducted by the Initiating Entity concerning the potential breach.

If an Initiating Entity determines, in its sole discretion, that a breach of this Code has occurred:

- the Initiating Entity will communicate its provisional views and proposed sanctions to the Other Person involved and provide a reasonable opportunity to the Other Person to provide a response, which may be verbal or in writing (depending on the circumstances);
- the Other Person involved must provide their response on the initial views and proposed sanctions to the Initiating Entity within the timeframe required by the Initiating Entity; and
- the Initiating Entity will consider any response provided by the Other Person within the required timeframes before making a final decision (at its sole discretion) regarding the sanction to be imposed on the Other Person, if any. For the avoidance of doubt, the Initiating Entity may proceed to make a final decision in the event that the Other Person fails or refuses to provide a response within the required timeframes.

The appropriate timeframes for relevant actions contemplated above will be determined by the Initiating Entity at its sole discretion taking into account factors such as (among other things) where the potential breach occurred and the nature of the potential breach.

If the nature of the potential breach requires it, the Initiating Entity may impose any provisional sanction that it considers appropriate at any time after becoming aware of a potential breach of this Code.

## Jurisdiction for Alleged Breaches

If an alleged breach of this Code occurs at the:

- **Club level**, or involves people operating at the Club level, then the alleged breach should be reported to, and handled by, the relevant Club in accordance with this Code in the first instance.

**Note:** The Club must, as soon as is reasonably practicable after addressing an alleged breach, provide to their Member State for their information such details of the alleged breach as would ordinarily be required in a KA Concern or KA Complaint Form (as the case may require).

- **State level**, or involves people operating at the state level, then the alleged breach should be reported to and handled by the relevant Member State in accordance with this Code in the first instance.

**Note:** The Member State must, as soon as is reasonably practicable after addressing an alleged breach, provide to KA for its information such details of the alleged breach as would ordinarily be required in a KA Concern or KA Complaint Form (as the case may require).

Only matters that relate to, or which occurred at, the **National level**, as well as serious cases referred from the Member State and Club level, should be referred to the KA Complaint Officer and dealt with by KA using such information as would ordinarily be required in a KA Concern or KA Complaint Form (as the case may require), however, KA may at any time exercise its right to deal with an alleged breach of this Code.

## Definitions

Defined terms not otherwise defined in this Code of Conduct have been defined in, and have the meaning given to them, in the KA “Australian Karting Manual - National Competition Rules” (**NCR**), KA Constitution, KA Integrity Framework (**KIF**) and the Member Protection Policy (**MPP**).



## SCHEDULE 1 - CODE OF CONDUCT - GENERAL

Relevant Persons, Other Persons and Relevant Organisations to which this Policy applies including but not limited to all Drivers, Administrators, Officials, Licence Holders, Organisers, Coaches, Contractors, Support Personnel as defined in the 'KIF' and spectators and all Other Persons under our control at any KA sanctioned and/or related activity are bound by our Code of Conduct and are required to:

- a. respect the rights, dignity and worth of others;
- b. conduct themselves in line with KA's values;
- c. be fair, considerate, and honest in all dealings with others;
- d. be professional in, and accept responsibility for, their actions;
- e. make a commitment to provide quality service;
- f. maintain a duty of care (and follow any safety guidelines) to others involved in KA, state members and affiliated clubs (where a duty of care applies);
- g. be aware of, and maintain an uncompromising adherence to KA's standards, Rules, Regulations and policies including this Code of Conduct and the Child Safeguarding Policy;
- h. establish and maintain an environment that is safe for the conduct of activities for Children;
- i. operate within the rules of the sport, including the National Competition Rules (NCR), national and international guidelines that govern KA, State Members and Affiliated Clubs;
- j. Show concern for the health, safety and welfare of members and participants;
- k. give all people equal opportunity to participate;
- l. be a positive role model, demonstrating a high degree of individual responsibility (especially when dealing with children), understanding that their words and actions are an example;
- m. wear their uniform, accreditation, and identification (as required) while involved in delivering karting services or as required by an affiliated member (such as when representing KA, State Members or Affiliated Clubs);
- n. understand the repercussions if they breach, or are aware of any breaches of, this Code of Conduct;
- o. not shame, humiliate, oppress, belittle, harass or degrade any person, especially children;
- p. not unlawfully discriminate against any person, especially children, because of culture, race, ethnicity or disability;
- q. not engage in any activity with a Participant that is likely to cause harm;
- r. not do anything that brings KA, a Member State or an Affiliated Club of the sport of karting into disrepute or engage in conduct that is unbecoming;
- s. not use their involvement with karting to promote their own beliefs, behaviours or practices where these are inconsistent with those of KA, a Member State of an Affiliated Club;
- t. not supply alcohol or drugs (including tobacco) to Children participating in karting activities or services; and
- u. while on duty, not:
  - i. use, possess or be under the influence of an illegal drug;
  - ii. use or be under the influence of alcohol;
  - iii. be incapacitated by any other legal drug such as prescription or over the counter drugs.



## SCHEDULE 2 – LICENCE HOLDERS

In addition to adhering to the Code of Conduct – General that is applicable to all people bound by this Policy, this specific Code of Conduct has been developed for Licence Holders.

This Code of Conduct – Licence Holders should be read in conjunction with the MPP and Child Safeguarding Policy.

Licence Holders are required to:

- a. not initiate or tolerate acts of aggression, or engage in any violence on or off the track;
- b. respect the talent, potential and development of fellow licenced participants;
- c. care for and respect the equipment used or provided to them as part of their program/activity;
- d. control their emotions, and not engage in verbal abuse of or swearing at or in the vicinity of others, sledging participants or behaviour that deliberately distracts or provokes a participant or official;
- e. maintain high personal behaviour standards towards participants, volunteers, and officials at all times;
- f. never argue with or dispute a decision of an Official. If a participant disagrees with a decision, they should deal with their dispute in accordance with the relevant rules;
- g. be honest in their attitude and preparation to practice;
- h. cooperate with coaches, support personnel and other individuals who may assist you in your karting development;
- i. not engage in conduct that is, unethical, unbecoming, or likely to cause harm to the reputation of the Participant or the Affiliated Club;
- j. not take part in any form of bullying including via the use of social media;
- k. Not make or post inappropriate, offensive, or discriminatory comments in public; and
- l. Use appropriately the facilities and equipment made available for karting activities.



### SCHEDULE 3 – ADMINISTRATORS AND VOLUNTEERS

In addition to adhering to the Code of Conduct – General that is applicable to all people bound by this Policy, this specific Code of Conduct has been developed for Administrators and Volunteers.

This Code of Conduct – Administrators and Volunteers should be read in conjunction with the MPP and Child Safeguarding Policy.

Paid administrators and volunteers are required to:

- a. adopt a collaborative and consultative approach to planning, leadership, management, administration and decision making;
- b. create accessible pathways for people to participate in karting, not just as a Participant but as an Official, administrator or any other role;
- c. ensure that rules, equipment, length of activities and practice schedules are in accordance with the NCR as well as suited to the age, ability and maturity level of participants;
- d. ensure an environment that provides quality supervision and instruction for Child Participant's;
- e. remember individuals participate for their enjoyment and benefit, so maintain a balanced approach with awards and competition results with acknowledgement of social karting participation;
- f. assist officials, coaches and participants in highlighting appropriate behaviour and skill development to help improve the standards of officiating and coaching;
- g. ensure all involved in karting emphasise fair play, not winning at all costs and sportsmanship to the highest degree;
- h. support implementation of all policies and procedures of KA, Member State and the Affiliated Club; and
- i. make it clear any breach of this policy including abuse, bullying or harassment is unacceptable and may result in disciplinary action.



## SCHEDULE 4 – OFFICIALS

In addition to adhering to the Code of Conduct – General that is applicable to all people bound by this Policy, this specific Code of Conduct has been developed for Officials.

This Code of Conduct – Officials should be read in conjunction with the MPP and Child Safeguarding Policy.

Officials appointed by KA, a Member State, or an Affiliated Club are required to:

- a. understand and have completed the appropriate Officials accreditation and/or endorsement for each Officials role they are undertaking or intending to undertake;
- b. be fully conversant with the National Competition Rules (**NCR**) and/any other published rules and regulations pertaining to the competition to be officiated;
- c. actively maintain technical knowledge through ongoing review of the NCR, technical publications, and review of videos/livestreaming;
- d. be punctual for all official events and attend all pre-competition Officials briefings;
- e. dress in a tidy fashion, with appropriate and allocated Officials clothing befitting the status and image of an Official;
- f. be prepared and confident to follow the NCR's in applying sanctions, penalties and/or referrals to tribunal hearings as appropriate to the alleged breach;
- g. be accountable for one's own officiating performance by being consistent and objective;
- h. be cooperative in using appropriate Officials templates and in providing unbiased information for relevant reviews and hearings;
- i. when travelling to officiate for KA, Member State of Affiliated Club ensure you abide by the KA or relevant Travel Policy including the process for booking and/or claiming travel expenses; and
- j. not engage in conduct that is, unethical, unbecoming, or likely to cause harm to the reputation of the Participant or the Affiliated Club.





## SCHEDULE 5 – PARENTS, GUARDIANS AND PARTICIPANT LICENCE HOLDERS

In addition to adhering to the Code of Conduct – General that is applicable to all people bound by this Policy, this specific Code of Conduct has been developed for Parents, Guardians and Participant Licence Holders.

This Code of Conduct – Parents, Guardians and Participant Licence Holders should be read in conjunction with the MPP and Child Safeguarding Policy.

All Parents, Guardians and Participant Licence Holders during any activity or event are required to:

- a. remember that their Child participates in karting for their own enjoyment, not theirs;
- b. focus on their Child's efforts, participation and enjoyment rather than winning or losing;
- c. never ridicule or yell at their Child or any other Children for making a mistake or losing a race or event;
- d. show appreciation for good performance by all participants;
- e. recognise volunteers, officials, coaches and administrators who give up their valuable time;
- f. respect Officials' decisions and teach Children to do likewise;
- g. not engage or condone any physical and/or verbal intimidation or abuse towards a participant, official or volunteer;
- h. not enter the restricted areas of the track, unless authorised by an official;
- i. respect KA administrators and abide by their decisions;
- j. allow fellow parents the respect they deserve in their viewing of or involvement in their Child's participation;
- k. respect the facilities and equipment of their own and other clubs;
- l. not take part in any form of bullying, make or post inappropriate, offensive, or discriminatory comments in public or on social media; and



## SCHEDULE 6 – SPECTATORS

In addition to adhering to the Code of Conduct – General that is applicable to all people bound by this Policy, this specific Code of Conduct has been developed for Spectators.

This Code of Conduct – Spectators should be read in conjunction with the MPP and Child Safeguarding Policy and the Terms and Conditions of Entry to the venue where a Meeting is being held.

Spectators are required to, during any activity held or sanctioned by KA:

- a. focus on the participating Driver's' efforts and performance rather than winning or losing;
- b. never ridicule or yell at participating Drivers for making a mistake or not winning a race and/or competition;
- c. show appreciation for good performance by all Drivers (including opposing Drivers);
- d. respect Officials' decisions and teach others to do likewise;
- e. show appreciation and respect for volunteers, officials, coaches, mechanics and administrators;
- f. review the KA Accredited Photographers and Media Policy, prior to an event, before taking photos or videos of participants;
- g. comply in all respects with the terms of entry for any venue related to any KA sanctioned and/or related activity; and
- h. allow fellow spectators the respect they deserve in their viewing of the class/event.

### Terms and Conditions of Entry to a Karting Venue

By entering this venue, you agree to comply with Karting Australia's policies, including its Code of Conduct, which applies to all entrants. Failure to comply with the Code of Conduct (available on KA's website or via the above QR Code) may result in, among other things, removal from this venue as well as temporary or permanent bans from attending Karting Activities or race Meetings.



## P7 PRIVACY POLICY

Scheduled Reviewed Triennially or as required

Date of Board Approval

2 December 2014

Last Board Review: 11 November 2019

### Overview

The protection of personal information is important to Karting Australia (**KA**). KA is committed to respecting your right to privacy and the security of personal information. KA is also committed to complying with the Australian Privacy Principles set out in the *Privacy Act 1998* (Cth) (and state and territory equivalents).

KA has developed this policy in its role as the controlling body for karting in Australia. This policy applies to all personal information in conjunction with KA, and also to various karting organisations across Australia to the extent that they do not have their own privacy policy.

This policy sets out how an Australian Karting Organisation (**AKO**) may collect, hold or use personal information. By providing personal information to an AKO, you consent to its use, storage and disclosure in accordance with this policy.

### Definitions

For the purposes of this policy, an AKO is defined as:

- Karting Australia;
- A Member State (or Territory) of KA;
- Affiliated Clubs, being those karting clubs, which are a member of, a Member State (or Territory) of KA.

### What Personal Information May Be Collected

AKOs may from time to time collect information from you in relation to AKO activities. This information may include but not be limited to personal information such as your:

- name;
- contact details such as you address, phone number, email address;
- gender, age and financial and marital status;
- karting experience and qualifications;
- vehicle details;
- club affiliations;
- medical condition and history;
- manner and method of use of AKO services (and details about where you accessed those services);
- history of offences and other acts which may be prejudicial to the interests of karting; and
- other information specifically provided by you to AKO or which is relevant to you participating in karting.

### How Personal Information is Collected

AKOs will not collect personal information unless the information is reasonably necessary for, or directly related to, one or more of AKOs functions or activities. AKOs will also only collect personal information by lawful and fair means and not in an unreasonably intrusive way.

AKOs may directly collect your personal data through various means, including but not limited to the following:

- as part of your application for a licence, visa, permit or other permission required in relation to a AKO related activity;
- As part of your application to join an Affiliated Club;
- as a result of you participating in an AKO or a karting activity;



- when you contact, or are contacted by, an AKO by any medium (including but not limited to electronic, tangible and personal means);
- where provided or made available by third parties (including but not limited to recruiters, timing recorders, government entities, track operators, event managers, promoters and organisers);
- from AKO-related entities, contractors, agents and employees;
- from family members and other people involved in AKO-affiliated events;
- searches for information which is publicly available; and
- from your use of any of AKO services (including KA's web-based services and services provided by others on behalf of KA.)

## Indirect Collection of Personal Information

In addition, AKOs may also collect personal data indirectly about you through your use of AKO's services and from other third parties. Such means may include but are not limited to:

- placement of cookies and other electronic markers or files on your computer; and
- monitoring of your usage of AKO services (including its web-based services).

## Use and Disclosure of Personal Information

The primary purpose for which AKOs collect information about you is to enable AKO to perform their activities and functions and to provide the best possible quality of service to you.

To this extent, AKO collects, holds, uses and discloses your personal information for purposes which may include but are not limited to the following:

- to provide products and services to you;
- to provide you with news, information or advice about AKO activities, products and services;
- to communicate with you including by email, mail or telephone;
- to manage and enhance AKO activities, products and services;
- to provide you with access to AKO services;
- to conduct competitions or promotions on behalf of AKO and selected third parties;
- to enable corporate partners and sponsors of AKO, to market and promote their products and services to you;
- to improve KA's online CMS system;
- to provide, and to assist KA with providing products and services to you, to manage and account for the products and services, and to improve the products and services;
- to manage AKO relationship(s) with you;
- to provide you with information about events, products and/or services that may interest you;
- to facilitate the internal business operations of AKO;
- to verify your identity;
- to conduct business processing functions for operation of our websites or our business;
- for AKO administrative, marketing (including direct marketing), promotional, planning, product/service development, quality control and research purposes, or those of AKO contractors or external service providers;
- to investigate any complaints about or made by you, or if AKO has reason to suspect that you are in breach of any of KA rules, policies, procedures, KA terms and conditions or that you are or have been otherwise engaged in any unlawful activity; and
- as required or permitted by any law (including the Privacy Act).

AKO may disclose your personal information to third parties as permitted by law. Such third parties may include but not be limited to the following:

- AKO service providers, agents, employees and contractors;
- AKO advisors, committees, commissions, tribunals, auditors, insurers, sponsors and re-insurers;
- persons involved or interested in AKO-affiliated activities;
- government and law enforcement agencies and regulators; and
- investigators and assessors.



AKO may also disclose personal information where it is otherwise permitted to do so by law.

## Non-Disclosure of Information

You can always decide to not provide some or any personal information requested by AKO. If you decline to provide any personal information requested:

- AKO may not be able to provide you with the product or service you have requested (such as memberships, licences or permits);
- you may not be able to access in part or in full the products and services which AKO provides (such as access to KA electronic and web-based systems);
- KA may cancel your membership, permit or licence or prevent you from participating in a KA-affiliated event; and
- AKO may not be able to provide you with information about products and services that you may want, including information about discounts, sales or special promotions.

## Data Security

AKO will take reasonable steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure. AKO will also take reasonable steps to destroy or permanently de-identify personal information that it no longer requires.

If you suspect any misuse or loss of, or unauthorised access to, your personal information, please let KA know immediately.

## Marketing

AKO may send you marketing communications and information about AKO activities, products and services that AKO consider may be of interest to you. These communications may be sent in various forms, including mail, SMS or email, in accordance with applicable laws. If you indicate a preference for a method of communication, AKO will endeavour to use that method whenever practical to do so.

AKO will endeavour to provide you with an option to opt out of receiving further marketing and promotional materials from AKO where you disclose personal information to AKO. In addition, you may at any time contact KA to request that any further promotional or marketing information is not sent directly to you.

Please contact KA if you receive communications from AKO that you believe have been sent to you other than in accordance with this policy, or in breach of any law.

## Access and Correction

You may request access to any personal information AKO holds about you at any time by contacting AKO (details below). Where AKO holds information that you are entitled to access, AKO will try to provide you with suitable means of accessing it (for example, by mailing or emailing it to you).

AKO will not charge for simply making a request and will not charge for making any corrections to your personal information or for any reasonable costs incurred by AKO in delivering that information to you in Australia. AKO may charge you for compiling, copying and providing to you any information you request where AKO considers that the time and cost involved is unreasonable or excessive.

If you make an access request, AKO may ask you to verify your identity. There may be instances where AKO cannot grant you access to the personal information held by AKO. AKO will notify you in writing of the reason for not giving you that information.





If you believe that personal information AKO holds about you is incorrect, incomplete or inaccurate, then you may request AKO to amend it. AKO will consider if the information requires amendment. If AKO does not agree that there are grounds for amendment, then AKO will add a note to the personal information stating that you disagree with it. AKO requests that you keep your information as current as possible so that AKO may continue to improve our service to you.

## Disclosure of Personal Information Outside of Australia

KA deals with others in countries outside of Australia. KA may disclose personal information to others located overseas for some of the purposes listed in this policy. KA take reasonable steps to ensure that the overseas recipients of your personal information do not breach the privacy obligations relating to your personal information.

KA may disclose your personal information to others located outside of Australia. Some of those entities include the following:

- (a) the FIA in France and other sporting organisations worldwide (predominantly in western countries and Asia but may include other countries in which karting related activities may be conducted);
- (b) service providers engaged by KA in relation to KA' activities; and
- (c) entities which engage KA to provide services.

## Complaints, further Information and Future Changes

Any complaints in relation to the collection, use, disclosure, quality, security and access of your personal information or a breach of this policy, the Privacy Act or the Australian Privacy Principles by AKO may be made to KA Privacy Officer, or such other person delegated by the CEO who may be contacted as follows:

*Privacy Officer Karting Australia*  
[admin@karting.net.au](mailto:admin@karting.net.au)

KA takes all privacy complaints seriously and will investigate your complaint in a confidential manner and you will be informed of the outcome of the investigation within a reasonable period of time.

KA may amend this Privacy Policy from time to time. We will notify you of any amendments by posting an updated version of this Privacy Policy on our website ([www.karting.net.au](http://www.karting.net.au)).

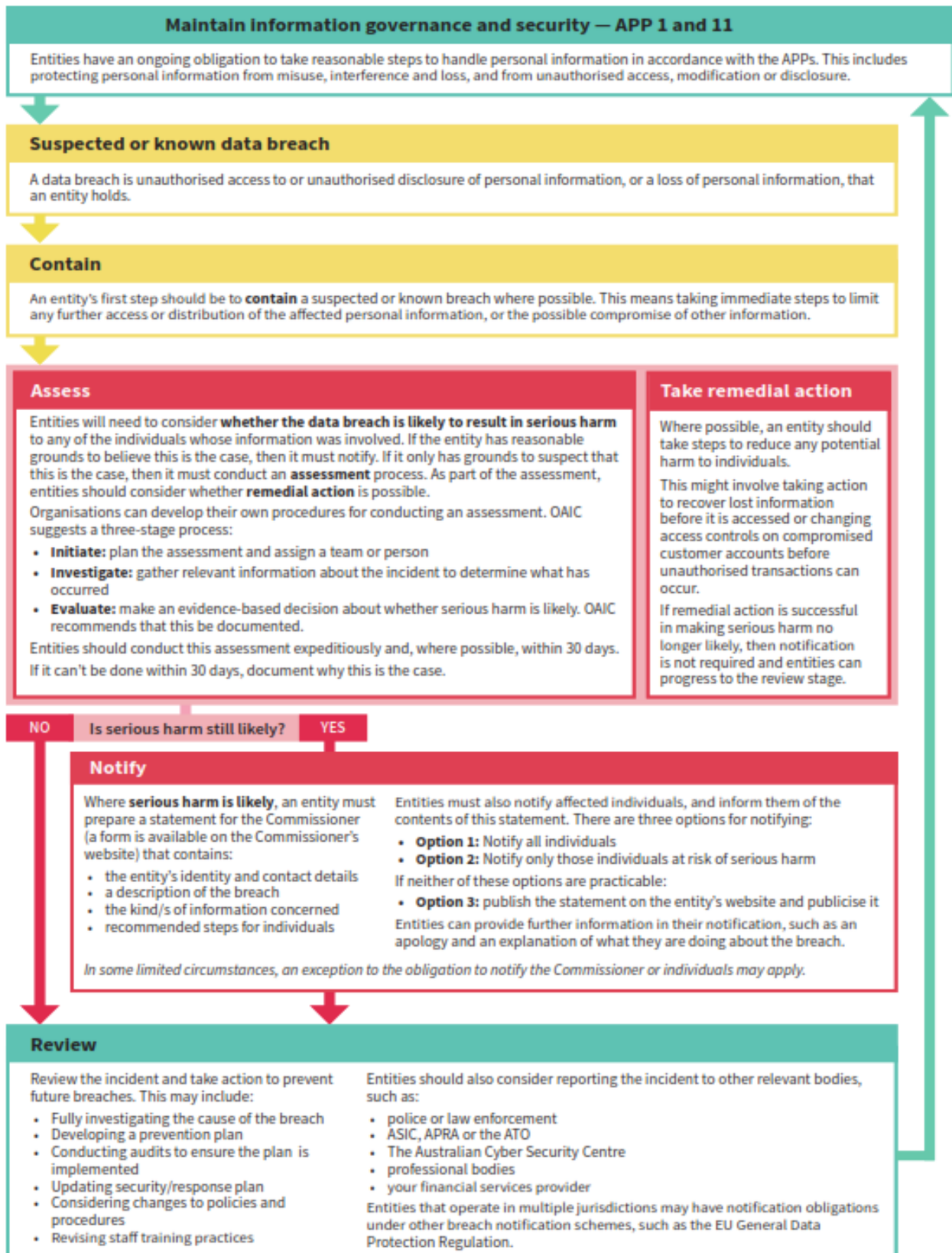
## P8 PRIVACY SECURITY BREACH FLOWCHART

Scheduled Reviewed Triennially or as required

Date of Board Approval

2 DECEMBER 2014

Last Board Review: 11 November 2019



## P9 ANTI-DISCRIMINATION HARASSMENT AND BULLYING

Scheduled Reviewed Triennially or as required

Date of Board Approval 30 May 2016 Updated: 11 November 2019

### Introduction

KA recognises its responsibilities to ensure that it provides a working and sporting environment that is free from discrimination, harassment and workplace bullying.

KA is committed to ensuring that all participants in the sport are treated with courtesy, dignity and respect at all times.

### Scope

This policy applies to all KA Board, State Karting Associations, State Karting Council's, Member States, Affiliated Clubs, Members, Staff and Volunteers.

### Definitions

In addition to the definitions in the KA Manual, the following definitions apply to this policy:

#### **Board Members (The Board)**

Directors of the KA Board

#### **KA Appointed Officials**

Officials appointed by KA to work at a KA Event or a Permitted Event, including Stewards of Meetings, Clerks of the Course, Technical Commissioners and any other official expressly appointed by KA, a Member State or an Affiliated Club.

#### **KA Events**

Karting events conducted by KA excluding Permitted Events.

#### **Permitted Events**

Karting events that are not conducted by KA but are conducted pursuant to a licence, permit or authority issued by KA.

#### **Staff**

A paid employee of, or contractor engaged by KA who conducts work for KA including at KA Events and Permitted Events.

#### **Volunteers**

Unpaid/Honorary representatives working for KA on authorised and approved KA business, including but not limited to Board members, Commission and Committee members and KA Appointed Officials.

### Policy Objective

To ensure that all KA Board, Staff and Volunteers understand KA's expectations and their legal obligations in relation to discrimination, harassment and workplace bullying KA seeks to:

- create a working environment which is free from discrimination, harassment and workplace bullying and where each person is treated with courtesy, dignity and respect
- have employment practices which ensure that individuals or members of a particular group are not discriminated against because of their attributes
- promote appropriate standards of conduct
- promptly resolve issues when they occur and resolve complaints in a fair and timely manner.

### Law

KA is subject to Federal, State and Territory legislation prohibiting discrimination, harassment, workplace bullying, victimisation and vilification. This legislation varies in its content and the penalties imposed between the various jurisdictions.

The Human Rights and Equal Opportunity Commission is the administrative body responsible for the implementation of federal human rights and anti-discrimination law in Australia. The Commission is committed to providing employers with the necessary information and resources to understand and implement their obligations under the legislation.

Ignorance of the law is neither an acceptable defense nor an excuse for inappropriate behaviour. Under the relevant legislation it is not relevant whether the behaviour was intentional or unintentional.



## Policy Statement

It is against the law for any employer or employee/volunteer to discriminate against or harass a current or prospective employee/volunteer on the basis of the grounds stated below.

Protected attributes include, but are not limited to, a person's:

- age
- disability
- industrial activity
- marital, parental or carer status
- physical features
- political beliefs or activity
- pregnancy
- race
- sex
- sexual orientation
- religious beliefs or activity
- gender identity

It is also unlawful to discriminate against a person because that person is personally associated with someone who has, or is assumed to have, one of the above characteristics.

## What Is Discrimination?

There are a number of practices and behaviour that Federal, State and Territory legislation specify are unlawful and accordingly will not be tolerated by KA, which include:

<b>Discrimination</b>	Laws about discrimination are made at both the Commonwealth and the State and Territory levels. These laws include a range of grounds on which individuals may lodge a complaint including discrimination because of race, sex, disability and age.
<b>Direct discrimination</b>	Any action which specifically excludes a person or group of people from a benefit or opportunity or significantly reduces their chances of obtaining it because of a personal characteristic irrelevant to the situation e.g. sex, ethnic origin. An example of direct discrimination would be an employer refusing to hire a person because of their race.
<b>Indirect discrimination</b>	Any outcomes of rules, practices and decisions which purport to treat people equally and therefore appear to be neutral, but which are unreasonable and reduce an individual's chances of obtaining a benefit or opportunity e.g. height and weight requirements for candidates for a role which are irrelevant. For example, if an employer were to hire only people over 180cm tall and there was no good reason for that policy, then that would indirectly discriminate against women who are less likely to meet the height requirement
<b>Vicarious liability</b>	The responsibility of an employer for the actions of employees or agents towards others as they do their work. If these actions are found to be unlawful under the relevant State, Territory or Federal Act, both the person complained about and the employer may be held responsible. Employers need to demonstrate the steps taken to prevent the behaviour.
<b>Discrimination in employment</b>	Prohibited action includes treating an employee unfavourably in any way in connection with work as a result a ground stated in this policy.

## What Is Sexual Harassment?

In terms of anti-discrimination law, sexual harassment is any form of sexually related behaviour that:

- you do not want; and
- in the circumstances, a reasonable person would have expected you to be offended humiliated or intimidated

## What Can Be Considered Harassment or Sexual Harassment?

There are many forms of harassment including but definitely not limited to:

- material that is based on the grounds listed above that is displayed or circulated in the workplace even on a person's belongings
- verbal abuse or comments that put down or stereotype people on the grounds listed
- offensive jokes or gestures based on the grounds listed
- ignoring, isolating or segregating a person or group on the grounds listed
- staring, leering or non-physical (whistling etc.) attention of a sexual nature
- sexual or physical contact, such as slapping, kissing touching or hugging
- intrusive questions about sexual activity
- initiation ceremonies that involve unwelcome behaviour based on the grounds listed

A person sexually harasses another if they:

- make an unwelcome sexual advance or an unwelcome request for sexual favours to the other person
- engage in any other unwelcome conduct of a sexual nature in relation to the other person
- a reasonable person would anticipate that the other person would be offended, humiliated or intimidated.

Sexual harassment can include, but is not limited to:

- unwelcome physical contact
- requests for sexual favours or persistent requests for out of work social activities
- making, orally or in writing, any offensive or demeaning comments, questions, jokes and innuendo with sexual connotations
- making, orally or in writing, any unwelcome or uncalled for remarks or insinuations about a person's sexual activities or private life
- sending an inappropriate or sexually explicit email
- possession and/or display of sexually explicit material including posters, photographs, reading matter, objects, pictures, screen savers.

## Exemptions

Certain Acts allow for some exemptions to the prohibition of discrimination, e.g. for genuine occupational requirements such as needing a full clean driver's license to meet the requirements of a position.

## The Workplace

All forms of discrimination and harassment are unlawful in the course of employment and in KA activities.

Workplace Bullying and Occupational Violence directed at employees and persons working for KA is also unlawful. This extends to work activities involving employees or persons working for KA outside of standard work hours (such as any work function or sporting event, including the Christmas party), and work conducted in any location where employees are required to be (including training sessions, seminars, or other courses that may be conducted at an external location or any other site employees may visit in the course of their employment by the Company).

## This Policy Also Includes Cyber Bullying

Cyber bullying includes, but is not limited to, the following misuses of technology: harassing, teasing, intimidating or threatening another person by sending or posting inappropriate and hurtful e-mail messages, instant messages, text messages, phone messages, digital pictures or images, or Web site postings (including social network sites e.g. Facebook or blogs) and is irrespective of whether the page could be viewed by the wider public or not. It can also include the sending, receiving and/or possession of naked or sexually explicit images of a person.

Employees must also be aware that postings, comments and/or messages from their individual accounts and mobile phones, whether done by themselves or another person will remain the responsibility of the account owner.

All members of KA must be aware that in certain circumstances where a crime has been committed, they may also be subjected to a criminal investigation by Police over which the relevant association and/or club will have no control. This particularly applies to 'sex ting' where the image is of a person under the age of 18 years whereby Police will be informed immediately a club becomes aware of the situation.

## What Is Workplace Bullying?

Workplace bullying is defined as repeated, unreasonable behaviour directed toward an employee/volunteer or group of employees/volunteers (including managers and supervisors) that creates a risk to either mental or physical health or safety.

Examples of behaviour that could be considered workplace bullying include:

- verbal abuse of employees or workers
- exclusion or isolation of employees or workers
- psychological harassment of employees or workers
- intimidation of employees and workers
- assigning meaningless tasks unrelated to a person's employment
- assigning impossible tasks to an employee or workers
- changing work rosters to deliberately inconvenience employees or workers





- deliberately withholding information that is necessary for effective work performance of an employee or worker
- cyber bullying including online comments which could be seen as harassing, teasing, intimidating or threatening another person.

Under the Occupational Health and Safety laws in each State or Territory, employers and employees have key duties in relation to both workplace bullying and occupational violence. Employers must take all reasonably practicable steps to protect their employees' health, safety and welfare.

Employees have a duty to ensure that they do not create or increase risk to another person. Volunteers also have a duty to ensure they do not create or increase a risk to a KA employee or a person undertaking work for KA. They must cooperate with KA in adopting measures that prohibit workplace bullying or violence

The following types of behaviour by employees or directed to an employee or worker, where repeated or occurring as part of a pattern of behaviour, could be considered bullying:

- humiliating someone through sarcasm, criticism, or insults
- exclusion of a person from workplace activities
- excluding or isolating employees
- psychological harassment
- intimidation
- giving someone the majority of unpleasant tasks
- deliberately changed work rosters to inconvenience particular employees
- deliberately withholding information vital for effective work performance.
- harassing, teasing, intimidating or threatening another person by sending or posting inappropriate and hurtful e-mail messages, instant messages, text messages, phone messages, digital pictures or images, or Web site postings (including social network sites e.g. Facebook or blogs).

In the case of allegations of bullying that fall outside workplace bullying and outside this Policy, volunteers should consult KA management for advice about resolution. KA could take action against a member under the KA Constitution or Member Protection Policy in such circumstances.

## What Is Occupational Violence?

Occupational violence is defined as any incident where an employee is physically attacked or threatened with violence in the workplace.

Examples of behaviour that could be considered occupational violence include:

- striking, punching, kicking, scratching, biting, spitting or any other kind of direct physical contact
- throwing objects
- attacking with a weapon
- pushing, shoving, tripping or kicking
- any kind of indecent physical contact

## Responsibilities Of All

Board members, KA Volunteers and Staff, Member States and Affiliated Clubs all have the obligation to foster a harassment, discrimination and bullying free work environment.

The employee/volunteer has to ensure their behaviour:

- meets an acceptable standard
- contributes to a productive workplace environment
- does not victimise any employee who makes a harassment or discrimination complaint
- supports investigation surrounding a complaint

Employees/volunteers will be liable for the outcome of any action in breach of this policy, which may include counselling, warnings, possible termination of employment and / or potential external legal action.

## Employee / Volunteer Responsibility

Employees/volunteers should seek advice and support from a member of KA' management if they are concerned about whether or not observed behaviour is in breach of this Policy. Employees/volunteers also have the obligation to report any improper behaviour under this Policy experienced or observed to a supervisor or a member of KA' management.

Employees /volunteers can take the following actions:

- telling the person concerned to stop the offending behaviour
- lodging a formal complaint in writing to a member of KA' management
- make a complaint under anti-discrimination legislation to your local Anti-Discrimination Commission & Human Rights and Equal Opportunity Commission.

If the employee's supervisor or manager is accused of discrimination or harassment the employee has the right to seek advice from another member of management unrelated to the situation.

The employee/volunteer is responsible for deciding whether to move any complaint to the next stage of the process and may choose not to act. However, enquirers/complainants should be made aware that in some very serious cases, in compliance with obligations under anti-discrimination or occupational health and safety legislation, KA may be obliged to take further action.

All forms of workplace bullying and occupational violence, including assisting or encouraging others to engage in such conduct, are prohibited and will not be condoned. This includes conduct that takes place at work related social functions. If an employee is found to have engaged in workplace bullying or occupational violence, disciplinary action, up to and including dismissal, may be taken.

## Management's Responsibility

KA, Member State and Club management are expected to protect employees/volunteers, contractors, students and others in the workplace. Management must ensure that this policy is actively pursued. This includes ensuring that no employee/volunteer is subjected to discrimination, harassment, workplace bullying, and those complainants and witnesses are not disadvantaged in any way as a result of lodging a complaint. Management has a legal responsibility to ensure that if discrimination and harassment does occur in the workplace, they take firm action to stop it.

All Board members, officers, managers and supervisors at KA, State Karting Council member of a Member State and Management Committee of an Affiliated Club are responsible for preventing harassment, discrimination and workplace bullying in their area of responsibility. Those who encourage or ignore any harassment, discrimination or workplace bullying may be disciplined, demoted, dismissed or be subject to outside legal action.

Those in management must:

- be a good role model — avoid any discriminatory assumptions and do not engage in any behaviour that might be considered as harassment
- make fair, non-discriminatory decisions, including decisions about recruitment, training or promotion opportunities, work allocation, salary and leave arrangements
- make it clear to all your employees that you will not tolerate any discriminatory or harassing behaviour
- ensure that your team's working environment is free of any discriminating material or material that may be considered harassment
- follow-up any staff behaviour changes that could indicate discrimination or harassment is occurring
- act immediately if you witness or are told about any discrimination or harassment

## False Accusations

Any allegation of harassment, discrimination and /or bullying will be viewed very seriously and subject to thorough, fair scrutiny under KA investigation process to establish whether or not they can be substantiated. Complainants should be aware that if another person can demonstrate an allegation was made maliciously this may expose them to risk of defamation proceedings.

## Supporting Policies

Member Protection Policy

Social Media Policy

## P10 SOCIAL MEDIA AND ACCEPTABLE USE OF SOCIAL MEDIA

Scheduled Reviewed Triennially or as required

Date of Board Approval 30 May 2016 Updated: 28 November 2022

### Introduction

KA recognises social media offers the opportunity for people to gather in online communities of shared interest and create, share or consume content. KA is committed to ensuring that social media is used responsibly by participants in the sport of karting insofar as it relates to the activity and the sport of karting generally.

### Scope

This policy applies to all KA Staff, Officials, Volunteers, Competitors, Drivers, Parents and or Guardians of Competitors, related entities to Competitors, Members – including Member States and Affiliated Clubs and Members of Affiliated Clubs “Covered Persons”.)

### Definitions

In addition to the definitions in the KA Manual, the following definitions apply to this policy:

#### **Staff**

A paid employee or contractor of KA

#### **Members**

A member of KA in accordance with the Constitution and the KA Rules including Drivers, Competitors, Parents, guardians and related entities to Drivers and Competitors

#### **Volunteers**

Unpaid/Honorary representatives engaged on authorised and approved KA business, including but not limited to Officials, Stewards, Chaplains, Medical Staff, Board, Commission & Committee members.

#### **Board Members (The Board)**

Directors of the KA Board.

### Relevant technologies

This policy includes (but is not limited to) the following specific technologies:

- LinkedIn
- Twitter
- Facebook
- Web sites
- Snapchat
- Video sites
- Video streaming sites
- Per to peer web sites
- Content sharing sites including Flickr (photo sharing) and YouTube (video sharing)
- Commenting on blogs for personal or business reasons
- Leaving product or service reviews on retailer sites, or customer review sites
- Taking part in online votes and polls
- Taking part in conversations on public and private web forums (message boards)

**The intent of this policy is to include anything that is posted online where information is shared that might affect members, colleagues, clients, sponsors or KA as an organisation.**

## Policy Objective

Social media offers the opportunity for people to gather in online communities of shared interest and create, share or consume content. As a member-based organisation, KA recognises the benefits of social media as an important tool for the promotion of motorsport and for the engagement of its members.

The increasing 'dark usage' of social media to disparage, condemn, belittle, humiliate and 'troll' people (to "Offend" or "Offending") is a concerning trend that should be universally condemned and that has no place in and around our sport. Anything that gets posted on Social Media including sites like Facebook, Twitter or forums goes into the public domain. If such posts are meant to Offend or can be interpreted as offending then these posts could bring the sport of karting into disrepute.

This policy aims to provide some principles to follow when using social media so that Covered Persons do not Offend others and potentially breach this Policy.

**This policy does not apply to the personal use of social media platforms by Covered Persons where the Covered Person makes no reference to KA or related issues.**

The following standards apply to the use of social media at any time when it has a clear and close connection with KA and the sport of karting.

1. Always follow relevant KA policies.
2. Do not act unlawfully (such as breaching copyright) when using social media.
3. Be clear that your personal views are yours, and not necessarily the views of KA.
4. Do not disclose confidential information obtained through work or when volunteering at a KA event.

## OFFENDING CONDUCT - Cyber-bullying, Harassment, Offensive Conduct On-line

Cyber-bullying or stalking occurs when someone engages in offensive, menacing or harassing behaviour through the use of technology. It can happen to people at any age, any time, and often anonymously.

Examples of cyber-bullying, harassment, offensive conduct on-line include but are not limited to:

- posting hurtful messages, images or videos online
- repeatedly sending unwanted messages online
- sending broadcast emails to large numbers of recipients
- sending abusive texts and emails
- excluding or intimidating others online
- creating fake social networking profiles or websites that are hurtful
- nasty online gossip and chat, and
- any other form of digital communication which is discriminatory, intimidating, intended to cause hurt or make someone fear for their safety.

Cyber-bullying, harassment, offensive conduct on-line is a breach of KA's National Competition Rules and KA Policies including but not limited to:

- Member Protection
- Code Of Conduct
- Social Media
- Anti-Discrimination Harassment and Bullying Policy

More extreme cases may also be a breach of Australian law.

There are Australian laws which apply to serious online harassment, stalking and online bullying behaviour. Under the *Criminal Code Act 1995 (Cth)* it is an offence to use the internet, social media or a telephone to menace, harass or cause offence – offences carry heavy maximum penalties including jail time.

## Policy Statement

The web is not anonymous. Covered Persons should assume that everything they write or re-publish online can be traced back to them.



Due to the unique nature of KA, the boundaries between a Member's profession, volunteer time and social life can often be blurred. It is therefore essential that Members and Volunteers make a clear distinction between what they do in a personal or professional capacity and what they do, think or say in their capacity as a volunteer for KA.

When using the Internet for professional or personal pursuits, all staff, Members and volunteers must respect the KA brand as well as KA staff, Members and volunteers and KA policies and procedures.

Competitors, Drivers, parents, guardians, support crew and support team members must respect their fellow Competitors, volunteers, Officials, the KA brand, KA processes and the sport of karting generally.

For Covered Persons using social media, such use:

- Must not contain, or link to, libellous, defamatory or harassing content;
- Must not comment on, or publish, information, photos or video that is confidential or in any way sensitive to KA, its affiliates, partners or sponsors, and care should be taken to ensure the appropriate person at a Club/State or management level has given written consent to create the post, page or forum. Must not publish information that should not be made public and seek permission to publish others information before doing so. If unsure whether information can be made public, do not publish it and seek advice;
- Should refrain from posting any information or photos of a sensitive nature: this could include track condition, driver condition, accidents, incidents etc.

When using social media, Covered Persons should ensure that you:

- Protect your personal privacy and that of others by not including personal information about yourself or others in your posts to our social media channels (for example, email addresses, private addresses or phone numbers);
- Be very careful with the use of someone else's name in all posts – unless you have their permission to use it, then do not use it;
- Represent your own views and not impersonate or falsely represent any other person;
- Do not make or republish disparaging remarks or comments about the sport, Officials, Competitors and administrators;
- Do not use or republish abusive language and do not harass or threaten others;
- Do not make or republish defamatory or libellous comments;
- Do not use or republish insulting, provocative, hurtful or hateful language;
- Do not belittle any person;
- Do not use or republish obscene or offensive language;
- Do not post or republish material to KA's social media channels that infringes the intellectual property rights of others;
- Do not post multiple versions of the same view to KA's social media channels or make excessive postings on a particular issue;
- Do not promote commercial interests in your posts to KA's social media channels;
- Do not include internet addresses or links to websites, or any email addresses in your post to KA's social media channels;
- Do not do anything that potentially contravenes any of KA's Policies.

Officials may post appropriate comments and photos at the end of the meeting or while on a break from their duties. However, please always think before posting.

Under no circumstance should offensive comments be made about Covered Persons or the sport of karting online.

Cyber bullying and breaching this Social media Policy are offences under KA Rules and Policies that could if proven lead to lengthy suspensions from the sport. See the KA Member Protection Policy and the KA Anti-Discrimination, Harassment and Bullying Policy for information on cyber bullying.

## **Breach of Policy**

Detected breaches of this policy should be reported as follows.

### ***At or During a Race Meeting***

If an alleged breach occurs at or during a Race Meeting in which you are a participating by another member who is participating in the same Race Meeting, you should report it (along with evidence that supports that a breach has occurred) to the Stewards of the Meeting for action.



### **Away from a Race Meeting**

If an alleged breach occurs at some other time, the matter may be dealt with in any of the following ways:

- **Report to Your Club**  
If the alleged breach involves another member of your Club, report the matter (along with evidence that supports that a breach has occurred) to your Club Secretary. The Club Executive or the Club MPIO should try to resolve the matter between the Offended and the Offending persons.
- **Report to your State Association**
  - a) If a report to your Club in accordance with point 1 above does not result in satisfactory resolution of the matter, then the matter may be referred by the Club to your State Association Secretary for action. Such action may include:
    - Referral of the matter to a State Disciplinary Tribunal; or
    - Referral of the matter to KA for further assessment and action.
  - b) If the alleged breach involves a person or persons from another Club, report the matter (along with evidence that supports that a breach has occurred) through your Club Secretary to the State Association for action. Such action may include:
    - Referral of the matter to a Disciplinary Tribunal; or
    - Referral of the matter to KA for further assessment and action
- **Report by KA**
  - a) The CEO shall have the discretion to refer any alleged breach of this policy to:
    - The National Tribunal Registrar with a request that the matter be referred to a Disciplinary Tribunal for hearing and determination as an offence under the National Competition Rules; and/or
    - An MPIO to be dealt with in accordance with the KA Member Protection Policy.

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### **Related Policies**

Member Protection Policy

Code of Conduct

Anti-Discrimination Harassment and Bullying Policy

## APPENDIX A TO THIS SOCIAL MEDIA POLICY

### ***Acceptable Use of Our Facebook Page and Social Media Channels***

Karting Australia welcomes comments on our social media channels, including Facebook and Twitter. We want to hear from our fans about what they love about karting, what is happening in the world of Australian karting, upcoming events and your accomplishments

You are welcome to express your views, comments and ideas about Karting – you should keep your posts positive all times.

You should show courtesy and respect to others and must not use our social media channels to abuse others, expose others to offensive or inappropriate content, or for any illegal purpose. Negativity and unconstructive comments do not advance the promotion of the sport of karting. You should refrain from making such comments.

When using our social media channels, please ensure that you:

- Protect your personal privacy and that of others by not including personal information about yourself or others in your posts to our social media channels (for example, email addresses, private addresses or phone numbers);
- Be very careful with the use of someone else's name in all posts – unless you have their permission to use it – then do not use it;
- Represent your own views and not impersonate or falsely represent any other person;
- Do not make disparaging remarks or comments about the sport, Officials, Competitors and administrators;
- Are not abusive language and do not harass or threaten others;
- Do not make defamatory or libellous comments;
- Do not use insulting, provocative, hurtful or hateful language;
- Do not belittle any person;
- Do not use obscene or offensive language;
- Do not post material to KA's social media channels that infringes the intellectual property rights of others;
- Do not post multiple versions of the same view to KA's social media channels or make excessive postings on a particular issue;
- Do not promote commercial interests in your posts to KA's social media channels;
- Do not include internet addresses or links to websites, or any email addresses in your post to KA's social media channels.

Karting Australia reserves the right to enforce this Acceptable Use policy at its discretion. Karting Australia may remove any posted messages that it considers to be in breach of our Member Protection Policy, our general Social Media Policy, this Policy, our Code of Conduct and our Anti-Discrimination Harassment and Bullying Policy. You may also be banned or blocked as a user with the right to comment from our social media sites.

### ***Social Responsibility***

Karting Australia is an equal opportunity organisation which values diversity. We are committed to the health, safety and general well-being of all our members and personnel. As an organisation we are dedicated to providing a safe environment free from bullying, harassment, discrimination and abuse for all of our members, Drivers, Competitors, Officials, administrators, volunteers and supporters.

Karting Australia is committed to ensuring that everyone associated with Karting activities complies with our Policies, including but not limited to our Member Protection Policy and Code of Conduct. Karting Australia adopts, and requires our Officials and administrators to adopt, a zero-tolerance approach to bullying, harassment, discrimination and anti-social behaviour.

## P11 ALCOHOL POLICY

Scheduled Reviewed Triennially or as required

Date of Board Approval 16 May 2017 Last Board Review: 11 November 2019

### Introduction

KA believes that the presence of alcohol in individuals whilst participating in motor sport is unsafe.

Therefore, KA is committed to fulfilling its duty of care to protect the safety of all karting participants and spectators by implementing measures that will reduce the risk of injury.

Alcohol misuse can lead to unsafe, inappropriate or unacceptable behaviour, drink-driving and other alcohol-related harm. Excessive consumption of alcohol will not be an excuse to unacceptable behaviour, particularly behaviour that endangers others or breaches the law, KA Rules, this policy or any other policy of AKA and/or its Members.

### Purpose

This Policy aims to encourage and promote responsible attitudes and practices to alcohol through leadership and support. Clubs, and individuals covered by this Policy have a role to play to help promote responsible drinking in society.

KA is committed to conducting its activities in a manner that encourages responsible service and consumption of alcohol.

### Applies To

The policy applies to the KA Board, employees, and contractors, Officials, Volunteers and Members including but not limited to Drivers, Parents, Participants, Competitors and Team Members (“**Covered Persons**”).

### Objectives

This policy is intended to achieve the following objectives:

1. Establishing benchmarks for responsible alcohol consumption and reducing the harm associated with excessive alcohol consumption is in the interests of karting at all levels and the wider community.
2. KA believes that all people involved in its activities, whether or not in the public arena, should be able to enjoy the sport without unlawful behaviour or public nuisance or disturbance and be treated with dignity and respect.
3. Achieve responsible service and consumption of alcohol by Covered Persons.

### Policy

Under KA rules, the maximum permitted blood alcohol content during a KA permitted event is 0.01mg/100ml. Any Covered Persons found to exceed this amount will be excluded from any further participation in the Meeting and may face further penalties.

The consumption of alcohol by any Covered Persons in the Paddock, Event headquarters or any section of a competition venue under the control of the Officials of the Race Meeting is strictly forbidden until all practice and/or Competition has concluded for each day of an Event or Race Meeting.

### Covered Persons must:

- Not at any time present for Practice or Competition evidencing consumption of alcohol or be affected by illicit drugs;
- Not engage in excessive use of alcohol that leads to behaviour that is deemed unlawful, creates a public nuisance, and/or public disturbance, and/or disturbance to a fellow Covered Person;
- Not consume alcohol on board any motor vehicle whilst representing KA or officiating for KA and/or whilst travelling to or from, any KA sanctioned practice, Competition, Event or function;



- If attending a function associated with KA where alcohol is served, ensure that a responsible approach to alcohol consumption is taken. Any consumption of alcohol must not adversely affect any Covered Persons behaviour, performance or safety or the performance or safety of others.

Officials who are officiating at an Event must not consume alcohol at an Event until such time as their responsibilities as an Official at the Event have been completed on each day of the Event.

Clubs have a responsibility to ensure they meet legislative requirements with regard to alcohol management within their Club.

## Individual Responsibilities

Covered Persons must accept responsibility for their own behaviour and take a responsible approach and use good judgment when alcohol is available at all times during an event or while attending a KA Permitted event even if it is during the period of each day during which competition or racing is not being conducted.

KA expects that Covered Persons who are undertaking activities associated with karting shall at all times where there is alcohol usage:

- Behave in a dignified and professional manner that promotes and upholds standards of integrity, dignity and professionalism;
- Not over imbibe alcohol such that they start to exhibit signs of intoxication that may include amongst other things: slurred speech, impaired balance, poor coordination, reduced inhibition, becoming aggressive or belligerent, and exhibiting inappropriate behaviour such that it is reasonable in the circumstances to believe that the impairment results from the consumption of alcohol;
- Act as role models for KA, their Club and individuals in the sport of karting;
- Not put themselves, other Covered Persons or the general public at risk of serious physical and social harms;
- Accept that they are responsible and accountable for the choices they make and the consequences of these choices;
- Assist other Covered Persons if they have had too much to drink; and
- Take reasonable action to both prevent alcohol problems and address any alcohol-related issues as they emerge.

## P12 BREATH AND ALCOHOL TESTING

Scheduled Reviewed Triennially or as required

Date of Board Approval 30 May 2016 Last Board Review: 11 November 2019

### Introduction

“KA” believes that the presence of alcohol in individuals whilst participating in motor sport is unsafe and has an Alcohol Policy in place.

KA also believes that testing procedures for alcohol should be clear, consistent and well-structured.

### Purpose

This By-law details the actions required by an Accredited Testing Official (who has completed the KA training module) to select a CP for Testing, through to the reporting and referral to the Stewards of the Meeting following a Positive Reading from a Confirmation Test.

It also outlines the compulsory action which must be taken by the Stewards of the Meeting because of such Positive Readings.

To ensure good governance and duty of care, random Testing may be conducted on participants in any motor sport activity held under KA sanction.

### Applies To

The policy applies to the KA Board, employees, and contractors, Officials, Volunteers and Members including but not limited to Drivers, Parents, Participants, Competitors and Team Members (“Covered Persons”).

### Definitions

Capitalised terms used in this policy have the following meanings:

**Breathalyser** means a device used to conduct Testing by means of a breath sample.

**ATO** means a KA Accredited Testing Official.

**CP** means a Covered Person

**Chaperone** means an authorised person (preferably a KA Official) who accompanies and observes a CP following a Positive Reading from a Screening Test, up until the completion of a Confirmation Test.

**Confirmation Test** means a CP’s second Test, performed by an ATO following a Screening Test.

**Crew** means any individual(s), regardless of whether they hold any KA licence or not, who is assisting or associated with a competitor.

**Member** has the meaning given to that term in the Australian Karting Association Ltd Constitution

**Mouthpiece** means a disposable plastic tube that is inserted into a Breathalyser.

**Negative Reading** means a reading that is less than or equal to “0.010” as displayed on a Breathalyser.

**Official** has the meaning given to that term in the Australian Karting Manual.

**Other Individual** means any of the following:

- KA or KA member contractors;
- any individual(s) who has agreed to be bound by this Policy; and
- any individual(s) who is advised in writing, by KA or an SKA, that they may be subjected to Testing for a specified period

**Participant** has the meaning given to that term in the Australian Karting Manual.

**Policy** means the ‘KA Alcohol Policy’ published by KA and as maybe amended from time to time.

**Positive Reading** means a reading greater than “0.010” as displayed on a Breathalyser.

**Screening Test** means a CP’s first Test, performed by an ATO.

**Testing** means the process of collecting and analysing bodily samples to detect alcohol in a CP.



## Procedure

### **Selection Of A CP For Testing**

- The ATO shall determine the CP(s) to be tested. The ATO shall record details of all Testing undertaken on the KA Breath Alcohol Testing Log Sheet.
- The ATO shall liaise with the Clerk of the Course and/or the Stewards of the Meeting as necessary, to determine the best time to conduct Testing. Any potential impact Testing may have on the running of the Meeting should be considered at this time.

**NOTE:**

Ideally, Testing should be conducted prior to participation in competition, however it may be carried out at any time during a Meeting.

### **Notification Of A CP For Testing**

- The ATO shall identify themselves and their role to the CP by showing the appropriate credential.
- The ATO shall advise the CP of the authority for Testing.
- The ATO shall ask the CP if they have been Tested previously at a Meeting or if they would like an explanation of the procedure. If the CP has not been Tested previously or so requests, the ATO shall provide them with an explanation of the procedure.
- If the CP refuses to submit to Testing, or deliberately fails to follow the instructions of the ATO, the ATO shall warn the CP that such a refusal will result in the matter being referred to the Stewards of the Meeting for due process which shall include mandatory exclusion.
- If the CP still refuses to submit to Testing or fails to follow the ATO's instructions, the ATO shall refer the matter to the Stewards of the Meeting.
- The Stewards of the Meeting must exclude the CP from that day of the Meeting as a minimum.
- For Meetings that consist of multiple days of practice or competition, the CP may resume their participation no sooner than the next day if permitted by the Stewards of the Meeting.

### **Conducting A Screening Test**

- The ATO shall instruct the CP to take a deep breath and blow steadily and forcefully into the Mouthpiece until the Breathalyser indicates that an adequate amount of breath has been obtained.

**NOTE:**

All Breathalysers must meet the requirements of *Australian Standard 3547 – Breath Alcohol Devices for Personal Use*. KA and each SKA is currently responsible for ensuring this requirement is met and maintained.

- If requested to do so, the ATO shall show the CP the Screening Test result displayed on the Breathalyser.
- If the Breathalyser displays a Negative Reading, the ATO shall advise the CP that Testing is complete. This concludes the procedure for this CP.
- If the Breathalyser displays a Positive Reading, the ATO shall conduct a Confirmation Test, as described in section 4 of this procedure.

### **Conducting A Confirmation Test**

- The ATO shall show the CP the Positive Reading displayed on the Breathalyser and inform them that a Confirmation Test is required to determine if they have breached the Policy.
- The ATO shall inform the CP that the Confirmation Test will be undertaken no sooner than 15 minutes and no later than 20 minutes after the Screening Test.

**NOTE: The official 'time' of the Screening Test is the time the CP started blowing into the Mouthpiece.**

- The ATO shall instruct the CP that, during the 15-20-minute waiting period, the CP must not eat, drink, smoke or put anything in their mouth (for example chewing gum).
- The ATO shall engage a Chaperone to isolate and observe the CP until the Confirmation Test is completed. If no individual is available to act as the Chaperone, the ATO shall perform this section 4.4.
- After 15 minutes, but before 20 minutes, the ATO shall insert a new Mouthpiece and shall instruct the CP to take a deep breath and blow steadily and forcefully into the Mouthpiece until the Breathalyser indicates that an

adequate amount of breath has been obtained.

- If requested to do so, the ATO shall show the CP and the Chaperone the Screening Test result displayed on the Breathalyser.
- If the Breathalyser displays a Negative Reading, the ATO shall advise the CP that Testing is complete and no further action shall be taken against the CP.
- If the Breathalyser displays a Positive Reading, the ATO shall refer this to the Stewards of the Meeting, as described in section 5 of this procedure.

### ***Referring A Positive Reading Following A Confirmation Test***

- If a Confirmation Test results in a Positive Reading, the ATO shall advise the CP that they are in breach of the Policy and that the matter will be immediately referred to the Stewards of the Meeting and/or the Clerk of the Course by way of a report.
- The ATO shall provide a report, which is to include the KA Breath Alcohol Testing Log Sheet as well as a verbal briefing, to the Stewards of the Meeting and the Clerk of the Course as soon as practicable.
- The Stewards of the Meeting must exclude the CP from that day of the Meeting as a minimum.
- For Meetings that consist of multiple days of practice or competition, the CP may resume their participation no sooner than the next day if approved by the Stewards of the Meeting.
- If the Stewards of the Meeting consider that a further penalty is warranted against the CP, then the Stewards of the Meeting shall make such a recommendation to KA or the relevant SKA.

### ***ATO's Report***

- Following any Positive Reading from a Confirmation Test, the ATO shall provide copies of all reports generated, to the Clerk of the Course for inclusion with the Clerk of the Course Report.
- After all Testing for the Meeting, the ATO (and Chaperone if applicable) shall sign all KA Breath Alcohol testing log sheets produced and forward all reports and log sheets to KA or the relevant SKA.

### **Important Note**

- If a CP is excluded, the ATO shall remind the CP of their legal obligation to not drive if they are over the legal limit (currently 0.050 in Australia)

## P13 LICENCE AND ACCREDITATION PHOTOGRAPHIC REQUIREMENTS

Scheduled Reviewed Triennially or as required

Date of Board Approval 29 September 2020

### Introduction

Karting Australia “KA” requires that all licence holders – Drivers, Officials and Media be issued with a photographic identification licence that is required to be produced as confirmation of the licence holder’s membership status at any time that they may be in attendance at a Club or a sanctioned Karting Event.

### Purpose

This Policy details the requirements for the photographic image that appears on a KA Licence/Accreditation.

### Applies To

The Policy applies to Officials, Media, Volunteers and Members including but not limited to Drivers, Parents, Participants, Competitors and Team Members (“Covered Persons”).

### Definitions

Capitalised terms used in this policy have the following meanings:

**Photographer/Media** means a person who has applied for and been issued with a KA Photographer/Media Accreditation

**Member** has the meaning given to that term in the Australian Karting Association Ltd Constitution

**Official** has the meaning given to that term in the Australian Karting Manual.

**Participant** has the meaning given to that term in the Australian Karting Manual.

**Policy** means the ‘KA Licence and Accreditation Photo Guidelines’ published by KA

### Photo Guidelines

The Licence/Accreditation that KA issues is a photo ID. Accordingly, it should provide an accurate representation of the Covered Person at a given point in time.

#### New Photo

A new photo should be provided to KA or a SKA at the time that a Covered person obtains or renews their Licence/Accreditation on the following basis:

- Upon applying for their first Licence/Accreditation; then
- In the case of a Cadet Licence – at the time that the Driver obtains their first Junior Licence; then
- In the case of a Junior Licence - at the time that the Driver obtains their first Senior Licence; then
- In the case of a Senior, Official, Participant, Media Licence/Accreditation holder - every five (5) years at the time that the Licence/Accreditation is renewed.

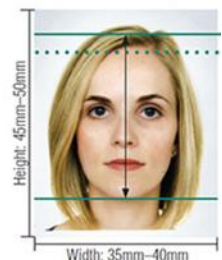
**Note:** To avoid overloading State Administrators with new Licence card requests KA may upon application from an SKA allow an SKA to adopt an appropriate phasing in approach to this “New Photo” requirement.

#### Photo Specifications

To produce the Licence/Accreditation, we require that the applicant supplies a **high-quality photo in JPEG format at a minimum resolution of 72dpi (pixels per inch) with a preferred resolution of 300dpi.**










This is what we require:

- A single high-quality colour passport style image, less than six months old, supplied in **JPEG format**
- The photo must be a true likeness of the Covered Person. No retouching of the photo of any kind is permitted
- A clear, focused image with no marks or 'red eye'
- The photo must be **35mm to 40mm wide and 45mm to 50mm high** (Approximately 945 pixels wide and 1215 pixels high)
- Ideally the size of the face from chin to crown should be approximately 85-90% of the image



- No hat, cap, scarf or any form of face or head covering is to be worn
- Glasses (including prescription and sunglasses) are not to be worn (even if you normally wear them)
- Jewellery must not obscure any part of your face.
- The photo must have a plain white, neutral or light grey background that contrasts with your face
- Uniform lighting (no shadows or reflections), with appropriate brightness and contrast to show natural skin tone
- Face centred and looking at the camera straight on; not tilted in any direction (up, down, left or right)
- Hair off your face, so that the edges of your face are visible
- Eyes open, mouth closed
- Neutral expression (not smiling, laughing or frowning)

### Photo Examples

ACCEPTABLE	UNACCEPTABLE	
 <p data-bbox="300 907 424 940">Acceptable</p>	 <p data-bbox="699 907 880 940">Side on to camera</p>	 <p data-bbox="1125 907 1332 940">Hair obscuring face</p>
 <p data-bbox="300 1265 424 1299">Acceptable</p>	 <p data-bbox="686 1265 901 1299">Insufficient contrast</p>	 <p data-bbox="1117 1265 1348 1299">Background not plain</p>
 <p data-bbox="300 1635 424 1668">Acceptable</p>	 <p data-bbox="742 1624 853 1657">No glasses</p>	 <p data-bbox="1037 1635 1428 1668">Shadows on image and background</p>

## P15 SAFETY 1<sup>ST</sup> POLICY

Scheduled Reviewed Triennially or as required

Date of Board Approval

8 November 2016

Last Board Review: 25 November 20

### Introduction

KA as the national governing body for Karting in Australia and together with the Member States and the Affiliated Clubs applies a Safety 1st principal to all karting and karting related activities.

The Karting Australia Safety 1st Policy is the core pillar for all safety, risk management, Circuit operations, design and implementation at Karting venues across Australia.

### Purpose

The purpose of this policy is to:

1. Provide a framework and overview of the KA Safety 1st Policy.
2. Outline the methodology and processes used by KA officeholders, staff, contractors, volunteers plus affiliated Associations and Clubs.
3. Clarify the responsibilities of different parties in implementing this policy.

### KA's Commitment To Safety 1<sup>st</sup>

KA's Officeholders, executives, staff, contractors and volunteers are committed to ensuring a Safety 1st approach to all karting operations including Competition, Karting Activities (including Practice), Circuit operations and design.

To enable this commitment, a framework has been developed that includes:

1. This Policy
2. Licencing policy for all drivers that recognises the requisite skill to operate and race karts of varying performance
3. Upholding driver and public safety principles
4. Developing and maintaining requirements of safety and fairness through the National Competition Rules
5. Enforcing technical requirements, regulations and safety controls for karts
6. Accreditation and training of Circuit inspectors
7. Accreditation and training of Officials who have responsibility for the safe and orderly conduct of Race Meetings
8. Oversight of Circuit inspection processes by the National Circuit Safety Committee (NCSC) and the National Circuit Inspector
9. Clearly defined process for accrediting new, renovated or modified Circuits
10. Circuit build guidelines that are clear and unambiguous
11. Officials training programs with safe operation methodologies
12. KA Manual that encompasses Safety 1st principles in event operational requirements
13. Targeted Risk Assessment (TRA) methodology for Circuit and facility inspections and Circuit licencing



14. Providing guidance in the application of a common risk management process through the implementation of  
KARM - KA's Risk Management program
15. Event Permit requirements and documentation including requirement for the completion of a comprehensive pre-racing checklist as an integral component of KARM
16. Providing accident and liability insurance cover for all participants in KA sanctioned karting activity

## Policy

The KA Safety 1st Policy encompasses a number of elements:

1. Implementation including the following items:
  - Circuit and facility inspections utilising a TRA approach
  - KARM
  - Operational hazard identification and management
  - NCSC providing oversight
  - Structured operational procedures for managing race meetings
  - Information for Circuits to ensure that Circuits remain compliant at all times
  - KA Manual development with structures supporting Safety 1st Policy
  - Biennial Circuit inspections to hold a KA Circuit licence
2. Education and Training including the following items:
  - Training and accreditation for Circuit inspectors as part of the KA Accreditation process
  - Training and accreditation for Officials on best and safest operating principles
  - Exposure of local Officials to national events and operational methodologies
  - Training at club level by club safety officers
3. Event Operations and preparations including the following items:
  - Permit process for events via KA for National Level events or each State Karting Association
  - Check list for event managers to confirm Safety 1st principles in place
  - TRA process for managing risk
  - Audit & Compliance program on safety and operational methodologies
  - KARM program
  - Serious Incident guidelines

## Policy Delivery and Implementation

### KA Board

Oversight, review of Policy and that it continues to deliver and fit within KA's Policy framework. Oversight of the role of the Safety 1st policy within KA's overall Risk Management framework. Whilst ultimately responsible for all Policies, the Board may delegate its operational and monitoring responsibilities to the Executive.



### **Chief Executive Officer**

Oversight of Executive members and the operations of the Safety 1st program – responsible for driving an evolving culture of improvement and adaptability.

### **Safety, Compliance & Championship Manager**

Direct responsibility for driving and delivering all aspects of the Safety 1st Policy

- Build and present Circuit inspector training programs and later “train the trainer” programs to widen base of knowledge
- Chairs NCSC and develops structure with failsafe methodology to deliver outcomes compliant with Safety 1st principles
- Provide TRA based Circuit inspection methodology for use by all track inspectors for consistency
- Put in place and drive the process for new or heavily revamped Circuit approvals
- Deliver comprehensive Circuit build guidelines for use throughout KA and affiliated organisations
- Contributes to development of KA Manual with particular reference to Safety 1st principles
- Ensure that Safety 1st fits into and interfaces with KARM
- Develop Circuit overheads and information database to enable benchmarking and better storage & flow of information

### **National Circuit Safety Committee**

The National Circuit Safety Committee will assist the Safety, Compliance & Championship Manager make recommendations to the CEO/Board in supporting the administration of safety related issues at KA licensed Circuits across Australia in accordance with the Standing Orders of the NCSC as approved by the Board from time to time including amongst other things:

- Establish the requirements necessary for the design, construction and maintenance of Karting Circuits across Australia
- Establish minimum safety requirements to be applied at all levels of karting competition in Australia
- Establish an appropriate Circuit safety inspection and audit regime
- Establish an ongoing review & update of the safety inspection and development matrix for use in the consistent assessment of all issues of safety in karting
- Consolidate, analyse review, examine, make recommendations on and maintain a matrix of track and Circuit safety issues arising from:
  - Circuit inspections
  - Stewards Reports
  - Post event debriefing and
  - Consultation with circuit owners/operators.

### **Staff, Contractors, Officials and Volunteers**

- Use the tools provided by the Safety 1st Policy to provide consistent outcomes across the country with measurable expectations.

### **Affiliated Associations and Clubs**

- Responsible for implementing a Safety 1st mind-set and set of procedures within their respective areas of influence and maintaining local records as required.

## P16 RISK MANAGEMENT POLICY

Scheduled Reviewed Triennially or as required

Date of Board Approval

8 November 2016

Last Board Review: 25 November 2024

### Introduction

Like any organisation, Karting Australia (KA), its Affiliated Associations and their member Clubs must manage risks responsibly.

This risk management policy is enacted in order to:

- Develop a risk aware culture across the entire sport that is consistent with best practices
- Provide frameworks to manage potential risks to the organisation and participants
- Assist Karting Australia achieving its long-term objectives.

All of Karting Australia's members, officers, staff and volunteers are required to be risk aware.

### Purpose

The purpose of this Policy is to:

- Outline the principles of risk management which are to be applied by KA's Board, staff, contractors, volunteers, Member State Associations and Affiliated Clubs;
- Describe KA's risk management framework; and
- Clarify the roles and responsibilities for administering and implementing these management processes.

The aim of this policy is not to eliminate risk. It is to assist KA in managing the risks involved in its activities to maximise opportunities and minimise adverse consequences.

### KA's Commitment To Risk Management

KA's Board, CEO, executives and staff are committed to ensuring that they create a strong risk management culture within the organisation.

To achieve this KA has created a Risk Management Framework that includes;

- This policy;
- The Karting Australia Safety 1<sup>st</sup> Policy
- The Karting Integrity Framework and associated Policies
- The Karting Australia Risk Management Program (KARM)
- Risk Management procedures;
- Circuit and Facilities Safety Regulations and Guidelines;
- Targeted risk assessment approach to Circuit and facility inspection and consequent Licencing;
- The general safety rules and regulations contained within the KA National Competition Rules;
- Guides and training for officials working at karting competitions;
- Supervision of all karting competition by trained, graded and Licenced officials;
- Mandatory comprehensive pre-competition inspections on all occasions.

KA aspires to become a risk intelligent organisation, and in order to achieve this has adopted a progressive multi-level risk management model to allow for constant development and improvement across all levels of Membership in the management of risk.



KA's Risk Management framework is consistent with the Australian Risk Management standard defined in the publication AS/ ISO 31000:2018 Risk Management Guidelines, including the principles, framework, and process outlined in the standard.

## Policy

Karting Australia is committed to:

- Developing a 'risk-aware' culture, in which the Board, management, staff, volunteers and members are encouraged to identify and communicate risks through the established "A1 Process" to the organisation's Governance, Finance & Risk Management Committee in a timely manner.
- Delivering consistent high-quality risk management practices, including acting upon risks identified through frameworks and tools in a timely manner.
- Developing and maintaining best practice tools and frameworks in order to identify, analyse, evaluate, treat, monitor and communicate risks.
- Ensuring key stakeholders recognise that it manages risks responsibly.

Karting Australia's Risk Management Policy therefore requires that Karting Australia and our Members:

- Identify risks and associated opportunities in a planned and co-ordinated manner, and to respond to them with cost effective actions. This will include the CEO reporting risks to *Karting Australia's* Board of Directors
- Be "risk prepared", through high levels of risk awareness, ensuring appropriate tools and resources are available to monitor risks, and ensuring *Karting Australia's* management and staff are competent in managing risk.
- Manage the risks that could impact on its organisation while achieving a tangible and sustainable organisational performance.
- Enable achievement of long-term business objectives, notwithstanding those risks it may face.
- Ensure staff, Officials and administrators are trained and aware of the organisation's approach and procedures for managing risk.

## Policy Implementation

### **KA Board**

*Key role: Provide oversight and review*

The Board has ultimate responsibility for the successful implementation of KA's risk management framework and for monitoring the management of all risks, with particular attention to risks to KA rated as 'very high'.

The Board is responsible for reviewing the recommendations of the Chief Executive Officer (CEO) and the endorsement of KA's risk management framework and processes. This includes oversight of the adequacy of internal controls within KA, to ensure that those controls are operating effectively and are appropriate for achieving KA's goals and objectives, with particular focus on risks to KA rated as 'very high' and 'high'. The Board may delegate its operational monitoring and reporting responsibilities to the Executive as appropriate but retains ultimate responsibility for overseeing the risk management framework.



### **Chief Executive Officer**

*Key role: Drive culture of risk management*

The CEO is responsible for the implementation and maintenance of sound risk management. In carrying out this responsibility, the CEO reviews the adequacy of internal controls to ensure that they are operating effectively and are appropriate for achieving corporate goals and objectives, with particular focus on risks to KA rated as ‘very high’ and ‘high’. The CEO and the Executive promote the culture of risk management practices and encourage and empower staff, contractors, volunteers, Affiliated Associations and Clubs in the management of risk.

### **Safety Compliance & Championship Manager**

*Key role: Identify new and emerging risks, maintain risk management framework, oversee and facilitate the implementation of KARM and prepare reports.*

Safety Compliance & Championship Manager is the administrator of the risk management framework and is responsible for:

- Working closely with KA’s external risk management consultants to deliver KARM
- monitoring all direct KA risks;
- ensuring KA’s Affiliates & Members comply with KA processes including Risk Management through audits & consultation;
- maintaining KA’s risk processes;
- defining and delivering risk management awareness to Affiliated Associations and Clubs;
- instigating required periodic reviews of risks; and
- reviewing the risk management framework

### **Member States and Affiliated Clubs**

*Key role: Support risk culture and identify and manage risks*

Member States and Affiliated Clubs are responsible for the management of risks at organisations and facilities which are within their direct control and that are created by the activities of their respective area of management.

Member States and Affiliated Clubs promote the culture of risk management practices and encourage and empower staff, volunteers, and officials within their area of control in the management of risk.

Member States are required to fulfill those General Administrative, Operational Responsibilities and Sporting Powers that the AKA Ltd Board has determined should be formally delegated to each Member State in accordance with Bylaw B1 – Responsibilities Delegated To member States and Articles 5.1(a)(i) and 20 of the Constitution – 16 October 2019 that enable them to effectively and efficiently conduct, encourage, promote, advance, control and manage Karting within their State in accordance with the Rules, Regulations, By-Laws, Policies and Safety Standards formulated, adopted, and issued by KA.

Affiliated Clubs must maintain their legal status as an entity in accordance with the applicable requirements of the relevant State, Territory, or Commonwealth legislation, and must comply with the requirements of Bylaw B5 – National Club Affiliation Requirements. Further, on an annual basis they are required to:



- Acknowledge the conditions of Membership and Affiliation and agree to make application for/or to renew Membership and Affiliation with AKA and the State Association.
- Acknowledge and agree to abide by the AKA National Club Affiliation Requirements.
- Undertakes to be bound by the Constitution of AKA, the AKA National Competition Rules ("NCR") including all By-Laws, Policies, Regulations, Safety Standards, Board decisions and instructions issued by KA and the Constitution of the State Association and its Rules including all other Policies, and instructions issued by the State Association.
- Understand that upon acceptance of Affiliation, KA and the State Association will grant the Club all the benefits, advantages, privileges and services associated with being a Member and Affiliated with KA and the State Association.
- Understand and acknowledge that any breach of the requirements of Membership and Affiliation may, in accordance with the Constitution of KA and/or the Constitution of the State Association, render the Club liable to the loss of Membership and

Affiliation as well as the loss of all benefits, advantages, privileges and services associated with being a Member and Affiliated with AKA and the State Association.

- Understand that any significant breach of the NCR's may render invalid any insurance cover and/or indemnity for any event and/or person in question.
- Understand that subject to compliance with these conditions of Membership and Affiliation, the Club shall be entitled to organise authorised events by means of an Organising Permit issued by AKA or on behalf of AKA by the State Association.

### **Staff, Contractors, Officials and Volunteers**

*Key role: Comply with risk procedures and identify risks*

KA staff, contractors Officials and volunteers are responsible for managing risk within their area of control, for promoting the application of risk management by contractors, and assisting with the identification of broadly based risks that could impact on KA as a whole.

The Stewards and the Clerk of the Course at every Race Meeting must undertake an inspection of the Circuit and complete the approved KARM pre-racing checklist prior to the commencement of Competition on every day of every event. The completed KARM assessments must be provided to the State Association Secretary (in the case of State Association permitted Race Meetings) or to the Karting Australia National Office (in the case of KA nationally permitted Race Meetings.)

The assessment will be added to KA's or the State Associations event documentation and KOMP where all KA risks are to be recorded.

### **Policy Requirements**

As part of KA's Risk Management Framework, KA has developed and will maintain & upgrade appropriate national policies required to effectively govern the sport, including;

- Conflict of interest Policy
- Board Charter
- Delegation Policy
- Privacy Policy





- Risk Management Policy
- Safety 1<sup>st</sup> Policy
- Travel Policy
- Expense Reimbursement Policy
- Whistleblower Policy
- Karting Integrity Framework and associated Policies:
  - Member Protection Policy
  - Child Safeguarding Policy
  - Competition Manipulation and Sports Wagering Policy
  - Improper Use Of Drugs and Medicines Policy
  - Code Of Conduct
  - Social Media Policy and Acceptable Use of Social Media
  - Complaints and Discipline Of members Bylaw
  - Karting Australia Tribunal Bylaw



## P17 CRITICAL INCIDENT RESPONSE PROCEDURES

Scheduled Reviewed Triennially or as required

Date of Board Approval 27 January 2017

Updated: 25 November 2024

### Background

Motorsport is dangerous. All participants know and acknowledge this and generally do all within the scope of their authority to manage and minimise the risks associated with participating in our sport.

Notwithstanding, from time to time incidents will inevitably occur. It is incumbent upon all who are involved with the organising and conduct of karting and in particular race meetings to be properly prepared in the event of a critical incident occurring at a karting facility and during a karting event.

To assist all Clubs and event organisers/officials in the circumstance of a Critical Incident occurring at their kart track, the Board has approved the Karting Australia “**Critical Incident Response Overview and Critical Incident Response Chart**”.

#### ***What Is the Critical Incident Response Overview and Critical Incident Response Chart?***

This document is aimed at assisting karting event organisers, Officials, Clubs and State Karting Associations cope with the pressures and demands of handling a response to a Critical Incident, and to facilitate the liaison and cooperation between the event organisers, Police, and any other external Emergency Services.

In effect **the document is a tool** that event organisers, clubs and State Karting Associations can use to manage the situation, and the recording needed should a Critical Incident occur.

#### **The response referred to is the response to the fact of a serious injury or fatality.**

The normal responses to a non-critical incident that may include fire, casualty, accident or similar, continue to be directed by Race Control (Clerk of the Course and Stewards) as normal.

The steps and procedures in the document can be varied depending on the circumstances of the incident - the main thrust of the procedures is **for the Incident to be identified as a Critical Incident by the Senior Medical Officer** in attendance at the Track at that time and if so, to respond accordingly.

**A Critical Incident is defined as a situation or condition of such gravity or urgency that it demands immediate high level attention, action, or intervention due to the high risk of severe consequences, including but not limited to:**

- Injury to a Driver, Official, Volunteer, or member of the public with potentially severe consequences, such as prolonged hospitalisation, permanent disability, loss of limb, potential long-term impacts or
- Injury to any person that carries a high likelihood of resulting in a fatality.

## PROCEDURE

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The senior personnel in every Club (including Stewards and Clerks of the Course) should be familiar with the overview of protocols for the handling of a critical incident at a karting event that are detailed in the document.

If an incident has been identified as being a Critical Incident, it is then a matter of the designated Officials working through the document from front to back, following the identified procedures in logical sequence and recording all actions taken.

Every Club must ensure that the:

1. **Medical Response Plan** for the Event as specified in General rules Chapter 6 Rule 2; and the
2. **Critical Incident Response Overview For Karting Events (Appendix 1)**; and the
3. **Critical Incident Response Chart (Appendix 2)**

is easily up to date, available and readily accessible by Clerk Of the Course/Race Director in Race Control, the Stewards, in the Stewards Room and the Club/Race Secretary at every race Meeting and at all times when there are organised Club and Karting Activities taking place at the Track.

The hard copies should include the Names and contact details for the State Karting Association Emergency Contact personnel that will need to be contacted in the event of the occurrence of a Critical Incident.

## APPENDIX 1: Critical Incident Response Overview For Karting Events

This document is an outline of how to handle a Critical Incident (Serious Injury or Fatality) at a karting event, after the incident has been stabilised following standard emergency response.

The two key roles in these procedures are the **Incident Director**, and the **Incident Coordinator** – titled as such to differentiate these roles from their usual roles in the management of an event.

The **Incident Director stays in Race Control** and pulls together all information whilst keeping an overview of the Critical Incident. This role is best filled by the Race Director or if there is no Race Director, the Chief Steward.

The **Incident Coordinator stays onsite at the location of the Critical Incident**, recording & photographing, working with medical staff / police and ensuring that the Critical Incident is dealt with appropriately on site. This role is best filled by the Clerk of Course.

When dealing with outside organisations, it is advisable to refer to them as **Incident Director** and **Incident Coordinator** to differentiate them from similar titles within the outside emergency agencies.

### **IMPORTANT NOTE!**

Prior to any on-track activity at each Meeting, the people who will carry out the roles of **Incident Director** and **Incident Coordinator** (should they be required) should be identified, so that they can undertake those roles immediately when required. Their names shall be published in a Bulletin.

CONTACTS	DETAILS
<b>KA Emergency Contact:</b>	<b>Names and Phone Numbers</b> <b>CEO</b> – Kelvin O’Reilly 0414 550 861 <b>Chief Operating Officer</b> – Lee Hanatschek 0403 531 914 <b>Safety Manager</b> – Tony Manson 0412 353 856
<b>State Association Emergency Contact:</b>	<b>Names and Phone Numbers should be included in Supplementary Regulations for each Meeting.</b>
<b>Motor Racing Ministries:</b>	<b>Counselling Services</b> <b>NSW and ACT</b> - Richard Cormick - Ph 0416 090 407 - Email <a href="mailto:richardcormick@gmail.com">richardcormick@gmail.com</a> <b>Queensland</b> - Steve Peach - Ph 0419 564 050 - Email <a href="mailto:steve.peach@motorsportministries.com.au">steve.peach@motorsportministries.com.au</a> <b>SA and NT</b> - Dave Vaughan - Ph 0418 803 239 - Email <a href="mailto:davnar@adam.com.au">davnar@adam.com.au</a> <b>Victoria and Tasmania</b> - Ian Young - Ph 0468 399 909 - Email <a href="mailto:ian.chapiy.young@gmail.com">ian.chapiy.young@gmail.com</a> <b>WA</b> - Kim van Keule - Ph 0421 211 046 - Email <a href="mailto:kcvankeule69@gmail.com">kcvankeule69@gmail.com</a>

## CHECKLIST FOR INITIAL REPORT TO KA and STATE ASSOCIATION

To be delivered to the State Association Office and KA National Office by the **Stewards of the Meeting**, by 9.30AM of the following day.

No.	ITEM REQUIRED	Status
1	Names and address of all casualties, and next of kin.	
2	Injury Report completed and signed by Medical Personnel.	
3	Vehicle Damage report on each kart completed by the Scrutineer.	
4	Detail of when the karts were impounded and where they are located (secured).	
5	Exact time of the accident (to the second if possible) together with the day and date.	
6	The event session/practice/qualifying/race/other in which the incident occurred.	
7	An exact description of the incident site both in writing and diagram – include accurate measurements of distances relating to pertinent details.	
8	An accurate account of events leading up to the incident (from at least 20 seconds prior to until the time of the incident.)	
9	Brief description of response to incident, including transport of casualty to hospital, and time and detail of confirmation of death (if applicable).	
10	Name, position, and contact details of person submitting report.	
11	Name, position, and contact details of Police Officer in charge of the investigation.	

The KA “**Critical Incident Response Chart**” is to be used as an electronic (or written) Log of the Critical Incident response and reporting, separate from the Event Control Log included in the Stewards Report.

## RESPONSIBILITIES OF KEY ROLES IN THE EVENT OF A CRITICAL INCIDENT

### **Clerk of Course / Race Director**

- **Declares incident to be a Critical Incident, on advice from Medical staff on site.**
- Starts / keeps log with Karting Incident Director (using KA Critical Incident Response Chart).
- Ensure medical staffing / vehicles in place prior to re-commencement of racing after Critical Incident.
- **Recommend** pre-event checklist be re-done prior to re-commencement of racing after Critical Incident.

### **Incident Director**

- Maintains / updates log started by Clerk of Course / Race Director (prior to the incident being considered to be a Critical Incident).
- Briefs Key Personnel.
- Notify Police and meet with them on arrival, confirm with Police if their approval is required to clear site and re-commence activity.
- If separate photographer needed, appoints suitable person to meet Karting Incident Coordinator on site.
- Notify relevant Workcover authority & other relevant authorities in State that Meeting is held
- Establishes & remains in Incident Command Centre (can be Race Control if Meeting does not proceed).
- Nominate one person to speak to media.
- Direct Officials to ensure security of medical area and access for ambulance to facility.
- Collate all documentation and material for submission with reporting.
- Issue initial statement through media person, after clearing with Police & KA.
- Arrange contact for counselling with Officials or Competitors who need it.
- Direct contact with Next of Kin of injured parties.

### **Incident Coordinator**

- Isolate Incident site & protect evidence.
- Takes all relevant photos & video or oversees appointed photographer to do so.
- Impound karts involved in Incident.
- Secure Crash Helmets worn by all injured parties in the Incident.
- Identify any damage to Circuit Safety Infrastructure.
- Produce drawing(s) of Incident clearly identifying paths, starting points, finish points etc.
- Meet with Stewards of the Meeting at Incident site.
- Conduct Inspection with Stewards of the Meeting and club Safety Officer to determine if Incident site can be made suitable for racing (**recommend that State Circuit Inspector be contacted**).
- Obtain witness statements and facilitate witness statement with Police.
- Oversee repairs to Incident site Circuit Safety Infrastructure and obtain approval from State Circuit Inspector and Stewards of repairs.

### **Stewards of the Meeting**

- Attend Incident site to familiarize with circumstances.
- Assess damage to Circuit Safety Infrastructure and together with State Circuit Inspector decide.



whether repaired Safety Infrastructure is suitable for racing to re-commence.

- Approve re-commencement of racing IF appropriate (Note – this MAY need approval from Police).
- Review reports and documentation put together by Karting Incident Director.
- Submit reports to State Association and KA.

### **Medical Staff**

- Immediately notify Clerk of Course / Race Director that Incident is “Critical”.
- Identify Casualties.
- Liaise with Civil Ambulance.
- Generate medical records of injuries.

### **Secretary of the Meeting**

- Notify State Association and KA.
- Provide all needed documentation to Karting Incident Director.



## APPENDIX 2: CRITICAL INCIDENT RESPONSE CHART

CONTACTS	DETAILS
<b>KA Emergency Contact:</b>	<b>Names and Phone Numbers</b> CEO – Kelvin O’Reilly 0414 550 861 Media Manager – Lee Hanatschek 0403 531 914 Safety Manager – Tony Manson 0412 353 856
<b>State Association Emergency Contact</b>	<b>Names and Phone Numbers</b>
<b>Motor Racing Ministries</b>	<b>Counselling Services</b> <b>NSW and ACT</b> - Richard Cormick - Ph 0416 090 407 - Email <a href="mailto:richardcormick@gmail.com">richardcormick@gmail.com</a> <b>Queensland</b> - Steve Peach - Ph 0419 564 050 - Email <a href="mailto:steve.peach@motorsportministries.com.au">steve.peach@motorsportministries.com.au</a> <b>SA and NT</b> - Dave Vaughan - Ph 0418 803 239 - Email <a href="mailto:davnar@adam.com.au">davnar@adam.com.au</a> <b>Victoria and Tasmania</b> - Ian Young - Ph 0468 399 909 - Email <a href="mailto:ian.chapiy.young@gmail.com">ian.chapiy.young@gmail.com</a> <b>WA</b> - Kim van Keule - Ph 0421 211 046 - Email <a href="mailto:kcvankeule69@gmail.com">kcvankeule69@gmail.com</a>
EVENT AND INCIDENT INFORMATION	DETAILS
<b>Event Permit Number:</b>	
<b>Date of Incident:</b>	
<b>Venue or Location:</b>	
<b>Event Title:</b>	
<b>Session Number:</b>	Class: _____ Division _____ :
<b>Time of Incident:</b>	
<b>Attending Police Officer:</b>	
<b>Chief Steward of Meeting:</b>	
<b>Clerk of the Course/ Race</b>	
<b>Race Secretary:</b>	
<b>Person completing this form:</b>	

TASK	RESPONSIBILITY	TIME	LOG OF ACTION
<p><b>1. INCIDENT IDENTIFICATION</b> Identify the incident as a Critical Incident, usually on advice from Senior Medical Person at Meeting.</p> <p>Initiate log in Race Control of the event to</p>	<p>Clerk of the Course/ Race Director</p> <p>Incident Director</p>		
<p><b>1(a). IDENTIFY CASUALTIES</b> <b>Identify casualties</b> <b>Triage and start treatment</b></p>	<p>Medical Team Members</p>		
<p><b>2. INCIDENT DIRECTOR</b> Appoint and dispatch Incident Coordinator to take charge of incident site.</p> <p>Incident site to be isolated and evidence of incident protected from contamination except where the protection of those involved with the management of the incident or the treatment of casualties requires otherwise.</p>	<p>Incident Director</p> <p>Incident Coordinator</p>		
<p><b>3. MEETING OF KEY PERSONNEL</b> Arrange a meeting of the key event personnel available to agree on following procedures. Persons to be included are:</p> <ul style="list-style-type: none"> <li>• Clerk of the Course / Race Director</li> <li>• Race Secretary</li> <li>• Promoter</li> <li>• Organiser</li> <li>• Police representative</li> </ul>	<p>Incident Director</p>		
<p><b>4. POLICE ATTENDANCE</b> Ensure or request the police on duty at venue to attend incident site. If no police present, notify nearest Police Station or Police Local Area Command.</p> <p><b>POLICE IDENTIFICATION</b> When police are present, meet police and note name, rank, numbers, Police Station, and contact phone number.</p>	<p>Incident Director</p> <p>Incident Director</p>		





TASK	RESPONSIBILITY	TIME	LOG OF ACTION
<p><b>16. NEXT OF KIN</b></p> <p>Discretely find out from others (pit crew / officials) if next of kin or close acquaintances of casualties are present at venue.</p> <p>If so, escort them to a quiet place away from all activity (not at the incident site) then inform them of situation. Female company may be preferable to comfort female next of kin or immediate friends.</p> <p>Person notifying relatives or acquaintances must remain calm and relaxed – should clearly be introduced by name and position.</p> <p>Advice should be clear that there has been an incident in which the casualty has been involved, and which may result in serious, possible fatal, injury.</p>	<p>Support person or Race Secretary</p>		
<p><b>17. WITNESSES</b></p> <p>Identify eyewitnesses (officials, photographers, public near-by) and record name, address, and contact phone numbers of each. Have them wait close to incident site.</p>	<p>Incident Coordinator</p>		
<p><b>18. WITNESS INITIAL STATEMENTS</b></p> <p>From Incident Coordinator, obtain names and address of three witnesses and obtain a quick verbal assessment from them of the circumstances of the incident. Record their comments.</p> <p>Refer to locations at the venue by Turn numbers, not by other names.</p>	<p>Stewards of the Meeting</p>		
<p><b>19. SITE SURVEY</b></p> <p>Carry out on-site survey of the scene and draw diagrams showing accurate distances from fixed object (fences, barriers, trees etc.)</p>	<p>Incident Coordinator</p>		

TASK	RESPONSIBILITY	TIME	LOG OF ACTION
<p><b>20. VEHICLE IMPOUND</b> Have kart(s) taken to secure, private impound area. Temporary screens may need to be used.</p> <p>Chief Scrutineer to inspect kart to establish any mechanical issues &amp; accurately record damage.</p> <p>Note that kart(s) must remain in impound area until released by Police, and by KA.</p>	Incident Coordinator		
<p><b>21. CRASH HELMET</b> Take possession of crash helmet(s) if not retained by Police.</p>	Chief Scrutineer		
<p><b>22. TRAUMA CHECK</b> Evaluate all persons involved with the incident to ascertain whether any are affected by trauma.</p>	Support person and Race Secretary		
<p><b>23. AMBULANCE</b> Arrange for replacement ambulance/s if necessary for the Meeting/Event to continue.</p>	Race Secretary		
<p><b>24. RE-ESTABLISH INCIDENT SITE</b> With permission from police, have incident site cleared of all debris. Repair fencing etc. in preparation for next event.</p> <p>Check safety of Circuit, with KA Approved Circuit Inspector if present or via telephone.</p> <p>If appropriate, approve, in writing, the Circuit for further events when check is complete.</p>	<p>Incident Coordinator</p> <p>Stewards and Clerk of the Course</p> <p>Stewards</p>		
<p><b>25. REVIEW &amp; PRESENT REPORTS</b> Review all reports and ensure that they are all identified and signed by whoever is presenting them.</p>	Incident Director		
<p><b>26. REPORTS TO KA AND STATE ASSOCIATION</b> Present required reports to State Office and National Office of KA as detailed below -</p>	Stewards of the Meeting		





## REPORT TO KA and STATE ASSOCIATION

To be delivered to the State Association Office and KA National Office by the Stewards of the Meeting, by 9.30AM of the following day.

No.	ITEM REQUIRED	Check
1	Names and address of all casualties, and next of kin.	
2	Injury Report completed and signed by Medical Personnel.	
3	Vehicle Damage report on each kart completed by the Scrutineer.	
4	Detail of when the karts were impounded and where they are located (secured.)	
5	Exact time of the accident (to the second if possible) together with the day and	
6	The event session/practice session in which the incident occurred.	
7	An exact description of the incident site both in writing and diagram – include accurate measurements of distances relating to pertinent details.	
8	An accurate account of events leading up to the incident (from at least 20 seconds prior to until the time of the incident.)	
9	Brief description of response to incident, including transport of casualty to hospital, and time and detail of confirmation of death (if applicable.)	
10	Name, position, and contact details of person submitting report.	
11	Name, position, and contact details of Police Officer in charge of the	

## DETAILS OF PHOTOGRAPHS REQUIRED

Photos required must show as much as possible, exactly what happened, what the result was, and what evidence remained that could assist investigations.

- General scene of the incident, distance, close-up and from different angles. Some photos should show general infrastructure in the area, such as signs, trees, fences, barriers etc.
- Any tyre marks on track/course or verges and catch traps, indication directional movement of the kart, and skid marks where wheels would have been locked up.
- Damage to infrastructure, particularly with kart still in place.
- Debris in the area, with an object such as a matchbox or drink bottle as well to indicate size of debris.
- Trail of debris to indicate direction of kart, or of debris following impact. Debris in spectator area is particularly important if any.

## P18 KARTING EVENT SAFETY INSPECTION POLICY AND CHECKLIST

Scheduled Reviewed Triennially or as required

Date of Board Approval

27 January 2017

Last Board Review: 25 November 2024

### Background and Guiding Principles

Karting Australia (KA) is dedicated to upholding the highest safety standards in Australian karting. All participants, officials, and stakeholders are required to contribute actively to creating and maintaining a safe environment at all times. Compliance with established safety protocols and regulations is mandatory for all individuals involved in Karting Activities, Races, and Events under KA's jurisdiction.

Our comprehensive Safety First and Risk Management framework is embedded in KA's National Competition Rules, Circuit Regulations, and Guidelines. This framework encompasses Mandatory Inspection and Licensing Requirements, Safety Prescriptions and Guidelines, and Maintenance Recommendations (collectively referred to as the "Safety Requirements").

KA's Circuit Regulations and Guidelines serve as the foundational requirements for Clubs in constructing, modifying, and maintaining their Circuits, as well as for Circuit Inspectors in the inspection, assessment, and licensing process of any Circuit. Circuit Inspectors are trained to exercise professional judgment when assessing permissible variations to Safety Requirements, considering local and prevailing conditions. Our State Circuit Inspectors work closely with Club Safety Officers, the National Circuit Inspector, and the National Circuit Safety Committee.

Licensing a Circuit for use in Karting Competitions and Karting Activities is contingent upon the successful completion of a comprehensive Targeted Risk Management Circuit Inspection, conducted biennially, in accordance with General Rules, Chapter 4, Rule 1:

*"d) A Track must conform to the requirements of the KA Circuit Regulations and Guidelines Requirements.*

*e) A Circuit that is not deemed to be compliant by the Circuit Inspector may not have its Circuit Licence renewed or may be 'provisionally Licenced' for a specified period of time to enable completion of required to comply with Works Orders made by the Circuit Inspector in a timely fashion to enable the Club to maintain its full Circuit Licence."*

Regular maintenance is critical to sustaining compliance with licensing requirements, as is the consistent pre-event inspection using a standardised checklist to ensure that key safety criteria are preserved even with repeated use.

All State Associations and Affiliated Clubs are required to be familiar with these Policies and to actively participate in the Karting Australia Risk Management (**KARM**) process.

### Essential Procedures That Must Be Conducted At Every Meeting

Essential procedures that must be conducted at every meeting - whether a Club Day, National Championship, or any level in between are:

1. the completion of the Karting Event, Inspection and Checklist Form in accordance with General Rules, Chapter 4, Rule 4b), and
2. the completion of the Circuit Log Book at the end of the meeting in accordance with General Rules, Chapter 4, Rule 4d).

### Pre-event Circuit Hand-Over and Certification of Licence Compliance

Prior to the commencement of a meeting, it shall be the responsibility of the Club Safety Officer, or the Club President, or the Chair of the Organising Committee for the meeting (hereafter referred to as the "Circuit Compliance Certifier") to formally "hand over" the Circuit to the Stewards of the meeting. This hand-over certifies that the Circuit is presented in a ready-to-race condition and is in full compliance with the requirements set forth in the Circuit Licence for the specific Track configuration designated for use at the meeting.



This will be achieved by signing the Karting Event, Inspection and Checklist Form for Day 1 of the meeting prior to the Pre-Event Safety Inspection. The Checklist must be completed in accordance with this Policy, verifying all requisite safety and compliance measures have been met before the commencement of activities.

### **Completion Of The Karting Event Safety Checklist**

It is the responsibility of the appointed Stewards and the Clerk of the Course to inspect, approve, report and note that the condition of the Circuit is satisfactory to enable racing to commence at every meeting and that it remains in a satisfactory condition throughout the duration of the meeting during which Competition may be suspended until the condition of the Circuit is to their satisfaction.

### **Karting Event Inspection and Checklist**

The Karting Event, Inspection and Checklist Form, provided by Karting Australia, is designed to assist kart clubs in identifying potential hazards and risks and rectifying them, before any on-track activities begin.

### **Checklist Requirements**

The Karting Event Checklist serves as a visual tool for identifying any safety concerns before the start of on-track activities. Upon identifying a safety concern, the user must record the planned measures to address the risk satisfactorily. **Please refer to the provided procedures for further guidance.**

### **The Checklist is Compulsory.**

Karting Australia mandates that all Organisers and clubs fulfill their duty of care obligations to participants and spectators. Coverage under the Karting Australia National Insurance Program may be withheld from clubs and officials who exhibit intentional negligence or disregard for these responsibilities. Clubs are required to address all identified risks to an acceptable standard. This checklist facilitates the identification and documentation of risks and corrective actions in a clear and efficient manner.

The Karting Event, Inspection and Checklist Form must be completed by the most senior officials of the meeting (the Stewards and Clerk of the Course) before on-track activities commence each day of the meeting. Completed forms (one for each day of the event) must be returned to the issuing Permit Authority (either Karting Australia for National-level events or the State Secretary for all other State-level events), including Club meetings.

The form can be found here: [www.karting.net.au/administration/forms](http://www.karting.net.au/administration/forms)

### **Completion of the Circuit Log Book**

It is the responsibility of the Stewards to complete the Circuit Log Book at every Meeting, wherein they will include comments or recommendations on safety upgrades and/or maintenance by the Circuit Inspector, Stewards, Clerk of the Course or Club Officials.

## **Karting Event Inspection Procedures**

### **For National level events:**

1. KA will issue a copy of the Karting Event, Inspection and Checklist Form at the same time that they issue the Supplementary Regulations and the Race Permit to the organising Club.
2. The Stewards of the meeting must ensure that the Checklist is properly completed during the morning Track and surrounds inspection conducted by the Chief Steward and/or a delegated Clerk of Course or Race Director and prior to the commencement of any on-track activity for each day of the event.
3. The completed and signed checklist/s must be returned to the KA National Office along with the Stewards report and the associated race paperwork following completion of the event.

### **For State level events:**

1. State Secretaries are required to issue a copy of the Karting Event, Inspection and Checklist Form at the same time that they issue the Supplementary Regulations and the Race Permit to the organising Club.
2. The Stewards of the Race Meeting must ensure that the Checklist is completed during the morning track inspection conducted by at least the Chief Steward and Clerk of Course and prior to the commencement of any on-track activity for each day of the event.
3. The completed and signed checklist/s must be returned to your State Secretary along with the Stewards report and the associated race paperwork following completion of the event.

# KARTING EVENT, INSPECTION AND CHECKLIST FORM

Reference: Policy P18 Pre-event Safety Inspection Policy and Checklist and General Rules, Chapter 4, Rule 4b).



## Preamble and Instructions

Karting Australia (KA) is committed to ensuring the highest safety standards across all karting activities under its jurisdiction. To achieve this, all participants, officials, and stakeholders are expected to actively engage in creating and maintaining a safe environment, with strict adherence to KA's established safety protocols and regulations.

KA's Safety First and Risk Management framework, embedded within the National Competition Rules, Circuit Regulations, and Guidelines, outlines comprehensive Safety Requirements. These requirements include Mandatory Inspection and Licensing Standards, Safety Prescriptions, Guidelines, and Maintenance Recommendations. KA's Circuit Regulations and Guidelines provide essential standards for clubs in the construction, modification, and maintenance of circuits, as well as for Circuit Inspectors during licensing inspections. Circuit licensing is contingent on passing a Targeted Risk Management Circuit Inspection, conducted biennially to verify full compliance with KA's regulations.

## Declaration and Circuit Handover

Prior to the commencement of a meeting, it is the responsibility of the Club Safety Officer, or the Club President, or the Chair of the Organising Committee for the meeting (hereafter referred to as the "**Circuit Compliance Certifier**") to formally handover the Circuit to the Stewards of the meeting ("**Circuit Handover**"). The Circuit Compliance Certifier will certify to the Stewards and declare by signing this form, that the Circuit is presented in ready-to-race condition and in full compliance with the KA National Competition Rules, "Circuit Regulations and Guidelines" and the Circuit Licence for the specific Track configuration designated for use at the meeting.

### Circuit Compliance Declaration

*I, the undersigned Circuit Compliance Certifier, hereby certify that all safety and compliance measures required by the Circuit Licence, the KA National Competition Rules, and "Circuit Regulations and Guidelines" are in place. I confirm that the Circuit is presented in ready-to-race condition for the commencement of this Meeting.*

Name: \_\_\_\_\_

Position (Club Safety Officer/Club President/Chair of Organising Committee): \_\_\_\_\_

Circuit: \_\_\_\_\_

Event: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

## Checklist Must Be Completed

For every meeting, the Pre-Event Checklist must be completed by the Stewards and/or the Clerk of the Course/Race Director to identify and address any potential risks before on-track activities commence. This checklist is a vital tool in meeting KA's duty of care obligations to participants and spectators, ensuring that all safety concerns are documented and managed effectively.

**Completion of the Checklist, along with the required pre-event hand-over of the circuit by the Circuit Compliance Certifier, and confirmation that the circuit is ready for safe operation and in compliance with the Circuit Licence is COMPULSORY.**

Failure to adhere to these procedures may impact insurance coverage and the licensing status of the Circuit.

## How to complete this Checklist

Physically walk around the Track and the Circuit generally and review each item in the checklist. Based on your observations and assessment of each item, consider the following:

Consideration	Task
If the conditions are <b>NOT SAFE</b> and cannot be made safe through immediate action.	Record the risk/hazard by marking the " <b>NO</b> " column <b>AND</b> document your decisions/actions in the space provided in the checklist.
If the conditions are <b>NOT SAFE</b> but immediate actions can reduce the risk to an acceptable level.	Record the risk/hazard by marking the " <b>NO</b> " column <b>AND</b> document your decisions/actions in the space provided in the checklist.
If the conditions are <b>SAFE</b> but further actions are required, or you believe further assessment could be of benefit.	Record the risk/hazard as acceptable by marking the " <b>YES</b> " column <b>AND</b> document your proposed actions or assessments you believe should be undertaken in the space provided in the checklist.
If the conditions are <b>SAFE</b> and no further actions are required.	Record the risk/hazard as acceptable by marking the " <b>YES</b> " column.

## What do I do if a safety concern is identified?

If, during your inspection, you identify a safety concern (i.e. you marked the "NO" column), you must record your decisions/ actions in the space provided.

You may consider the following as possible actions to address the identified risk:

Possible Action	Description
Control the risk	Using signs, witch's hats, bunting or modifying the situation, you may reduce the likelihood of this risk occurring.
Avoid the risk	Removing the object this is causing the risk or delay or postpone the event may prevent the risk from occurring at all.
Transfer the risk	Provide notice to spectators or drivers via signage or waivers and ensure your insurance is up to date means that if the risk occurs you may share or transfer responsibility to a third party.
Monitor the risk	Where the risk is unlikely to occur, it is recommended you monitor the risk throughout the event for any changes in circumstance.

## Important Safety Notice:

Where a risk is identified but cannot be addressed to an acceptable level, you should seriously consider whether the event should proceed. The event should not proceed where a threat to life has been identified.

## Submitting your completed checklist:

Once completed, you must forward your checklist to your State Karting Association (with the Stewards Report) for record keeping.

The KA National Insurance Program relies upon clubs demonstrating risk management via checklists such as this. Failure to submit your checklist is a breach of the Karting Australia Policies.

# Karting Australia - Pre-Event Checklist

Please refer to the checklist instructions prior to completing this form. As you walk around the Track/Circuit, place a mark in the appropriate column as per the table below:

YES = ACCEPTABLE	NO = ACTION REQUIRED
You are satisfied the conditions are safe and acceptable for competition to commence.	You have identified a safety concern. You must record the actions you have taken to rectify the issue in the in the Actions Taken column.

Circuit: \_\_\_\_\_

Configuration: \_\_\_\_\_

Event: \_\_\_\_\_

Date: \_\_\_\_\_

Time: \_\_\_\_\_

(DD/MM/YY)

Time of inspection

		Yes	No	Actions Taken
<b>SECTION 1: EVENT ORGANISATION</b>				
1.1	The Supplementary Regulations and Organising Permit are displayed on the Notice Board.			
1.2	The 'Essential Officials' are present and have signed on.			
1.3	The Designated Officials are present and have signed on.			
<b>SECTION 2: SAFETY and EVENT COMMAND</b>				
2.1	The Key Officials Briefing has been conducted.			
2.2	Officials' radios have been distributed and checked and are operational.			
2.3	All Fire Extinguishers are in place at all flag / light points and in paddock where required, with signs in place and extinguishers have current test tags.			
<b>SECTION 3: IN GRID, OUT GRID</b>				
3.1	KA Warning Signs and Safety Signs are in place at the Out Grid and public entrances to the property.			
3.2	Suitable Safety Structures separate the grids from the Track.			
3.3	A Mechanical Breakdown Lane has been set up when included in Regulations and is available & is suitably managed with safety structures.			
3.4	The Race Direction sign is in place and clearly visible to the drivers.			



		Yes	No	Actions Taken
<b>SECTION 4: TRACK</b>				
4.1	Circuit Compliance Certifier has confirmed that Track is configured in compliance with Circuit Licence.			
4.2	All gates in the fence are closed, secured and can only open towards the Track if needed.			
4.3	All Catch Traps are loose & difficult to walk on, free from vegetation and ready for use.			
4.4	All Safety Structures (including tyre barriers) are in place and appropriately secured together.			
4.5	The Track surface is visibly clear of hazards, obstructions and/or debris, puddles or water pooling.			
4.6	Verge on Track edge level with Track. Verges behind kerbs level with top of kerb.			
4.7	Safety Flags/Safety Lights are in place at all flag points, with enough Officials to operate them.			
4.8	Safety Light system checked for operation and visibility.			
4.9	Spectator fence behind 1LoP fence is in place at all locations and will prevent spectator access.			
4.10	"Cut-through" Track sections are closed off unless in use.			
<b>SECTION 5: FIRST AID/MEDICAL</b>				
5.1	First Aid personnel are on-site, equipped and prepared.			
5.2	First Aid radio check has been completed.			

### Commencement Declaration

I, the undersigned, declare that I am a  Steward  Clerk of the Course  Race Director named on the Supplementary Regulations for the Meeting. I have completed the above inspection and accurately recorded all applicable safety concerns. All safety concerns identified have been addressed to an acceptable level as indicated in the "Actions Taken" column and I declare the Circuit named herein and the associated conditions (including but not limited to weather) are satisfactory for on-track activities and Competition to commence.

Your Name: \_\_\_\_\_

Position: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Time: \_\_\_\_\_

(DD/MM/YY)

Time of Competition Commencement Decision

A copy of this checklist must be submitted to Karting Australia or the State Karting Association that issued the Organising Permit for the Meeting along with the Stewards Report from the Meeting. Please retain a copy of this checklist for your own records.

## P19 REMOTELY PILOTED AIRCRAFT (Including Drones)

Scheduled Reviewed Triennially or as required

Date of Board Approval 11 November 2019

### Introduction

Karting Australia (KA) recognises that a Drone or Remotely Piloted Aircraft (RPA) can create observing, photographic and digital recording opportunities in motor sport that have historically either not been available, or only available at a high cost. However, use of an RPA in an unregulated manner can create significant risk to others. This Policy governs the use of an RPA at KA licenced circuits, events and Race Meetings in a controlled manner.

### Applies To

The policy applies to the KA Board, employees, and contractors, Officials, Volunteers, Spectators, Accredited Media and Members including but not limited to Drivers, Parents, Participants, Competitors and Team Members (“**Covered Persons**”).

### Objectives

This policy is intended to achieve the following objectives:

1. Provide a safe environment for persons including Licence Holders, Officials, Team Members and Spectators at KA sanctioned Race Meetings and venues.
2. Provide a safe environment for the use of a RPA at KA sanctioned venues
3. Outline a clear procedure on the use of a RPA at KA Events.

### RPA Definition

RPA means a “remotely piloted aircraft”, as defined in the Civil Aviation Safety Regulations 1998 (CASR 1998). For the purposes of this Policy, an RPA also includes a large, small and micro RPA and each of the following:

1. Drone;
2. Remotely controlled model aircraft;
3. Remotely piloted aircraft;
4. ‘Throw and shoot’ flying camera;
5. Tethered and unmanned free balloon;
6. Unpiloted air vehicle;
7. Unmanned aerial system.

### General

A RPA may only be used at a KA circuit with the permission of KA and otherwise in accordance with the following:

1. Applicable law;
2. KA rules, policies and procedures;
3. Any direction issued by the Clerk of the Course and/or Chief Steward if the RPA is being used at an Event.

**Note:** To the extent of any inconsistency, the higher standard shall prevail.

### Certification by CASA

Each RPA controller or operator at an Event must possess a written certification from CASA to, as the case may be, operate (‘RPA Operator’s Certificate’) or control (‘RPA Controller’s Certificate’) the RPA in the place and circumstances in which the RPA will be used.

For the purposes of this Policy and with reference to Part 101 of CASR 1998, the use of an RPA at an Event is deemed to be for commercial (and not recreational, sporting or private) purposes.



These certificates must be carried at all times and be produced on request to KA, any landowner, Event Organiser, the Race Director or if not appointed, the Clerk of the Course or Chief Steward.

Each person who only holds an RPA Controller's Certificate may operate a RPA at a KA licenced Circuit only while under the control and responsibility of a person and entity which holds a valid RPA Operator's Certificate.

## Insurance

An RPA controller or operator is not covered by KA's Public Liability Insurance Policy and must ensure that a public liability insurance policy is in place which as a minimum:

1. provides a minimum limit of liability of \$10M;
2. covers each RPA operator and controller for loss or damage to persons or property arising out of their use of an RPA at a KA licenced Circuit;
3. notes on the policy the following as having an insured interest in relation to the use of the RPA at a KA licenced Circuit:
  - a) Australian Karting Association Ltd and its related entities (and their directors, employees, contractors and agents);
  - b) Landowners and occupiers;
  - c) KA Officials;
  - d) Participants;
  - e) Organisers (if being used at an Event).

## Workplace Health and Safety

Each RPA controller and operator at an Event must ensure that an occupational health and safety management system is in place which fulfils their responsibilities under the various state and territory occupational health and safety legislation and any primary duty of care requirements;

## Specific Requirements

At no stage may:

1. an RPA operate if KA, an Organiser, landowner, occupier or the Clerk of the Course identifies any safety concerns with its operation that are not managed controlled by CASR 1998 or this Policy;
2. more than one RPA in operation at a KA licenced Circuit at any one time;
3. an RPA fly:
  - a) At a height below 5 metres or above 120 metres;
  - b) Within 30 metres of any Kart or person loading, unloading or recovering any Kart;
  - c) In the vicinity of any medical vehicle or person attending a scene of an incident unless authorised by the Clerk of the Course, Race Director or Chief Steward;
  - d) Within 30 metres of a Track area during any competitive activity at an Event;
  - e) In such a manner that distracts or impedes the view of a Driver;
  - f) Without a designated safety observer in place (whose role is to stop any person or Automobile entering the landing site);
4. An RPA land in an area other than one which is sign posted and separated from the general public, paddock area, staging area or any other area deemed by an Organiser, landowner /occupier or the Clerk of the Course as inappropriate;
5. An RPA be used by an operator or controller while such operator or controller is:
  - a) On the Track or Course during any Competition at an Event;
  - b) On any part of an Event's first line of protection;
  - c) Operating the device from a position that interferes with an Official;
  - d) In an area designated by an Organiser, landowner occupier, the Clerk of the Course, Race Director or Chief Steward as inappropriate;

KA reserves the right to request a random drug and alcohol test for the RPA controller.

The RPA must not be operated at night.



## P21 CIRCUIT EXTENSION and MODIFICATION APPROVAL

Scheduled Reviewed Triennially or as required

Date of Board Approval

8 November 2016

Updated: 24 November 2024

### INTRODUCTION

This policy establishes the process and designated responsibilities of KA Management, Standing Committees and the Board in the stages of approval of new race Circuits, and Significant race Circuit extensions or updates (incl resurfacing) for Karting Australia (KA) licensed Race Circuits.

### BACKGROUND

History has seen the approval process for kart Circuits in Australia focus solely on the safety items of the racing surface. This has been a successful formula for the Circuit itself but is limited in providing the full picture in regard to necessary infrastructure and limits the support that KA provides to clubs & other parties building Circuits (for example, input from Competition Committee on circuit layout).

As we progress forward there are many aspects that make a successful race facility of which Circuit safety is a single element and by introducing an upgraded Approval process, KA can be a point of assistance for those building or adding to or updating facilities by providing holistic advice and direction, allowing for presentation of full project scope, full budget development and a planned process.

For a racetrack to offer a true racing experience it must firstly excite the competitors to want to attend (over and above the nature of the event) and then it must offer features that will make the competitor want to go back. If it is purely a follow the leader layout that offers minimal overtaking then this will lead to more desperate maneuvers, poorer race experiences and reluctance for the competitors to return. To this end all new/modified/updated Circuits must be reviewed with a competition perspective in mind.

All new / modified Circuits must also be reviewed with an events/operational basis to ensure that they are capable of handling the type of event that they are aimed at. Provision of the correct information and input allows those building / modifying Circuits to budget reliably and with assistance from KA, develop a “stepped” program of Circuit works to fit budget constraints which leads to the outcome sought by the builder. For example, a new Circuit might start running club events and as further infrastructure work is completed, have the necessary facilities in place to bid for a national event.

Once reviewed from a competitive and infrastructure point of view, a new / modified circuit must then be reviewed to ensure that all safety aspects are considered and designed into the Circuit. By having a process in place for this work, KA can provide a better service and outcomes for Circuit builders / modifiers and for the sport in general.

### PURPOSE

The purpose of the New Circuit/Circuit Extension/ Circuit Change Approval Process Policy is to provide clarity of the Race Circuit consideration and approval process and to ensure that insofar as is possible, all new karting Race Circuits and major race track extensions / changes provide the best racing and safety experience for karting participants by drawing on an extended group of racing and safety expertise that may not be generally on offer within the confines of the Club or Organisation that is wishing to undertake the development/extension.

### OBJECTIVES

This policy is intended to achieve these objectives:

1. To assist the developers/Club to create the best possible Race Circuit for competition and social Karting Activities having due regard for the geography of the site, the location of the facility, the current and predicted size of the Club (if any), the level of Competition for which the Race Circuit is being designed;

2. To provide input to the developers/Club on the Circuit operational matters that are best considered at the front end of the development process;
3. To provide input to the developers/Club on the SAFETY INFRASTRUCTURE that will be required to be in place prior to approval for KA sanctioned activities;
4. To provide input to the developers/Club in formulating their budget for the project.

## POLICY

### STAGE 1 – Preliminary Design Considerations

#### Racing

Preliminary drawings that form the basis of the track layout shall be presented to Karting Australia for review by a specialist review committee led by KA’s Safety Compliance & Championship Manager to determine:

- “Race-ability” of the Circuit
- Suitability of infrastructure for different levels of competition
- Safety aspects of Circuit itself and of facility generally
- Location and use of utilities
- Alignment of track within property boundaries
- Compliance with any restrictions, conditions or requirements of statutory bodies

#### “Race-Ability”

Overall Circuit design – will it create good, safe racing?

Points for consideration shall be but are not limited to:

- Overall length of Circuit, particularly for national events
- Nature of first, second and third corners. Are they open, do they lead to a bottleneck? Width and radius of first corner.
- Length of start finish straight.
- Is the minimum radius of the tightest corner in step with the rest of the Circuit?
- Does the Circuit need a tighter corner, as it is too open and free flowing?
- Do the corners naturally flow?
- Is there a special design characteristic that will minimise the effects of blocking such as an open double apex corner?
- Considerations of camber, elevation changes and existing ground features.
- Are cut-through’s conducive to club days as well as if used at National level events?
- Reducing the roll down time before karts return to the Ingrid to manage event timetables.
- Run off areas, buffers, 1LoP and spectator fencing (initially in draft form).
- Line of sight for Marshals and needs of officials generally.

#### Operational Design

Overall new facility design – will it work well from a modern operational standpoint?

Points for consideration shall be but are not limited to:

- Overall layout
  - Grid location, access, layout and cover
  - Parc Ferme Size/location
  - Technical Inspection area
  - Maximum capacity of the paddock area and space requirements
  - Layout of the paddock area (unobstructed, easy access, capable of handling transporters of varying and growing size)?
  - Paddock area surface
  - Competitor flow within the paddock, how do they get to the grid, store trolleys, access break down lane, retrieve karts?
    - Are there any major areas of congestion?



- Security Features for the Paddock
- Drainage considerations in the facility/paddock
- Red Flag holding area
- Administration, Race Control and Officials Facilities
  - Race Secretary / Administration office
  - Race Control location / size / elevation
  - Stewards' rooms
  - Starter's Platform to ensure consistent view of the starts
  - Timing Room location / size
  - Announcer / commentator's booth to be separate from Race Control
  - Adequate PA system
- Competitor parking and spectator parking are adequate and separate for the paddock.
- Trade area
- Canteen/club room design/shape/location
- Undercover areas for spectators/crew
- Accommodation within the region

## Stage 2 - Safety

Once reviewed, the track shall be drawn to scale in CAD to FIA Karting specification and shall have all features included.

This will include:

- Corner radii.
- Proposed Inner and outer kerbs
- Proposed Catch traps (location and type)
- Proposed Fencing (including all specifications, height, mesh size)
- Proposed Distance between sections of track
- Proposed Barrier style and location
- Direction of racing (can be both but needs to be indicated)
- Location of proposed cut throughs
- Proposed Marshall positions (flags/lights)
- Proposed Location of start lights (how far off the ground)
- Ambulance location
- Emergency facilities location
- Proposed Break down location
- Proposed grid location and access roads to track including gates / barriers
- Gradients and cambers
- Track widths, lengths and other relevant information
- Consideration for endurance karting (4-stroke/2-Stroke)

KA may require CAD files of the layout to be provided to it for onforwarding to FIA Karting so that speed estimates can be produced. All simulation charges are determined by FIA Karting and a service Fee payable to KA of 10% of the FIA Karting simulation fee may be added to the FIA karting charges.

From the simulation information, final changes and adjustments are made to safety infrastructure in particular to generate final build drawings

## Stage 3 - Approval

Once final drawings are produced, the design may be signed off by KA as compliant, allowing the developer / Club to confirm its final budgets. Build can then commence with any on ground changes to be noted and updated on the drawings. Once completed, the new / modified circuit will have an on-ground inspection/s and sign off from KA including any detail rectification work.





If the development of the circuit is based on a “stepped” process (e.g.: Club events initially, then state level with application for National events later once the facility further developed) the facility will need an on-ground inspection and sign off from KA at each previously agreed step.

Note that prior to use of the facility, the Circuit must be inspected and certified in accordance with KA procedures.

A new Circuit will require inspection and certification by KA (at National level) prior to the issue of the Circuit License. Thereafter the Circuit may be inspected and re-certified by the affiliated State Circuit Inspector/s for that State.

## Fee for new circuits

KA may charge the developer / Club a fee for assistance during the design / approval process for new Circuits or Circuit extensions. Such fee will be agreed in advance.

Each inspection of the Circuit that KA is required to undertake prior to the issuing of the Circuit License will incur a fee as follows:

**Inspection Fee:** \$3,500.00 per day or part thereof for each occasion that a site visit for inspection is required.

**Document Review and Report Fee:** \$450.00 per hour for the review of documents and preparation of and reports that may be required.

**Cost Reimbursement:** Travel, accommodation and meal expenses incurred for each site visit in accordance with KA Policies.



## P24 Level 5 - KARTING ACTIVITY CONTROLLER POLICY (Recreational)

Scheduled Review Triennially or as required

Date Of Board Approval 28 November 2022 Date in Effect 31 January 2023

### Introduction

This Policy sets out the Minimum Requirements for a person to fill the role of **Level 5 - Karting Activity Controller** at a Karting Australia (KA) licenced Circuit along with the general requirements and responsibilities of an Official (regardless of their 'Level') who is acting as the Karting Activity Controller (KAC) at an organised and Permitted (Recreational / Social) Karting Activity.

The Board of Karting Australia recognises, that the requirements on State Karting Association's (SKA), Clubs and Officials for the control of a Karting Activity are different from those related to Competition Karting, although the overriding provisions of circuit control, usage, and all safety matters remain the same.

It for these reasons that KAC specific courses have been developed and included in the Karting Australia Officials Academy as essential courses, along with "Respect Karting", "Resolving and Avoiding Conflict" and "Safety 1<sup>st</sup> and Karting Risk Management" courses that form the first curriculum for specific KAC training.

### Rule References

#### Definitions

**Karting Activity** means any non-competitive activity that is conducted under an Organising Permit and insured by KA's Insurance program, including but not be limited to an Organised Recreational / Social Karting activity under these Rules, which for the avoidance of doubt shall include but not be limited to General (Private) Practice, Training, Bring A Mate, Come and Try, Junior Sprockets and Junior Sprockets Plus sessions under these Rules.

**Karting Activity Controller (KAC)** means the Level 5, KA Licenced Official who is in attendance at a Circuit where a Karting Activity is taking place and who is in control of the Karting Activity in accordance with National Competition Rules (NCR), Appendix 1, and the Karting Activity Supplementary Regulations that have been approved and issued (along with an Organising Permit) by the relevant SKA.

**KAC Core Courses** means the following courses in the Karting Australia Officials Academy:

- "Social Karting – Controller Responsibilities and Requirements"
- "Social Karting – Club Responsibilities and Requirements"
- "Respect Karting"
- "Safety 1<sup>st</sup> and Karting Risk Management"

**Licence:** means a certificate of registration issued to any person or body (including but not limited to Drivers, Competitors, Participants, Officials, authorised Suppliers, Circuits, Mechanics, Pit Crew etc.) wishing to participate or taking part, in any capacity whatsoever, in Competitions and/or Karting Activities governed by the Rules.

**New KAC Course** means any KAC Course/s that may be added to the Officials Academy after 1 November 2022.

**Official:** means any person who holds an Officials Licence issued by KA and who may be appointed from time to time by KA or by the Organisers of the Meeting.

**Officials Academy** means the Karting Australia Officials Academy, Karting Australia’s online training facility where we provide basic and advanced training courses that cover a range of subjects that are relevant to officiating at Karting Australia Activities and Race Meetings.

**Official’s Licence:** means a licence issued to an accredited person in accordance with the Rules.

**Organising Permit** means a document issued by KA or the relevant SKA authorising the organisation of a Competition or the conduct of a Social Karting activity under the Rules, which for the avoidance of doubt shall include but not be limited to an: Organised Social Karting Activity, General (Private) Practice, Bring A Mate and Come & Try sessions under these Rules.

**Supplementary Regulations:** are a compulsory official document for Events and Karting Activities. Supplementary Regulations shall not be contrary to the Rules.

- **Karting Activity Supplementary Regulations:** Must be approved by the SKA or KA for all Karting Activities and issued by the Organiser of the Karting Activity with the object of specifying the details of the Karting Activity. They must be readily available to all participants in a Karting Activity via the Club Notice Board or such other means as may be approved by either KA or the relevant SKA.

**Updated Course** means any KAC Core Course (current as of 1 November 2022) that is updated from time to time to reflect best practices and/or new or amended Rules.

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## Purpose

The policy will provide guidance to SKA’s, and Clubs about the specific requirements for a Level 5 - Karting Activity Controller and for all Officials who may be Officiating as a KAC.

The training requirements and Licencing procedures have been implemented to clearly define the requirements to obtain and retain a Level 5 - KAC Licence. Note, that these are separate from the licencing requirements and upgrade provisions for a Race Official – Level 4 (Club) to Level 1 (National) – see Policy P25.

## Objectives

This policy is intended to achieve the following objectives:

1. To specify the Karting Australia Officials Academy Courses that are required to be satisfactorily completed by a person who wants only to be accredited as a Level 5 KAC (i.e. they will not be licenced to officiate as a Race Official without additional training.)
2. To separate a KAC Licence from a Race Officials Licence.
3. To enable Clubs and Member State Associations to clearly differentiate between those people who only want to officiate at (Social) Karting Activities and those who offer their services as a Race Official at a Karting Competition.

## Level 5 KAC Licence – Attainment Requirements

The Karting Australia Officials Academy – an online training facility (Officials Academy) provides training courses covering a range of subjects that was established to provide basic training for the essential Officials that are required for all levels of Karting Australia Competition and Karting Activity within Australia.

### New Licenced KAC’s

1. A person applying to become a KAC must:
  - a. Successfully complete the **KAC CORE COURSES** in the Karting Australia Official’s Academy.



**Note:** Other than active Race Officials (see Policy P25), enrolment in the Karting Australia Officials Academy to undertake the KAC Core Courses may require the payment of an enrolment fee (the **Enrolment Fee**).

- b. Complete the KAC Application Form and submit it to either your SKA or (when specified by Karting Australia) to KA.
2. All persons that are required by State Legislation to obtain a Working with Children Check must apply for and obtain such approval prior to being issued with a Karting Australia Level 5 – KAC Licence.
3. Prior to a New Level 5 KAC Licence being issued, a Level 5 KAC Licence application must be approved by either their SKA or KA.
4. A Level 5 KAC Licence will be issued for a period of twenty-four (24) months from the date of Approval by the relevant SKA or KA. Thereafter, the KAC Licence will expire and must be renewed prior to its further use.
5. It is recommended that new KAC's watch the KA Integrity Webinar <https://www.karting.net.au/club-toolkit/webinars>

### Level 5 KAC Licence – Retention Requirements

1. A Level 5 KAC who wishes to retain their KAC Licence for a further period of twenty-four (24) months after its initial expiry/renewal date, must have satisfactorily completed:
  - a. any new or updated “KAC Core Courses”, and
  - b. the “safety 1<sup>st</sup> and Karting Risk Management” Courseto retain their Level 5 KAC Licence.

### Race Officials – Levels 4 to 1 and Karting Activity Control

The holder of a Race Official Licence is permitted to control a Karting Activity.

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It is **highly recommended** that they complete the specific Social Karting Controller Courses:

- a. “Social Karting – Controller Responsibilities and Requirements”
- b. “Social Karting – Club Responsibilities and Requirements”.

A U S T R A L I A

## P25 RACE OFFICIALS LICENCE POLICY

Scheduled Reviewed Triennially or as required

Date of Board Approval 2 February 2018 Last Board Review: 13 November 2023  
Hyperlink and Privacy update 28 February 2024

### INTRODUCTION

This policy sets out the Grading Classifications, guidance on the recommended minimum number of Essential Race Officials required at all levels of Karting Australia (KA) Competition within Australia and the requirements, responsibilities, and procedures for a Race Official to obtain, upgrade and maintain their KA Race Official Licence.

**Note:** In this Policy, certain administrative responsibilities that reference the SKA, State Officials Co-Ordinator and/or the State Technical Officer may be delegated to the State Administrator for the fulfillment of the administrative responsibilities associated with the identified responsibilities.

### PURPOSE

This policy will provide guidance to Member State Associations, State Official's Co-Ordinator's, State Technical officers, National Officials Co-Ordinator and their Deputy, National Technical Commissioner and their Deputy Clubs and Organisers when providing Race Officials at all levels of Competition. This guidance seeks to create sporting integrity, enjoyment, and a safe racing environment for Competitors to apply the rules fairly and consistently.

The procedures have been implemented to clearly define the requirements to obtain, retain and/or upgrade a KA Race Official Licence.

### RACE OFFICIAL

Race Officials (Levels 1, 2, 3 and 4) as described in this Policy are Graded and Licensed to Officiate at Karting Australia Competitions.

License Gradings are generally based on a combination of factors\* including:

- karting and/or general motorsport experience,
- satisfactory completion of Basic Training – Level 4 Grading
- satisfactory completion of the relevant Official's Development Courses (in the Karting Australia Officials Academy) stipulated in this Policy for Levels 3, 2 and 1.
- being assessed as having:
  - satisfactorily officiated at and gained competency endorsements as a Race Official from the Chief Steward at the requisite number of Meetings detailed in the Upgrade Requirements of this Policy to warrant being upgraded to the next higher Official's Grading, and
  - a sound working knowledge of the Karting Australia National Competition Rules, and
  - enthusiasm for the sport

\* Recognition of Prior Learning (RPL) may be taken into account

### KARTING ACTIVITY CONTROLLER – Level 5

Nothing in this Policy, shall act in any way to prohibit a Race Official from acting as a KAC at an Organised and Permitted **Karting Activity** (non-competitive, recreational or social karting). It is highly recommended that Race Officials complete the specific social **Karting Activity Controller** courses:

- c. "Social Karting – Controller Responsibilities and Requirements", and
- d. "Social Karting – Club Responsibilities and Requirements"

prior to performing the duties of a KAC.

## POLICY APPLIES TO

The policy applies to all National Officials, State Official's Co-Ordinator's, State Technical Officers, Member States, Affiliated Clubs and all KA Licenced Race Officials.

## OBJECTIVES

This policy is intended to achieve the following objectives:

1. Simplify and align the grading system with world's best practice.
2. Clearly define the Licencing, Upgrade and Retention requirements for all levels of Race Officials
3. Enable Club Level meetings to be more easily conducted using locally available Race Officials.
4. Provide a clear pathway for all Officials.
5. Reinvigorate Officials to become active in the running of Club Meetings.

## RULE REFERENCES

General Rules, Chapter 7, Rule 2, and NCR Appendix 1.

## RACE OFFICIALS' PROGRESSION PATHWAY



The list of Race Officials and the Accredited Officiating Disciplines include:

### STEWARDS (Event Control)

- Steward

### RACE MANAGEMENT OFFICIALS (Event Command)

- Race Director
- Starter
- Pit Marshal
- Flag Marshal / Safety Light Operator
- Race Secretary
- Race Prosecutor
- Grid Marshal
- Clerk of the Course (including Assistants)
- Chief Timekeeper and Timekeeper
- Officials (Stewards) Secretary

### TECHNICAL OFFICIALS (Scrutineers)

- Chief Scrutineer
- Scales Marshal
- Scrutineer
- Fuel Tester
- Tyre Tester
- Noise Control Marshal

## ASSISTANTS

Nothing in this Policy shall act to prevent a person 16 years of age or older from assisting under supervision, any of the Officials appointed to an Event albeit that they do not hold a graded Race Officials Licence. In all instances, a person who is required by State law to apply for and be provided with a Working With Children Check (15 years of age in South Australia and 18 years of age in other jurisdictions) must do so prior to acting as an assistant to a Race Official.



## Working With Children Check

A person who is required by State Law to obtain a Working with Children Check must apply for and obtain such approval prior to being issued with a Karting Australia Race Officials' Licence or a Karting Activity Controller Licence and must always maintain it as current while acting as Race Official or a Karting Activity Controller.

**This is an absolute requirement under STATE LAW - NO EXCEPTIONS!**

### Minimum Essential Race Officials (Showing Minimum Official's Grading Required)

Official	CLUB	STATE & ZONAL LEVEL COMPETITION	NATIONAL LEVEL COMPETITION	
	Club Competition Refer: <i>General Rules, Chapter 7, Rule 4 (b)</i>	State Cup, State Series, State Trophy, Zonal Competition	State Championship	National Championship, National Series, National Cup
<b>Chief Steward</b>	1 at Level 3 or higher	1 at Level 2 or higher	1 at Level 1 for: NSW, Qld. Vic, WA. 1 at Level 2 for: NT, SA, Tas.	1 at Level 1
<b>Steward</b>	<b>Refer General Rules Chapter 7 Rule 6 c)</b> <i>"At a Club level Meeting, any other Official may act as a Steward for the purpose of the conduct of a Steward's Hearing provided that the Chief Steward shall perform the duties of Chair for the Hearing."</i>	<b>Minimum of 3 Stewards</b> in total including the Chief  1 at Level 3 or higher. Plus  At least 1 other, at any Level	<b>Minimum of 4 Stewards</b> in total including the Chief  2 at Level 2 or higher. Plus  At least 2 others, 1 of which must be at least a Level 3 Steward	<b>Minimum of 4 Stewards</b> in total including the Chief  2 at Level 2 or higher Plus  At least 2 others, 1 of which must be at least a Level 3 Steward
<b>Clerk of the Course (COC)</b>	At least 1 COC at Level 4** or higher if less than 35 Entries  At least 1 COC at Level 3** or higher if more than 35 Entries	1 COC at Level 2 or higher  At least 2 other COC's. 1 of which must be a Level 3 or higher	1 COC at Level 2 or higher  At least 2 other COC's. 1 of which must be a Level 3 or higher	1 Race Director Plus 1 Level 1 COC  At least 3 other COC's at Level 3 or higher
<b>Chief Scrutineer</b>	At least 1 Required - at any Level	1 x Level 3 or higher	1 x Level 2 or higher	1 x Level 1
<b>Scrutineer/s</b>		At least 2 Scrutineers in total are required.  At least 1 at any other Level	At least 3 Scrutineers in total are required.  At least 2 others. At least 1 must be at Level 3 or higher	At least 4 Scrutineers in total are require  At least 3 at Level 3 or higher
<b>Timekeeper</b>	1 at any Level	1 at any Level	1 at any Level but be experienced at Club, Zonal and State	1 at any Level but be experienced at Club, Zonal and State

\*\* Must have a clear understanding of the Start, Re-start, Race Stoppage and Race Finish Rules - Competition Rules, Chapter 1, Rules 22 – 26 if they are fulfilling the role of the Starter.

A Race Official may hold different Licence levels for different duties of officiating at any time (e.g., they could be a Level 1 Clerk of the Course and a Level 2 Steward).

## DEFINITIONS

In addition to the definitions contained in the NCR's, the following definitions shall apply to this Policy.

### Approved (or Approval)

Means an approval given to a Race Official in accordance with this Policy:

- **By the SKA**

By either the State Officials Co-ordinator, State Technical Officer, or State Administrator/Secretary and in accordance with authority provided by the SKA.

- **By the National Officials Co-Ordinator or the National Technical Commissioner**

By either the National Officials Co-ordinator, National Technical Commissioner, or the respective Deputy in each of those roles in accordance with authority provided by KA.

- **By the National Official's Review Panel**

By a properly empaneled meeting of the National Official's Review Panel in accordance with authority provided by KA.

- **By KA**

By either the Chief Executive Officer or the Chief Operating Officer of KA in accordance with authority provided by KA.

**Basic Training** means the successful completion of the Basic Training Program in the Karting Australia Officials Academy that all Race Officials must undertake prior to the issuing of their first Graded Race Official Licence.

**Graded Race Official Licence** means any of a Grade 4, Grade 3, Grade 2, or Grade 1 Race Official Licence that may be issued to a Race Official in accordance with the Rules and this Policy by either an SKA or Karting Australia.

**Junior Race Official means** a person who has attained the age of 14 years, who has successfully completed the Junior Race Officials Courses and who has been issued with a Junior Race Official Licence in accordance with the Rules and 185 this Policy by either an SKA or Karting Australia. They may continue to act in the capacity of a Junior Official until they have attained the age of 18 years.

**Junior Race Official Courses** means the "Officiating 101" and "Respect Karting" Courses in the Officials Academy.

**National Official's Review Panel** means an ad hoc committee of at least three (3) persons, convened by Karting Australia that may include the National Officials Co-Ordinator and/or National Technical Commissioner and/or Deputy National Officials Co-Ordinator and/or Deputy National Technical Commissioner and/or a member of the Executive Commission under the Chair of the Chief Operating Officer or their delegate.

**New Course** means any Course/s that may be added to the Officials Academy after 1 October 2022.

**Officials Academy** means the Karting Australia Officials Academy, Karting Australia's online training facility where we provide basic and advanced training courses that cover a range of subjects that are relevant to officiating at Karting Australia Activities and Race Meetings. Important Note: Results of all Officials Academy Courses undertaken by any person are held private between the person who undertook the Course, and Karting Australia Including the relevant National Official Co-Ordinator or Commissioner), the relevant State Officials Co-Ordinator and/or State Administrator.

**Official's Development Course** means any of the Non-Basic Training Courses in the Officials Academy which include but may not be limited to: "Race Control & Management", "Stewards Training", "Safety Management", Administration", and "Technical and Judges".

~~**PBTR Courses** means Play By The Rules Mini Courses means the online "Introduction to the Integrity of Sport" and "Making Sport Inclusive, Safe and Fair" (Note: this course is valid for two years only.)~~



**Race Official** means a person who has attained the age of 16 years, has completed Karting Australia's Basic Training and been issued with a Graded Race Official Licence in accordance with the Rules and this Policy by either an SKA or Karting Australia and who is not a Junior Official.

**Remote Club** means a Club that is at least 200km from the nearest Affiliated Club.

**RPL Applicant** means a person over the age of 16 years who has made an application for an RPL Assessment.

**RPL Assessment (Recognition of Prior Learning)** means the assessment process conducted by the National Official's Review Panel through which a person's skills, knowledge and experience can be taken into consideration in determining the initial grade of Race Official Licence issued and the training that may be required, prior to the issuing or upgrading a Race Official Licence, even if not all the stated Licence accreditation, attainment, retention, and upgrade requirements have been met.

**Sport Integrity Australia (SIA) Course** means the *"Safeguarding Children and Young People in Sport Induction"* SIA course that covers the basics of sports' child safeguarding policies and that is located on the SIA eLearning Hub <https://elearning.sportintegrity.gov.au/totara/dashboard/index.php> and that has replaced the PBTR Courses.

**Updated Course** means any Officials Academy Course that is updated from time to time to reflect best practices and/or new or amended Rules or processes.



## RACE OFFICIAL'S LICENCE

### COMMENCEMENT, UPGRADE and RETENTION REQUIREMENTS

#### JUNIOR RACE OFFICIAL

##### General

1. A person applying to become a Junior Race Official is required to have successfully completed the Junior Race Officials Courses.
2. A Junior Race Official may assist a Licenced Race Official and act under their direct supervision of a Senior Graded Official at Race Meetings in any of the following duties:
  - i. Grid Marshal,
  - ii. Starter,
  - iii. Scales Marshal,
  - iv. Timekeeper,
  - v. Scrutineering,
  - vi. Clerk of the Course.
3. A Junior Race Official is required to officiate at a minimum of three (3) Race Meetings annually to retain their Licence.

#### JUNIOR RACE OFFICIAL UPGRADING TO A SENIOR RACE OFFICIAL

A Junior Official who is at least 16 years of age, and who wishes to become a Senior Race Official, should follow the procedures outlined in the Level 4 Race Official section of this Policy to become accredited as a Senior Race Official.

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#### SENIOR - GRADED RACE OFFICIALS

##### **BASIC TRAINING IS REQUIRED TO BE UNDERTAKEN BY ALL GRADED RACE OFFICIALS.**

**All new Race Officials are required to complete Karting Australia's Basic Training before being issued with a Race Official's Licence.**

In this Policy the term "successfully completed" when used in conjunction with Basic Training, Sport Integrity Australia (SIA) Course, or any of the Event Control, Event Command, Technical, online training course modules, means that the Official has passed the test that follows each training Course. It is NOT NECESSARY NOR IS IT A REQUIREMENT FOR AN OFFICIAL TO REPEAT these online training courses on a regular basis.

Level 4 is the starting point for most\* Karting Australia Race Officials.

Unless a person has been granted a positive RPL Assessment in accordance with this Policy, the Training and Upgrade Assessment conditions detailed herein will apply.

If a positive RPL Assessment has been granted, some or all of the Training or Grading requirements may be adjusted or waived by an SKA and/or Karting Australia.

\* See the RPL Assessment policy herein.

## RECOGNITION OF PRIOR LEARNING

### RPL Assessment

Each RPL Assessment will be made on an individual case-by-case basis by the National Official's Review Panel.

An RPL Assessment approval, may, but will not normally override the necessity for a Race Official to complete Basic Training.

Unless otherwise approved by KA, a person seeking an RPL Assessment must:

1. Complete an RPL Assessment Application Form and submit it to the SKA from which they are seeking to obtain a Race Official Licence.
2. Provide supporting evidence of the skills, knowledge and experience that supports the application.
3. Provide contact details of any referee/s who can support the RPL Assessment Application.

The SKA that receives the completed Application form will, upon its receipt:

1. Forward the completed RPL Assessment Application Form to Karting Australia that will be presented to the National Officials Review Panel.
2. Provide a properly considered recommendation that either supports or rejects the RPL Assessment Application to [admin@karting.net.au](mailto:admin@karting.net.au)
3. The decision of the National Officials Review Panel will be final.

## UPGRADE ASSESSMENT

An Upgrade Assessment must be conducted prior to an Official being elevated to a higher-level of Race Official's Licence.

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The purpose of an Upgrade Assessment is to determine the competency of an Official to move from their current Licence grade to a higher grade of Race Official's Licence after they have obtained the requisite number of competency endorsements specified in this Policy i.e. Level 4 to level 3, level 3 to level 2 and level 2 to level 1.

For all Officials up to and including Level 2, a formal assessment will be conducted for:

- a Race Control Officials' Assessment or Stewards Assessment, by the State or National Official's Coordinator.
- a Scrutineer Assessment, must be approved by the State Technical Officer or the National Technical Commissioner.

**For all Officials seeking an upgrade to Level 1, an assessment must be conducted by the National Officials Review Panel.**

The Assessment may include the successful completion of an online test in the Karting Australia Officials Academy and may include one or more event observation assessments.

## LEVEL 4 RACE OFFICIAL

### New Senior Race Official (Minimum 16 Years of Age)

#### THE FIRST SENIOR RACE OFFICIAL'S LICENCE

A person applying to become a new or returning Karting Australia **Race Official** is required to:

1. Apply for and obtain a Working With Children Check clearance that is valid in your State if you have attained the age of 18 years (15 years of age in South Australia); and
2. Complete the Karting Australia **Officials' Accreditation through KOMP**
3. Complete the **Race Officials Basic Training** courses in the Karting Australia Officials Academy.

It is recommended that a Race Official completes the Sport Integrity Australia (SIA) Course.

Prior to a new Senior Race Officials' Licence being issued, a Level 4 Race Official Licence application must be approved by either their SKA, Karting Australia or the National Officials Co-ordinator.

#### GENERAL CONDITIONS – LEVEL 4 RACE OFFICIAL

##### **Permitted Duties**

A Level 4 Race Official can officiate at a Race Meeting under supervision of a higher graded Official in any of the following roles:

##### **Race Management**

- Clerk of the Course
- Grid Marshal
- Starter
- Timekeeper
- Safety Light Operator
- Pit/Paddock Marshal
- Flag Marshal

##### **Technical Official**

- Scrutineer
- Noise Control Marshal
- Scales Marshal
- Tyre Tester
- Fuel Tester

Any Race Official, including a Level 4 Race Official, is permitted to act as a Steward at a Club Level meeting provided the Chief Steward fills the role of the Chair during the Hearing.

#### RETAINING YOUR LEVEL 4 RACE OFFICIAL LICENCE

A Level 4 Race Official must:

1. Officiate at a minimum of three (3) Meetings annually; and
2. Biennially, must satisfactorily complete:
  - a. At least one (1) in-person or online Officials Training School conducted by either KA or your SKA; and
  - b. Successfully complete any **new "Basic Training Courses"** and any new **"General Courses"** e.g. the **Annual Updated Rules course** in the Officials Academy.

to retain your Level 4 Race Official's Accreditation.

#### **ONGOING DEVELOPMENT**

It is highly recommended that Race Officials regularly attend and participate in a KA and/or an SKA Officials Training School or KA online Race Official's Workshop at least biennially and preferably annually.



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**MINIMUM UPGRADE REQUIREMENTS – UPGRADE, LEVEL 4 TO LEVEL 3 RACE OFFICIAL**

To be eligible to upgrade to a Level 3 Race Official Licence, a Level 4 Official must:

1. Have a sound working knowledge of the Karting Australia National Competition Rules and an enthusiasm for the sport.
2. Have held a Level 4 Race Official's Licence and have satisfactorily officiated and gained competency endorsements from the Chief Steward from a minimum of six (6) Race Meetings, four (4) of which must be for the same Role.
3. Make an application by email to the SKA requesting Assessment for an upgrade.
4. Prior to a Level 3 Licence being issued:
  - a. an Upgrade Assessment will be conducted.
  - b. for an Event Control Officials' Licence or Event Command Officials' Licence, the Licence Application must be approved by either their SKA or the National Officials Co-ordinator.
  - c. for a Scrutineer Licence, the Licence Application must be approved by either their SKA or the National Technical Commissioner.



## LEVEL 3 – (CLUB CHIEF) OFFICIAL

A Level 3 Race Official Licence may be issued to an Official who has:

1. Completed Basic Training (unless otherwise approved through the RPL Assessment approval process.)
2. Satisfied the upgrade criteria for a Level 3 Official; or been approved for the issuing of a Level 3 Officials' Licence following an RPL Assessment.
3. Made application on the appropriate form to the SKA requesting consideration for a Level 3 Officials' Licence,
4. It is recommended that the applicant for the Level 3 Race Official Licence, has successfully completed the Sport Integrity Australia (SIA) Course.

### 5. LICENCE CATEGORIES

#### a. Stewards Licence

- (i) If applying for a Stewards (**Event Control**) Licence, you must have successfully completed all the Event Control – Stewards Officials Academy Courses.
- (ii) The Licence Application must be approved by either the State Officials Co-ordinator, their SKA, Karting Australia or the National Officials Co-ordinator.

#### b. Race Management Licence

- (i) If applying for a Race Management (**Event Command**) Licence, you must have successfully completed the Race Control and Management Officials Academy Courses.
- (ii) The Licence Application must be approved by either the State Officials Co-ordinator, their SKA, Karting Australia or the National Officials Co-ordinator.

#### c. Technical Licence

- (i) If applying for a Scrutineer Licence, you must have successfully completed the Scrutineering and Event Command – Race Management Officials Academy Courses.
- (ii) The Licence Application must be approved by either the State Technical Officer, their SKA, Karting Australia, or the National Technical Commissioner.

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## PERMITTED DUTIES

A **Level 3 Steward** may:

- officiate as a Steward or Chief Steward at a Club level Meeting.
- officiate at State and Zonal Level Meetings but not as the Chief Steward.
- officiate at a National Level Meeting but not as the Chief Steward.

A **Level 3 Race Management Official** (Clerk of the Course) may:

- officiate as Clerk of The Course at a Club level Meeting.
- officiate as an 'assistant' Clerk of the Course at a State and Zonal Level Meeting.
- officiate as an 'assistant' Clerk of the Course at a National Level Meeting.

A **Level 3 Technical Official** (Scrutineer) may:

- officiate as Chief Scrutineer at a Club level Meeting.
- officiate as a Chief Scrutineer at State and Zonal Level Meetings
- officiate as a Scrutineer at National Level Meetings.

### **RETAINING YOUR LEVEL 3 RACE OFFICIAL LICENCE**

A Level 3 Race Official must:

- Officiate at a minimum of four (4) Race Meetings annually.
- Biennially, must satisfactorily complete:
  - a. At least one (1) in-person or online Officials Development Course conducted by either KA or your SKA; and
  - b. Successfully complete any **NEW “Basic Training Courses”** and any new **“General Courses”** e.g. any **Annual Updated Rules** course and any specific **Courses** in your area of specialty e.g. Stewards Training, Race Control and Management, Safety Management etc. (if any) in the Officials Academy; Race Control and Management, Safety Management etc. (if any) in the Officials Academy

to retain your Level 3 Race Official’s Accreditation.

### **ONGOING DEVELOPMENT**

It is highly recommended that Race Officials regularly attend and participate in a KA and/or an SKA Officials Training School or KA online Race Official’s Workshop at least biennially and preferably annually.

### **MINIMUM UPGRADE REQUIREMENTS – LEVEL 3 TO LEVEL 2**

To be eligible to upgrade to a Level 2 Race Official Licence, a Level 3 Race Official must:

1. Have a good working knowledge of the Karting Australia National Competition Rules and an enthusiasm for the sport.
2. Hold a Level 3 Race Official Licence; and
  - a. Satisfactorily officiated and gained competency endorsements from the Chief Steward from a minimum of six (6) Race Meetings since obtaining a Level 3 Race Official Licence for the same Role.
  - b. At least two (2) of the endorsements should be obtained at Meetings at which there are at least 50 entries.
  - c. No more than four (4) of the endorsements can be obtained from Meetings from the same Chief Steward unless the Meetings are organised by or at a Remote Club in which case the assessing Official may provide an exemption allowing for more than four (4) endorsements to be obtained from the same Chief Steward.
  - d. Make an application by email to the SKA, requesting consideration for an upgrade.
3. Prior to a Level 2 Race Official Licence being issued:
  - a. an Upgrade Assessment will be conducted.
  - b. for an Event Control Official Licence or Event Command Official Licence, the Licence Application must be approved by either the SKA or the National Officials Co-ordinator.
  - c. for a Scrutineer Licence, the Licence Application must be approved by either the SKA or the National Technical Commissioner.

## LEVEL 2 – (STATE) OFFICIAL

A Level 2 Race Officials Licence may be granted to a person who has:

1. Completed Basic Training (unless otherwise approved through the RPL Assessment approval process.)
  2. Satisfied the upgrade criteria for a Level 2 Race Official or been approved for the issuing of a Level 2 Official Licence following an RPL Assessment.
  3. Made application on the appropriate form to the SKA requesting consideration for a Level 2 Officials Licence.
- It is recommended that the applicant for the Level 2 Race Official Licence, has successfully completed the Sport Integrity Australia (SIA) Course.
  - **LICENCE CATEGORIES**
    - a. Stewards (Event Control) Licence**
      - (i) If applying for a Stewards (**Event Control**) Licence, you must have successfully completed all the Event Control – Stewards Officials Academy Courses.
      - (ii) The Licence Application must be approved by either the State Officials Co-ordinator, their SKA, Karting Australia or the National Officials Co-ordinator.
    - b. Race Management Licence**
      - (i) If applying for Race Management (**Event Command**) Licence, you must have successfully completed the Race Control and Management Officials Academy Courses.
      - (ii) The Licence Application must be approved by either the State Officials Co-ordinator, their SKA, Karting Australia or the National Officials Co-ordinator.
    - c. Technical (Scrutineer) Licence**
      - (i) If applying for a **Scrutineer** Licence, you must have successfully completed the Scrutineering and Race Management (**Race Control**) Officials Academy Courses.
      - (ii) The Licence Application must be approved by either the State Technical Officer, their SKA, Karting Australia, or the National Technical Commissioner.

## PERMITTED DUTIES

A **Level 2 Steward** may:

- officiate as Steward or Chief Steward at a Club, Zonal or State level Meeting.
- officiate at a National Level Meeting but not as the Chief Steward

A **Level 2 Race Management Official** (Clerk of the Course or Assistant Clerk of the Course) may:

- officiate as Clerk of the Course at a Club, Zonal or State Level Meeting.
- officiate as Clerk of the Course at a State Championship Meeting
- officiate as an Assistant Clerk of the Course at a National Level Meeting.

A **Level 2 Technical Official** (Scrutineer) may:

- officiate as Chief Scrutineer or Scrutineer at State Championship Level Meetings and below.
- officiate as a Scrutineer at National Level Meetings.

## **RETAINING YOUR LEVEL 2 RACE OFFICIAL LICENCE**

To retain a Level 2 Official Licence, the Official must:

1. officiate at a minimum of six (6) Race Meetings annually, at least two (2) of which must not be held at the same Club (See IMPORTANT NOTES ##); and
2. have satisfactorily completed all the courses including all new and updated courses relevant to their Officiating discipline in the Officials Academy.
3. Successfully complete any **NEW “Basic Training Courses”** and any new **“General Courses”** e.g., the **Annual Updated Rules** course and any specific **Courses** in your area of specialty e.g., Stewards Training, Race Control and Management, Safety Management etc. (if any) in the Officials Academy; and
4. Biennially, must satisfactorily complete at least one (1) Officials Development Course conducted by either KA or your SKA.

## **ONGOING DEVELOPMENT**

It is highly recommended that Race Officials regularly attend and participate in a KA and/or an SKA Officials Training School or KA online Race Official’s Workshop at least biennially and preferably annually.

## **UPGRADE – LEVEL 2 TO LEVEL 1**

Only National Level Race Meetings (those meetings for which the Organising Permit must be issued by KA (and not an SKA)) require Level 1 Officials – Chief Steward, Race Director, Clerk of the Course and Chief Scrutineer to be included on the Meeting Supplementary Regulations and to be in attendance to Officiate the Meeting.

KA encourages Officials to aspire to become Level 1 graded Officials but we recognise that the time commitments to upgrade to and retain a Level 1 Officials Licence are substantial.

All Upgrade requests from Level 2 to Level 1 must be considered and approved by the **KA National Officials Review Panel**.

## **MINIMUM UPGRADE REQUIREMENTS – LEVEL 2 TO LEVEL 1**

To be eligible to upgrade to a Level 1 Race Officials Licence, a Level 2 Race Official must:

1. Satisfactorily attend a KA Officials Training School biennially; and
2. Have an excellent working knowledge of the National Competition Rules and an enthusiasm for the sport.
3. Satisfactorily officiated and gained competency endorsements from the Chief Steward at a minimum of eight (8) Race Meetings.
  - a. No more than five (5) of the endorsements can be obtained from the same Chief Steward and/or be from Meetings held at the same Club.
4. Make an application by email to the SKA and/or KA requesting consideration for an upgrade.
5. Prior to a Level 1 Licence being issued:
  - a. an Upgrade Assessment of the Official will be conducted.
  - b. for an Event Control Race Official Licence or Event Command Race Official Licence, the Licence Upgrade Application must be approved by the National Officials Review Panel Upon recommendations from the SKA or KA.
  - c. for a Scrutineer Licence, the Licence Upgrade Application must be approved by the National Officials Review Panel Upon recommendations from the SKA or KA.

## LEVEL 1 (NATIONAL) OFFICIAL:

A Level 1 Race Officials Licence may be granted to a person who has:

1. Completed Basic Training (unless otherwise approved through the RPL Assessment approval process.)
2. Satisfied the minimum upgrade requirements from Level 2 to Level 1 Race Official or been approved for the issuing of a Level 1 Race Officials' Licence following an RPL Assessment.
3. Made application on the appropriate form to KA and their SKA requesting consideration for a Level 1 Officials Licence.
4. It is highly recommended that the applicant for the Level 1 Race Official Licence, has successfully completed the Sport Integrity Australia (SIA) Course.

### 5. LICENCE CATEGORIES

#### a. Stewards (Event Control) Licence

- (i) If applying for a Stewards (**Event Control**) Licence, you must have successfully completed all the Stewards Officials Academy Courses.
- (ii) The Licence Application must be approved by the National Officials Review Panel
  - Upon recommendations from the SKA or KA.

#### b. Race Management (Event Command) Licence

- (i) If applying for Race Management (**Event Command**) Licence, you must have successfully completed the Race Control and Management Officials Academy Courses.
- (ii) The Licence Application must be approved by the National Officials Review Panel
  - Upon recommendations from the SKA or KA.

#### c. Technical (Scrutineer) Licence

- (i) If applying for a Scrutineer Licence, you must have successfully completed the Scrutineering and Event Command – Race Management Officials Academy Courses.
- (ii) The Licence Application must be approved by the National Technical Commissioner
  - Upon recommendations from the SKA or KA.

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## ONGOING DEVELOPMENT

It is highly recommended that Race Officials regularly attend and participate in a KA and/or an SKA Officials Training School or KA online Race Official's Workshop at least biennially and preferably annually.

## Permitted Duties

A Level 1 Official in the appropriate Officiating discipline, may perform the duties of:

- Chief Steward or Steward
- Clerk of the Course,
- Race Director
- Chief Scrutineer or Scrutineer
- Or any other Race Management roles including
  - Starter
  - Race Prosecutor
  - Chief Timekeeper and Timekeeper
  - Pit Marshal
  - Grid Marshal
  - Officials (Stewards) Secretary
  - Flag Marshal / Safety Light Operator

at any Race Meeting.



## RETAINING YOUR LEVEL 1 RACE OFFICIAL LICENCE

To retain a Level 1 Officials Licence, the Official must;

1. Officiate at a minimum of six (6) Meetings annually, one (1) of which must be a:
  - a. State Kart Championship,
  - b. National Championship,
  - c. National Series
  - d. National CupEvent.
2. Biennially, must satisfactorily complete:
  - a. At least one (1) in-person or online Officials Development Course conducted by either KA or your SKA; and
  - b. Successfully complete any **NEW “Basic Training Courses”** and any new **“General Courses”** e.g., the **Annual Updated Rules** course and any specific **Courses** in your area of specialty e.g., Stewards Training, Race Control and Management, Safety Management etc. (if any) in the Officials Academy; and
  - c. Biennially, must satisfactorily complete at least one (1) Officials Development Course conducted by either KA or your SKA.
3. Continue to satisfy the National Officials Co-ordinator or the National Technical Commissioner that they are able to competently fulfil their duties as a Level 1 Race Official by accepting appointments to officiate at other National Level Meetings as and when reasonably requested to do so.
4. Have satisfactorily completed all the courses including all new and updated courses relevant to their Officiating discipline in the Officials Academy; and
5. Maintain an excellent working knowledge of the National Competition Rules and an enthusiasm for the sport.

## IMPORTANT NOTES

Attaining the “Minimum Upgrade Requirements” means that the Race Official is eligible for and is ready to be assessed in accordance with this policy for a Race Official License Upgrade.

It does not guarantee that an Official will obtain an upgrade to the next level of Race Official Licence, nor does it obligate them to be assessed.

It makes the Official eligible for assessment by either the SKA (their State Officials Co-Ordinator and/or their State Technical Officer) and/or the National Officials Co-ordinator and/or in the case of a Technical Official - the National Technical Commissioner or the KA National Officials Review Panel.

The minimum number of Race Meetings that an Official is required to officiate at annually to retain their current level of Licence, and/or the minimum requirements for a Licence upgrade may, in **exceptional circumstances**, be varied by the KA National Officials Review Panel.

In normal circumstances, should an Official not achieve the minimum requirements to retain their current level of Licence, they will be downgraded to the immediate lower level until the minimum requirements have been met.

## Karting Australia RPL Assessment Application Form (Recognition of Prior Learning and Experience.)

V1 - 2022



### INTRODUCTION

In accordance with Karting Australia (KA) Policy P25 – Race Official’s Licence Policy, KA may take into account the prior motorsport knowledge and experience of an Official or a potential Official in determining their entry point or upgrade requirements as a Karting Australia Race Official.

A KA RPL Assessment allows our most Senior Officials to assesses your competency—acquired through formal and informal learning and on the job experiences as a Volunteer, Official or participant at motorsport events—to determine if you are able to commence Karting Officiating at a higher Grade of Race Official or without the necessity to undertake full Basic Training.

### RPL ASSESSMENT DEFINITIONS

**RPL Applicant** means a person over the age of 16 years who has made an application for an RPL Assessment.

**RPL Assessment (Recognition of Prior Learning)** means the assessment process through which a person’s skills, knowledge and experience can be taken into consideration in determining the initial grade of Race Official Licence issued and the training that may be required, prior to the issuing or upgrading a Race Official Licence, even if not all the stated Licence accreditation, attainment, retention, and upgrade requirements have been met.

**RPL Assessment Panel** means an ad hoc committee of at least three (3) persons, convened by Karting Australia that may include the National Officials Co-Ordinator and/or National Technical Commissioner and/or Deputy National Officials Co-Ordinator and/or Deputy National Technical Commissioner and/or a member of the Executive Commission under the Chair of the Chief Operating Officer or their delegate.

### RPL ASSESSMENT

Each RPL Assessment, will be made on an individual case-by-case basis by the KA RPL Assessment Panel.

An RPL Assessment approval, may, but will not normally override the necessity for a Race Official to complete Basic Training.

The RPL process starts with you providing documentary evidence to demonstrate that you can perform or have performed various tasks/activities and have experience that is relevant to officiating at a motorsport event.

It is in your self-appraisal where you can include details and documents such as: a resume or list of experiences; qualifications or units of competency you have completed (e.g. any Motorsport Australia Courses or participation as a competitor or Official); and statements of attendance or similar documents indicating the non-formal training you have received. This will be included in the Portfolio of Evidence.

A person seeking an RPL Assessment must:

1. Complete an RPL Assessment Application Form and submit it to the SKA from which they are seeking to obtain a Race Official Licence.
2. Provide supporting evidence of the skills, knowledge and experience that supports the application.
3. Provide contact details of any referee/s who can support the RPL Assessment Application.

The SKA that receives the completed Application form will, upon its receipt:

1. Forward the completed RPL Assessment Application Form to Karting Australia,
2. Provide a properly considered recommendation that either supports or rejects the RPL Assessment Application to [admin@karting.net.au](mailto:admin@karting.net.au).



## RPL ASSESSMENT APPLICATION

Name of Applicant

Address of Applicant

Email Address

Mobile Phone Number  Date of Birth

Have you ever held a Driver/Rider Licence for any of the following? *(tick applicable)*

Karting Australia  Motorsport Australia  Motorcycling Australia

Have you ever held a Race Official's Licence for any of the following? *(tick applicable)*

Karting Australia  Motorsport Australia  Motorcycling Australia

If YES, what role/s did you fill? *(tick applicable)*

Clerk Of The Course  Steward  Scrutineer

Marshall  Race Secretary  Timekeeper

Other

What level of Official were you? E.g. Bronze, Silver, Gold, Club, State, National etc

How long did/have you held that Race Official's Licence?

How many Race meetings have you Officiated at?

### Other Experience

Please list and detail any other experience or qualifications that you think are relevant in making this application.

### Supporting Evidence

Please provide evidence that demonstrates you have met the requirements of the tasks you have identified as having been undertaken that demonstrates your capability of performing these tasks to an acceptable level as a KA Race Official.

**Karting Australia is the FIA and Motorsport Australia's delegate for the regulation and control of Karting in Australia.**

## Karting Australia RPL Assessment Application Form (Recognition of Prior Learning and Experience.) V1 - 2022



### Referees

Please list the names of any people who can attest to your capability of performing these tasks to an acceptable level as a Race Official

Print Name:

Signed:

Date:

## P26 JUNIOR OFFICIAL POLICY

Scheduled Reviewed Triennially or as required

Date of Board Approval

8 November 2016

Last Board Review: 11 November 2019

### Introduction

This policy seeks to ensure the safe conduct of duties and proper supervision of all Junior Officials. It is a requirement for insurance coverage that the conditions of this policy are met.

### Purpose

KA is committed to a Safety 1st approach across Karting and its related activities. KA have a responsibility to ensure that all of its Officials operate in a safe work environment, supported by Personal Accident Insurance and supervised in an appropriate manner based on their age, capability and experience.

### Applies To

The policy applies to all Key National Officials, State Official's Coordinators, State Technical Officers, State and Territory Associations, Affiliated Clubs, and all grades of Officials.

### Objectives

This policy is intended to achieve the following objectives:

- To actively provide a clear pathway for young club members to become Officials
- To recruit officials at a younger age.
- To allow non-racing family members to involve themselves in the sport.
- To encourage, improve and educate young people on how to become involved with motorsport at a base level.

### Policy

**All Junior Officials must comply with the following conditions:**

- Junior Officials at all times must be under the supervision of a person (18 years or older) who holds a current valid KA Officials Licence.
- Junior Officials are only eligible to hold a General Official Licence.
- Junior Officials must attend an officials briefing and be verbally briefed on the day by a senior official. They must be made aware of whom they are responsible to; and safety measures related to the activity.
- Junior Officials are not permitted to attend incidents on the Track.
- KA reserves the right to impose further restrictions on the license issued to Junior Officials due to their current age or for any other reason as may be required.

**Where permitted by State legislation the following ages are minimum ages for Junior Karting Officials:**

Meeting Area	Minimum Age
Non-Competition Area	14
Race Control/Timekeeping	14
Parc Ferme & Track	16
Technical Inspection	16



## P27 TRAVEL POLICY

Scheduled Reviewed Triennially or as required

Date of Board Approval

8 November 2016

Last Board Review: 11 November 2019

### Introduction

KA recognises the need for KA Staff and Volunteers to undertake travel on KA's behalf and is committed to ensuring that travel and related services are procured as cost effectively as possible using the KA's preferred travel suppliers. KA is also committed to ensuring travel undertaken is appropriate and to an acceptable standard.

### Definitions

In addition to the definitions in the KA Manual, the following definitions apply to this policy:

#### Staff

A paid employee or contractor of KA

#### Volunteers

Unpaid/Honorary representatives engaged on KA business. Including but not limited to; Officials, Stewards, Commission & Committee members and Board Members

#### Consumer loyalty program

A marketing tool operated by a supplier of goods or services (including credit card providers), or a group of such suppliers, to encourage customers to be loyal to the supplier(s).

### Applies To

This policy applies to all KA Staff and Volunteers travelling on KA business and attending Committees / Conferences / Events on behalf of KA.

### Objectives

This Policy seeks to define the KA Corporate standards for travel, assisting Staff and Volunteers in undertaking travel cost effectively and at a standard commensurate with the KA's commercial profile.

### Policy

**Part A - Staff, Volunteers and Appointed Officials at National Events (excluding Appointed Officials at State Level events and below – See Part B)**

#### Authorisation & Process

Prior to any travel being arranged by KA, the appropriate travel request form(s) must be completed.

The Administration Manager is responsible for booking all forms of travel, including flights, accommodation and car hire. All travel arrangements must be booked centrally by or under the direction of the Administration Manager. No staff member or volunteer is to make any travel bookings unless authorised. Any bookings made by individuals will NOT be reimbursed by KA unless previously authorised by the CEO, and in accordance with the Expense Reimbursement Policy.

### Flights

#### Preferred Airlines

- Qantas, JetStar and Virgin Australia are considered acceptable air service providers.
- Regional Express (REX), or similar, is also an appropriate provider in instances where staff and volunteers are travelling to/from regional locations.

#### Fare Types

Airfares are generally categorised into two groups; cheapest (fixed) or fully flexible. Fixed fares are restricted in that a change will invoke a service fee and possibly an increase in fare costs. Fully flexible fares allow changes to be made without additional costs; however, this fare type is considerably more expensive than the fixed fares.





**All flights will be booked on the cheapest available fixed fare**, whilst also taking into account arrival and departure times for group travel and any overnight accommodation requirements.

The only exception to this being the Board and CEO have the option to book a flexible return flight if deemed necessary.

If a flexible flight is required this should be stated on the travel request form, if not requested a fixed fare will be booked.

When completing the Travel Request Form please stipulate the preferred departure and arrival (2 hour range) times. The cheapest available flight within that specified time will be booked. At times it may be necessary for us to contact you and suggest that you change your departure/arrival time, so that the cheapest available flight is booked.

If an over-riding reason exists why the fare needs to be flexible, prior approval must be sought from the CEO.

**Flight change charges not related to KA business will be paid by the individual not KA.**

If partners are also travelling but hold no position at the event then these bookings and arrangements are the responsibility of the relevant person.

KA provides for the cost of economy class air tickets for all KA Staff and Volunteers. Any upgrades or enhancements are personal expenditures and will not be paid for by KA.

### **International Travel**

Staff and Volunteer international flight travel (not funded by a third party) is to be booked Economy unless otherwise authorised by the Board.

### **Consumer Loyalty Programs**

Loyalty program points accumulated by employees or volunteers for KA related travel may be used for personal travel. However, the membership of such loyalty programs must not influence the selection of the most economical and efficient means of travel. Employees are responsible for any associated tax liability.

Any fees associated with any Consumer Loyalty Programs or airline lounge membership will not be paid by KA.

### **Accommodation**

Accommodation for KA Staff and Volunteers should be of an appropriate standard, and not less than 3 stars under the AAA Tourism rating system. The 3 star rating definition is: "well appointed establishments offering a comfortable standard of accommodation, with above average furnishings and floor coverings."

All charges other than the room fee, including mini bar, entertainment, telephone charges, etc will not be paid by KA and should not be charged to your account but paid by the individual prior to check out. (For all other meal expenses please refer to the KA Expense Reimbursement Policy.) Accommodation for all events will be booked by the Administration Manager.

When travelling interstate for a one (1) day meeting, same day travel is preferred.

### **Vehicles**

#### **Hire cars**

KA hire vehicles, as a standard, are of a medium class (ICAR class).

Any deviation up from this will only be considered in situations that warrant it, and must be approved by the CEO. Prestige vehicles, such as the Holden Statesman (LCAR class), are not to be ordered. People movers (PVAR class) should be ordered for larger numbers of passengers (can transport a maximum of 8 people).

Drivers collecting hire vehicles must not select any additional insurance cover or "extras" that incur additional costs. The motor vehicle should also be returned to the appropriate drop off point.

Car hire will be arranged in instances where Staff or Volunteers travel interstate, or where the cost of using a personal vehicle will be more expensive than a hire vehicle.

Please ensure that all cars are returned with a full tank of fuel where practical.



### **Personal Vehicle Use**

Please see KA Expense Reimbursement Policy.

### **Cancellations/No show**

If for any circumstances Staff or Volunteers are unable to make their flight or will not be using the accommodation booked, they are personally responsible for notifying either the airline/hotel (after hours) or KA (business hours) as early as possible. Failure to do so with reasonable notice may result in the loss of fares and hotel payments.

## **Part B- Appointed Officials (appointed to State Level and Club Level events)**

### **Authorisation & Process**

Prior to any travel being arranged by the KA Administration Manager, the appropriate travel request form(s) must be completed.

The Administration Manager is responsible for booking all forms of travel, including flights, accommodation and car hire. All travel arrangements must be booked centrally by the Administration Manager, no Staff member or Volunteer is to make any travel bookings. Any bookings made by individuals will NOT be reimbursed by KA unless previously authorised by the CEO, and in accordance with the Expense Reimbursement Policy.

### **Flights**

Any flights costs at this level of event will be charged back to the event Organiser.

### **Accommodation**

Any accommodation costs at this level of event will be charged back to the event Organiser.

Accommodation will be provided for the Appointed Official at a multi-day Meeting for the duration of the Meeting including the night prior to the start of the Meeting, if they are required to travel in excess of 200km (one way) from their home location. Where accommodation is required for this Official to perform their duties, this will be arranged by the KA Administration Manager via the relevant State Office, at a minimum 3 star rating for each Official. Any other charges (including, but not limited to, mini bar, laundry service, entertainment, telephone charges etc) will not be paid by KA.

For a single day Meeting, Accommodation may be provided for the Appointed Official for one (1) night. Such requests will be considered on a case by case basis.

Individuals will be responsible for any extra costs in relation to attendance of partners/friends etc.

### **Meals**

Meal expenses can be claimed as per the KA Expense Reimbursement Policy.

## **Delegations/Authorisation/Responsibilities**

1. The Administration Officer is responsible for all travel related bookings
2. CEO is responsible for approving all Travel requests.

## **Related Policies and Other References**

Expenses reimbursement Policy    Travel Request Form

## P28 EXPENSE REIMBURSEMENT

Scheduled Reviewed Triennially or as required

Date of Board Approval 30 May 2016 Last Board Review: 13 November 2023

### Introduction

Australian Karting Association Ltd trading as Karting Australia (“KA”) recognises the need for KA Staff and Volunteers to undertake travel on KA’s behalf, and the need for some out of pocket expenses to be reimbursed. KA is also committed to ensuring travel undertaken is appropriate and to an acceptable standard. This policy cannot override any relevant award rates that Staff are entitled to receive.

### Definitions

In addition to the definitions in the KA Manual, the following definitions apply to this policy:

#### Staff

A paid employee or contractor of KA

#### Volunteers

Unpaid/Honorary representatives engaged on KA business. Including but not limited to; Officials, Stewards, Commission & Committee members, and Board Members

#### Valid Tax Invoice

Shall have the meaning given to it by the Australian Taxation Department

Note that Credit card receipts are NOT a valid Tax Invoice.

### Applies To

The policy applies to all members of the Board and the staff and volunteers of KA who have delegated authority to act and sign documents on behalf of KA.

### Objectives

To define the types of expenses for which Staff, Volunteers and Board Members may be reimbursed, and provide reimbursement limits to ensure expenses are incurred in a fiscally responsible manner avoiding unnecessary and extravagant expenses.

### Policy

#### **Part A- Staff, Volunteers and Appointed National Level Officials (excluding Appointed Officials at State Level events and below – See Part B)**

KA will reimburse individuals for KA related reasonable expenses. It is imperative that all claims are submitted in accordance with the expense payment procedures.

### Meals

Whilst away on KA business the reasonable cost of breakfast, lunch and dinner will be reimbursed in the absence of a prepaid organised meal being provided. These expenses will be reimbursed at the following rates per person:

#### **Meal reimbursement limits:**

Expense	Reimbursement Rates Per Day
Breakfast (if not provided by organisers)	\$25
Lunch (if not provided by organisers)	\$15
Dinner	\$50

If claiming the cost of a group meal the names of all individuals who are eligible for reimbursement should be listed on the reverse of the tax invoice.

Under no circumstances will KA reimburse for alcohol or tips paid.

The event Organiser is required to provide refreshments at the Meeting and is responsible for all Meal expenses incurred.

- **Accommodation** - Accommodation expenses are covered in the KA Travel Policy
- **Parking** - Expenses incurred for parking of private or hire cars when attending KA related meetings/events will be reimbursed by KA.

- **Air Travel** - Please see KA Travel Policy.
- **Private Vehicle Use** - Car-pooling should be considered where appropriate to reduce the economic and environmental implications of travel.

### Staff

Unless otherwise agreed in advance of travel, when a staff member uses their own car for KA business purposes, KA will reimburse that staff member at the rate recognised by the relevant award.

The staff member should note that this reimbursement is treated as Taxable Income by the Australian Tax Office. Any reimbursement(s) will be included on a staff member’s annual PAYG statement.

### Volunteers

Appointed Officials who use their vehicle while performing a pre-approved KA role will be reimbursed based upon the distance travelled on a return basis, using Google Maps as the reference for the calculation of distance travelled at a rate of 40 cents per kilometre travelled.

## Part B- Appointed Officials (appointed to State level events and below)

### Meals

Whilst away on KA business the reasonable cost of breakfast, lunch and dinner will be reimbursed in the absence of a prepaid organised meal being provided. These expenses will be reimbursed at the following rates per person:

- Meal reimbursement limits

Expense	Reimbursement Rate Per Day
• Breakfast (if not provided by organisers)	• \$25
• Lunch (if not provided by organisers)	• \$15
• Dinner	• \$50

The event Organiser is required to provide refreshments at the Meeting and is responsible for all Meal expenses incurred.

- **Accommodation** - Please see KA Travel Policy.
- **Air travel** - Please see KA Travel Policy.
- **Private Vehicle Use** - Appointed Officials who use their own vehicle while performing a pre-approved KA role will be reimbursed based upon the distance travelled on a return basis, using Google Maps as the reference for the calculation of distance travelled at a rate of 50 cents per kilometre travelled.

Car-pooling should also be considered where appropriate to reduce the economic and environmental implications of travel.

### Incidental expenses

Incidental expenses may be paid with the approval of the CEO.

### Delegations/Authorisation/Responsibilities

- CEO expenses must be signed for approval by a Board Member
- Staff expenses must be signed for approval by the CEO
- Volunteers and Appointed Officials expenses must be signed by the Administration Manager and subsequently approved by the CEO.

### Related Policies

- Travel Policy
- Officials Appointment Policy

### Other References

- Expense Reimbursement Request Form

## P29 ACCREDITED OFFICIALS' UNIFORM ENTITLEMENT

Scheduled Reviewed Triennially or as required

Date of Board Approval 30 May 2016

Last Review: 5 July 2021

### Introduction

This policy sets out the details of the uniform components that will be supplied by Karting Australia to accredited Officials.

### Applies To

The policy applies to accredited AKA Officials as outlined below at Levels 1, 2, 3 and 4.

### Policy

Accredited Officials who officiate at Race Meetings (**not including Social Karting Activities**) will be entitled to receive certain uniform components free of charge as they progress through the Officials grading structure up to the maximum entitlements of a Level 1 Official. If more than one licence is held by an Official, a maximum of one (1) entitlement will be issued at the highest level held by the Official. This Policy is separated into two (2) parts:

#### 1. Uniform Changeover - New Style Uniform Item Entitlement for Currently Accredited Officials

##### Shirts

Officials at Level 1 and Level 2 2 Shirts<sup>®</sup>

Officials at Level 3 and Level 4 (after the first 5 events) 1 Shirt

##### Cap

Officials at Level's 1, 2, 3 and 4 1 Cap

##### Vest

Officials at Level 1 and Level 2 1 Vest

##### Jacket

Officials at Level 1 1 Jacket

#### 2. Upgraded Uniform Entitlement – Attainment of Higher Grading

An Accredited Official will be entitled to receive a replacement of the certain uniform components free of charge every two (2) years from the anniversary of achieving each grading, or the issuing of the original uniform component – whichever is the later.

Level 1		Level 2		Grades 3 & 4	
FREE-additional	1 x shirt	FREE-additional	1 x Cap	FREE	1 x Cap
FREE	1 x Jacket	FREE-additional	1 x Shirt	FREE After 5 events	1 x Shirt
		FREE	1 x Vest		

Free uniform entitlements are provided by Karting Australia and are distributed to eligible Officials by their State Karting Association.

Accredited Officials are entitled to purchase additional items from the Karting Australia website at:-  
[www.kartingaustralia.bigcartel.com/category/karting-australia-officials-apparel](http://www.kartingaustralia.bigcartel.com/category/karting-australia-officials-apparel)



## P30 WHISTLEBLOWER POLICY

Scheduled Reviewed Triennially or as required

Date in Effect 1 January 2020

Date of Board Approval 25 June 2020

### 1. Objective of Policy

Karting Australia is committed to the highest standards of ethical conduct in all of our activities. The purpose of this Policy is to support Karting Australia's commitment to the highest standards of ethical conduct and to provide those covered by this Policy with the means to raise concerns, without the fear of retaliation, regarding Reportable Conduct

### 2. Scope of Policy

This Policy applies to Karting Australia and is applicable to all current and former directors, officers, employees, associates, volunteers and contractors (or any relative or dependent of these persons), as well as suppliers and service providers to Karting Australia and other persons who may be aware of Reportable Conduct.

### 3. Definitions

Capitalised terms used in this Policy have the following meanings unless stated otherwise:

**Karting Australia** means the Australian karting Association Ltd. trading as Karting Australia;

**Policy** means this policy;

**Reportable Conduct** means the conduct referred to in clause 5 of this Policy.

### 4. Who is an Eligible Whistleblower

a. To be eligible to access the rights and protections of a whistleblower in the Corporations Act, an individual must meet the definition of an 'eligible whistleblower'.

b. The criteria to be recognised as an eligible whistleblower can be found at:

<https://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/whistleblower-rights-and-protections/#table1>

### 5. What is Reportable Conduct

Reportable Conduct can be actual or suspected and is anything that concerns misconduct or an improper state of affairs or circumstances in relation to Karting Australia, including that which is:

- Dishonest;
- Illegal or Fraudulent;
- Corrupt;
- A questionable practice relating to accounting or similar financial controls;
- A conflict of interest;
- An inappropriate offering or receiving of gifts or entertainment;
- Theft or embezzlement;
- A disclosure or misappropriation of confidential information;
- A danger to workplace health or safety;
- Harassment, discrimination or bullying;
- Violent or threatening;
- Indicative of a violation of local laws (including local taxation laws);
- Unethical or otherwise has the potential to damage Karting Australia's reputation;
- A breach of Karting Australia policies; or
- Attempts to conceal any of the above.

Reportable Conduct also includes any conduct which comprises retaliation against any person who raises concerns of Reportable Conduct under this policy or against anyone who helps address a concern raised.



## 6. How to raise a concern about possible Reportable Conduct?

- (a) If an individual becomes aware of any conduct which they consider or believe, on reasonable grounds or otherwise in good faith, may be Reportable Conduct, then they should initially raise it with a senior manager within Karting Australia.
- (b) If an individual has been subject to harassment, discrimination or bullying, then they should first raise the issue in accordance with the Karting Australia By-laws and Policies including but not limited to the Discipline Of Members By-law, Member Protection Policy and Anti-discrimination Harassment and Bullying Policy.
- (c) Karting Australia recognises that there may be issues of such sensitivity that an individual does not feel comfortable raising them with their senior manager or they may feel that a concern they have raised has not been adequately addressed. If that is the case, then the individual can submit a formal report of Reportable Conduct in accordance with the processes below.

## 7. How to submit a Report

To submit a formal report of Reportable Conduct, an individual can:

- (d) Reports can be made by email over the phone. In the first instance, they will be made to the CEO.
  - (i) Phone: 07 5655 4340
  - (ii) Email: [admin@karting.net.au](mailto:admin@karting.net.au)
- (e) All reports will be forwarded to Karting Australia's Company Secretary for assessment and, if they relate to Reportable Conduct, will be investigated under this policy.

## 8. Can a report be made anonymously?

If an individual makes a report, they may choose to remain anonymous and there is no requirement that they provide their name in order to qualify for protection under this policy.

## 9. What happens after a report is made?

If a report is raised under this policy, it will be assessed to determine if it relates to Reportable Conduct and, if so, will be investigated as appropriate. The investigation process includes:

- (f) Assigning an investigator. An investigator with the right knowledge and objectivity is assigned to investigate;
- (g) Conducting an investigation. The investigator determines the facts through interviews and/or review of documents as necessary. Unless there are confidentiality or other reasons not to do so, persons to whom the disclosure relates will be informed of the allegation at an appropriate time, and will be given a chance to respond to the allegations made against them;
- (h) Corrective action. If necessary, the team recommends corrective actions to the appropriate managers for implementation;
- (i) Feedback. The person raising the concern receives feedback on the outcome, to the extent he or she has made available a means to contact him/her.

If the individual is an external party and their report is assessed as relating to a concern or complaint about a product or service provided by Karting Australia rather than to Reportable Conduct, then the report will be referred to the relevant department for further investigation and resolution.

## 10. Will a report be treated confidentially?

If a report is raised under this policy then the information provided will be shared only on a strict "need-to-know" basis as necessary for investigating the concern raised. In any case, all reasonable steps will be taken to protect the individual's identity where the report is made on reasonable grounds, or otherwise in good faith. We will not disclose the individual's identity without their consent, except as permitted or compelled by legal and regulatory requirements.

All files and records created from an investigation will be retained under strict security.

## 11. Will an individual be protected if they submit a report?

Karting Australia will not tolerate any retaliation against any person who raises (or attempts to raise) a report of Reportable Conduct on reasonable grounds, or otherwise in good faith, or a person who helps

to address or investigate a concern raised. Retaliation occurs where a person causes or threatens detriment to another person, which may include (but is not limited to):

- (j) disadvantage or discrimination in employment (e.g. demoting, dismissing or suspending a person);
- (k) harassment or intimidation;
- (l) harm or injury (physical or psychological harm);
- (m) any damage to a person, including their property, reputation or financial position; or
- (n) any of the above actions when carried out against any person associated with the whistleblower.

Any such retaliatory action is grounds for disciplinary action up to and including dismissal. In some cases, retaliatory action may attract civil or criminal liability.

## 12. Reporting

Karting Australia's Company Secretary will report on whistleblower incidents to the Karting Australia Board as frequently as may be required so that the Board is properly appraised of all reportable incidents. These reports will be made on a 'no names' basis, maintaining the confidentiality of matters raised under this policy.

In addition, serious and/or material Reportable Conduct will be considered by the Karting Australia Company Secretary for immediate referral to the Chairman of the Karting Australia Board.

## 13. Availability of this policy

This policy is available on the Karting Australia website.

## 14. Review of this Policy

The Karting Australia Board will monitor and review the effectiveness of this policy triennially or as may be required.

## 15. Amendment of this Policy

This Policy can only be amended by the Karting Australia Board.

## 16. Related Rules, Policies or Procedures

- (a) Discipline of Members By-law
- (b) Member Protection Policy
- (c) Anti-Discrimination, Harassment and Bullying Policy
- (d) Privacy Policy

## 17. General

The Policy Manager is the Karting Australia Chief Executive Officer, to whom any questions in relation to this Policy should be directed.

## P31 ACCREDITED PHOTOGRAPHERS AND MEDIA POLICY

Scheduled Reviewed Triennially or as required

Date of Board Approval 29 September 2020

### Introduction

This policy sets out the application process and requirements for personnel to obtain and maintain their Karting Australia (KA) Photography and Media Accreditation.

### Rule Reference

General Rules, Chapter 4, Rule 12

### Purpose

The policy will provide a process for issuing individuals with KA Photography and Media Accreditation, outline requirements for all individuals with KA Media Accreditation and give guidance to accredited personnel who attend Events.

KA Photography and Media Accreditation is required by all Photography and Media personnel wishing to conduct photography or media activities in a restricted area at a KA sanctioned event.

### Objectives

This policy is intended to achieve these objectives:

1. Simplify the Accreditation process for Photographers and Media personnel
2. Clearly define the Accreditation requirements
3. Provide an understanding of the expectations for Photographers and Media personnel attending KA Events

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### Applies To

Those applying for, holding or who have held KA Photography and Media Accreditation. It may be amended from time to time by KA.

## Photographer and Media Accreditation

### Application Process

- a) Individuals may apply to obtain KA Photography and Media Accreditation at any time. Applications are to be made via email to [admin@karting.net.au](mailto:admin@karting.net.au).
- b) All applicants must apply for and obtain a Working With Children Approval with their respective State Authority prior to being issued with Photography and Media Accreditation.
- c) Applications must be made on the KA Photography and Media Accreditation application form and must comply with any requirements stated on that form or otherwise published by KA.
- d) KA may from time to time set a fee for issuing Photography and Media Accreditation to an individual. Where a fee is set by KA, an application will not be processed, deemed valid or accepted until that fee has been received. The fee once paid will only be for the calendar year (ie. 1 January to 31 December) in which the KA Photography and Media Accreditation is issued and no refunds will be issued after the application is processed.
- e) Applications for Photography and Media Accreditation will be considered by KA.

## Minimum Age

- a) The minimum age to be eligible for KA Photography and Media Accreditation shall be sixteen (16).
- b) Applicants under the age of 18 may apply for KA Photography and Media Accreditation but require a parent/guardian to sign their approval on the application form.
- c) Any accredited photographer or media personnel under the age of 18 must have an adult who is a current holder of a Photography and Media Accreditation act as their supervisor at all times.

## Conditions For Accreditation

- a) Issuing a KA Photography and Media Accreditation is completely at KA's discretion;
- b) KA Photography and Media Accreditation (and associated identifying items issued with that Accreditation) is personal to the person to whom it is issued, not transferrable or able to be sold. Individuals issued with Accreditation must ensure that their Accreditation is not used by other individuals;
- c) Misuse of the Accreditation, or a breach of a KA policy, regulation or rule may result in immediate removal of Accreditation at KA's discretion;
- d) While at an Event, individuals with KA Photography and Media Accreditation must wear a valid and current vest issued by KA at all times when in a restricted area;
- e) By receiving a KA Photography and Media Accreditation the holder of the Accreditation gives KA a royalty free licence to use, reproduce and modify any recordings they have made at an Event (including any publications or reproductions of those recordings) (Event Media) for the purposes of KA operations. KA will not seek to commercialise any Event Media for profit unless otherwise agreed with the Accreditation holder. In relation to any Event Media, individuals with Accreditation will within a reasonable period of time of receiving a request by KA
  - (i) deliver that Event Media to KA within a reasonable period of time; and
  - (ii) cover the reasonable costs of complying with KA's request.
- f) In relation to any Event Media, individuals with Accreditation will within a reasonable period of time of receiving a request by KA

## Event Access

KA Photographer and Media Accreditation provides the individual with access, rights and privileges (as **determined by the Organiser of an Event**) to make recordings at an Event which are not normally available to spectators at that Event. It does not guarantee **entry to an Event which is at the discretion of the Event Organisers**.

Individuals should make arrangements with the Organisers of any Event at which they wish to take recordings prior to an Event to ensure that they have their permission to use the KA Photography and Media Accreditation at that Event.

## Consent

Individuals at an Event should pay particular regard to recordings where the subject is under the age of 18 or where the subject may consider that a recording is potentially or actually:

- (i) unwarranted or intrusive;
- (ii) indecent; or
- (iii) defamatory.



## Insurance

Once Accreditation is issued by KA, Accredited Individuals will receive personal accident insurance through KA which provides for a certain amount of compensation in the event you are injured. Without this insurance from KA you will NOT be covered for any injuries you suffer at an event.

## Drones/RPA

The use of drones and Remote Piloted Aircraft (RPA) is strictly regulated and not allowed at any event without prior written consent from KA *and* Event Organisers. Anyone wishing to use a drone/RPA should familiarise themselves with the relevant KA Policy. Any Accredited Media using a drone/RPA at an Event without proper consent will have their KA Media Accreditation immediately revoked.

## Period of Accreditation

All KA Photography and Media Accreditation will expire on 31 December each year. E.g. if an application is accepted on 24 August in a given year, the Accreditation will continue until 31 December in that year.



## P33 PRE-RACING SAFETY POLICY AND PROCEDURE

Scheduled Reviewed Triennially or as required

Date of Board Approval 23 August 2017

Updated: 18 December 2023

### Purpose

This policy details the requirements that all Drivers must undertake at the time of obtaining their first Karting Australia Drivers Licence (“New Drivers”) and prior to starting in their first Race.

### Background

The Board of Karting Australia hold as an imperative that our sporting competitions should be safe, fair, fun, and well run.

#### **Our sport must be always conducted in the safest possible environment.**

It is essential that all drivers have a clear understanding of the safety requirements of the sport including the flag/light signals that are frequently used and how to use the Track safely before they compete in a KA Race Meeting.

The sport of Kart Racing, while great fun, can present many dangerous scenarios to not just the Competitors but also to the officials, parents, guardians and support crew of Competitors.

### Pre-racing Procedure

The Pre-racing Procedure for new Licence Applicants involves the following core items:

1. Logging onto [www.karting.net.au/how-to-get-started-in-karting/apply-for-licence](http://www.karting.net.au/how-to-get-started-in-karting/apply-for-licence) (register for an account in in the KA Licence portal (“KOMP”))
2. Viewing the Safety Training Video (“STV”); and
3. Complete the “Safety In Karting” (“SIK”) questionnaire; and
4. Acknowledgement that the STV has been viewed and understood and that the SIK requirements are understood; and
5. A Cadet aged Driver must complete be registered for and participate in at least eight (8) Karting Activities of no less than 1 hour duration on a KA licenced Track (Practice) before they are eligible to undertake the Observed Driving Session (“ODS”) and then compete in their first race.
6. Participation of the New Driver in an ODS at their Club.

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### Viewing of the Safety Training Video (STV)

At the time of applying for a KA Driving Licence (“Licence”) all applicants (and in the case of a minor who is applying for a Licence, the Participant who is completing the application for them) must view in its entirety, the STV that is embedded in KOMP. In the case of a minor, the Participant must discuss the STV and explain the safety requirements of the sport with them and be satisfied that they understand the requirements.

### Safety in Karting (SIK)

At the time of applying for a Licence, all applicants (and in the case of a minor who is applying for a Licence, the Participant who is completing the application) must complete the SIK questionnaire that is embedded in KOMP. In the case of a minor, the Participant must discuss the SIK and explain the safety requirements of the sport with them and be satisfied that they understand the requirements.

#### **Acknowledgement that the STV Has Been Viewed and that the SIK Has Been Read and Understood**

When applying for a Licence, the person who is making the application must acknowledge that they have:

1. Watched and understood the STV; and
2. Read and understood the SIK requirements; and
3. Acknowledge that they (and if the application is being made by a minor, the minor) understand the fundamental safety requirements of the sport as detailed in the STV and the SIK and will comply with them at all times.





# KARTING AUSTRALIA

## Cadet Driving Practice

During the registration process for a Karting Activity, a Cadet Log Certification must be requested in KOMP.

At all times while the New Cadet Driver is participating in required Karting Activity, they must be supervised by either:

- A Parent who is the holder of a Participants License; or
- A person who is 18 years of age or older who is the holder of a racing licence issued by or recognised by KA; or
- A driving instructor/coach who is recognised by KA.

### Participation of the New Driver in an Observed Driving Session (ODS)

**All New Drivers must undertake and successfully complete an ODS at the Club prior to being permitted to Compete on a KA Licensed Track.**

For the avoidance of doubt, this shall mean before commencing their first Qualifying session and/or Race.

The purpose of the ODS is to satisfy the Officials that the New Driver is capable of driving a kart in a safe and controlled manner. An ODS may be conducted either before a Race Meeting or as an on-track session at a Race Meeting.

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**Upon successful completion of the ODS a New Driver will be allowed to participate in KA sanctioned racing on KA licenced Tracks.**

**Note:** - If the Officials of the Meeting are of the opinion that the New Driver is not capable of driving a kart in a safe and controlled manner then the New Driver will not be permitted to participate in Qualifying or Racing and will be required to undergo further practice to improve their skill level before undergoing a further ODS.

## Appendix A

The STV and the SIK Requirements will cover the following topics:

- General Safety Presentation
- Apparel – What you must wear when driving a Kart
- Obey the Officials
- Flags/Lights – what they mean and when they are used
- Race Starts
- Driving Standards
  - Safe Use of the Track
    - How to enter and exit the Track in a safe manner.
    - Raising your hand when exiting the Track and also if you are slowing and have an issue on the track.
    - Stopping on the Track (move to a place of safety, requirement to keep safety apparel on).
  - Code of Driving Conduct – Competition Rules Chapter 3

## P34 JUNIOR ELITE PARTICIPATION

Scheduled Reviewed Triennially or as required

Date of Board Approval

8 November 2016

Reviewed: 11 November 2019

### PURPOSE

KA is the sole body empowered to make rules for the conduct of karting competition in Australia. It is committed conducting the sport of karting in a manner that is socially responsible and respectful of the law.

KA takes a responsible position in relation to conducting Nationally Permitted Race Meetings during periods of the year when children are required by law to be attending school. We hold the view that the priority for children is their education.

This policy is designed to strike a balance between the priority needs and legal requirements for children to attend school while affording some reasonable opportunities for them, if permitted by their school, to participate in our elite Junior and Cadet Competitions.

### BACKGROUND

While there are some minor variations from State to State, attendance at school is compulsory for children and young people aged from 6 – 17 years unless an exemption from attendance has been granted by the school.

Students are expected to attend the school in which they are enrolled, during normal school hours every day of each term, unless there is an approved exemption from school attendance for the student provided by the principal of the school.

There is no blanket right for any school aged students to miss school to attend a kart race meeting. There is however the ability for the parents or guardians of a child to apply to their school principal for exemption from attendance at school for a short period of time so as to allow the child to participate in **elite sporting events**.

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### DEFINITION

**Elite Karting Event:** A National Championship, National Series, National Cup event as entered on the KA National Calendar of events.

### DRIVER AGE RESTRICTION RULE

National Competition Rules - Competition Rules Chapter 1 Rule 16

#### *“Driver Age Restrictions*

- a) *Other than at National Championship, National Series and National Cup Events, Cadet 9, Cadet 12 and Junior Competitors will not be permitted to practice, qualify or race on the Track at a Meeting other than on a Saturday and Sunday other than on a public holiday in that State or during School Holidays.*
- b) *Cadet 9, Cadet 12 and Junior Competitors who wish to Compete in a National Championship, National Series or National Cup Meeting must comply with the provisions of the KA Elite Junior Participation Policy which is available at <http://www.karting.net.au>*

### POLICY

#### COMPETITOR REQUIREMENTS

1. Any Cadet 9, Cadet 12 or Junior Competitor who wishes to practice, qualify or race on the Track at an Elite Karting Event other than on a Saturday and/or Sunday, other than on a public holiday in that State or during School Holidays in that State will be permitted to do so on a maximum of six (6) occasions in any Year provided that they comply strictly with the following provisions:



- a. They must seek and obtain written permission from their school principal (or authorising officer) for exemption from attending school (“**Permission**”) on the dates of the Race Meeting to allow them to participate in the Race Meeting while they would otherwise be required to be in attendance at school.
- b. Prior to participating in an on-track session at the Race Meeting other than on a Saturday and/or Sunday, or a public holiday in that State or during School Holidays in that State, they must present an original copy of the Permission to the Race Secretary or such other Official who is empowered to conduct Administration Checking for the Race Meeting.

**NON-COMPLIANCE**

Non-compliance with the Competitor Requirements of this Policy will result in Exclusion from the Race Meeting.



## P35 CONCUSSION MANAGEMENT GUIDELINES

Scheduled Reviewed Triennially or as required

Date of Board Approval 11 November 2019 Updated 30 November 2023

### INTRODUCTION

Karting Australia takes the safety and wellbeing of our Competitors, teams and Officials seriously. These guidelines should be followed in any incident or when there is risk of concussion or any situation where concussion is suspected.

Australian based guidelines, education programs, research and referral tools are available at Concussion in Sport Australia <https://www.concussioninsport.gov.au/>

These CONCUSSION GUIDELINES follow the “11 R’s” of Sports Related Concussion management;

- |                 |                      |                                     |
|-----------------|----------------------|-------------------------------------|
| 1. RECOGNISE    | 2. REDUCE            | 3. REMOVE                           |
| 4. REFER        | 5. RE-EVALUATE       | 6. REST                             |
| 7. REHABILITATE | 8. RECOVER           | 9. RETURN-TO- LEARN/RETURN-TO-SPORT |
| 10. RECONSIDER  | 11. RESIDUAL EFFECTS |                                     |

### Mandatory Exclusion Period after Concussion Diagnosis

Adults (18 years and over)

- Minimum period of exclusion is 10 days from diagnosis.

Less than 18 years

- Minimum period of exclusion is 14 days from resolution of symptoms.

### RECOGNISE

Sport-related concussion is a type of traumatic brain injury. It is caused by a direct blow to, or sudden deceleration or rotation of, the head, neck or body resulting in an impulsive force being transmitted to the brain. It does not require a head strike or loss of consciousness.

Symptoms and signs may present immediately, or evolve over minutes or hours, and commonly resolve within days, but may be prolonged.

**Initial assessment** of any person involved in an incident should first follow standard first-aid and trauma management procedures. Appropriate training may include First Aid, Basic Life Support, Advanced Trauma Life Support and/or Prehospital Trauma Life Support.

Emphasis is on assessing **Danger** at the scene, **Responsiveness** of the injured, assessment and management of **Airway, Breathing and Circulation.**

Unconscious/unresponsive persons should not be moved unless for airway or urgent medical management and/or reasons of safety.

Assessment for a spinal and/or spinal cord injury is a critical part of the initial evaluation. Only do so if you are trained.

Do not remove a helmet or any other equipment unless trained to do so safely or for reasons of immediate risk to the injured e.g. airway management or fire.

It is the responsibility of the competitor to inform Karting Australia of any concussion that occurs outside of a Karting Australia activity or event.

## REDUCE

Drivers and teams must be aware of current Karting Australia safety equipment Rules (**Technical Rules Chapter 7 – Apparel**) and CIK homologation requirements, including expiry of use dates. Appropriately homologated and properly fitting safety apparel and equipment is important to reduce the risk of injury. Drivers should regularly assess their equipment for damage including but not limited to seats, helmets, chest and rib protectors, neck braces.

Homologated karts and seats may also reduce the risk of head-strike and/or concussion.

Optimal concussion management can reduce the risk of future concussion.

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## REMOVE

Any person suspected of concussion should be removed from training or competition until they have been evaluated:

- Mechanism of injury – Any incident that results in a significant impact, including sudden stop, side or vertical impact or rotation of the vehicle.
- Reported or witnessed features of concussion, significant concern or associated Red Flags. See **Concussion Recognition Tool 6 (CRT6)**.

**Mandatory removal** from competition/practice for further evaluation;

- loss of consciousness
- motionless for >5 sec post incident
- no protective action was taken by the competitor after the initial impact
- impact seizure or tonic posturing (abnormal outstretched limbs)
- confusion, disorientation
- memory impairment/amnesia
- balance disturbance or motor incoordination (e.g. ataxia - clumsy movement/walking/removing themselves from vehicle)
- athlete reports significant, new, or progressive concussion symptoms dazed, blank/vacant stare or not their normal selves.
- behaviour change atypical of the athlete.



## ASSESSMENT

Evaluation of possible signs or symptoms of concussion can be performed by anyone.

### First Aid, Officials, Teams, and Crew

- Use Concussion Recognition Tool 6 (CRT6)

### Healthcare Providers Experienced in Concussion Assessment

- If the person is 13yo or older
  - Use Sports Concussion Assessment Tool 6 (SCAT6)
- If the person is less than 13yo
  - Use the Child SCAT6

### FOR CRT6/SCAT6

Suggested modifications to the Maddocks/Awareness questions for the karting competitor/official.

**“Which track are we at today?”**

**“What session were you in?”**

**“What was the corner that your incident occurred on?”**

**“What circuit/event were you last at prior to this one?”**

**“What was your result at the last event you attended?”**

Failure to answer any of these questions correctly may suggest a concussion.

### POST EVALUATION AND REPORTING

All **“Red Flag”** symptoms and signs should have an ambulance called immediately.

#### **Unclear or suspected of concussion**

- Refer for further evaluation **“If in doubt, sit them out”**
- Licence is suspended pending further evaluation and/or clearance
- Email details to [operations@karting.net.au](mailto:operations@karting.net.au)
- Licence suspended on KOMP

#### **NOT suspected of concussion**

- Cleared to return to competition.

## **REFER**

### **“If in doubt, sit them out”**.

If there is any doubt in the case of suspected concussion, then the person should be removed from competition/training until they are referred to a health care provider for further evaluation.

Referral of all cases of suspected concussion should be referred to a healthcare provider. Initially, if not seen by a healthcare provider at an event, this referral should be to an Emergency Department.

Those with clear concussion symptoms should be referred to a healthcare provider experienced in the assessment and management of concussion.

Head injury/Concussion advice should be provided to the individual.

## RE-EVALUATE

SCAT6/Child SCAT6 are most useful for evaluation and re-evaluation in the **first 72 hours**. Although their utility still exists for up to 5-7 days.

Re-evaluation by a specialist or healthcare provider after the initial 72 hours and/or diagnosis of concussion may include the use of office-based assessment tools and/or other assessment tools including imaging and functional assessments.

More expansive office-based assessment tools include;

- **Sports Concussion Office Assessment Tool 6 (SCOAT6)**
- **Child Sports Concussion Office Assessment Tool 6 (Child SCOAT6)**

## REST

Relative rest (continue normal activities of daily living) and reduced screen time are encouraged for the first 48 hours. Strict rest, dark room and total screen restriction is no longer recommended.

Light physical activity is encouraged even if it mildly exacerbates symptoms. If moderate to severe symptoms occur, then activity should be reduced.

Individuals should systematically increase the levels of physical activity and exertion based on their symptoms and exacerbation of those symptoms.

Discussion and clear planning with their healthcare provider is strongly recommended.

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## REHABILITATE

Symptoms lasting more than 10 days should be referred to a specialist for a detailed evaluation and specific rehabilitation program.

Active symptoms persisting for greater than four weeks in children and adolescents should be referred for multi-specialist input.

Symptoms that recur as part of a Return-to-Sport or Return-to-Learn may also benefit from specific rehabilitation programs.

## RECOVER

Assessment of clinical recovery should incorporate three components;

- Resolution of symptoms
- Resolution of symptoms under dynamic load including maximal exercise and cognitive load
- Completion of a Return-To-Sport program

## RETURN-TO-SPORT/RETURN TO LEARN

### Mandatory exclusion periods apply.

No competitor diagnosed with concussion may return to competition without completing a Return-To-Sport process and must have been cleared by a medical practitioner.

### Exclusion Period

#### Adults (18 years and over)

- The **MINIMUM** period of exclusion is 10 days from diagnosis.

#### Less than 18 years

- The **MINIMUM** period of exclusion is 14 days from resolution of symptoms.

Return-To-Learn (RTL) programs are not required for all individuals but may be of benefit in those who have difficulty with cognitive tasks post-concussion and those that have exacerbation of symptoms during screen time and when performing cognitive tasks.

Detailed Return-To-Sport (RTS) programs should be followed in a stepwise fashion with increasing levels of exertion, cognitive load and RTS and RTL should occur in parallel.

The Return-to-Sport Protocol should be supervised by a medical practitioner. If this is their second concussion within 12 months or third concussion ever, then a specialist review by a neurologist or neurosurgeon familiar with concussion management is required. ®

Please see the appendices for RTS and RTL procedures.

## RECONSIDER

Effects of concussion and repeated concussion may have long term health implications. Specialist consultation is encouraged and is mandated in those with repeated concussions. An assessment of the balance of risks and rewards should be considered, including possible long-term effects and consideration of retirement.

Child and adolescent concussion should also take into account the possible impacts on learning and long-term implications in development. Repeated concussions in children and adolescents require specialist input and regular clearance to compete in sport, not restricted to motor sport.

## RESIDUAL EFFECTS

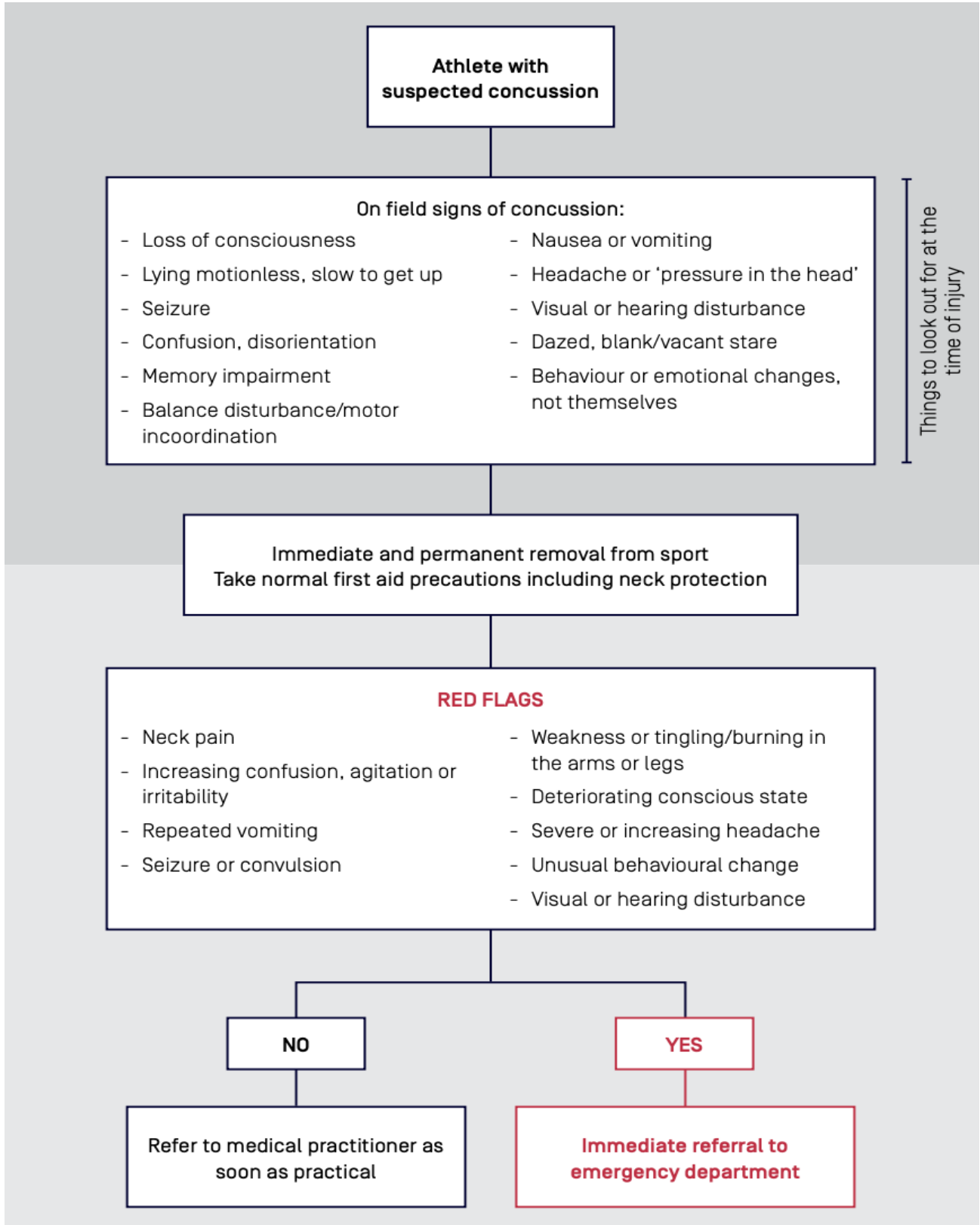
Ongoing residual effects from concussion may occur. Those suffering from long term symptoms or sequelae should actively engage a specialist in concussion management.

Engagement in long-term research projects may help inform future management of concussion and improved outcomes. For example, the Concussion and Brain Health (CBH) Project 2021-2024 by the AIS.

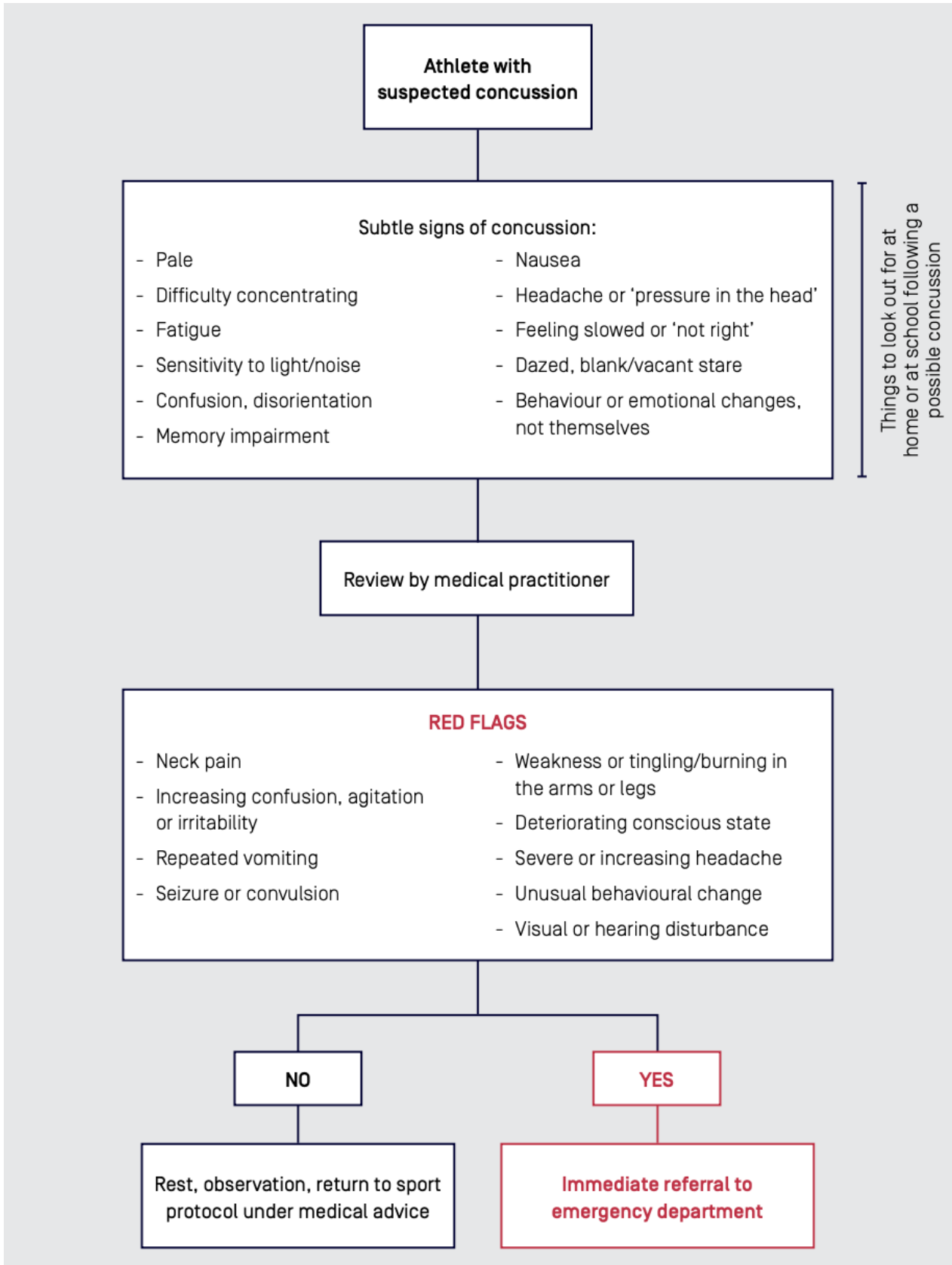
## ASSESSMENT

Flowcharts courtesy of Concussion and Brain Health Position Statement 2023

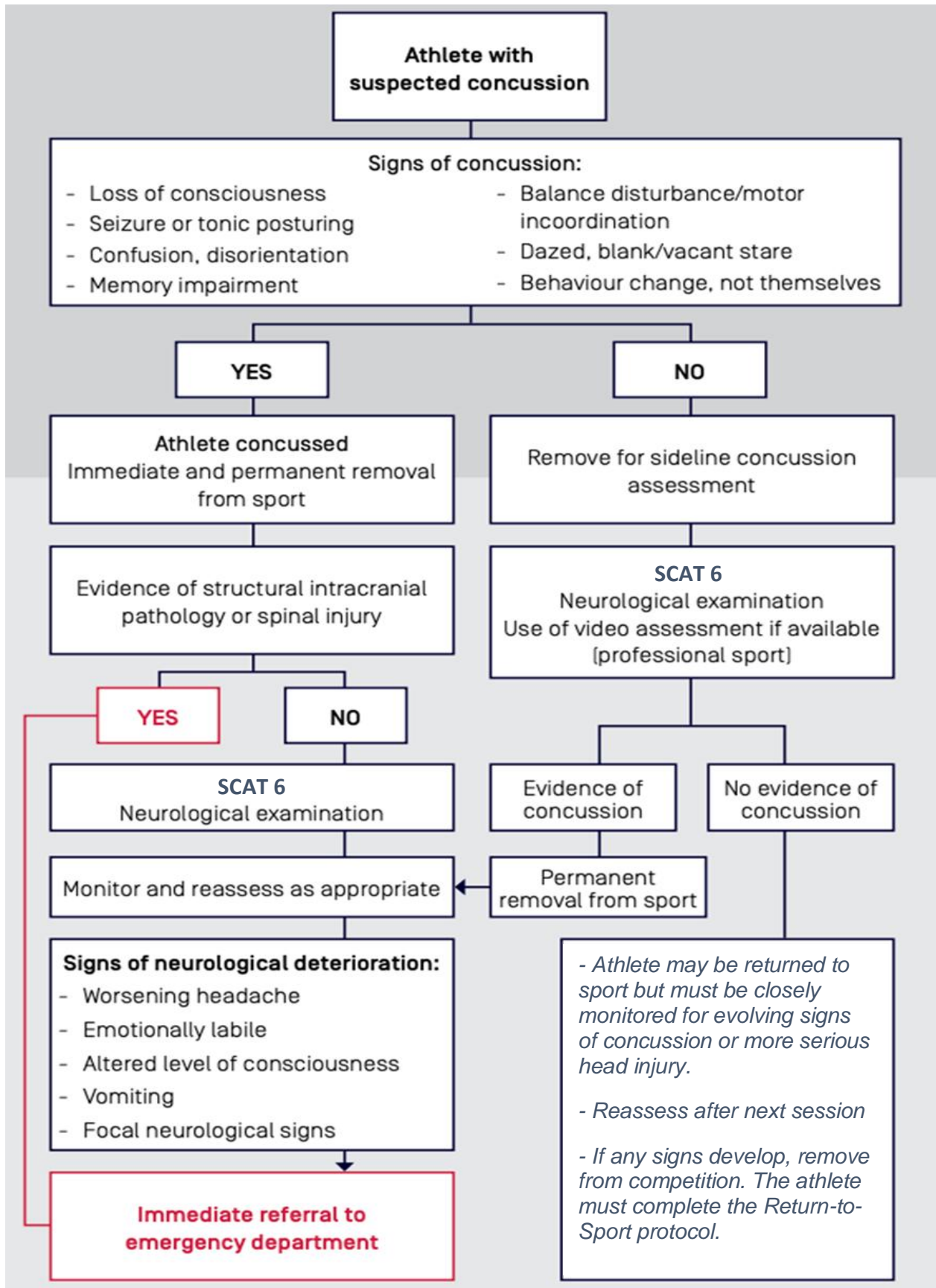
### NON-MEDICAL TRACKSIDE ASSESSMENT - USE CRT6



## NON-MEDICAL OFF-TRACK ASSESSMENT - USE CRT6

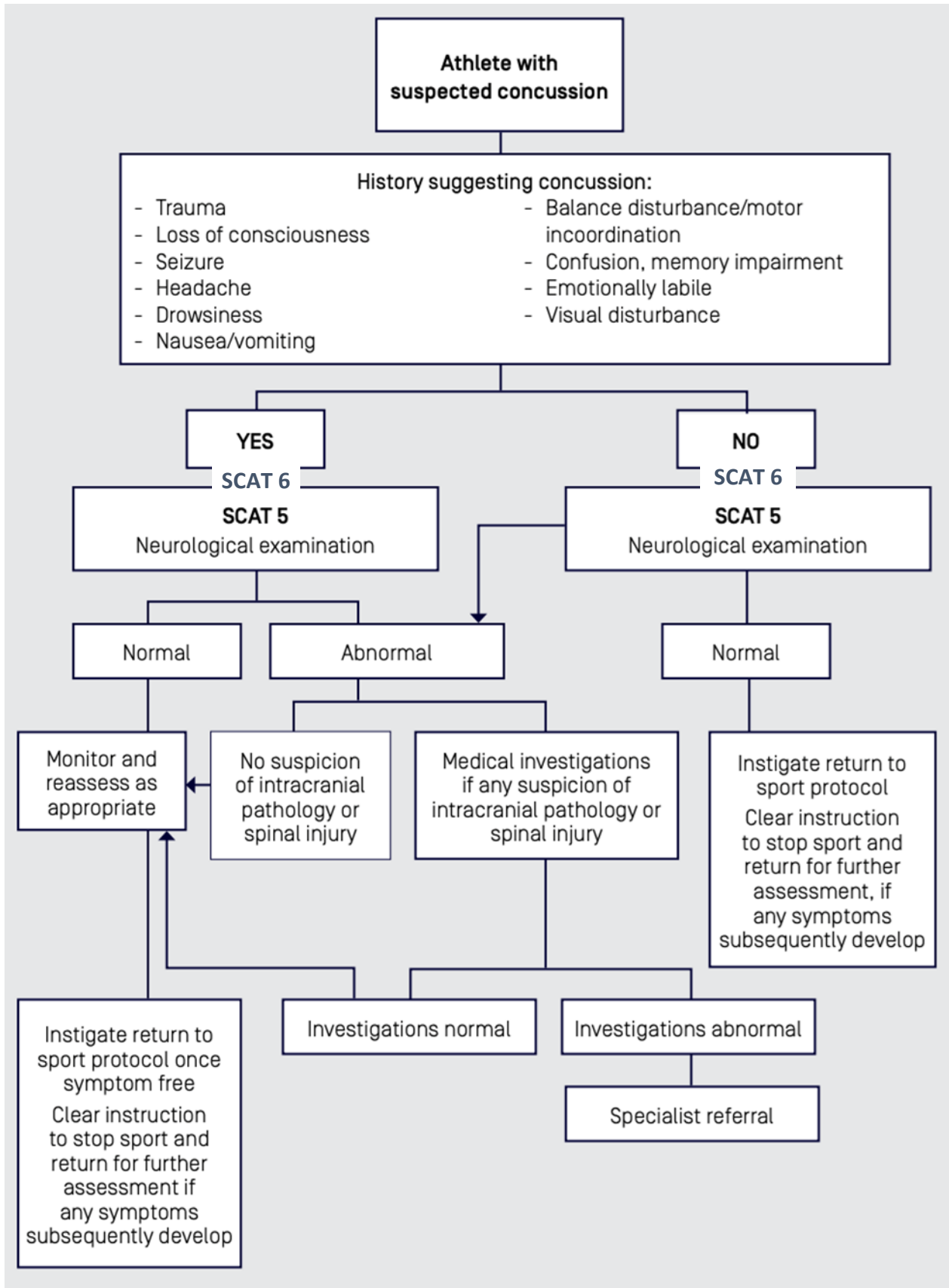


## MEDICAL TRACKSIDE ASSESSMENT - USE CRT6 AND SCAT6

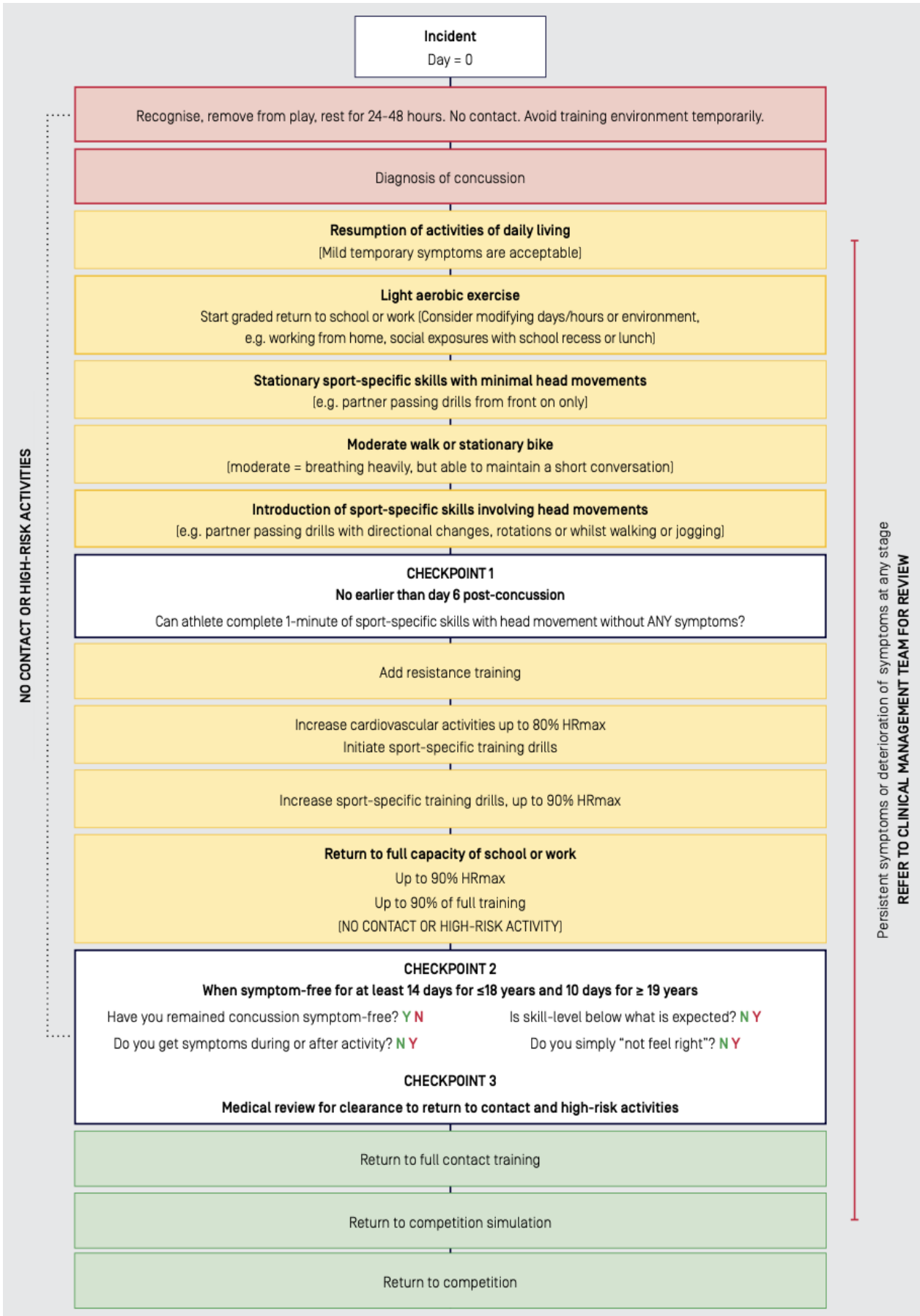




## MEDICAL OFF-TRACK ASSESSMENT



# RETURN-TO-SPORT PATHWAY



## Return-To-Sport

Step	Exercise Strategy	Activity at Each Step	Goal
1	Symptom-limited activity.	Daily activities that do not exacerbate symptoms (e.g., walking).	Gradual reintroduction of work/school.
2	Aerobic exercise <b>2A – Light</b> (up to approx. 55% max HR) <b>then</b> <b>2B – Moderate</b> (up to approximately 70% max HR)	Stationary cycling or walking at slow to medium pace. May start light resistance training that does not result in more than mild and brief exacerbation* of concussion symptoms.	Increase heart rate.
3	Individual sport-specific exercise <b>NOTE:</b> if sport-specific exercise involves any risk of head impact, medical determination of readiness should occur prior to step 3.	Sport-specific training away from the team environment (e.g., running, change of direction and/or individual training drills away from the team environment). No activities at risk of head impact.	Add movement, change of direction.
Steps 4-6 should begin after resolution of any symptoms, abnormalities in cognitive function, and any other clinical findings related to the current concussion, including with and after physical exertion.			
4	Non-contact training drills.	Exercise to high intensity including more challenging training drills (e.g., passing drills, multiplayer training). Can integrate into team environment.	Resume usual intensity of exercise, coordination, and increased thinking.
5	Full contact practice.	Participate in normal training activities.	Restore confidence and assess functional skills by coaching staff.
6	Return to sport.	Normal game play.	

maxHR = predicted maximal Heart Rate according to age (i.e., 220-age)

Age Predicted Maximal HR= 220-age	Mild Aerobic Exercise	Moderate Aerobic Exercise
55%	220-age x 0.55 = training target HR	
70%		220-age x 0.70 = training target HR

## Return-To-Learn

Step	Mental Activity	Activity at Each Step	Goal
1	Daily activities that do not result in more than a mild exacerbation* of symptoms related to the current concussion.	Typical activities during the day (e.g., reading) while minimizing screen time. Start with 5–15 min at a time and increase gradually.	Gradual return to typical activities.
2	School activities.	Homework, reading, or other cognitive activities outside of the classroom.	Increase tolerance to cognitive work.
3	Return to school part time.	Gradual introduction of schoolwork. May need to start with a partial school day or with greater access to rest breaks during the day.	Increase academic activities.
4	Return to school full time.	Gradually progress school activities until a full day can be tolerated without more than mild* symptom exacerbation.	Return to full academic activities and catch up on missed work.

**NOTE:** Following an initial period of relative rest (24-48 hours following injury at Step 1), athletes can begin a gradual and incremental increase in their cognitive load. Progression through the strategy for students should be slowed when there is more than a mild and brief symptom exacerbation.

\*Mild and brief exacerbation of symptoms is defined as an increase of no more than 2 points on a 0-10 point scale (with 0 representing no symptoms and 10 the worst symptoms imaginable) for less than an hour when compared with the baseline value reported prior to cognitive activity.

## Karting Specific Suggested Return-To-Sport

See above for more detailed approaches to each step.

Step	Exercise Strategy	Activity at each step	Goal
1	Symptom limited activity	Daily activities that do not exacerbate symptoms (e.g. walking)	Gradual return to typical activities
2	Aerobic Exercise 2A - Light <55% Max HR then 2B - Moderate up to 70% Max HR *see above for calculations	Stationary cycling or walking at slow to medium pace. May start light resistance training that does not result in more than mild and brief exacerbation* of concussion symptoms.	Increased heart rate
3	Individual Sport Specific Exercise	Sport-specific training away from the team environment (e.g., running, change of direction, cycling/running including around circuits or tracks, and/or individual training drills). Simulators including gaming. No activities at risk of head impact.	Add movement and change in directions
4	Non-Contact Training Drills	Exercise to high intensity including more challenging training drills. Simulators/gaming after high aerobic exercise. Low speed karting training (e.g. individual karting, low - moderate speed laps)	Resume usual intensity of exercise, coordination, and increased thinking
5	Full Practice	Participate in normal training. High speed karting, private practice, event practice sessions (with clinical review post session).	Restore confidence and assess functional skills by coaching staff.
6	Return To Sport	Normal event inclusion. Practice, qualifying and racing.	

## References

### **Consensus statement on concussion in sport: the 6th International Conference on Concussion in Sport**

Patricios JS, Schneider KJ, Dvorak J, et al Consensus statement on concussion in sport: the 6th International Conference on Concussion in Sport–Amsterdam, October 2022 British Journal of Sports Medicine 2023;57:695-711.

### **Concussion Recognition Tool 6**

The Concussion Recognition Tool 6 (CRT6) British Journal of Sports Medicine 2023;57:692-694.

### **SCAT 6**

Sport Concussion Assessment Tool 6 (SCAT6) British Journal of Sports Medicine 2023;57:622-631

### **Child SCAT 6**

Child SCAT6 British Journal of Sports Medicine 2023;57:636-647.

### **Concussion in Sport Australia Website**

Retrieved July 1, 2023 from <https://www.concussioninsport.gov.au/>

### **Concussion and Brain Health (CBH) Project 2021-2024**

Retrieved July 1, 2023 from <https://www.concussioninsport.gov.au/>

### **Concussion and Brain Health Position Statement 2023 (CBHPS23)**

Retrieved July 1, 2023 from

[https://www.concussioninsport.gov.au/data/assets/pdf\\_file/0006/1090680/concussion-and-brain-health-position-statement-2023.pdf](https://www.concussioninsport.gov.au/data/assets/pdf_file/0006/1090680/concussion-and-brain-health-position-statement-2023.pdf)





## **P36 Karting Australia Medical Code** (Replaces Former P35 “Medical Standards”)

Scheduled Reviewed Triennially or as required

Author: Karting Australia National Medical Officer – Dr Brent May

Date of Board Approval 11 November 2019 Updated 30 November 2023

### **INTRODUCTION**

The Karting Australia Medical Code is consistent with the Federation Internationale de Automobile (**FIA**) and CIK Medical Code and has been developed to ensure the safety of the individual, other Drivers and Officials. It is the responsibility of the Driver to make sure their health complies with the medical code and anti-doping code. Any change in the health of a Driver should immediately be reported to Karting Australia.

Drivers applying for an international licence must meet the requirements of the current FIA Medical Code and must be consistent with the rules, regulations and requirements of Motorsport Australia.

### **HEALTH STATEMENT**

**Every National Licence application requires a Driver to complete a health statement. If a Driver answers ‘YES’ to any question or has concern regarding a new or existing health issue, then a medical examination will be required.**

### **MEDICAL EXAMINATION**

All Drivers who answer “Yes” to any question on the **Health Statement** must undergo a medical examination at their own cost prior to applying for a licence. The examination must be completed and signed by a doctor who is familiar with the Driver’s health and past medical history and must be submitted with the licence application within 6 months of examination being completed.

All International Licence applications are required to complete “Appendix A” of the FIM Medical Code.

The examination should be performed by a doctor familiar with the applicant’s medical history. The examining doctor must be aware that the person being examined is applying for a licence to participate in kart events. The purpose of the examination is to determine whether the applicant is physically and mentally FIT to control a kart in order to ensure the safety of the Driver, other Drivers, Officials and spectators during an event, having regard to the type of event for which the Driver is applying.

All medications and supplements taken by the Driver must meet the requirements of the anti-doping code of Sports Integrity Australia (**SIA**) and the World Anti-Doping Authority (**WADA**).

All clearances by treating doctors or specialists must be in writing and clearly state the medical diagnosis, the severity/degree of impairment and whether, in the opinion of that doctor, they are FIT, UNFIT or unable to comment on their suitability to compete.

A medical examination may requested by a CMO or KA for a Driver at any time. The Driver’s licence will be suspended until that examination is complete.

All Drivers aged 50 years or over must complete a medical examination every 3 years including a cardiac stress test.



## SYSTEMS REVIEW

### Cardiovascular

- Drivers with a history of significant cardiovascular disease or cardiac failure will generally be declared UNFIT.
- Risk factors for cardiac disease including hypertension, cholesterol and diabetes should be well controlled.
- Those with multiple risk factors should undergo formal cardiac risk assessment (e.g Aus CVD Risk Calculator, PREDICT, QRISK, or alternative CVD risk assessment) and undertake further investigation as appropriate and clearance by their doctor.
- Drivers with *stable* rhythm disorders or *corrected* coronary artery disease may be declared FIT after assessment by a cardiologist and clearance by that doctor (including providing appropriate tests.)
- Valvular disease that has any impact on exercise tolerance will declare Drivers UNFIT.
- Each Driver over the age of 50 must undergo a review by a cardiologist every 3 years with appropriate investigations including stress testing as required.
- Drivers on antiplatelet (e.g. aspirin/clopidogrel/ticagrelor) or anticoagulation (e.g. warfarin / rivaroxaban / dabigatran / etc.) are generally not suitable for competition. All Drivers taking these medications should have an in-depth discussion of the risks and benefits of the medications they are taking, the alternatives and the heightened risk of a poor outcome after an incident (especially in the context of a head injury). All Drivers on these medications are strongly encouraged to have a clear identification that they are taking these medications (e.g. alert bracelet/helmet sticker/notifying the medical service.)

### Respiratory

- Drivers with significant respiratory disease, including obstructive or restrictive lung disease, will generally be declared UNFIT.
- Stable, controlled lung disease may be declared FIT once cleared by their treating doctor/specialist.
- Consideration should be given to the type of medication the Driver is taking and the medications must be consistent with the SIA/WADA anti-doping code.

### Neurological

- Drivers with a history of seizures, epilepsy or episodes of loss of consciousness are UNFIT for a licence. Drivers with a history of a single, childhood febrile convulsion may be considered for a licence after clearance by a neurologist.
- Drivers with seizures/epilepsy may be issued with a licence if their disorder is well controlled with a seizure free period of no less than 5 years. The Driver may be declared FIT only if cleared in writing by their treating doctor/specialist. It is the responsibility of the Driver to inform Karting Australia if they suffer a seizure and therefore be declared UNFIT.
- Drivers that have suffered head injuries with the loss of bone or integrity of the skull will declared UNFIT.
- Severe head injuries, including but not limited to traumatic or spontaneous intracranial haemorrhage, will be declared UNFIT for a period of no less than 6 months. Drivers may be cleared by a neurosurgical specialist after that period if they have no ongoing symptoms or deficits after this time.
- Drivers with serious neurological or psychological disorders will be declared UNFIT. Well controlled, stable *and* mild psychological disorders may be declared FIT only if cleared in writing by their treating doctor /specialist. Consideration must be given to the medication the Driver is taking and must not impair their ability to control a kart.

## Concussion - See Separate Karting Australia Sport Related Concussion Guidelines – Policy P35

- Drivers suspected of suffering from a concussion should be immediately withdrawn from competition. “If in doubt, sit them out” is an appropriate approach by all those involved in concussion assessment. Assessment and management of suspected concussion should be consistent with Karting Australia Sport Related Concussion guidelines as well as the national Concussion in Sport guidelines available at <https://concussioninsport.gov.au>
- Assessment by Officials/teams/trainers/coaches/physios should utilise the Concussion Recognition Tool 6 (CRT6).
- Initial assessment by medical personnel should utilise the Sports Concussion Assessment Tool (SCAT6) if they are experienced in SCAT6 use.
- Child specific assessments should be used when appropriate.
- Drivers suspected of concussion should be declared UNFIT until cleared by a doctor.
- All Drivers and crew should also be aware of the Karting Australia Sport Related Concussion guidelines.
- A graduated Return-to-Sport (Return to Play) protocol should be initiated with written evidence of specialist or neuropsychological assessment and return to baseline function. Return to Sport protocols should be supervised by a doctor or specialist experienced in concussion.
- Drivers suffering two concussions in a 12-month period or three or more concussions in their lifetime require written clearance by a specialist neurologist before they are cleared to compete after each concussion. Drivers suffering multiple concussions may be at long term risk of significant complications.

## Endocrine

- Drivers with well controlled diabetes not subject to occasional hypoglycaemic events may be declared FIT only after being cleared by their Endocrinologist. Any poorly controlled diabetics or those with complications including neuropathy, retinopathy or vascular complications will be declared UNFIT.
- Other endocrine disorders must be stable, and Drivers will only be declared FIT after being cleared in writing by their Endocrinologist.

## Vision

- Vision should be normal binocular vision with normal visual acuity (minimum 6/6 [10/10]) with both eyes open.
- The minimum corrected visual acuity must be 6/6 [10/10] with both eyes open together. The minimum field should measure 160 degrees, 30 degrees vertical. This excludes those with monocular vision.
- Spectacles (if required) should be fitted with shatterproof “soft” lenses or use of appropriate contact lenses
- Double vision will declare a Driver as UNFIT.
- Drivers must have normal colour vision. They must be able to differentiate between Red/Green colours and have no risk of error in differentiating between the colour of flags used in competition. Any colour vision deficiency assessed with the Ishihara plate test should be further assessed by an optometrist with no more than 1 crossing on a Farnsworth D15 examination otherwise they will be declared UNFIT.

## Hearing and Balance

- Any Driver with impaired hearing must be clearly identified to Officials. They must be accompanied at all briefings by a person that can sign/write the information required.
- Drivers must have normal balance. Any Driver with vestibular dysfunction or balance disturbance will be declared UNFIT.

### Motor and Coordination

- Any congenital or acquired loss of function of a limb, or part thereof, that leads to a reduced capacity to operate a kart is UNFIT to compete unless approved by Karting Australia.
- Consideration may be given to a Driver with reduced function if it does not impact on their ability to operate a kart. They must not pose an increased risk to themselves, other Drivers or Officials.
- Adaptive kart programs may be appropriate for some individuals with involvement of Safety and Technical Officials with approved kart changes and testing.

### Post Injury or Surgery

- Drivers with significant injuries, including but not limited to fractured bones, abdominal, head or chest injuries, and major ligament injuries, will be declared UNFIT until they have written clearance from their medical practitioner.
- Drivers will be UNFIT for at least 48 hours after surgery with sedation, general or regional anaesthesia.

### Medication and Prohibited Substances

- A Driver may be declared UNFIT if they are taking any medication that may impair a Driver's ability to control a kart, due to sedation, psychomotor impairment, visual changes, tremor or other side effects. This includes both prescription and non-prescription medications.
- Medical practitioners are strongly encouraged to be familiar with the Karting Australia safety and SIA/WADA Anti-doping codes when treating athletes in any discipline. If in doubt, medical practitioners should check the prohibited list on the SIA or WADA websites.
- Drivers themselves are ultimately responsible for checking ALL substances they are taking are consistent the SIA/WADA anti-doping code.
- Medications and supplements can be checked via the Global DRO website: <https://globaldro.com/AU/search>
- Supplements are a "**High Risk**" substance and Drivers should be aware of the risks of taking them.
- Some medications on the list may be allowed with an approved Therapeutic Use Exemption (TUE). It is the Driver's responsibility, in consultation with their doctor, to apply and be granted a TUE *prior* to competition.

### Summary

It is the responsibility of the Driver to make sure they are consistent with the Medical Code. Any change in health or medication should be reassessed by their treating doctor. If in any doubt, the Driver should contact their treating doctor or Karting Australia.

## P40 INSURANCE EXCESS LIABILITY POLICY

Scheduled Reviewed Triennially or as required

Date of Board Approval 3 March 2014 Updated: 30 November 2023

### Introduction

KA maintains various policies of insurance (the “Policies”) which provide specific insurance cover for AKA Ltd, its State/Territory bodies (“Member States”), affiliated kart clubs (including their respective officials and office bearers) (“Club/s”), officials, office bearers, Drivers, Competitors and other specified persons.

Subject to the provisions of the Policies, the Member States and the Clubs may be indemnified under one or more of the Policies in the event that a claim is made against them.

Each claim is subject to a payment to the insurer, of an excess, the quantum of which may vary from term to term. The 2023/2024 Liability excess is currently set at \$10,000 per claim.

### Purpose

The purpose of this policy is to delineate a clear and equitable framework for managing financial responsibilities associated with claims made against AKA Ltd Public and Products Liability including Professional Indemnity Insurance.

This policy aims to ensure that the burden of the excess in such claims is allocated in a manner that reflects the principles of accountability and compliance with AKA Ltd.'s established Rules and policies. By defining the circumstances under which the Affiliated Club and/or the Member State are required to pay the excess, or a portion thereof, the policy seeks to promote a culture of responsibility and adherence to standards, particularly in areas of safety, risk management, and club affiliation.

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### Objectives

- 1. To Assign Financial Responsibility**  
Establish clear guidelines for determining who bears the financial burden of the excess in insurance claims, thereby ensuring that parties are aware of their potential liabilities.
- 2. To Encourage Compliance and Diligence**  
Incentivise Affiliated Clubs and Member States to adhere strictly to AKA Ltd.'s Rules and policies, including those related to safety, risk management, and club affiliation, by linking compliance to potential financial implications.
- 3. To Enhance Risk Management**  
Foster a proactive approach to risk management among Affiliated Clubs and Member States by making them partly or wholly responsible for the financial consequences of negligence or non-compliance.
- 4. To Ensure Fair and Equitable Treatment**  
Ensure that decisions regarding the payment of excess in claims are made fairly and equitably, with AKA Ltd. retaining the discretion to determine responsibility on a case-by-case basis.
- 5. To Protect AKA Ltd.'s Financial Stability**  
Safeguard the financial resources of AKA Ltd. by sharing the burden of claim excesses, particularly in instances where negligence or non-compliance by an Affiliated Club or Member State is evident.

## 6. To Promote Transparency

Establish a transparent policy framework that clearly communicates the criteria and process for determining financial responsibility in insurance claims, thereby building trust and understanding among all stakeholders.

By achieving these objectives, the policy aims to create a balanced and responsible environment that upholds the integrity and financial sustainability of AKA Ltd., while also fostering a strong culture of safety and compliance among its affiliated entities.

## Policy

1. Initially, the responsibility to pay the excess in a claim against the AKA Ltd Public and Products Liability including Professional Indemnity Insurance is assigned to the Affiliated Club and/or the Member State, from whence the claim originated unless AKA Ltd opts to intervene at its own discretion. This responsibility particularly applies if the claim arises due to either:
  - a. an unreasonable act or failure to act by a Member State and/or an Affiliated Club, including their respective officials and/or office bearers, or
  - b. negligence, potential negligence, or a failure to comply with AKA Ltd.'s Rules and policies. These rules and policies cover a range of areas, including but not limited to Safety, Risk Management, and Club Affiliation responsibilities.
2. There may be circumstances and occasions in which AKA Ltd, at its absolute discretion, may deem it appropriate not to require the Member State and/or the Affiliated Club to bear some or all of the excess associated with a claim under any of the Policies. In such circumstances, the decision of AKA Ltd will be final.
3. In the first instance, as the Policy provider, AKA Ltd may be required to pay any excess to the Insurer and will in such case pass all costs along to the member State and/or the Affiliated Club for reimbursement to it.
4. Failure to reimburse the excess within 21 days of the date of a written demand by AKA to do so may result in the suspension of that Member State or Club's authority to conduct KA sanctioned activities and events, including but not limited to conducting kart racing meetings, until such time as the reimbursement is made. It should be noted that any suspension of authority to conduct KA sanctioned events shall also result in suspension of insurance cover for the period that the authority to conduct is suspended.
5. The determination of what is an unreasonable act or an unreasonable failure to act or what is as a result of negligence, potential negligence, or failure by a Member State and or an Affiliated Club (including respective Officials and/or office bearers) to adhere to AKA Ltd.'s Rules and policies or whether the whole or part of the excess shall be reimbursed to KA and the enforcement of the provisions of this policy shall be at the sole and absolute discretion of AKA Ltd.

## Insurance Policies

- Public Product and Professional Liability
- General Personal Accident Insurance



## P41 TIMING INFRASTRUCTURE POLICY

Scheduled Reviewed Triennially or as required

Date of Board Approval 23 October 2017

Updated: September 2021

### INTRODUCTION

By resolution of the Board in June 2017 it was decided to remove CMS timing from service as of 31 December 2017 and to substitute in its place the latest MYLAPS timing system that will be required to be used across all Clubs that are currently affiliated with Karting Australia (“KA”).

It was further resolved that KA would purchase the necessary hardware - MYLAPS X2 Decoders and Servers and software - MYLAPS Orbits 5 that was required for the timing System (“**New Timing System**”) with revenue from the Company’s general operating reserves (The Future Fund) and make available the free use of the New Timing System to currently affiliated Clubs that met the conditions for free use of the new system (based on criteria such as the number of race meetings conducted, active membership base and so on.)

Clubs were asked to enter into a simple ‘free use agreement’ with KA prior to 20 October 2017 (“**Free Use Agreement**”) that would cover the expected life of the hardware.

Some Clubs elected not to accept the KA offer of free use of the New Timing System and chose not to enter into the Free Use Agreement.

### PURPOSE

This Policy serves to clarify the timing requirements for all Affiliated Clubs for the timing of all KA Permitted Race Meetings from 1 January 2018.

Further it serves to clarify the Race Meeting Timing requirements for:

1. Those Affiliated Clubs as at 1 July 2017 that elected not to enter into the Free Use Agreement; and
2. Those Clubs that may apply for and become affiliated with KA and a Member State after 1 July 2017; and
3. Those Clubs that were formerly affiliated with KA and Karting NSW but that became disaffiliated from KA in January 2019 and who surrendered the MYLAPS X2 Decoder and Server in accordance with the Free Use Agreement and that apply for and be accepted for affiliation with Karting Australia New South Wales Inc and KA before 1 July 2020.

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### POLICY

As of 1 January 2018, all KA sanctioned, and Permitted Race Meetings will be required to be timed using:

- A MYLAPS X2 Decoder and Server; and
- MYLAPS Orbits 5 software.

Clubs that elected not to enter into the Free Use Agreement will be required to ensure that from 1 January 2018, at their own cost, they have available to them and will use for all KA Permitted and sanctioned Race Meetings and activities a fully functioning MYLAPS X2 Decoder and Server and MYLAPS Orbits 5 software.

Clubs that apply for and become affiliated with KA and a State Karting Association after 1 July 2017 will be required to ensure that from the date of their affiliation, at their own cost, they have available to them and will use for all KA Permitted and sanctioned Race Meetings and activities a fully functioning MYLAPS X2 Decoder and Server and MYLAPS Orbits 5 software.



## P42 LICENCING AND MEMBERSHIP SYSTEM (KOMP)

Scheduled Reviewed Triennially or as required

Date of Board Approval 13 November 2023

### PURPOSE

This Policy serves to document the minimum requirements on all State Karting Associations (“**Member State[s]**”) and Affiliated Clubs to be provided with free right of use of a software licence for KOMP.

### POLICY

As of 1 March 2023, all KA memberships, and licences were required to be issued through KOMP. The full process, including Club Membership acquisition and issuing if the KA Licence are now all done through KOMP.

#### Member States

KA will provide, free right of use of one (1) KOMP software licence to each Member State each year.

#### 2023 Affiliated Clubs

KA will provide, free right of use of one (1) software licence to each Club that is affiliated with KA on 1 January each year provided that they meet the following criteria:

- They have a current membership base of no less than thirty (30) financial members each of whom is the holder of a current 12-month KA Competition Licence; and
- The Club holds a current and valid KA Circuit Licence; and
- The Club conducted a minimum of three (3) Events sanctioned by Karting Australia or the Member State in the previous year.

From 1 January 2024, and each year thereafter, a Member Club, that does not meet the above criteria, will be required to have their Membership and Events managed by the relevant Member State using the KOMP software licence provided to it by KA.

The Member State is permitted to charge an administration fee for providing this service.

#### October 2023 and Beyond - Club Affiliation

Should a Club affiliate with KA after 1 January 2024, it will be provided with free right of use of a KOMP software licence if it meets the following criteria:

- It has a current membership base of no less than thirty (30) financial members each of whom is the holder of a current 12-month KA Competition Licence; and
- It holds a current KA Circuit Licence; and
- It has scheduled at least three (3) Club or State level Meetings that will be sanctioned by Karting Australia and that are included on their State Karting Association’s Calendar of Events.

The free right of use of a KOMP software licence will not be renewed for the following calendar year if a Member Club does not meet the following criteria as of 31 October each year:

- It has a current membership base of no less than thirty (30) financial members each of whom is the holder of a current 12-month KA Competition Licence; and
- It holds a current KA Circuit Licence; and
- It has conducted a minimum of three (3) Events per year sanctioned by Karting Australia in the previous 12 months.

Should a KA affiliated Club have their software licence revoked for any of the above reasons, their Membership and Events managed by the relevant Member State using the KOMP software licence provided to it by KA.

## P43 GIRLS RACE TOO POLICY

Scheduled Review                      Triennially or as required

Date of Board Approval                November 2024

### Background

Motorsport, traditionally a male-dominated sport, has long been a platform for showcasing extraordinary talent, precision, and risk management. While Australian motorsport has seen significant progress over the years, it has not yet fully embraced the benefits of diversity, particularly in terms of gender. Karting, the division of Australian Motorsport with the highest percentage of female participation as drivers, stands at the forefront of this challenge.

Karting Australia's commitment to promoting the active involvement of women in all aspects of our sport – including but not limited to Drivers, Officials, administrators, engineers, team management and volunteers, - seeks to address the underrepresentation of women in the current Australian motorsport landscape. Our mission is to challenge the status quo and create an environment where women can thrive and excel in all roles within karting.

### Objectives

1. **Diversity and Inclusion:** To create a welcoming, equitable and inclusive environment where female participants are respected, supported and valued to fully participate in all aspects of karting.
2. **Talent Maximisation:** To encourage female participation, we aim to increase the talent pool available, improving the competitive nature and standard of the sport.
3. **Role Models:** To inspire future generations of female participants by increasing the visibility of successful women in all aspects of karting.
4. **Economic Growth:** To drive economic benefits through the expansion of the supporter and participation base, leading to higher engagement and attracting potential sponsorship and membership.

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### Actions

#### 1. Creating a Supportive Environment

- **Inclusive Facilities:** Advocate for the provision of female-specific facilities, including restrooms, changing rooms, and paddock areas, to create a welcoming environment for all participants.
- **Girls Race Too Club Commitment Document:**  
Clubs should complete this document and ensure it is displayed prominently within the club and visible to all members.
- **Appoint a GRT Club Liaison Person:**  
Each club should appoint a GRT Club Liaison. This person does not need to be a committee member but should be passionate about supporting the GRT initiative. The liaison will be the main point of contact for all GRT activities and communications.

#### 2. Promoting Visibility and Representation

- **Female Awards**  
Clubs should, where circumstances allow, immediately create a structured Women's and Girls Trophy Championship competitions modelled on the Australian Kart Championship Ladies Trophy award.

- **Media Campaigns:** Collaborate with media outlets, sponsors, and partners to highlight the achievements of women in karting. Engage in storytelling, media coverage, and social media campaigns to showcase their contributions.
- **Role Models:** Support and promote female drivers, officials, and team members as role models to inspire new participants.

### 3. Recruitment and Training

- **Karting Experience Days:** Organise "Ladies Only" karting experience days to provide a supportive environment for learning the basics of karting.
- **Skill Development Programs:** Offer specialised programs tailored to different roles in karting, such as driver training camps and race official certification courses.
- **Parental Engagement Workshops:** Conduct informational sessions and workshops for parents to address concerns and emphasise the benefits of karting, including skill development, teamwork, and personal growth.

### 4. Mentoring and Networking

- **Mentorship Programs:** Establish programs that pair aspiring female participants with experienced mentors in their desired roles.
- **GRT Club Liaison Networking Events:** Organise regular meetups and events to foster a sense of community and facilitate inter and intra club relationships focusing on amplifying the activation of Girls Race Too within clubs.

### 5. Collaboration and Partnerships

- **Strategic Partnerships:** Forge collaborations with clubs, State Karting Associations, schools, and women's organisations (e.g. local sporting and community clubs, educational institutions etc.) to create a network of support.
- **Industry Sponsorships:** Establish sponsorship programs with industry manufacturers, suppliers, and sponsors to provide equipment and financial support to talented female participants.
- **Equipment Suppliers:** Engage with equipment suppliers to establish current research and information on equipment specifically designed for girls and women in karting.

### 6. Marketing and Communication

- **Targeted Campaigns:** Develop marketing campaigns that highlight the benefits and opportunities for women in karting, utilising various channels such as social media and motorsports publications.
- **Social Media Engagement:** Use social media to share karting experiences, promote inclusivity, and attract new participants.

### Customisation for Member State Associations and Affiliated Clubs

Each Member State Association is encouraged to adopt and tailor this policy to suit their specific needs and local context. This involves developing inclusive policies, advocating for female-specific facilities, engaging with local communities, and promoting the visibility and achievements of women in karting. By doing so, they will contribute to a more inclusive and diverse motorsports community, fostering long-term growth and success for women in all aspects of karting.

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**P45 ANTI-DOPING POLICY**

Scheduled Reviewed Triennially or as required

Date of Board Approval 23 October 2017

Updated July 2021

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Please note, from 1 July 2020, ASADA merged into Sport Integrity Australia – this new agency will become Australia’s National Anti-Doping Organisation (NADO).

From 1 July 2021 the Karting Australia Anti-Doping Policy is varied in that any and all references to the:

- Australian Sports Anti-Doping Authority (ASADA) are to be read as references to Sport Integrity Australia;
  - Australian Sports Anti-Doping Authority Act 2006 (Cth) (ASADA Act) are to be read as references to the Sport Integrity Australia Act 2020 (Cth); and
  - Australian Sports Anti-Doping Authority Regulations 2006 (Cth) (ASADA Regulations) are to be read as references to the Sport Integrity Australia Regulations 2020 (Cth).
- 





## WHAT IS THE AUSTRALIAN NATIONAL ANTI-DOPING POLICY?

The Australian National Anti-Doping Policy reflects the 2021 World Anti-Doping Code and amendments to Australian anti-doping legislation. The purpose of the Australian National Anti-Doping Policy is to have a single and consistent set of anti-doping rules across all sports in Australia.

This policy and the changes mentioned here come into effect on 1 January 2021.

## WHAT'S NEW?



### 11th Anti-Doping Rule Violation – Discourage or Retaliate

Individuals can violate this new rule if they discourage or retaliate against a person from reporting doping activity to authorities. This provides protection to those who report doping information. This violation can carry a lifetime sanction from sport.

### Non-Participants

Anti-Doping rules now apply to more than just athletes and support personnel. They can also apply to a category called 'Non-Participants' including board members, directors, officers, specified employees of the sport and any member or affiliate organisation. 'Non-Participants' can be subject to the violations of: Tampering, Trafficking, Administration, Complicity, Prohibited Association and Retaliation.

### Flexibility in sanctioning

Athletes classed as Lower-Level and/or Protected Persons are afforded greater flexibility in the sanctioning process.

### Substances of Abuse

Athletes who test positive to Cocaine, Cannabis, MDMA or Heroin may have their sanction reduced if they can prove the substance was used out-of-competition and not related to sporting performance.

### In-Competition period

The In-Competition period now starts at 11:59 pm the night before an athlete competes and ends after the competition. This may change depending on the International Federation rules. Athletes should be aware of substances which are prohibited In-Competition and Out-of-Competition.

### National Testing Pool

There are 3 testing pools:

REGISTERED TESTING POOL

NATIONAL TESTING POOL

DOMESTIC TESTING POOL

Athletes in the new National Testing Pool will need to provide minimal whereabouts information into ADAMS. Failure to comply with obligations under the new National Testing Pool will not result in a violation. Athletes in the National Testing Pool will have the same Retirement and Reinstatement conditions as Registered Testing Pool athletes.

### Education

Sports are required to have an Education Pool of Athletes and Support Persons that are required to complete anti-doping education. At a minimum, this must include any athlete subject to testing.

### Other changes

The sanction length for **Complicity and Attempted Complicity** may vary from 2 years to a lifetime sanction.

The violation of **Tampering** will be expanded to include the Results Management of a violation. This will be a separate offence and any sanction will be applied to the initial offence.

There are new rules to allow for cases to be resolved more quickly such entering into agreements (**Case Resolution Agreement** and **Early admission and acceptance**) where the sanction can be reduced if the individual admits and agrees to the consequences.

## FIND OUT MORE?



VISIT THE SPORT INTEGRITY  
AUSTRALIA WEBSITE  
[www.sportintegrity.gov.au](http://www.sportintegrity.gov.au)  
Search for '2021 Code'

GOT A QUESTION?  
EMAIL THE SPORTS  
ENGAGEMENT TEAM  
[engagement@sportintegrity.gov.au](mailto:engagement@sportintegrity.gov.au)

[www.facebook.com/SportIntegrityAus/](https://www.facebook.com/SportIntegrityAus/)  
 [twitter.com/ProtectingSport](https://twitter.com/ProtectingSport)  
 [www.instagram.com/sportintegrityaus/](https://www.instagram.com/sportintegrityaus/)

# AUSTRALIAN NATIONAL ANTI-DOPING POLICY

## INTERPRETATION

This Anti-Doping Policy takes effect on **1 January 2021**.

In this Anti-Doping Policy, references to the *Sporting Administration Body* are to be read as references to the *Sporting Administration Body* that has approved this policy as the anti-doping policy for their sport in accordance with the rules of their sport. *Sporting Administration Body* references in the policy to the International Federation are references to that *Sporting Administration Body's* International Federation.<sup>1</sup>

## WARNING TO *ATHLETES* AND *OTHER PERSONS*

- You are responsible for knowing what the anti-doping rule violations are.
- You must find out which substances and methods are prohibited.
- Ignorance is no excuse.
- You must be aware of the rules in this Anti-Doping Policy.
- This Anti-Doping Policy adopts the strict liability principle.
- *Athletes* are responsible for anything found in their system.
- You must be aware of the sanctions that could be applied to you in this Anti-Doping Policy.

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<sup>1</sup> Defined terms are in italics and capitalised. Other words will have either the definition provided for by the *WADA Code*, or if they are not defined they will have their plain English meaning.



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# ARTICLE 1 APPLICATION OF ANTI-DOPING POLICY

## 1.1 Application of the Anti-Doping Policy

This Anti-Doping Policy shall apply to the *Sporting Administration Body* and all its member or affiliate organisations, as well as the board members, directors, officers, specified employees of the *Sport Administration Body* and its member or affiliate organisation, and *Delegated Third Parties* and their employees.

The *Sporting Administration Body* agrees to be bound by the *Sporting Administration Body* Rules as contained in clause 2.04 of the *NAD scheme* as in force from time to time.

## 1.2 Application to the *Sporting Administration Body*

**1.2.1** As a condition of receiving financial and/or other assistance from the Australian Government and/or the Australian Olympic Committee, the *Sporting Administration Body* shall accept and abide by the spirit and terms of SIA's Anti-Doping Program and this Anti-Doping Policy, and shall adopt this Anti-Doping Policy into their governing documents, constitution and/or rules as part of the rules of sport that bind their members, *Participants* and *Non-participants*.

**1.2.2** Under this Anti-Doping Policy the *Sporting Administration Body* recognises the authority and responsibility of SIA under this Anti-Doping Policy and the SIA Act and SIA Regulations (including carrying out *Testing* and Investigations). The *Sporting Administration Body* shall also recognise, abide by and give effect to the decisions made pursuant to this Anti-Doping Policy, including the decisions of hearing panels imposing sanctions on individuals under their jurisdiction.

**1.2.3** Where relevant the *Sporting Administration Body* agrees to be knowledgeable of, comply with, and be bound by the Australian Olympic Committee Anti-Doping By-Law, as in force from time to time and as applicable.<sup>2</sup>

**1.2.4** Where relevant in addition to its *Education* obligations under Article 17 of this Anti-Doping Policy, the *Sporting Administration Body* agrees, in collaboration with the Australian Olympic Committee, to inform and educate the *Persons* listed in Articles 1.3.1.1 to 1.3.1.5 as applicable, of their obligations under the Australian

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<sup>2</sup> Australian Olympic Committee Anti-Doping By-Law is posted on the Australian Olympic Committee website ([www.olympics.com.au](http://www.olympics.com.au)) under "Reports and Documents" and under "Anti-Doping". This By-Law applies to any *Sporting Administration Body*, *Athlete* or *Other Person* who falls under the authority of the Australian Olympic Committee.



Olympic Committee Anti-Doping By-Law, as in force from time to time, and of their rights foregone, in return for the privilege to participate in an Olympic sport.

- 1.2.5** If the SIA CEO does not accept *Results Management* responsibility under the *NAD scheme* for a possible anti-doping rule violation, the *Sporting Administration Body* will exercise *SIA's Results Management* functions under this Anti-Doping Policy in respect of that possible anti-doping rule violation.

### **1.3 Application to *Persons***

- 1.3.1** This Anti-Doping Policy shall apply to the following *Persons* (including *Minors*), in each case, whether or not such *Person* is a citizen of or (temporary or permanent) resident in Australia:

**1.3.1.1** all *Athletes* and *Athlete Support Personnel* who are members of the *Sporting Administration Body* or of any member or affiliate organisation (including any clubs, teams, associations or leagues);

**1.3.1.2** all *Athletes* and *Other Persons* who participate in such capacity in *Events, Competitions* and other activities organised, convened, authorised or recognised by the *Sporting Administration Body* or any member or affiliate organisation (including any clubs, teams, associations or leagues), wherever held;

**1.3.1.3** any other *Athlete* or *Other Person* who, by virtue of an accreditation, a licence or other contractual arrangement, or otherwise, is subject to the jurisdiction of the *Sporting Administration Body* or of any member or affiliate organisation (including any clubs, teams, associations or leagues), for the purposes of anti-doping;

**1.3.1.4** all *Athletes* who do not fall within one of these provisions of this Article 1.3.1 but who wish to be eligible to participate in *International Events* or *National Events* must be available for *Testing* under this Anti-Doping Policy. *Athletes* wishing to be eligible to participate in *International Events* must be available for *Testing* for the period of time specified by the International Federation for the relevant sport. *Athletes* wishing to be eligible to participate in *National Events* must be available for *Testing* under this Anti-Doping Policy for at least six (6) months before they will be eligible for such *Events*; and

**1.3.1.5** *Recreational Athletes*, i.e. any *Person* who engages or participates in sport or fitness activities for recreational purposes but who would not otherwise compete in *Competitions* or *Events* organised, recognised, or hosted by the *Sporting Administration Body*, or by any affiliated or non-affiliated association, organisation, club, team, or league and who, within the five (5) years prior to committing any anti-doping rule violation, has not been an *International-Level Athlete* (as defined by each International Federation consistent with the *International Standard for Testing and Investigations*) or *National-Level Athlete* (as defined by *SIA* or other *National Anti-Doping Organisation* consistent with the *International Standard for Testing and Investigations*); has not represented Australia or any other country in an *International Event* in an open category;<sup>3</sup> or has not been included within any *Registered Testing Pool* or other whereabouts information pool maintained by any International Federation, *SIA* or other *National Anti-Doping Organisation*.

**1.3.1.6** any *Athlete* or *Other Person* shall be deemed to have agreed to be bound by and comply with this Anti-Doping Policy for a period of six (6) months following the last time the *Athlete* or *Other Person* participated in or was scheduled to participate in any capacity recognised under this Anti-Doping Policy. For clarity, *Athletes* shall remain subject to *Results Management* and unless an *Athlete* has retired, *Athletes* shall remain subject to *Testing* for that six-month period and be subject to any subsequent *Results Management* in accordance with Article 16. The continuation of the application of this Anti-Doping Policy prevails regardless of contract termination, or any other cessation of arrangement with the *Sporting Administration Body*.

**1.3.2** This Anti-Doping Policy shall also apply to all *Other Persons* over whom the *Code*, *SIA Act*, *SIA Regulations* and *NAD scheme* give *SIA* jurisdiction in respect of compliance with the anti-doping rules as defined in the *SIA Act*, including all

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<sup>3</sup> Comment to *Recreational Athlete*: The term 'open category' is meant to exclude competition that is limited to junior or age group categories.

*Athletes* who are nationals of or resident in Australia, and all *Athletes* who are present in Australia, whether to compete or to train or otherwise.

**1.3.3** *Persons* falling within the scope of Articles 1.3.1 or 1.3.2 are deemed to have accepted and to have agreed to be bound by this Anti-Doping Policy, and to have submitted to the authority of SIA and other *Anti-Doping Organisations* under this Anti-Doping Policy and to the jurisdiction of the hearing panels specified in Article 8 and Article 13 to hear and determine cases and appeals brought under this Anti-Doping Policy, as a condition of their membership, accreditation and/or participation in the relevant sport.

**1.3.4** Where relevant the *Persons* listed in Articles 1.3.1.1 to 1.3.1.4 agree to be knowledgeable of, comply with, and be bound by the Australian Olympic Committee Anti-Doping By-Law, as in force from time to time and as applicable.<sup>4</sup>

#### **1.4 Interaction between this Policy and the *Sporting Administration Body's* Disciplinary Rules or Policies**

The *Sporting Administration Body* has its own disciplinary rules or policies regulating the conduct of its members, which apply to all *Athletes* or *Other Persons*. These rules or policies cover conduct that either does not constitute an anti-doping rule violation, or conduct that is, or is related to, behaviour that does constitute a possible anti-doping rule violation. Breaches of these rules or policies are managed separately by the *Sporting Administration Body*, including public disclosure, suspension or termination of contracts, and consequential sanctions.

The *Sporting Administration Body's* disciplinary rules or policies shall not limit or change the effect of this Anti-Doping Policy. Where there is any ambiguity or conflict, this Anti-Doping Policy prevails.

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<sup>4</sup> The Australian Olympic Committee Anti-Doping By-Law is posted on the Australian Olympic Committee website ([www.olympics.com.au](http://www.olympics.com.au) under "The Australian Olympic Committee" and "Athlete Guidelines"). This By-Law applies to any *Sporting Administration Body*, *Athlete* or *Other Person* who falls under the authority of the Australian Olympic Committee.

## ARTICLE 2 DEFINITION OF DOPING - ANTI-DOPING RULE VIOLATIONS

Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Article 2.1 through Article 2.11 of this Anti-Doping Policy.

The purpose of Article 2 is to specify the circumstances and conduct which constitute anti-doping rule violations. Hearings in doping cases will proceed based on the assertion that one or more of these specific rules have been violated.

*Athletes* or *Other Persons* shall be responsible for knowing what constitutes an anti-doping rule violation and the substances and methods which have been included on the *Prohibited List*.

The following constitute anti-doping rule violations:

### 2.1 Presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample*

2.1.1 It is the *Athlete's* personal duty to ensure that no *Prohibited Substance* enters his or her body. *Athletes* are responsible for any *Prohibited Substance* or its *Metabolites* or *Markers* found to be present in their *Samples*. Accordingly, it is not necessary that intent, *Fault*, *Negligence* or knowing *Use* on the *Athlete's* part be demonstrated in order to establish an anti-doping rule violation under Article 2.1.<sup>5</sup>

2.1.2 Sufficient proof of an anti-doping rule violation under Article 2.1 is established by any of the following: presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in the *Athlete's A Sample* where the *Athlete* waives analysis of the *B Sample* and the *B Sample* is not analysed; or, where the *Athlete's B Sample* is analysed and the analysis of the *Athlete's B Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the *Athlete's A Sample*; or, where the *Athlete's A or B Sample* is split into two (2) parts and the analysis of the confirmation part of the split *Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the first part of the

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<sup>5</sup> Comment to Article 2.1.1: An anti-doping rule violation is committed under this Article without regard to an *Athlete's Fault*. This rule has been referred to in various CAS decisions as 'Strict Liability'. An *Athlete's Fault* is taken into consideration in determining the *Consequences* of this anti-doping rule violation under Article 10. This principle has consistently been upheld by CAS.

split *Sample* or the *Athlete* waives analysis of the confirmation part of the split *Sample*.<sup>6</sup>

**2.1.3** Excepting those substances for which a *Decision Limit* is specifically identified in the *Prohibited List* or a *Technical Document*, the presence of any reported quantity of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample* shall constitute an anti-doping rule violation.

**2.1.4** As an exception to the general rule of Article 2.1, the *Prohibited List*, *International Standards*, or *Technical Documents* may establish special criteria for reporting or the evaluation of certain *Prohibited Substances*.

## **2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method<sup>7</sup>**

**2.2.1** It is the *Athlete's* personal duty to ensure that no *Prohibited Substance* enters his or her body and that no *Prohibited Method* is *Used*. Accordingly, it is not necessary that intent, *Fault*, *Negligence* or knowing *Use* on the *Athlete's* part be demonstrated in order to establish an anti-doping rule violation for *Use* of a *Prohibited Substance* or a *Prohibited Method*.

**2.2.2** The success or failure of the *Use* or *Attempted Use* of a *Prohibited Substance* or *Prohibited Method* is not material. It is sufficient that the *Prohibited Substance* or *Prohibited Method* was *Used* or *Attempted* to be *Used* for an anti-doping rule violation to be committed.<sup>8</sup>

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<sup>6</sup> Comment to Article 2.1.2: The *Anti-Doping Organisation with Results Management* responsibility may, at its discretion, choose to have the *B Sample* analysed even if the *Athlete* does not request the analysis of the *B Sample*.

<sup>7</sup> Comment to Article 2.2: It has always been the case that *Use* or *Attempted Use* of a *Prohibited Substance* or *Prohibited Method* may be established by any reliable means. As noted in the Comment to Article 3.2, unlike the proof required to establish an anti-doping rule violation under Article 2.1, *Use* or *Attempted Use* may also be established by other reliable means such as admissions by the *Athlete*, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, including data collected as part of the *Athlete Biological Passport*, or other analytical information which does not otherwise satisfy all the requirements to establish 'Presence' of a *Prohibited Substance* under Article 2.1. For example, *Use* may be established based upon reliable analytical data from the analysis of an *A Sample* (without confirmation from an analysis of a *B Sample*) or from the analysis of a *B Sample* alone where the *Anti-Doping Organisation* provides a satisfactory explanation for the lack of confirmation in the other *Sample*.

<sup>8</sup> Comment to Article 2.2.2: Demonstrating the 'Attempted Use' of a *Prohibited Substance* or a *Prohibited Method* requires proof of intent on the *Athlete's* part. The fact that intent may be required to prove this particular anti-doping rule violation does not undermine the *Strict Liability* principle established for violations of Article 2.1 and violations of Article 2.2 in respect of *Use* of a *Prohibited Substance* or *Prohibited Method*. An *Athlete's Use* of a *Prohibited Substance* constitutes an anti-doping rule violation unless such Substance is not prohibited *Out-of-Competition* and the *Athlete's Use* takes place *Out-of-Competition*. (However, the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in a *Sample* collected *In-Competition* is a violation of Article 2.1 regardless of when that Substance might have been administered.)

## **2.3 Evading, Refusing or Failing to Submit to Sample Collection by an Athlete**

Evading *Sample* collection; or refusing or failing to submit to *Sample* collection without compelling justification after notification by a duly authorised *Person*.<sup>9</sup>

## **2.4 Whereabouts Failures by an Athlete**

Any combination of three (3) missed tests and/or filing failures, as defined in the *International Standard for Results Management*, within a twelve-month period by an *Athlete* in a *Registered Testing Pool*.

## **2.5 Tampering or Attempted Tampering with any part of Doping Control by an Athlete or Other Person**

## **2.6 Possession of a Prohibited Substance or a Prohibited Method by an Athlete or Athlete Support Person**

**2.6.1** *Possession by an Athlete In-Competition of any Prohibited Substance or any Prohibited Method, or Possession by an Athlete Out-of-Competition of any Prohibited Substance or any Prohibited Method which is prohibited Out-of-Competition unless the Athlete establishes that the Possession is consistent with a Therapeutic Use Exemption (TUE) granted in accordance with Article 4.4 or other acceptable justification.*

**2.6.2** *Possession by an Athlete Support Person In-Competition of any Prohibited Substance or any Prohibited Method, or Possession by an Athlete Support Person Out-of-Competition of any Prohibited Substance or any Prohibited Method which is prohibited Out-of-Competition in connection with an Athlete, Competition or training, unless the Athlete Support Person establishes that the Possession is consistent with a TUE granted to an Athlete in accordance with Article 4.4 or other acceptable justification.*<sup>10</sup>

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<sup>9</sup> Comment to Article 2.3: For example, it would be an anti-doping rule violation of 'evading *Sample* collection' if it were established that an *Athlete* was deliberately avoiding a *Doping Control* official to evade notification or *Testing*. A violation of 'failing to submit to *Sample* collection' may be based on either intentional or negligent conduct of the *Athlete*, while 'evading' or 'refusing' *Sample* collection contemplates intentional conduct by the *Athlete*.

<sup>10</sup> Comments to Articles 2.6.1 and 2.6.2: Acceptable justification would not include, for example, buying or Possessing a *Prohibited Substance* for purposes of giving it to a friend or relative, except under justifiable medical circumstances where that *Person* had a physician's prescription, for example, buying Insulin for a diabetic child. Acceptable justification may include, for example, (a) an *Athlete* or a team doctor carrying *Prohibited Substances* or *Prohibited Methods* for dealing with acute and emergency situations (e.g. an epinephrine auto-injector), or (b) an *Athlete Possessing* a *Prohibited Substance* or *Prohibited Method* for therapeutic reasons shortly prior to applying for and receiving a determination on a *TUE*.



**2.7 Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method by an Athlete or Other Person**

**2.8 Administration or Attempted Administration by any Athlete or Other Person to any Athlete In-Competition of any Prohibited Substance or Prohibited Method, or Administration or Attempted Administration to any Athlete Out-of-Competition of any Prohibited Substance or any Prohibited Method that is prohibited Out-of-Competition**

**2.9 Complicity or Attempted Complicity by an Athlete or Other Person**

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity or *Attempted* complicity involving an anti-doping rule violation, *Attempted* anti-doping rule violation or violation of Article 10.14.1 by another *Person*.<sup>11</sup>

**2.10 Prohibited Association by an Athlete or Other Person**

**2.10.1** Association by an *Athlete* or *Other Person* subject to the authority of an *Anti-Doping Organisation* in a professional or sport-related capacity with any *Athlete Support Person* who:

**2.10.1.1** If subject to the authority of an *Anti-Doping Organisation*, is serving a period of *Ineligibility*; or

**2.10.1.2** If not subject to the authority of an *Anti-Doping Organisation*, and where *Ineligibility* has not been addressed in a *Results Management* process pursuant to *the Code*, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if *Code-compliant* rules had been applicable to such *Person*. The disqualifying status of such *Person* shall be in force for the longer of six (6) years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed; or

**2.10.1.3** Is serving as a front or intermediary for an individual described in Article 2.10.1.1 or 2.10.1.2.

**2.10.2** To establish a violation of Article 2.10, an *Anti-Doping Organisation* must establish that the *Athlete* or *Other Person* knew of the *Athlete Support Person*'s disqualifying status.

The burden shall be on the *Athlete* or *Other Person* to establish that any association with an *Athlete Support Person* described in Article 2.10.1.1 or 2.10.1.2 is not in a

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<sup>11</sup> Comment to Article 2.9: Complicity or *Attempted* Complicity may include either physical or psychological assistance.

professional or sport-related capacity and/or that such association could not have been reasonably avoided.

*Anti-Doping Organisations* that are aware of *Athlete Support Personnel* who meet the criteria described in Article 2.10.1.1, 2.10.1.2, or 2.10.1.3 shall submit that information to WADA.<sup>12</sup>

## **2.11 Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting to Authorities**

Where such conduct does not otherwise constitute a violation of Article 2.5:

**2.11.1** Any act which threatens or seeks to intimidate another *Person* with the intent of discouraging the *Person* from the good-faith reporting of information that relates to an alleged anti-doping rule violation or alleged non-compliance with the *Code to WADA*, an *Anti-Doping Organisation*, law enforcement, regulatory or professional disciplinary body, hearing body or *Person* conducting an investigation for WADA or an *Anti-Doping Organisation*.

**2.11.2** Retaliation against a *Person* who, in good faith, has provided evidence or information that relates to an alleged anti-doping rule violation or alleged non-compliance with the *Code to WADA*, an *Anti-Doping Organisation*, law enforcement, regulatory or professional disciplinary body, hearing body or *Person* conducting an investigation for WADA or an *Anti-Doping Organisation*.<sup>13</sup>

For purposes of Article 2.11, retaliation, threatening and intimidation include an act taken against such *Person* either because the act lacks a good faith basis or is a disproportionate response.<sup>14</sup>

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<sup>12</sup> Comment to Article 2.10: *Athletes* and *Other Persons* must not work with coaches, trainers, physicians or other *Athlete Support Personnel* who are *Ineligible* on account of an anti-doping rule violation or who have been criminally convicted or professionally disciplined in relation to doping. This also prohibits association with any other *Athlete* who is acting as a coach or *Athlete Support Person* while serving a period of *Ineligibility*. Some examples of the types of association which are prohibited include: obtaining training, strategy, technique, nutrition or medical advice; obtaining therapy, treatment or prescriptions; providing any bodily products for analysis; or allowing the *Athlete Support Person* to serve as an agent or representative. *Prohibited association* need not involve any form of compensation.

While Article 2.10 does not require the *Anti-Doping Organisation* to notify the *Athlete* or *Other Person* about the *Athlete Support Person*'s disqualifying status, such notice, if provided, would be important evidence to establish that the *Athlete* or *Other Person* knew about the disqualifying status of the *Athlete Support Person*.

<sup>13</sup> Comment to Article 2.11.2: This Article is intended to protect *Persons* who make good faith reports, and does not protect *Persons* who knowingly make false reports.

<sup>14</sup> Comment to Article 2.11.2: Retaliation would include, for example, actions that threaten the physical or mental well-being or economic interests of the reporting *Persons*, their families or associates. Retaliation would not include an *Anti-Doping Organisation* asserting in good faith an anti-doping rule violation against the reporting *Person*. For purposes of Article 2.11, a report is not made in good faith where the *Person* making the report knows the report to be false.

# ARTICLE 3 PROOF OF DOPING

## 3.1 Burdens and Standards of Proof

The *Anti-Doping Organisation* shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether the *Anti-Doping Organisation* has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel, bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where this Anti-Doping Policy places the burden of proof upon the *Athlete* or *Other Person* alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, except as provided in Articles 3.2.2 and 3.2.3, the standard of proof shall be by a balance of probability.<sup>15</sup>

## 3.2 Methods of Establishing Facts and Presumptions

Facts related to anti-doping rule violations may be established by any reliable means, including admissions.<sup>16</sup> The following rules of proof shall be applicable in doping cases:

**3.2.1** Analytical methods or *Decision Limits* approved by WADA after consultation within the relevant scientific community or which have been the subject of peer review are presumed to be scientifically valid. Any *Athlete* or *Other Person* seeking to challenge whether the conditions for such presumption have been met or to rebut this presumption of scientific validity shall, as a condition precedent to any such challenge, first notify WADA of the challenge and the basis of the challenge. The initial hearing body, appellate body or CAS, on its own initiative, may also inform WADA of any such challenge. Within ten (10) days of WADA's receipt of such notice and the case file related to such challenge, WADA shall also have the right to intervene as a party, appear as amicus curiae or otherwise provide evidence in such proceeding.<sup>17</sup> In cases before CAS, at WADA's request, the CAS panel shall

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<sup>15</sup> Comment to Article 3.1: This standard of proof required to be met by the *Anti-Doping Organisation* is comparable to the standard which is applied in most countries to cases involving professional misconduct.

<sup>16</sup> Comment to Article 3.2: For example, an *Anti-Doping Organisation* may establish an anti-doping rule violation under Article 2.2 based on the *Athlete's* admissions, the credible testimony of third *Persons*, reliable documentary evidence, reliable analytical data from either an A or B *Sample* as provided in the Comments to Article 2.2, or conclusions drawn from the profile of a series of the *Athlete's* blood or urine *Samples*, such as data from the *Athlete Biological Passport*.

<sup>17</sup> Comment to Article 3.2.1: For certain *Prohibited Substances*, WADA may instruct WADA-accredited laboratories not to report *Samples* as an *Adverse Analytical Finding* if the estimated concentration of the *Prohibited Substance* or its *Metabolites* or *Markers* is below a *Minimum Reporting Level*. WADA's decision in determining that *Minimum Reporting Level* or in determining which *Prohibited Substances* should be subject to *Minimum Reporting Levels* shall not be subject to challenge. Further, the laboratory's estimated concentration of such *Prohibited Substance* in a *Sample* may only be an estimate. In no event shall the possibility that the exact concentration of the *Prohibited Substance* in the *Sample* may be below the *Minimum Reporting Level* constitute a defence to an anti-doping rule violation based on the presence of that *Prohibited Substance* in the *Sample*.

appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge.

**3.2.2** WADA-accredited laboratories, and other laboratories approved by WADA, are presumed to have conducted *Sample* analysis and custodial procedures in accordance with the *International Standard* for Laboratories. The *Athlete* or *Other Person* may rebut this presumption by establishing that a departure from the *International Standard* for Laboratories occurred which could reasonably have caused the *Adverse Analytical Finding*. If the *Athlete* or *Other Person* rebuts the preceding presumption by showing that a departure from the *International Standard* for Laboratories occurred which could reasonably have caused the *Adverse Analytical Finding*, then the *Anti-Doping Organisation* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.<sup>18</sup>

**3.2.3** Departures from any other *International Standard* or other anti-doping rule or policy set forth in the *Code* or in this Anti-Doping Policy shall not invalidate analytical results or other evidence of an anti-doping rule violations, and shall not constitute a defence to an anti-doping rule violation;<sup>19</sup> provided, however, if the *Athlete* or *Other Person* establishes that a departure from one of the specific *International Standard* provisions listed below could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding* or whereabouts failure, then the *Anti-Doping Organisation* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding* or the whereabouts failure:

- (i) a departure from the *International Standard* for Testing and Investigations related to *Sample* collection or *Sample* handling which could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding*, in which case the *Anti-*

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<sup>18</sup> Comment to Article 3.2.2: The burden is on the *Athlete* or *Other Person* to establish, by a balance of probability, a departure from the *International Standard* for Laboratories that could reasonably have caused the *Adverse Analytical Finding*. Thus, once the *Athlete* or *Other Person* establishes the departure by a balance of probability, the *Athlete* or *Other Person*'s burden on causation is the somewhat lower standard of proof – "could reasonably have caused." If the *Athlete* or *Other Person* satisfies these standards, the burden shifts to the *Anti-Doping Organisation* to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the *Adverse Analytical Finding*.

<sup>19</sup> Comment to Article 3.2.3: Departures from an *International Standard* or other rule unrelated to *Sample* collection or handling, *Adverse Passport Finding*, or *Athlete* notification relating to whereabouts failure or B *Sample* opening – e.g., the *International Standard* for Education, *International Standard* for the Protection of Privacy and Personal Information or *International Standard* for Therapeutic Use Exemptions – may result in compliance proceedings by WADA but are not a defence in an anti-doping rule violation proceeding and are not relevant on the issue of whether the *Athlete* committed an anti-doping rule violation. Similarly, the *Anti-Doping Organisation*'s violation of the document referenced in Article 20.7.7 of the *Code* (the *Athletes' Anti-Doping Rights Act*) shall not constitute a defence to an anti-doping rule violation.

*Doping Organisation* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*;

- (ii) a departure from the *International Standard for Results Management* or *International Standard for Testing and Investigations* related to an *Adverse Passport Finding* which could reasonably have caused an anti-doping rule violation, in which case the *Anti-Doping Organisation* shall have the burden to establish that such departure did not cause the anti-doping rule violation;
- (iii) a departure from the *International Standard for Results Management* related to the requirement to provide notice to the *Athlete* of the *B Sample* opening which could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding*, in which case the *Anti-Doping Organisation* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*;<sup>20</sup>
- (iv) a departure from the *International Standard for Results Management* related to *Athlete* notification which could reasonably have caused an anti-doping rule violation based on a whereabouts failure, in which case the *Anti-Doping Organisation* shall have the burden to establish that such departure did not cause the whereabouts failure.

**3.2.4** The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrebuttable evidence against the *Athlete* or *Other Person* to whom the decision pertained of those facts unless the *Athlete* or *Other Person* establishes that the decision violated principles of natural justice.

**3.2.5** The hearing panel in a hearing on an anti-doping rule violation may draw an inference adverse to the *Athlete* or *Other Person* who is asserted to have committed an anti-doping rule violation based on the *Athlete's* or *Other Person's* refusal, after a request made in a reasonable time in advance of the hearing, to

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<sup>20</sup> Comment to Article 3.2.3 (iii): the *Anti-Doping Organisation* would meet its burden to establish that such departure did not cause the *Adverse Analytical Finding* by showing that, for example, the *B Sample* opening and analysis were observed by an independent witness and no irregularities were observed.

appear at the hearing (either in person or telephonically as directed by the hearing panel) and to answer questions from the hearing panel or the *Anti-Doping Organisation* asserting the anti-doping rule violation.



## **ARTICLE 4 THE *PROHIBITED LIST***

### **4.1 Incorporation of the *Prohibited List***

This Anti-Doping Policy incorporates the *Prohibited List* which is published and revised by WADA as described in Article 4.1 of the *Code* as in force from time to time.

Unless provided otherwise in the *Prohibited List* and/or a revision, the *Prohibited List* and revisions shall go into effect under this Anti-Doping Policy three (3) months after publication by WADA without requiring any further action by the *Anti-Doping Organisation*. All *Athletes* and *Other Persons* shall be bound by the *Prohibited List*, and any revisions thereto, from the date they go into effect, without further formality. It is the responsibility of all *Athletes* and *Other Persons* to familiarise themselves with the most up-to-date version of the *Prohibited List* and all revisions thereto.<sup>21</sup>

### **4.2 *Prohibited Substances* and *Prohibited Methods* Identified on the *Prohibited List***

#### **4.2.1 *Prohibited Substances* and *Prohibited Methods***

The *Prohibited List* shall identify those *Prohibited Substances* and *Prohibited Methods* which are prohibited as doping at all times (both *In-Competition* and *Out-of-Competition*) because of their potential to enhance performance in future *Competitions* or their masking potential, and those substances and methods which are prohibited *In-Competition* only. The *Prohibited List* may be expanded by WADA for a particular sport. *Prohibited Substances* and *Prohibited Methods* may be included in the *Prohibited List* by general category (for example, anabolic agents) or by specific reference to a particular substance or method.<sup>22</sup>

#### **4.2.2 *Specified Substances* or *Specified Methods***

For purposes of the application of Article 10, all *Prohibited Substances* shall be *Specified Substances* except as identified on the *Prohibited List*. No *Prohibited*

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<sup>21</sup> Comment to Article 4.1: The current *Prohibited List* is available on WADA's website at <https://www.wada-ama.org>. The *Prohibited List* will be revised and published on an expedited basis whenever the need arises. However, for the sake of predictability, a new *Prohibited List* will be published every year whether or not changes have been made

<sup>22</sup> Comment to Article 4.2.1: *Out-of-Competition* Use of a substance which is only prohibited *In-Competition* is not an anti-doping rule violation unless an *Adverse Analytical Finding* for the substance or its *Metabolites* or *Markers* is reported for a *Sample* collected *In-Competition*.

*Method* shall be a *Specified Method* unless it is specifically identified as a *Specified Method* on the *Prohibited List*.<sup>23</sup>

#### **4.2.3 Substances of Abuse**

For purposes of applying Article 10, *Substances of Abuse* shall include those *Prohibited Substances* which are specifically identified as *Substances of Abuse* on the *Prohibited List* because they are frequently abused in society outside of the context of sport.

### **4.3 WADA's Determination of the *Prohibited List***

WADA's determination of the *Prohibited Substances* and *Prohibited Methods* that will be included on the *Prohibited List*, the classification of substances into categories on the *Prohibited List*, the classification of a substance as prohibited at all times or *In-Competition* only, the classification of a substance or method as a *Specified Substance*, *Specified Method* or *Substance of Abuse* is final and shall not be subject to challenge by an *Athlete* or *Other Person* including, but not limited to, any challenge based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a health risk or violate the spirit of sport.

### **4.4 Therapeutic Use Exemptions (TUEs)**

**4.4.1** The presence of a *Prohibited Substance* or its *Metabolites* or *Markers*, and/or the *Use* or *Attempted Use*, *Possession* or *Administration* or *Attempted Administration* of a *Prohibited Substance* or *Prohibited Method* shall not be considered an anti-doping rule violation if it is consistent with the provisions of a *TUE* granted in accordance with the *International Standard for Therapeutic Use Exemptions*.

**4.4.2** The *TUE Committee* for Australia is the *Australian Sports Drug Medical Advisory Committee (ASDMAC)*, the membership and operation of which is described in the *SIA Act* and *SIA Regulations*. Unless otherwise specified by *ASDMAC* in a notice posted on its website, any *National-Level Athlete* who needs to *Use* a *Prohibited Substance* or *Prohibited Method* for therapeutic purposes should apply to *ASDMAC* for a *TUE* as soon as the need arises and in any event (or where Articles 4.1 or 4.3 of the *International Standard for Therapeutic Use Exemptions* applies in regard to retroactive *TUEs*) at least 30 days before the *Athlete's* next *Competition*, by completing the form at [www.sportintegrity.gov.au](http://www.sportintegrity.gov.au) with assistance

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<sup>23</sup> Comment to Article 4.2.2: The *Specified Substances* and *Specified Methods* identified in Article 4.2.2 should not in any way be considered less important or less dangerous than other doping substances or methods. Rather, they are simply substances and methods which are more likely to have been consumed or used by an *Athlete* for a purpose other than the enhancement of sport performance.

from their doctor. ASDMAC will consider applications for the grant of TUEs. ASDMAC shall promptly evaluate and decide upon the application in accordance with the relevant provisions of the *International Standard for Therapeutic Use Exemptions* and the specific ASDMAC protocols posted on the TUE section of [www.sportintegrity.gov.au](http://www.sportintegrity.gov.au). ASDMAC's decision shall be final (except as outlined in Article 4.4.6) and where ASDMAC has granted a TUE, the decision shall be reported to WADA and other relevant *Anti-Doping Organisations* in accordance with the *International Standard for Therapeutic Use Exemptions*. ASDMAC will consider applications for the grant of TUEs. ASDMAC shall promptly evaluate and decide upon the application in accordance with the relevant provisions of the *International Standard for Therapeutic Use Exemptions* and the specific ASDMAC protocols posted on the TUE section of [www.sportintegrity.gov.au](http://www.sportintegrity.gov.au). ASDMAC's decision shall be final (except as outlined in Article 4.4.6) and where ASDMAC has granted a TUE, the decision shall be reported to WADA and other relevant *Anti-Doping Organisations* in accordance with the *International Standard for Therapeutic Use Exemptions*.<sup>24 25</sup>

#### 4.4.3 Retroactive TUE Applications

If an *Anti-Doping Organisation* chooses to test an *Athlete* who is not an *International-Level* or a *National-Level Athlete*, and that *Athlete* was not required to obtain a TUE in advance in accordance with Article 4.4.2, the *Athlete* may apply for a retroactive TUE for any *Prohibited Substance* or *Prohibited Method* that they are *Using* for therapeutic reasons.

#### 4.4.4 TUE Recognition

A TUE granted by ASDMAC is valid at any national level in any country and does not need to be formally recognised by any other *National Anti-Doping Organisation*.

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<sup>24</sup> Comment to Article 4.4.2: In accordance with Article 5.1 of the *International Standard for Therapeutic Use Exemptions*, ASDMAC may decline to consider advance applications for TUEs from *National-Level Athletes* in sports that are not prioritised by SIA in its test distribution planning. In that case ASDMAC must permit any such *Athlete* who is subsequently tested to apply for a retroactive TUE. Additionally, ASDMAC must publicise such a policy on its website for the benefit of affected *Athletes*.

<sup>25</sup> Comment to Article 4.4.2: The submission of false or misleading information in support of a TUE application (including but not limited to the failure to advise of the unsuccessful outcome of a prior application to another *Anti-Doping Organisation* for such a TUE) may result in a charge of *Tampering* or *Attempted Tampering* under Article 2.5. An *Athlete* should not assume that his/her application for grant or recognition of a TUE (or for renewal of a TUE) will be granted. Any *Use* or *Possession* or *Administration* of a *Prohibited Substance* or *Prohibited Method* before an application has been granted is entirely at the *Athlete's* own risk.

However, it is not automatically valid if the *Athlete* becomes an *International-Level Athlete* or competes in an *International Event*, unless it is recognised by the relevant International Federation or *Major Event Organisation* in accordance with the *International Standard for Therapeutic Use Exemptions* as follows:

**4.4.4.1** Where the *Athlete* already has a *TUE* granted by ASDMAC for the substance or method in question, unless their *TUE* will be automatically recognised by the International Federation or *Major Event Organisation*, the *Athlete* shall apply to their International Federation or to the *Major Event Organisation* to recognise that *TUE*. If that *TUE* meets the criteria set out in the *International Standard for Therapeutic Use Exemptions*, then the International Federation or *Major Event Organisation* must recognise it.

If the International Federation or *Major Event Organisation* considers that the *TUE* granted by ASDMAC does not meet those criteria and so refuses to recognise it, the International Federation or *Major Event Organisation* shall promptly notify the *Athlete* and ASDMAC with reasons.

#### International Federations

Where the International Federation has refused to recognise the *TUE* granted by ASDMAC, the *Athlete* and ASDMAC shall have twenty one (21) days from such notification to refer the matter to WADA for review.

If the matter is referred to WADA for review in accordance with Article 4.4.6, the *TUE* granted by ASDMAC remains valid for national-level *Competition* and *Out-of-Competition Testing* (but is not valid for international-level *Competition*) pending WADA's decision.

If the matter is not referred to WADA for review, ASDMAC must determine whether the original *TUE* that it granted should nevertheless remain valid for national-level *Competition* and *Out-of-Competition Testing* (provided that the *Athlete* ceases to be an *International-Level Athlete* and does not participate in international-level *Competition*). Pending ASDMAC's decision, the *TUE* remains valid for national-level *Competition* and *Out-of-*

*Competition Testing* (but is not valid for international-level *Competition*).<sup>26</sup>

#### *Major Event Organisations*

A decision by a *Major Event Organisation* not to recognise or not to grant a *TUE* may be appealed by the *Athlete* exclusively to an independent body established or appointed by the *Major Event Organisation* for that purpose. If the *Athlete* does not appeal (or the appeal is unsuccessful), the *Athlete* may not *Use* the substance or method in question in connection with the *Event*, but any *TUE* granted by the *Athlete's National Anti-Doping Organisation* or International Federation for that substance or method remains valid outside of that *Event*.

**4.4.4.2** If the *Athlete* does not already have a *TUE* granted by ASDMAC for the substance or method in question, the *Athlete* must apply directly to the International Federation for a *TUE* in accordance with the process set out in the *International Standard for Therapeutic Use Exemptions* as soon as the need arises. If the International Federation denies the *Athlete's* application, it shall notify the *Athlete* promptly, with reasons.

If the International Federation grants the *Athlete's* application, it shall notify the *Athlete* and ASDMAC. If ASDMAC considers that the *TUE* granted by the International Federation does not meet the criteria set out in the *International Standard for Therapeutic Use Exemptions*, it has twenty one (21) days from such notification to refer the matter to WADA for review.

If ASDMAC refers the matter to WADA for review, the *TUE* granted by the International Federation remains valid for international-

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<sup>26</sup> Comment to Article 4.4.4.1: Further to Articles 5.6 and 7.1(a) of the *International Standard for Therapeutic Use Exemptions*, an International Federation must publish and keep updated a notice on its website that sets out clearly (1) which *Athletes* under its authority are required to apply to it for a *TUE*, (2) which *TUE* decisions of other *Anti-Doping Organisations* it will automatically recognise in lieu of such application and (3) which *TUE* decisions of other *Anti-Doping Organisations* will have to be submitted to it for recognition. If an *Athlete's TUE* falls into a category of automatically recognised *TUEs*, then he/she does not need to apply to his or her International Federation for recognition of that *TUE*.

In accordance with the requirements of the *International Standard for Therapeutic Use Exemptions*, ASDMAC will help *Athletes* determine when they need to submit *TUEs* granted by ASDMAC to an International Federation or *Major Event Organisation* for recognition and will guide and support those *Athletes* through the recognition process.

If an International Federation refuses to recognise a *TUE* granted by ASDMAC only because medical records or other information are missing that are needed to demonstrate satisfaction of the criteria in the *International Standard for Therapeutic Use Exemptions*, the matter should not be referred to WADA. Instead, the file should be completed and re-submitted to the International Federation.

level *Competition* and *Out-of-Competition Testing* (but is not valid for national-level *Competition*) pending WADA's decision.

If ASDMAC does not refer the matter to WADA for review, the *TUE* granted by the International Federation becomes valid for national-level *Competition* as well when the twenty one (21) day review deadline expires.<sup>27</sup>

#### **4.4.5 Expiration, Withdrawal or Reversal of a *TUE***

**4.4.5.1** A *TUE* granted pursuant to this Anti-Doping Policy: (a) shall expire automatically at the end of any term for which it was granted, without the need for any further notice or other formality; (b) will be withdrawn if the *Athlete* does not promptly comply with any requirements or conditions imposed by ASDMAC upon grant of the *TUE*; (c) may be withdrawn by ASDMAC if it is subsequently determined that the criteria for grant of a *TUE* are not in fact met; or (d) may be reversed on review by WADA or on appeal.

**4.4.5.2** In such event, the *Athlete* shall not be subject to any *Consequences* based on their *Use* or *Possession* or *Administration* of the *Prohibited Substance* or *Prohibited Method* in question in accordance with the *TUE* prior to the effective date of expiry, withdrawal or reversal of the *TUE*. The review pursuant to Article 5.1.1.1 of the *International Standard for Results Management* of an *Adverse Analytical Finding*, reported shortly after the *TUE* expiry, withdrawal, or reversal, shall include consideration of whether such finding is consistent with *Use* of the *Prohibited Substance* or *Prohibited Method* prior to that date, in which event no anti-doping rule violation shall be asserted.

#### **4.4.6 Reviews and appeals of *TUE* decisions**

**4.4.6.1** If ASDMAC denies an application for a *TUE*, the *Athlete* may appeal exclusively to the ASDMAC review members, as described in the *SIA Act* and *SIA Regulations*.

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<sup>27</sup> Comment to Article 4.4.4.2: The International Federation and ASDMAC may agree that ASDMAC will consider *TUE* applications on behalf of the International Federation.



- 4.4.6.2** WADA shall review any decision by an International Federation not to recognise a *TUE* granted by ASDMAC that is referred to WADA by the *Athlete* or ASDMAC. In addition, WADA must review an International Federation's decision to grant a *TUE* that is referred to WADA by ASDMAC. WADA may review any other *TUE* decisions at any time, whether upon request by those affected or on its own initiative. If the *TUE* decision being reviewed meets the criteria set out in the *International Standard for Therapeutic Use Exemptions*, WADA will not interfere with it. If the *TUE* decision does not meet those criteria, WADA will reverse it.<sup>28</sup>
- 4.4.6.3** Any *TUE* decision by an International Federation (or by ASDMAC where it has agreed to consider the application on behalf of an International Federation) that is not reviewed by WADA, or that is reviewed by WADA but is not reversed upon review, may be appealed by the *Athlete* or ASDMAC exclusively to CAS, in accordance with Article 13.<sup>29</sup>
- 4.4.6.4** A decision by WADA to reverse a *TUE* decision may be appealed by the *Athlete*, ASDMAC and/or the International Federation affected exclusively to CAS, in accordance with Article 13.
- 4.4.6.5** A failure to render a decision within a reasonable time on a properly submitted application for the grant or recognition of a *TUE* or for review of a *TUE* decision shall be considered a denial of the application thus triggering the applicable rights of review or appeal.

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<sup>28</sup> Comment to Article 4.4.6.2: WADA shall be entitled to charge a fee to cover the costs of: (a) any review it is required to conduct in accordance with Article 4.4.6; and (b) any review it chooses to conduct, where the decision being reviewed is reversed.

<sup>29</sup> Comment to Article 4.4.6.3: In such cases, the decision being appealed is the International Federation's *TUE* decision, not WADA's decision not to review the *TUE* decision or (having reviewed it) not to reverse the *TUE* decision. However, the time to appeal the *TUE* decision does not begin to run until the date that WADA communicates its decision. In any event, whether the decision has been reviewed by WADA or not, WADA shall be given notice of the appeal so that it may participate if it sees fit.

## ARTICLE 5 **TESTING AND INVESTIGATIONS**

### 5.1 Purpose of *Testing* and Investigations<sup>30</sup>

*Testing* and investigations may be undertaken for any anti-doping purpose. They shall be conducted in conformity with the provisions of the *International Standard for Testing and Investigations* and (where relevant) the requirements of the *SIA Act*, *SIA Regulations* and *NAD scheme*, including the Australian Government Investigations Standards.

- 5.1.1 All *Athletes* must comply with any request for *Testing* by an *Anti-Doping Organisation* with *Testing* jurisdiction, including *SIA*. *Testing* shall be undertaken to obtain analytical evidence as to whether the *Athlete* has violated Article 2.1 (*Presence of a Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample*) or Article 2.2 (*Use or Attempted Use* by an *Athlete* of a *Prohibited Substance* or a *Prohibited Method*).
- 5.1.2 *SIA* may obtain, assess and process anti-doping intelligence from all available sources, to inform the development of an effective, intelligent and proportionate test distribution plan, to plan *Target Testing*, and/or to form the basis of an investigation into a possible anti-doping rule violation(s).
- 5.1.3 The *Sporting Administration Body* will refer all information and intelligence relating to all instances of possible anti-doping rule violations under this Anti-Doping Policy to *SIA* and cooperate with any investigation by *SIA* as required.

### 5.2 Authority to Test

- 5.2.1 Any *Athlete* may be required to provide a *Sample* at any time and at any place by any *Anti-Doping Organisation* with *Testing Authority* over him or her. Subject to the jurisdictional limitations for *Event Testing* set out in Article 5.3 of the *Code*, *SIA* shall have *In-Competition* and *Out-of-Competition Testing Authority* over all of the *Athletes* falling within the scope of Article 1.3.
  - 5.2.1.1 The International Federation shall have *In-Competition* and *Out-of-Competition Testing Authority* over all *Athletes* who are subject to its rules, including those who participate in *International Events* or who participate in *Events* governed by the rules of the International Federation, or who are members or licence holders

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<sup>30</sup> Comment to Article 5.1: Where *Testing* is conducted for anti-doping purposes, the analytical results and data may be used for other legitimate purposes under the *Anti-Doping Organisation's* rules. See example in comment to Article 23.2.2 of the *Code* (at footnote 115).

of the International Federation or the *Sporting Administration Body*, or their member organisations or affiliates.

- 5.2.2** For the avoidance of doubt, *SIA* may require any *Athlete* over whom it has *Testing Authority* (including any *Athlete* serving a period of *Ineligibility*) to provide a *Sample* at any time and at any place.<sup>31</sup>
- 5.2.3** *WADA* shall have *In-Competition* and *Out-of-Competition Testing Authority* as set out in Article 20.7.10 of the *Code*.
- 5.2.4** If the International Federation or *Major Event Organisation* delegates or contracts any part of *Testing* to *SIA* (directly or through a *National Federation*), *SIA* may collect additional *Samples* or direct the laboratory to perform additional types of analysis at *SIA*'s expense. If additional *Samples* are collected or additional types of analysis are performed, the International Federation or *Major Event Organisation* shall be notified.
- 5.2.5** Where another *Anti-Doping Organisation* with *Testing Authority* over an *Athlete* who is subject to this Anti-Doping Policy conducts *Testing* on that *Athlete*, then, where agreed with that other *Anti-Doping Organisation* or otherwise provided in Article 7 of the *Code*, *SIA* may bring proceedings against the *Athlete* pursuant to this Anti-Doping Policy for any anti-doping rule violation(s) arising in relation to such *Testing*.

### **5.3 Event Testing**

- 5.3.1** Except as provided below, only a single organisation shall have authority to conduct *Testing* at *Event Venues* during an *Event Period*. At *International Events* held in Australia, the international organisation which is the ruling body for the *Event* shall have authority to conduct *Testing*. At *National Events* held in Australia, *SIA* shall have authority to conduct *Testing*. At the request of the ruling body for an *Event*, any *Testing* conducted during the *Event Period* outside of the *Event Venues* shall be coordinated with that ruling body.
- 5.3.2** If an *Anti-Doping Organisation* which would otherwise have *Testing Authority* but is not responsible for initiating and directing *Testing* at an *Event* desires to

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<sup>31</sup> Comment to Article 5.2.2: *SIA* may obtain additional authority to conduct *Testing* by means of bilateral or multilateral agreements with other *Signatories*. Unless the *Athlete* has identified a sixty-minute *Testing* window between the hours of 11:00 p.m. and 6:00 a.m., or has otherwise consented to *Testing* during that period, *SIA* will not test an *Athlete* during that period unless it has a serious and specific suspicion that the *Athlete* may be engaged in doping. A challenge to whether *SIA* had sufficient suspicion for *Testing* during this time period shall not be a defence to an anti-doping rule violation based on such test or attempted test.

conduct *Testing of Athletes* at the *Event Venues* during the *Event Period*, the *Anti-Doping Organisation* shall first confer with the ruling body of the *Event* to obtain permission to conduct and coordinate such *Testing*. If the *Anti-Doping Organisation* is not satisfied with the response from the ruling body of the *Event*, the *Anti-Doping Organisation* may, in accordance with the procedures set out in the *International Standard for Testing and Investigations*, ask WADA for permission to conduct *Testing* and to determine how to coordinate such *Testing*. WADA shall not grant approval for such *Testing* before consulting with and informing the ruling body for the *Event*. WADA's decision shall be final and not subject to appeal. Unless otherwise provided in the authorisation to conduct *Testing*, such tests shall be considered *Out-of-Competition* tests. *Results Management* for any such test shall be the responsibility of the *Anti-Doping Organisation* initiating the test unless provided otherwise in the rules of the ruling body of the *Event*.<sup>32</sup> For the avoidance of doubt, where the *Anti-Doping Organisation* initiating the test is SIA, Article 7.1.1 shall apply.

## **5.4 Testing Requirements**

**5.4.1** SIA shall conduct test distribution planning and *Testing* as required by the *International Standard for Testing and Investigations*.

**5.4.2** Where reasonably feasible, SIA will coordinate *Testing* through ADAMS in order to maximise the effectiveness of the combined *Testing* effort and to avoid unnecessary repetitive *Testing*.

## **5.5 Athlete Whereabouts Information**

**5.5.1** SIA has established a *Registered Testing Pool* of those *Athletes* who are required to provide whereabouts information in the manner specified in the *International Standard for Testing and Investigations* and who shall be subject to *Consequences* for Article 2.4 violations as provided in Article 10.3.2. SIA shall coordinate with the International Federation the identification of such *Athletes* and the collection of their whereabouts information.

**5.5.1.1** Where the *Athlete* is in SIA's *Registered Testing Pool*, the *Athlete* must provide whereabouts information in accordance with the

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<sup>32</sup> Comment to Article 5.3.2: Before giving approval to SIA to initiate and conduct *Testing* at an *International Event*, WADA shall consult with the international organisation which is the ruling body for the event. Before giving approval to an International Federation to initiate and conduct *Testing* at a *National Event*, WADA shall consult with SIA. The *Anti-Doping Organisation* "initiating and directing *Testing*" may, if it chooses, enter into agreements with a *Delegated Third Party* to which it delegates responsibility for *Sample* collection or other aspects of the *Doping Control* process.

requirements in the *Code, International Standard for Testing and Investigations* and the *NAD scheme*.

- 5.5.2** SIA shall make available, through ADAMS, a list which identifies those *Athletes* included in its *Registered Testing Pool* by name. SIA shall regularly review and update as necessary its criteria for including *Athletes* in its *Registered Testing Pool*, and shall periodically (but not less than quarterly) review the list of *Athletes* in its *Registered Testing Pool* to ensure that each listed *Athlete* continues to meet the relevant criteria. *Athletes* shall be notified before they are included in SIA's *Registered Testing Pool* and when they are removed from that pool. The notification shall contain the information set out in the *International Standard for Testing and Investigations*.
- 5.5.3** Where an *Athlete* is included in an international *Registered Testing Pool* by the International Federation and in SIA's *Registered Testing Pool*, SIA and the International Federation shall agree between themselves which of them shall accept that *Athlete's* whereabouts filings; in no case shall an *Athlete* be required to make whereabouts filings to more than one of them.
- 5.5.4** In accordance with the requirements in the *Code, International Standard for Testing and Investigations* and *NAD scheme*, each *Athlete* in SIA's *Registered Testing Pool* shall do the following: (a) advise SIA of his or her whereabouts on a quarterly basis; (b) update that information as necessary so that it remains accurate and complete at all times; and (c) make himself or herself available for *Testing* at such whereabouts filing.
- 5.5.5** For the purposes of Article 2.4 above, an *Athlete's* failure to comply with the requirements of the *International Standard for Testing and Investigations* shall be deemed a filing failure or a missed test, as defined in Annex B of the *International Standard for Results Management*, where the conditions set forth in Annex B for declaring a filing failure or missed test are met. Three of these filing failures in a 12 month period will constitute a possible anti-doping rule violation.
- 5.5.6** An *Athlete* who has been designated for inclusion in SIA's *Registered Testing Pool* or SIA's *National Testing Pool* will continue to be subject to the obligation to comply with the whereabouts requirements set out in this Article, the *International Standard for Testing and Investigations* unless and until:
- (a) the *Athlete* gives written notice to SIA in accordance with this Article that he or she has retired from *Competition*; or

- (b) SIA has given written notice to the *Athlete* that they no longer satisfy the criteria for inclusion in SIA's *Registered Testing Pool* or SIA's *National Testing Pool*.

An *Athlete* who is in SIA's *Registered Testing Pool* or SIA's *National Testing Pool* who wants to retire must do so by submitting to SIA a completed 'RETIREMENT NOTIFICATION FORM' available at [www.sportintegrity.gov.au](http://www.sportintegrity.gov.au). An *Athlete*'s retirement date will be the date on which SIA receives the fully completed form.

Upon receipt of a notification in accordance with this Article, SIA will, as soon as reasonably practicable, provide the *Athlete* and the *Sporting Administration Body* with a written confirmation of the *Athlete*'s retirement.

**5.5.7 Retirement does not:**

- (a) excuse the *Athlete* from giving a *Sample* requested on or before their retirement date, or a *Sample* required as part of an investigation commenced prior to their retirement date;
- (b) excuse the *Athlete* from assisting, cooperating and liaising with SIA and other *Anti-Doping Organisations* in relation to the conduct of any investigation or hearing into an alleged anti-doping rule violation;
- (c) prevent the analysis of a *Sample* given by the *Athlete* on or before their retirement date;
- (d) affect the results of *Testing* referred to in (a) or (b).

**5.5.8** An *Athlete* who wants to retire from the *Registered Testing Pool* of the International Federation must follow the International Federation's retirement procedures.

***National Testing Pool***

**5.5.9** In accordance with the *International Standard for Testing and Investigations*, SIA has established the *National Testing Pool*, comprising *Athletes* who are subject to less stringent requirements than *Athletes* included in SIA's *Registered Testing Pool*.

**5.5.10** SIA shall notify *Athletes* before they are included in the *National Testing Pool* and when they are removed. The notification to the *Athlete* will include the



whereabouts requirements, and the consequences that may apply in the event of non-compliance, as set out in Articles 5.5.11 and 5.5.12.

**5.5.11** An *Athlete* who is included in the *National Testing Pool* is required to provide SIA with the following whereabouts information so that they may be located for *Testing*:

- (a) complete contact details, including: home address, telephone number(s), and email address;
- (b) the *Athlete's* date of birth, and other details as required by SIA to enable the *Athlete's* identity to be verified;
- (c) an overnight address for each day in the quarter;
- (d) a *Competition/Event* schedule for the quarter;
- (e) details of the *Athlete's* regular training or other activity<sup>33</sup> schedule for the quarter, and the location of the training or other activity; and
- (f) any other information that SIA considers is reasonably necessary to assist it to locate the *Athlete*.

The *Athlete* is to provide the information to SIA through ADAMS on or before the date and time required by SIA.<sup>34</sup> The *Athlete* is also required to keep the information up to date at all times.

**5.5.12** A failure by the *Athlete* to provide the information on or before the date and time required by SIA or to keep the information updated may result in SIA, in its absolute discretion:

- (a) issuing a warning letter to the *Athlete*;
- (b) including the *Athlete* in SIA's *Registered Testing Pool*.

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<sup>33</sup> This is any activity that is part of the *Athlete's* regular routine: for example, a rehabilitation routine, employment schedule, or education timetable.

<sup>34</sup> The notification to the *Athlete* will provide information on how to use ADAMS.

## **Domestic Testing Pool**

**5.5.13** SIA also maintains a *Domestic Testing Pool*. An *Athlete* who is included in SIA's *Domestic Testing Pool* is required to provide the following information to the *Sporting Administration Body* and to ensure that it is kept up to date:

- (a) complete contact details, including: home address, telephone number(s), and email address;
- (b) the *Athlete's* date of birth, and other details as required by SIA to enable the *Athlete's* identity to be verified.

**5.5.14** Whereabouts information provided by an *Athlete* while in SIA's *Registered Testing Pool* or *National Testing Pool* will be accessible through ADAMS to WADA and to other *Anti-Doping Organisations* having authority to test that *Athlete* as provided in Article 5.2 above, shall be maintained in strict confidence at all times; it shall be used exclusively for purposes of planning, coordinating or conducting *Doping Control*, providing information relevant to the *Athlete Biological Passport* or other analytical results, to support an investigation into a potential anti-doping rule violation, or to support proceedings alleging an anti-doping rule violation, and shall be destroyed in accordance with the *International Standard for the Protection of Privacy and Personal Information*, the *Australian Privacy Principles* and the *Archives Act 1983 (Cth)* once it is no longer relevant for these purposes.

## **5.6 Retired Athletes Returning to Competition**

**5.6.1** If an *International-Level* or *National-Level Athlete* in a *Registered Testing Pool* or SIA's *National Testing Pool* retires and then wishes to return to active participation in sport, the *Athlete* shall not compete in *International Events* or *National Events* until the *Athlete* has made himself or herself available for *Testing*, by giving six (6) months prior written notice to the International Federation and SIA for *Athletes* in a *Registered Testing Pool* or SIA alone for *Athletes* in SIA's *National Testing Pool*.

WADA, in consultation with the International Federation and SIA, or SIA alone for *Athletes* in SIA's *National Testing Pool* may grant an exemption to the six-month written notice rule where the strict application of that rule would be unfair to the *Athlete*. This decision may be appealed under Article 13.<sup>35</sup>

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<sup>35</sup> WADA has developed a protocol and exemption application form that *Athletes* must use to make such requests, and a decision template that the International Federation must use to provide its decision. Both template documents are available on WADA's website at: [www.wada-ama.org](http://www.wada-ama.org).

Any competitive results obtained in violation of this Article 5.6.1 shall be *Disqualified* unless the *Athlete* can establish that he or she could not have reasonably known that this was an *International Event* or a *National Event*.

**5.6.2** If an *Athlete* retires from sport while subject to a period of *Ineligibility*, the *Athlete* must notify *SIA* and the *Sporting Administration Body* that imposed the period of *Ineligibility* in writing of such retirement. If the *Athlete* then wishes to return to active competition in sport, the *Athlete* shall not resume competing in *International Events* or *National Events* until the *Athlete* has made himself or herself available for *Testing* by giving six (6) months prior written notice (or notice equivalent to the period of *Ineligibility* remaining as of the date the *Athlete* retired, if that period was longer than six (6) months) to *SIA* and to their International Federation.

## ARTICLE 6 ANALYSIS OF *SAMPLES*

*Samples* shall be analysed in accordance with the following principles.

### 6.1 Use of Accredited and Approved Laboratories

**6.1.1** For purposes of directly establishing an *Adverse Analytical Finding* under Article 2.1, *Samples* shall be analysed only in WADA-accredited laboratories or laboratories otherwise approved by WADA. The choice of the WADA-accredited or WADA-approved laboratory used for the *Sample* analysis shall be determined exclusively by SIA.<sup>36</sup>

**6.1.2** As provided in Article 3.2, facts related to anti-doping rule violations may be established by any reliable means. This would include, for example, reliable laboratory or other forensic testing conducted outside of WADA-accredited or approved laboratories.

### 6.2 Purpose of Analysis of *Samples* and Data

*Samples* and related analytical data or *Doping Control* information shall be analysed to detect *Prohibited Substances* and *Prohibited Methods* identified on the *Prohibited List* and other substances as may be directed by WADA pursuant to the monitoring program described in Article 4.5 of the *Code*, or to assist SIA in profiling relevant parameters in an *Athlete's* urine, blood or other matrix, including for DNA or genomic profiling, or for any other legitimate anti-doping purpose.<sup>37</sup>

### 6.3 Research on *Samples* and Data

*Samples*, related analytical data and *Doping Control* information may be used for anti-doping research purposes, although no *Sample* may be used for research without the *Athlete's* written consent. *Samples* and related analytical data or *Doping Control* information used for research purposes shall first be processed in such a manner as to prevent *Samples* and related analytical data or *Doping Control* information being traced back to a particular *Athlete*. Any research

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<sup>36</sup> Comment to Article 6.1.1: Violations of Article 2.1 may be established only by *Sample* analysis performed by a WADA-accredited laboratory or another laboratory approved by WADA. Violations of other Articles may be established using analytical results from other laboratories so long as the results are reliable.

<sup>37</sup> Comment to Article 6.2: For example, relevant *Doping Control*-related information could be used to direct *Target Testing* or to support an anti-doping rule violation proceeding under Article 2.2, or both.

involving *Samples* and related analytical data or *Doping Control* information shall adhere to the principles set out in Article 19 of the *Code*.<sup>38</sup>

#### **6.4 Standards for *Sample* Analysis and Reporting**

In accordance with Article 6.4 of the *Code*, *Anti-Doping Organisations* shall ask laboratories to analyse *Samples* in conformity with the *International Standard* for Laboratories and the *International Standard* for Testing and Investigations.

Laboratories at their own initiative and expense may analyse *Samples* for *Prohibited Substances* or *Prohibited Methods* not included on the standard *Sample* analysis menu, or as requested by SIA. Results from any such analysis shall be reported to SIA and have the same validity and *Consequences* as any other analytical result.<sup>39</sup>

#### **6.5 Further Analysis of a *Sample* Prior to or During Results Management**

There shall be no limitation on the authority of a laboratory to conduct repeat or additional analysis on a *Sample* prior to the time SIA notifies an *Athlete* that the *Sample* is the basis for an Article 2.1 anti-doping rule violation charge. If after such notification SIA wishes to conduct additional analysis on that *Sample*, it may do so with the consent of the *Athlete* or approval from a hearing body.

#### **6.6 Further Analysis of a *Sample* After it has been Reported as Negative or has Otherwise not Resulted in an Anti-Doping Rule Violation Charge**

After a laboratory has reported a *Sample* as negative, or the *Sample* has not otherwise resulted in an anti-doping rule violation charge, it may be stored and subjected to further analyses for the purpose of Article 6.2 above at any time exclusively at the direction of either the *Anti-Doping Organisation* that initiated and directed *Sample* collection or WADA. Any other *Anti-Doping Organisation* with authority to test the *Athlete* that wishes to conduct further analysis on a stored *Sample* may do so with the permission of the *Anti-Doping Organisation* that initiated and directed *Sample* collection or WADA, and shall be responsible for any follow-up *Results Management*. Any *Sample* storage or further analysis initiated by WADA or another *Anti-Doping Organisation* shall

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<sup>38</sup> Comment to Article 6.3: As is the case in most medical or scientific contexts, use of *Samples* and related information for quality assurance, quality improvement, method improvement and development or to establish reference populations is not considered research. *Samples* and related information used for such permitted non-research purposes must also first be processed in such a manner as to prevent them from being traced back to the particular *Athlete*, having due regard to the principles set out in Article 19 of the *Code*, as well as the requirements of the *International Standard* for Laboratories and *International Standard* for the Protection of Privacy and Personal Information.

<sup>39</sup> Comment to Article 6.4: The objective of this Article is to extend the principle of 'intelligent *Testing*' to the *Sample* analysis menu so as to most effectively and efficiently detect doping. It is recognised that the resources available to fight doping are limited and that increasing the *Sample* analysis menu may, in some sports and countries, reduce the number of *Samples* which can be analysed.

be at WADA's or that organisation's expense. Further analysis of *Samples* shall conform with the requirements of the *International Standard for Laboratories*.

## 6.7 Split of A or B Sample

Where WADA, an *Anti-Doping Organisation with Results Management Authority*, and/or a WADA-accredited laboratory (with approval from WADA or the *Anti-Doping Organisation with Results Management Authority*) wishes to split an A or B *Sample* for the purpose of using the first part of the split *Sample* for an A *Sample* analysis and the second part of the split *Sample* for confirmation, then the procedures set forth in the *International Standard for Laboratories* shall be followed.

## 6.8 WADA's Right to Take Possession of Samples and Data

WADA may, in its sole discretion at any time, with or without prior notice, take physical possession of any *Sample* and related analytical data or information in the possession of a laboratory or *Anti-Doping Organisation*. Upon request by WADA, the laboratory or *Anti-Doping Organisation* in possession of the *Sample* or data shall immediately grant access to and enable WADA to take physical possession of the *Sample* or data.<sup>40</sup> If WADA has not provided prior notice to the laboratory or *Anti-Doping Organisation* before taking possession of a *Sample* or data, it shall provide such notice to the laboratory and each *Anti-Doping Organisation* whose *Samples* or data have been taken by WADA within a reasonable time after taking possession. After analysis and any investigation of a seized *Sample* or data, WADA may direct another *Anti-Doping Organisation* with authority to test the *Athlete* to assume *Results Management* responsibility for the *Sample* or data if a potential anti-doping rule violation is discovered.<sup>41</sup>

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<sup>40</sup> Comment to Article 6.8: Resistance or refusal to WADA taking physical possession of *Samples* or data could constitute *Tampering, Complicity* or an act of non-compliance as provided in the *International Standard for Code Compliance by Signatories*, and could also constitute a violation of the *International Standard for Laboratories*. Where necessary, the laboratory and/or the *Anti-Doping Organisation* shall assist WADA in ensuring that the seized *Sample* or data are not delayed in exiting the applicable country.

<sup>41</sup> Comment to Article 6.8: WADA would not, of course, unilaterally take possession of *Samples* or analytical data without good cause related to a potential anti-doping rule violation, non-compliance by a *Signatory* or doping activities by another *Person*. However, the decision as to whether good cause exists is for WADA to make in its discretion and shall not be subject to challenge. In particular, whether there is good cause or not shall not be a defence against an anti-doping rule violation or its *Consequences*.



# ARTICLE 6A NON-ANALYTICAL INVESTIGATION PROCESS

## 6A.1 Obligation on Persons

When the *Sporting Administration Body* or any *Person* bound by this Anti-Doping Policy has information relevant to a possible anti-doping rule violation, that *Person* must immediately pass such information to *SIA*.

**6A.1.1** The *Sporting Administration Body* or the *Person* must act in a discreet and confidential manner in discharging their obligations under this Anti-Doping Policy. The deliberate or wilful withholding of information relevant to a potential anti-doping rule violation by an *Athlete* or *Other Person* may constitute an anti-doping rule violation or a breach to be dealt with under the *Sporting Administration Body's* disciplinary rules or policies.

## 6A.2 Roles and Responsibilities of Other Parties

Where an investigation is required to determine whether an anti-doping rule violation may have occurred under this Anti-Doping Policy, unless otherwise agreed between *SIA* and the *Sporting Administration Body*, *SIA* will conduct the investigation.

**6A.2.1** Where *SIA* believes it is appropriate to do so, *SIA* may, in its discretion, advise the *Sporting Administration Body* of an *SIA* investigation. *SIA* may also consult affected or interested parties about their participation in any investigation.

**6A.2.2** Where *SIA* does agree to the *Sporting Administration Body* commencing its own investigation, the *Sporting Administration Body* must do so in coordination with any investigation being undertaken by *SIA*. The *Sporting Administration Body* must also seek *SIA's* input into such investigation undertaken by the *Sporting Administration Body*;

**6A.2.3** All *Persons* bound by this Anti-Doping Policy, and the *Sporting Administration Body*, must assist, cooperate, and liaise with *SIA* in relation to any investigation into a potential anti-doping rule violation. Where the *Sporting Administration Body* has approval by *SIA* to conduct its own investigation or be involved in an *SIA* investigation, the same obligations apply. Specifically, all *Persons* must cooperate with and assist *SIA* or the *Sporting Administration Body* (where relevant), including by:

- (a) attending an interview to fully and truthfully answer questions;
- (b) giving information; and
- (c) producing documents or things, in an investigation being conducted by *SIA* or the *Sporting Administration Body* (where relevant), even if to do so might tend to incriminate them or expose them to a penalty, sanction or other disciplinary measure.

For the avoidance of doubt, the common law privileges against self-incrimination and self-exposure to a penalty are abrogated by this Article.

## **ARTICLE 7      *RESULTS MANAGEMENT: RESPONSIBILITY, INITIAL REVIEW, NOTICE AND PROVISIONAL SUSPENSIONS***

*Results Management* under this Anti-Doping Policy establishes a process designed to resolve anti-doping rule violation matters in a fair, expeditious and efficient manner.

### **7.1      *Responsibility for Conducting Results Management***

**7.1.1** Subject to Article 1.2.5, *SIA* shall take responsibility for *Results Management* of all potential anti-doping rule violations under this Anti-Doping Policy in accordance with Article 7 of the *Code*, the *SIA Act*, the *SIA Regulations*, and the *NAD scheme* as in force from time to time. This includes any matters:

- (a) referred to the *Sporting Administration Body* by other *Anti-Doping Organisations for Results Management*, where *SIA* agrees to take responsibility for *Results Management*;
- (b) where *SIA* is the *Testing Authority*.

**7.1.2** Where *SIA* elects to collect additional *Samples* in the circumstances set out in Article 5.2.4 above, then it shall be considered the *Anti-Doping Organisation* that initiated and directed *Sample* collection and will have *Results Management* responsibility. However, where *SIA* only directs the laboratory to perform additional types of analysis at *SIA*'s expense then the International Federation or *Major Event Organisation* shall be considered the *Anti-Doping Organisation* that initiated and directed *Sample* collection and will have *Results Management* responsibility.

**7.1.3** *Results Management* in relation to a potential whereabouts failure (a filing failure or a missed test) shall be administered by the *Anti-Doping Organisation* (i.e. the International Federation or *SIA*) with which the *Athlete* in question files whereabouts information. If *SIA* determines a filing failure or a missed test, it shall submit that information to WADA through ADAMS, where it will be made available to other relevant *Anti-Doping Organisations*.

**7.1.4** For *Results Management* relating to a *Sample* initiated and taken during an *Event* conducted by a *Major Event Organisation*, or an anti-doping rule violation occurring during such *Event*, the *Major Event Organisation* for that *Event* shall assume *Results Management* responsibility to at least the limited extent of conducting a hearing to determine whether an anti-doping rule violation was

committed and, if so, the applicable *Disqualifications* under Articles 9 and 10.1, any forfeiture of any medals, points, or prizes from that *Event*, and any recovery of costs applicable to the anti-doping rule violation. In the event the *Major Event Organisation* assumes only limited *Results Management* responsibility, the case shall be referred by the *Major Event Organisation* to the International Federation for completion of *Results Management*.<sup>42</sup>

**7.1.5** WADA may direct an *Anti-Doping Organisation* to conduct *Results Management* in a particular case. If that *Anti-Doping Organisation* refuses to conduct *Results Management* within a reasonable deadline set by WADA, such refusal shall be considered an act of non-compliance, and WADA may direct another *Anti-Doping Organisation* with authority over the *Athlete* or *Other Person*, that is willing to do so, to take *Results Management* responsibility in place of the refusing *Anti-Doping Organisation* or, if there is no such *Anti-Doping Organisation*, any other *Anti-Doping Organisation* that is willing to do so. In such case, the refusing *Anti-Doping Organisation* shall reimburse the costs and attorney fees of conducting *Results Management* to the other *Anti-Doping Organisation* designated by WADA, and a failure to reimburse costs and attorney's fees shall be considered an act of non-compliance.

## **7.2 Review and Notification regarding Potential Anti-Doping Rule Violations**

SIA shall carry out the review and notification with respect to any potential anti-doping rule violation in accordance with the *International Standard for Results Management* and the *NAD scheme*.

## **7.3 Identification of Prior Anti-Doping Rule Violations**

Before giving an *Athlete* or *Other Person* notice of a potential anti-doping rule violation, SIA shall refer to its own records and to ADAMS, and contact WADA and other relevant *Anti-Doping Organisations* to determine whether any prior anti-doping rule violation exists.

## **7.4 Provisional Suspensions<sup>43</sup>**

**7.4.1** *Mandatory Provisional Suspension after an Adverse Analytical Finding or Adverse Passport Finding*

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<sup>42</sup> Comment to Article 7.1.4: The International Federation may refer the matter to the *Sporting Administration Body* to conduct *Results Management* under this Anti-Doping Policy.

<sup>43</sup> Comment to Article 7.4: Before a *Provisional Suspension* can be unilaterally imposed by the *Sporting Administration Body*, the internal review specified in this Anti-Doping Policy and the *International Standard for Results Management* must first be completed.

If the *Sporting Administration Body* receives an *Adverse Analytical Finding* or an *Adverse Passport Finding* (upon completion of the *Adverse Passport Finding* review process) for a *Prohibited Substance* or a *Prohibited Method* that is not a *Specified Substance* or a *Specified Method*, it shall impose a *Provisional Suspension* on the *Athlete* promptly upon or after the review and notification required by Article 7.2 above.

A mandatory *Provisional Suspension* may be eliminated if: (i) the *Athlete* demonstrates to the *National Sports Tribunal* that the violation is likely to have involved a *Contaminated Product*, or (ii) the violation involves a *Substance of Abuse* and the *Athlete* establishes entitlement to a reduced period of *Ineligibility* under Article 10.2.4.1.

The decision of the *National Sports Tribunal* not to eliminate a mandatory *Provisional Suspension* on account of the *Athlete's* assertion regarding a *Contaminated Product* shall not be appealable.

#### **7.4.2** Optional *Provisional Suspension* Based on an *Adverse Analytical Finding* for *Specified Substances*, *Specified Methods*, *Contaminated Products*, or Other Anti-Doping Rule Violations

The *Sporting Administration Body* may impose a *Provisional Suspension* for anti-doping rule violations not covered by Article 7.4.1 prior to the analysis of the *Athlete's* B Sample or final hearing as described in Article 8.

An optional *Provisional Suspension* may be lifted at the discretion of the *Sporting Administration Body* at any time prior to the decision of the *National Sports Tribunal* under Article 8, unless provided otherwise in the *International Standard for Results Management*.

#### **7.4.3** Opportunity for a Hearing or Appeal

Notwithstanding Articles 7.4.1 and 7.4.2 above, a *Provisional Suspension* may not be imposed unless the *Athlete* or *Other Person* is given: (a) an opportunity for a *Provisional Hearing*, either before or on a timely basis after the imposition of the *Provisional Suspension*; or (b) an opportunity for an expedited hearing in accordance with Article 8 on a timely basis after the imposition of the *Provisional Suspension*.

The imposition of a *Provisional Suspension*, or the decision not to impose a *Provisional Suspension*, may be appealed in an expedited process in accordance with Article 13.2 below.

#### **7.4.4** Voluntary acceptance of *Provisional Suspension*

An *Athlete* on their own initiative may voluntarily accept a *Provisional Suspension* if he or she does so prior to the later of: (i) the expiration of ten (10) days from the report of the B *Sample* (or waiver of the B *Sample*) or ten (10) days from the notice of any other anti-doping rule violation, or (ii) the date on which the *Athlete* first competes after such report or notice.

*Other Persons* on their own initiative may voluntarily accept a *Provisional Suspension* if done so within ten (10) days from the notice of the anti-doping rule violation.

Upon such voluntary acceptance, the *Provisional Suspension* shall have the full effect and be treated in the same manner as if the *Provisional Suspension* had been imposed under Article 7.4.1 or 7.4.2; provided, however, at any time after voluntarily accepting a *Provisional Suspension*, the *Athlete* or *Other Person* may withdraw such acceptance, in which event the *Athlete* or *Other Person* shall not receive any credit for time previously served during the *Provisional Suspension*.

**7.4.5** If a *Provisional Suspension* is imposed based on an A *Sample Adverse Analytical Finding* and a subsequent B *Sample* analysis (if requested by the *Athlete* or SIA) does not confirm the A *Sample* analysis, then the *Athlete* shall not be subject to any further *Provisional Suspension* on account of a violation of Article 2.1. In circumstances where the *Athlete* or the *Athlete's* team has been removed from an *Event* based on a violation of Article 2.1 and the subsequent B *Sample* analysis does not confirm the A *Sample* finding, then, if it is still possible for the *Athlete* or team to be reinserted, without otherwise affecting the *Event*, the *Athlete* or team may continue to take part in the *Event*.

## **7.5 Results Management Decisions**

*Results Management* decisions or adjudications by SIA or the *Sporting Administration Body* must not purport to be limited to a particular geographic area and shall be consistent with the NAD scheme (where SIA is the *Results Management Authority*), the *International Standard for Results Management*, and the terms of this Anti-Doping Policy. Such decisions are to address and determine, without limitation, the following issues (as relevant to the type of decision or adjudication): whether an anti-doping rule violation was committed or asserted to have been



committed, whether a *Provisional Suspension* should be imposed, the specific Articles that have been violated or asserted to have been violated, and the factual basis for any determination. In addition, decisions and adjudications are to set out all *Consequences* flowing from the anti-doping rule violation(s), including applicable *Disqualifications* under Articles 9 and 10.10 below, any forfeiture of medals or prizes, any period of *Ineligibility* (and the date it begins to run) and any *Financial Consequences*.<sup>44</sup>

## 7.6 Notification of Results Management Decisions

SIA shall notify *Athletes*, *Other Persons*, *Signatories* and WADA of *Results Management* decisions as provided in Article 14, below and in the *International Standard for Results Management*, and any other parties in accordance with clause 4.17 of the NAD Scheme.

## 7.7 Retirement from Sport<sup>45</sup>

If an *Athlete* or *Other Person* retires while SIA (or another *Anti-Doping Organisation*) is conducting the *Results Management* process, SIA (or the other *Anti-Doping Organisation*) retains jurisdiction to complete its *Results Management* process. If an *Athlete* or *Other Person* retires before any *Results Management* process has begun, and SIA or another *Anti-Doping Organisation* would have had *Results Management* authority over the *Athlete* or *Other Person* at the time the *Athlete* or *Other Person* committed an anti-doping rule violation, SIA or the other *Anti-Doping Organisation* has authority to conduct *Results Management* in respect of that anti-doping rule violation.

## 7.8 Letter of Charge

Once the SIA CEO makes an assertion of an anti-doping rule violation in accordance with the SIA Act, NAD scheme, and the *International Standard for Results Management*, then unless otherwise agreed in writing between SIA and the *Sporting Administration Body*, SIA will:

- (a) notify the *Athlete* or *Other Person*, the *Sporting Administration Body*, the International Federation, WADA, relevant government sports agencies, and relevant *Anti-Doping Organisations* of the assertion, and

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<sup>44</sup> Comment to Article 7.5: Each decision should address whether an anti-doping rule violation was committed and all *Consequences* flowing from the violation, including any *Disqualifications* other than *Disqualification* under Article 10.1 (which is left to the ruling body for an *Event*). Pursuant to Article 15, such decision and its imposition of *Consequences* shall have automatic effect in every sport in every country. For example, for a determination that an *Athlete* committed an anti-doping rule violation based on an *Adverse Analytical Finding* for a *Sample* taken *In-Competition*, the *Athlete's* results obtained in the *Competition* would be *Disqualified* under Article 9 and all other competitive results obtained by the *Athlete* from the date the *Sample* was collected through the duration of the period of *Ineligibility* are also *Disqualified* under Article 10.10; if the *Adverse Analytical Finding* resulted from *Testing* at an *Event*, it would be the *Major Event Organisation's* responsibility to decide whether the *Athlete's* other individual results in the *Event* prior to *Sample* collection are also *Disqualified* under Article 10.1.

<sup>45</sup> Comment to Article 7.7: Conduct by an *Athlete* or *Other Person* before the *Athlete* or *Other Person* was subject to the authority of any *Anti-Doping Organisation* would not constitute an anti-doping rule violation but could be a legitimate basis for denying the *Athlete* or *Other Person* membership in a sports organisation.

- (b) issue the *Athlete* or *Other Person* with a Letter of Charge under this Article and in accordance with the *International Standard for Results Management*.

**Note:** *Athletes* and *Other Persons* are responsible for keeping their contact details up to date with the *Sporting Administration Body*. Delivery (including means of delivery listed in clause 6.01 of the *NAD scheme*) to the last known address is sufficient in circumstances where the current whereabouts of the *Person* are not known. In addition, members of the *Sporting Administration Body* should refer to Article 14.1.1.

## **7.9 Lower-Level Athletes**

- 7.9.1** In the case where the *SIA CEO* decides, under the *NAD scheme*, that a possible non-presence anti-doping rule violation (except a violation of Article 2.3 or Article 2.5) by a *Lower-Level Athlete* does not warrant action, the *SIA CEO* may give written notification to the *Sporting Administration Body* so it can consider whether disciplinary or other action should be taken against the *Lower-Level Athlete*.

The *CEO's* written notification may recommend that the *Sporting Administration Body* take certain action against the *Lower-Level Athlete*, including, but not limited to: requiring the *Lower-Level Athlete* to undertake anti-doping *Education*; taking disciplinary action against the *Lower-Level Athlete* under the *Sporting Administration Body's* disciplinary rules or policies.

## **7.10 Resolution without a Hearing**

- 7.10.1** An *Athlete* or *Other Person* against whom an anti-doping rule violation is asserted may admit that violation at any time, waive a hearing, and accept the *Consequences* that are mandated by this Anti-Doping Policy or (where some discretion as to *Consequences* exists under this Anti-Doping Policy) that have been offered by *SIA* or the *Sporting Administration Body*.

- 7.10.2** Alternatively, if the *Athlete* or *Other Person* against whom an anti-doping rule violation is asserted fails to dispute that assertion within the deadline specified in the Letter of Charge asserting the violation, then he or she shall be deemed to have admitted the violation, to have waived their right to a hearing, and to have accepted the *Consequences* that are mandated by this Anti-Doping Policy or (where some discretion as to *Consequences* exists under this Anti-Doping Policy) that have been offered by *SIA* or the *Sporting Administration Body*.

- 7.10.3** In cases where Article 7.10.1 or Article 7.10.2 applies, a hearing before a hearing panel shall not be required. Instead the *Sporting Administration Body*, in

consultation with *SIA*, shall promptly issue a written decision confirming the commission of the anti-doping rule violation(s) and the *Consequences* imposed as a result, and setting out the reasons for any period of *Ineligibility* imposed, including (if applicable) a justification for why the maximum potential period of *Ineligibility* was not imposed. The *Sporting Administration Body* shall send copies of that decision to other *Anti-Doping Organisations* with a right to appeal under Article 13.2.3, and shall *Publicly Disclose* that decision in accordance with Article 14.3.2.

# ARTICLE 8 RIGHT TO A FAIR HEARING

## 8.1 Fair Hearings

Any *Person* who is asserted to have committed an anti-doping rule violation under this Anti-Doping Policy is entitled to a hearing process. Such hearing process shall address whether an anti-doping rule violation was committed and, if so, the appropriate *Consequences*. All hearings conducted pursuant to this Article 8 will respect the following principles:

- (a) a timely hearing;
- (b) a fair, impartial and Operationally Independent hearing body;
- (c) the right to representation at the Person's own expense;
- (d) a timely, written, reasoned decision.

Subject to these principles, the hearing will be conducted in the manner that the hearing body determines is appropriate, with as little formality and technicality, and as quickly as proper consideration of the issues permit, and conducted in accordance with the *Code, International Standard for Results Management*, and (where the hearing body is the NST) the *NST Act*.

## 8.2 Event Hearings

Hearings held in connection with *Events* may be conducted by an expedited process as permitted by the rules of the relevant *Anti-Doping Organisation* and the *NST*, or other relevant hearing body recognised or approved by the *SIA* CEO.

## 8.3 Waiver of Hearing

The right to a hearing may be waived either expressly or by the *Athlete's* or *Other Person's* failure to challenge *SIA's* assertion that an anti-doping rule violation has occurred within the time period provided in the Letter of Charge issued under Article 7.8.

## 8.4 Establishment of Hearings

- 8.4.1** The Article 8 hearing body for the purposes of this Anti-Doping Policy at first instance is the *NST*. Subject to Article 13.2, any appeal from a first-instance decision will be heard initially by the Appeals Division of the *NST*. Any appeal from the Appeals Division of the *NST* will be heard by the Appeals Division of *CAS* in accordance with the provisions applicable before such court.

**8.4.2** Should a *Person* elect to have a hearing in accordance with Article 8 or Article 7.4.3, the *Person* will be responsible for filing their application for a hearing with the *NST* and paying any applicable fees.

**8.4.3** *SIA* and the *Sporting Administration Body* are both entitled to present evidence, file submissions, cross-examine witnesses and do any other thing necessary for the enforcement of this Anti-Doping Policy at any hearing under this Article. Unless otherwise agreed in writing between *SIA* and the *Sporting Administration Body*, *SIA* will take the lead in presenting the matter in any hearing.

## **8.5 Right to attend Hearings**

The International Federation, WADA and, where applicable, Sport Australia (the Australian Sports Commission), the Australian Olympic Committee, Paralympics Australia (the Australian Paralympic Committee), Commonwealth Games Australia, and relevant State Institutes of Sport/State Academies of Sport shall have the right to attend hearings as an observer or an interested or affected party.

The process for informing those relevant parties of such right to attend as an observer or interested/affected party as applicable is set out in the *NST* CEO's determination as to the practice and procedure of the *NST* in arbitration, made under section 41 of the *NST Act*, as in force from time to time.

## **8.6 NST Determination**

**8.6.1** *The NST* will determine:

- a) if the *Person* has committed a violation of this Anti-Doping Policy;
- b) if so, what *Consequences* will apply (including the start date for any period of *Ineligibility*); and
- c) any other issues such as, but not limited to, reimbursement of funding provided to the *Athlete* or *Other Person* by a sport organisation.

**8.6.2** *Consequences* will be in accordance with Article 10.

## **8.7 Public Disclosure of Hearing Outcomes**

*SIA* and the *Sporting Administration Body* shall report the outcome of all anti-doping rule violations in accordance with the *Code*, the *SIA Act* and the *NAD scheme*, and this Anti-Doping Policy, as in force from time to time.

## 8.8 Appeals and Review

Decisions by the *NST* at first instance may be appealed as provided in Article 13.

## 8.9 Use of Information arising during Hearings

If, during a hearing, a party to the hearing process implicates a third party in a potential anti-doping rule violation, then *SIA* (or any other *Anti-Doping Organisation*) may use any such information that arises as a result of that hearing process without having to first seek the permission of the relevant hearing body or the parties. In the case of *CAS*, this clause overrides R43 and R59 of the *CAS Code of Sports-related Arbitration* to the extent of any inconsistency. In the case of the *NST*, this clause operates subject to any relevant confidentiality direction made by an *NST* member.<sup>46</sup>

## 8.10 Single Hearing Before CAS

Anti-doping rule violations asserted against *International-Level Athletes*, *National-Level Athletes* or *Other Persons* may, with the consent of the *Athlete* or *Other Person*, *SIA* (where it has *Results Management* responsibility in accordance with Article 7), the *Sporting Administration Body* and *WADA*, be heard in a single hearing directly at *CAS*.<sup>47</sup>

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<sup>46</sup> Comment to Article 8.9: Section 41 of the *National Sports Tribunal (Practice and Procedure) Determination 2020* provides for an *NST* member to give directions for the confidentiality of information before the *NST*.

<sup>47</sup> Comment to Article 8.10: In some cases, the combined cost of holding a hearing in the first instance at the international or national level, then rehearing the case *de novo* before *CAS* can be very substantial. Where all of the parties identified in this Article are satisfied that their interests will be adequately protected in a single hearing, there is no need for the *Athlete* or *Anti-Doping Organisations* to incur the extra expense of two (2) hearings. An *Anti-Doping Organisation* may participate in the *CAS* hearing as an observer. Nothing set out in Article 8.4 precludes the *Athlete* or *Other Person* and *SIA* (where it has *Results Management* responsibility) and the *Sporting Administration Body* to waive their right to appeal by agreement. Such waiver, however, only binds the parties to such agreement and not any other entity with a right of appeal under the *Code*.



## **ARTICLE 9     AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS<sup>48</sup>**

An anti-doping rule violation in *Individual Sports* in connection with an *In-Competition* test automatically leads to *Disqualification* of the result obtained in that *Competition* with all resulting *Consequences*, including forfeiture of any medals, points and prizes.

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<sup>48</sup> Comment to Article 9: For *Team Sports*, any awards received by individual players will be *Disqualified*. However, *Disqualification* of the team will be as provided in Article 11. In sports which are not *Team Sports* but where awards are given to teams, *Disqualification* or other disciplinary action against the team when one or more team members have committed an anti-doping rule violation shall be as provided in the applicable rules of the International Federation.

## ARTICLE 10 SANCTIONS ON INDIVIDUALS<sup>49</sup>

### 10.1 Disqualification of Results in the *Event* during which an Anti-Doping Rule Violation occurs<sup>50</sup>

An anti-doping rule violation occurring during or in connection with an *Event* may, upon the decision of the ruling body of the *Event*, lead to *Disqualification* of all of the *Athlete's* individual results obtained in that *Event* with all *Consequences*, including forfeiture of all medals, points and prizes, except as provided in Article 10.1.1.

Factors to be included in considering whether to *Disqualify* other results in an *Event* might include, for example, the seriousness of the *Athlete's* anti-doping rule violation and whether the *Athlete* tested negative in the other *Competitions*.

**10.1.1** If the *Athlete* establishes that he or she bears *No Fault or Negligence* for the violation, the *Athlete's* individual results in the other *Competitions* shall not be *Disqualified*, unless the *Athlete's* results in *Competitions* other than the *Competition* in which the anti-doping rule violation occurred were likely to have been affected by the *Athlete's* anti-doping rule violation.

### 10.2 *Ineligibility for Presence, Use or Attempted Use, or Possession of a Prohibited Substance or Prohibited Method*

The period of *Ineligibility* for a violation of Articles 2.1, 2.2 or 2.6 shall be as follows, subject to potential elimination, reduction or suspension pursuant to Article 10.5, 10.6 or 10.7:

**10.2.1** The period of *Ineligibility*, subject to Article 10.2.4, shall be four years where:

**10.2.1.1** The anti-doping rule violation does not involve a *Specified Substance* or a *Specified Method*, unless the *Athlete* or *Other*

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<sup>49</sup> Comment to Article 10: Harmonisation of sanctions has been one of the most discussed and debated areas of anti-doping. Harmonisation means that the same rules and criteria are applied to assess the unique facts of each case. Arguments against requiring harmonisation of sanctions are based on differences between sports including, for example, the following: in some sports the *Athletes* are professionals making a sizable income from the sport and in others the *Athletes* are true amateurs; in those sports where an *Athlete's* career is short, a standard period of *Ineligibility* has a much more significant effect on the *Athlete* than in sports where careers are traditionally much longer. A primary argument in favour of harmonisation is that it is simply not right that two *Athletes* from the same country who test positive for the same *Prohibited Substance* under similar circumstances should receive different sanctions only because they participate in different sports. In addition, flexibility in sanctioning has often been viewed as an unacceptable opportunity for some sporting organisations to be more lenient with dopers. The lack of harmonisation of sanctions has also frequently been the source of jurisdictional conflicts between International Federations and *National Anti-Doping Organisations*.

<sup>50</sup> Comment to Article 10.1: Whereas Article 9 *Disqualifies* the result in a single *Competition* in which the *Athlete* tested positive (for example the 100 metre backstroke), this Article may lead to *Disqualification* of all results in all races during the *Event* (for example the FINA World Championships).

Person can establish that the anti-doping rule violation was not intentional.<sup>51</sup>

**10.2.1.2** The anti-doping rule violation involves a *Specified Substance* or a *Specified Method* and SIA can establish that the anti-doping rule violation was intentional.

**10.2.2** If Article 10.2.1 does not apply, subject to Article 10.2.4.1, the period of *Ineligibility* shall be two (2) years.

**10.2.3** As used in Article 10.2, the term 'intentional' is meant to identify those *Athletes* or *Other Persons* who engage in conduct which they knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk.<sup>52</sup> An anti-doping rule violation resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* shall be rebuttably presumed to be not 'intentional' if the substance is a *Specified Substance* and the *Athlete* can establish that the *Prohibited Substance* was *Used Out-of-Competition*. An anti-doping rule violation resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* shall not be considered 'intentional' if the substance is not a *Specified Substance* and the *Athlete* can establish that the *Prohibited Substance* was *Used Out-of-Competition* in a context unrelated to sport performance.

**10.2.4** Notwithstanding any other provision in Article 10.2, where the anti-doping rule violation involves a *Substance of Abuse*:

**10.2.4.1** If the *Athlete* can establish that any ingestion or *Use* occurred *Out-of-Competition* and was unrelated to sport performance, then the period of *Ineligibility* shall be three (3) months *Ineligibility*.

In addition, the period of *Ineligibility* calculated under this Article 10.2.4.1 may be reduced to one (1) month if the *Athlete* or *Other Person* satisfactorily completes a *Substance of Abuse* treatment program approved by SIA. The period of *Ineligibility*

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<sup>51</sup> Comment to Article 10.2.1.1: While it is theoretically possible for an *Athlete* or *Other Person* to establish that the anti-doping rule violation was not intentional without showing how the *Prohibited Substance* entered one's system, it is highly unlikely that in a doping case under Article 2.1 an *Athlete* will be successful in proving that the *Athlete* acted unintentionally without establishing the source of the *Prohibited Substance*.

<sup>52</sup> Comment to Article 10.2.3: Article 10.2.3 provides a special definition of "intentional" which is to be applied solely for purposes of Article 10.2.

established in this Article 10.2.4.1 is not subject to any reduction based on any provision in Article 10.6.<sup>53</sup>

**10.2.4.2** If the ingestion, *Use* or *Possession* occurred *In-Competition*, and the *Athlete* can establish that the context of the ingestion, *Use* or *Possession* was unrelated to sport performance, then the ingestion, *Use* or *Possession* shall not be considered intentional for purposes of Article 10.2.1 and shall not provide a basis for a finding of *Aggravating Circumstances* under Article 10.4.

### **10.3 Ineligibility for Other Anti-Doping Rule Violations**

The period of *Ineligibility* for anti-doping rule violations other than as provided in Article 10.2 shall be as follows, unless Articles 10.6 or 10.7 are applicable:

**10.3.1** For violations of Article 2.3 or Article 2.5, the period of *Ineligibility* shall be four (4) years except: (i) in the case of failing to submit to *Sample* collection, if the *Athlete* can establish that the commission of the anti-doping rule violation was not intentional, in which case the period of *Ineligibility* shall be two (2) years; (ii) in all other cases, if the *Athlete* or *Other Person* can establish exceptional circumstances that justify a reduction of the period of *Ineligibility*, the period of *Ineligibility* shall be in a range from two (2) years to four (4) years depending on the *Athlete* or *Other Person's* degree of *Fault*; or (iii) in a case involving a *Protected Person* or *Recreational Athlete*, the period of *Ineligibility* shall be in a range between a maximum of two (2) years and, at a minimum, a reprimand and no period of *Ineligibility*, depending on the *Protected Person* or *Recreational Athlete's* degree of *Fault*.

**10.3.2** For violations of Article 2.4, the period of *Ineligibility* shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on the *Athlete's* degree of *Fault*. The flexibility between two (2) years and one (1) year of *Ineligibility* in this Article is not available to *Athletes* where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the *Athlete* was trying to avoid being available for *Testing*.

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<sup>53</sup> Comment to Article 10.2.4.1: The determinations as to whether the treatment program is approved and whether the *Athlete* or *Other Person* has satisfactorily completed the program shall be made in the sole discretion of SIA. This Article is intended to give SIA the leeway to apply their own judgment to identify and approve legitimate and reputable, as opposed to "sham", treatment programs. It is anticipated, however, that the characteristics of legitimate treatment programs may vary widely and change over time such that it would not be practical for WADA to develop mandatory criteria for acceptable treatment programs.

**10.3.3** For violations of Article 2.7 or 2.8, the period of *Ineligibility* shall be a minimum of four (4) years up to lifetime *Ineligibility*, depending on the seriousness of the violation. An Article 2.7 or Article 2.8 violation involving a *Protected Person* shall be considered a particularly serious violation and, if committed by *Athlete Support Personnel* for violations other than for *Specified Substances*, shall result in lifetime *Ineligibility* for *Athlete Support Personnel*. In addition, significant violations of Article 2.7 or 2.8 which may also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.<sup>54</sup>

**10.3.4** For violations of Article 2.9, the period of *Ineligibility* imposed shall be a minimum of two (2) years, up to lifetime *Ineligibility*, depending on the seriousness of the violation.

**10.3.5** For violations of Article 2.10, the period of *Ineligibility* shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on the *Athlete* or *Other Person's* degree of *Fault* and other circumstances of the case.<sup>55</sup>

**10.3.6** For violations of Article 2.11, the period of *Ineligibility* shall be a minimum of two (2) years, up to lifetime *Ineligibility*, depending on the seriousness of the violation by the *Athlete* or *Other Person*.<sup>56</sup>

#### **10.4 Aggravating Circumstances which may increase the Period of *Ineligibility***

If SIA establishes in an individual case involving an anti-doping rule violation other than violations under Article 2.7 (*Trafficking* or *Attempted Trafficking*), 2.8 (*Administration* or *Attempted Administration*), 2.9 (*Complicity* or *Attempted Complicity*) or 2.11 (*Acts by an Athlete* or *Other Person* to *Discourage* or *Retaliate Against Reporting*) that *Aggravating Circumstances* are present which justify the imposition of a period of *Ineligibility* greater than the standard sanction, then the period of *Ineligibility* otherwise applicable shall be increased by an additional period of *Ineligibility* of up to two (2) years depending on the seriousness of the violation and the nature of the

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<sup>54</sup> Comment to Article 10.3.3: Those who are involved in doping *Athletes* or covering up doping should be subject to sanctions which are more severe than the *Athletes* who test positive. Since the authority of sport organisations is generally limited to *Ineligibility* for accreditation, membership and other sport benefits, reporting *Athlete Support Personnel* to competent authorities is an important step in the deterrence of doping.

<sup>55</sup> Comment to Article 10.3.5: Where the '*Other Person*' referenced in Article 2.10 is an entity and not an individual, that entity may be disciplined as provided in Article 12.

<sup>56</sup> Comment to Article 10.3.6: Conduct that is found to violate both Article 2.5 (*Tampering*) and Article 2.11 (*Acts by an Athlete* or *Other Person* to *Discourage* or *Retaliate against Reporting to Authorities*) shall be sanctioned based on the violation that carries the more severe sanction.

*Aggravating Circumstances*, unless the *Athlete* or *Other Person* can establish that he or she did not knowingly commit the anti-doping rule violation.<sup>57</sup>

## **10.5 Elimination of the Period of *Ineligibility* where there is *No Fault or Negligence***<sup>58</sup>

If an *Athlete* or *Other Person* establishes in an individual case that he or she bears *No Fault or Negligence*, then the otherwise applicable period of *Ineligibility* shall be eliminated.

## **10.6 Reduction of the Period of *Ineligibility* based on *No Significant Fault or Negligence***

### **10.6.1 Reduction of Sanctions in Particular Circumstances for Violations of Article 2.1, 2.2 or 2.6.**

All reductions under Article 10.6.1 are mutually exclusive and not cumulative.

#### **10.6.1.1 *Specified Substances or Specified Methods***

Where the anti-doping rule violation involves a *Specified Substance* (other than a *Substance of Abuse*), or *Specified Method*, and the *Athlete* or *Other Person* can establish *No Significant Fault or Negligence*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility* and, at a maximum, two (2) years *Ineligibility*, depending on the *Athlete's* or *Other Person's* degree of *Fault*.

#### **10.6.1.2 *Contaminated Products***

In cases where the *Athlete* or *Other Person* can establish both *No Significant Fault or Negligence* and that the detected *Prohibited Substance* (other than a *Substance of Abuse*) came from a

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<sup>57</sup> Comment to Article 10.4: Violations under Articles 2.7 (*Trafficking or Attempted Trafficking*), 2.8 (*Administration or Attempted Administration*), 2.9 (*Complicity or Attempted Complicity*) and 2.11 (*Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting to Authorities*) are not included in the application of Article 10.4 because the sanctions for these violations already build in sufficient discretion up to a lifetime ban to allow consideration of any *Aggravating Circumstance*.

<sup>58</sup> Comment to Article 10.5: This Article and Article 10.6.2 apply only to the imposition of sanctions; they are not applicable to the determination of whether an anti-doping rule violation has occurred. They will only apply in exceptional circumstances, for example where an *Athlete* could prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, *No Fault or Negligence* would not apply in the following circumstances: (a) a positive test resulting from a mislabelled or contaminated vitamin or nutritional supplement (*Athletes* are responsible for what they ingest (Article 2.1.) and have been warned against the possibility of supplement contamination); (b) the *Administration* of a *Prohibited Substance* by the *Athlete's* Personal physician or trainer without disclosure to the *Athlete* (*Athletes* are responsible for their choice of medical Personnel and for advising medical Personnel that they cannot be given any *Prohibited Substance*); and (c) sabotage of the *Athlete's* food or drink by a spouse, coach or *Other Person* within the *Athlete's* circle of associates (*Athletes* are responsible for what they ingest and for the conduct of those *Persons* to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction under Article 10.6 based on *No Significant Fault or Negligence*.



*Contaminated Product*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two (2) years *Ineligibility*, depending on the *Athlete's* or *Other Person's* degree of *Fault*.<sup>59</sup>

### 10.6.1.3 *Protected Persons or Recreational Athletes*

Where the anti-doping rule violation not involving a *Substance of Abuse* is committed by a *Protected Person or Recreational Athlete*, and the *Protected Person or Recreational Athlete* can establish *No Significant Fault or Negligence*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two (2) years *Ineligibility*, depending on the *Protected Person or Recreational Athlete's* degree of *Fault*.

## 10.6.2 Application of *No Significant Fault or Negligence* beyond the application of Article 10.6.1

If an *Athlete* or *Other Person* establishes in an individual case where Article 10.6.1 is not applicable that he or she bears *No Significant Fault or Negligence*, then, subject to further reduction or elimination as provided in Article 10.7, the otherwise applicable period of *Ineligibility* may be reduced based on the *Athlete* or *Other Person's* degree of *Fault*, but the reduced period of *Ineligibility* may not be less than one-half of the period of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this Article may be no less than eight (8) years.<sup>60</sup>

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<sup>59</sup> Comment to Article 10.6.1.2: In order to receive the benefit of this Article, the *Athlete* or *Other Person* must establish not only that the detected *Prohibited Substance* came from a *Contaminated Product*, but must also separately establish *No Significant Fault or Negligence*. It should be further noted that *Athletes* are on notice that they take nutritional supplements at their own risk. The sanction reduction based on *No Significant Fault or Negligence* has rarely been applied in *Contaminated Product* cases unless the *Athlete* has exercised a high level of caution before taking the *Contaminated Product*. In assessing whether the *Athlete* can establish the source of the *Prohibited Substance*, it would, for example, be significant for purposes of establishing whether the *Athlete* actually *Used* the *Contaminated Product*, whether the *Athlete* had declared the product which was subsequently determined to be contaminated on the *Doping Control* form. This Article should not be extended beyond products that have gone through some process of manufacturing. Where an *Adverse Analytical Finding* results from environment contamination of a "non-product" such as tap water or lake water in circumstances where no reasonable person would expect any risk of an anti-doping rule violation, typically there would be *No Fault or Negligence* under Article 10.5.

<sup>60</sup> Comment to Article 10.6.2: Article 10.6.2 may be applied to any anti-doping rule violation except those Articles where intent is an element of the anti-doping rule violation (for example Article 2.5, 2.7, 2.8 or 2.9 or 2.11) or an element of a particular sanction (for example Article 10.2.1) or a range of *Ineligibility* is already provided in an Article based on the *Athlete* or *Other Person's* degree of *Fault*.

## 10.7 Elimination, Reduction, or Suspension of Period of *Ineligibility* or Other Consequences for Reasons other than *Fault*

### 10.7.1 *Substantial Assistance* in discovering or establishing Code violations.<sup>61</sup>

**10.7.1.1** An *Anti-Doping Organisation* with *Results Management* responsibility for an anti-doping rule violation may, prior to an appellate decision under Article 13 below or the expiration of the time to appeal, suspend a part of the *Consequences* (other than *Disqualification* and mandatory *Public Disclosure*) imposed in an individual case where the *Athlete* or *Other Person* has provided *Substantial Assistance* to an *Anti-Doping Organisation*, criminal authority or professional disciplinary body which results in:

(i) the *Anti-Doping Organisation* discovering or bringing forward an anti-doping rule violation by another *Person*; or

(ii) which results in a criminal or disciplinary body discovering or bringing forward a criminal offence or the breach of professional rules committed by another *Person* and the information provided by the *Person* providing *Substantial Assistance* is made available to the *Anti-Doping Organisation* with *Results Management* responsibility; or

(iii) which results in WADA initiating a proceeding against a Signatory, WADA-accredited laboratory or *Athlete* passport management unit (as defined in the *International Standard for Laboratories*) for non-compliance with the *Code*, *International Standard* or *Technical Document*; or

(iv) with the approval by WADA, which results in a criminal or disciplinary body bringing forward a criminal offence or the breach of professional or sport rules arising out of a sport integrity violation other than doping.

After an appellate decision under Article 13 or the expiration of time to appeal, an *Anti-Doping Organisation* may only suspend a

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<sup>61</sup> Comment to Article 10.7.1: The cooperation of *Athletes*, *Athlete Support Personnel* or *Other Persons* who acknowledge their mistakes and are willing to bring other anti-doping rule violations to light is important to clean sport. This is the only circumstance under the *Code* where the suspension of an otherwise applicable period of *Ineligibility* is authorised.

part of the otherwise applicable *Consequences* with the approval of WADA and the International Federation.

The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the *Athlete* or *Other Person* and the significance of the *Substantial Assistance* provided by the *Athlete* or *Other Person* to the effort to eliminate doping in sport, non-compliance with the *Code*, and/or sport integrity violations. No more than three-quarters of the otherwise applicable period of *Ineligibility* may be suspended. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this Article must be no less than eight (8) years. For purposes of this paragraph, the otherwise applicable period of *Ineligibility* shall not include any period of *Ineligibility* that could be added under Article 10.9.3.2.

If so requested by an *Athlete* or *Other Person* who seeks to provide *Substantial Assistance*, the *Anti-Doping Organisation* with *Results Management* responsibility shall allow the *Athlete* or *Other Person* to provide the information to the *Anti-Doping Organisation* subject to a *Without Prejudice Agreement*.

If the *Athlete* or *Other Person* fails to continue to cooperate and to provide the complete and credible *Substantial Assistance* upon which a suspension of the period of *Consequences* was based, the *Anti-Doping Organisation* that suspended *Consequences* shall reinstate the original *Consequences*. If an *Anti-Doping Organisation* decides to reinstate suspended *Consequences* or decides not to reinstate suspended *Consequences*, that decision may be appealed by any *Person* entitled to appeal under Article 13.

**10.7.1.2** To further encourage *Athletes* and *Other Persons* to provide *Substantial Assistance* to *Anti-Doping Organisations*, at the request of the *Anti-Doping Organisation* conducting *Results Management* or at the request of the *Athlete* or *Other Person* who has, or has been asserted to have, committed an anti-doping rule violation, or other violation of the *Code*, WADA may agree at any

stage of the *Results Management* process, including after an appellate decision under Article 13, to what it considers to be an appropriate suspension of the otherwise-applicable period of *Ineligibility* and other *Consequences*. In exceptional circumstances, WADA may agree to suspensions of the period of *Ineligibility* and other *Consequences* for *Substantial Assistance* greater than those otherwise provided in this Article, or even no period of *Ineligibility*, no mandatory *Public Disclosure* and/or no return of prize money or payment of fines or costs. WADA's approval shall be subject to reinstatement of *Consequences*, as otherwise provided in this Article. Notwithstanding Article 13, WADA's decisions in the context of this Article 10.7.1.2 may not be appealed.

**10.7.1.3** If an *Anti-Doping Organisation* suspends any part of an otherwise applicable sanction because of *Substantial Assistance*, then notice providing justification for the decision shall be provided to the other *Anti-Doping Organisations* with a right to appeal under Article 13.2.3 as provided in Article 14. In unique circumstances where WADA determines that it would be in the best interest of anti-doping, WADA may authorise an *Anti-Doping Organisation* to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the *Substantial Assistance* agreement or the nature of *Substantial Assistance* being provided.

#### **10.7.2 Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence**

Where an *Athlete* or *Other Person* voluntarily admits the commission of an anti-doping rule violation before having received notice of a *Sample* collection which could establish an anti-doping rule violation (or, in the case of an anti-doping rule violation other than Article 2.1, before receiving first notice of the admitted violation pursuant to Article 7) and that admission is the only reliable evidence of the violation at the time of admission, then the period of *Ineligibility* may be reduced, but not below one-half of the period of *Ineligibility* otherwise applicable.<sup>62</sup>

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<sup>62</sup> Comment to Article 10.7.2: This Article is intended to apply when an *Athlete* or *Other Person* comes forward and admits to an anti-doping rule violation in circumstances where no *Anti-Doping Organisation* is aware that an anti-doping rule violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the *Athlete* or *Other Person* believes he or

### **10.7.3 Application of Multiple Grounds for Reduction of a Sanction**

Where an *Athlete* or *Other Person* establishes entitlement to reduction in sanction under more than one provision of Article 10.5, 10.6 or 10.7, before applying any reduction or suspension under Article 10.7, the otherwise applicable period of *Ineligibility* shall be determined in accordance with Articles 10.2, 10.3, 10.5, and 10.6. If the *Athlete* or *Other Person* establishes an entitlement to a reduction or suspension of the period of *Ineligibility* under Article 10.7, then the period of *Ineligibility* may be reduced or suspended, but not to below one-fourth of the otherwise applicable period of *Ineligibility*.

### **10.7.4 Lower-Level Athletes**

Where a *Lower-Level Athlete* commits an anti-doping rule violation (other than a violation of Articles 2.1, 2.3 and 2.5), the SIA CEO may, depending on the *Lower-Level Athlete's* degree of *Fault* and other circumstances of the case, recommend a sanction ranging from a reprimand and compulsory anti-doping education, through to the maximum period of ineligibility that may be imposed for the violation.

Where a *Lower-Level Athlete* commits a violation of one or more of Articles 2.1, 2.3 and 2.5, this anti-doping policy applies in the same way as it does to a *National-Level Athlete* or an *International-Level Athlete* who commits one of those violations.

## **10.8 Results Management Agreements**

### **10.8.1 One-Year Reduction for Certain Anti-Doping Rule Violations Based On Early Admission and Acceptance of Sanction**

Where an *Athlete* or *Other Person*, after being notified by SIA or the *Sporting Administration Body* of a potential anti-doping rule violation that carries an asserted period of *Ineligibility* of four (4) or more years (including any period of *Ineligibility* asserted under Article 10.4), admits the violation and accepts the asserted period of *Ineligibility* no later than twenty (20) days after receiving notice of an anti-doping rule violation charge, the *Athlete* or *Other Person* may receive a one-year reduction in the period of *Ineligibility* asserted by SIA or the

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she is about to be caught. The amount by which *Ineligibility* is reduced should be based on the likelihood that the *Athlete* or *Other Person* would have been caught had he or she not come forward voluntarily.

*Sporting Administration Body*. Where the *Athlete* or *Other Person* receives the one-year reduction in the asserted period of *Ineligibility* under this Article 10.8.1, no further reduction in the asserted period of *Ineligibility* shall be allowed under any other Article.<sup>63</sup>

#### **10.8.2 Case Resolution Agreement**

Where the *Athlete* or *Other Person* admits an anti-doping rule violation after being confronted with the anti-doping rule violation by *SIA* and agrees to *Consequences* acceptable to *SIA*, the *Sporting Administration Body* and *WADA*, at their sole discretion, then: (a) the *Athlete* or *Other Person* may receive a reduction in the period of *Ineligibility* based on an assessment by *SIA*, the *Sporting Administration Body* and *WADA* of the application of Articles 10.1 through 10.7 to the asserted anti-doping rule violation, the seriousness of the violation, the *Athlete* or *Other Person's* degree of *Fault* and how promptly the *Athlete* or *Other Person* admitted the violation; and (b) the period of *Ineligibility* may start as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred.

In each case, however, where this Article is applied, the *Athlete* or *Other Person* shall serve at least one-half of the agreed-upon period of *Ineligibility* going forward from the earlier of the date the *Athlete* or *Other Person* accepted the imposition of a sanction or a *Provisional Suspension* which was subsequently respected by the *Athlete* or *Other Person*. The decision by *WADA*, *SIA* and the *Sporting Administration Body* to enter or not enter into a case resolution agreement, and the amount of the reduction to and the starting date of the period of *Ineligibility* are not matters for determination or review by a hearing body and are not subject to appeal under Article 13.

If so requested by an *Athlete* or *Other Person* who seeks to enter into a case resolution agreement under this Article, *SIA* and the *Sporting Administration Body* shall allow the *Athlete* or *Other Person* to discuss an admission of the anti-doping rule violation with it subject to a *Without Prejudice Agreement*.<sup>64</sup>

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<sup>63</sup> Comment to Article 10.8.1: For example, if *SIA* or the *Sporting Administration Body* alleges that an *Athlete* has violated Article 2.1 for *Use* of an anabolic steroid and asserts the applicable period of *Ineligibility* is four (4) years, then the *Athlete* may unilaterally reduce the period of *Ineligibility* to three (3) years by admitting the violation and accepting the three-year period of *Ineligibility* within the time specified in this Article, with no further reduction allowed. This resolves the case without any need for a hearing.

<sup>64</sup> Comment to Article 10.8.2: Any mitigating or aggravating factors set forth in this Article 10 shall be considered in arriving at the *Consequences* set forth in the case resolution agreement, and shall not be applicable beyond the terms of that agreement.



## 10.9 Multiple Violations

### 10.9.1 Second or Third Anti-Doping Rule Violation

**10.9.1.1** For an *Athlete* or *Other Person's* second anti-doping rule violation, the period of *Ineligibility* shall be the greater of:

- (a) A six month period of *Ineligibility*; or
- (b) A period of *Ineligibility* in the range between:
  - (i) the sum of the period of *Ineligibility* imposed for the first anti-doping rule violation plus the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, and
  - (ii) twice the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation.

The period of *Ineligibility* within this range shall be determined based on the entirety of the circumstances and the *Athlete* or *Other Person's* degree of *Fault* with respect to the second violation.

**10.9.1.2** A third anti-doping rule violation will always result in a lifetime period of *Ineligibility*, except if the third violation fulfils the condition for elimination or reduction of the period of *Ineligibility* under Article 10.4 or 10.5, or involves a violation of Article 2.4. In these particular cases, the period of *Ineligibility* shall be from eight years to lifetime *Ineligibility*.

**10.9.1.3** The period of *Ineligibility* established in Articles 10.9.1.1 and 10.9.1.2 may then be further reduced by the application of Article 10.7.

**10.9.2** An anti-doping rule violation for which an *Athlete* or *Other Person* has established *No Fault or Negligence* shall not be considered a violation for purposes of Article 10.9. In addition, an anti-doping rule violation sanctioned under Article 10.2.4.1 shall not be considered a violation for purposes of Article 10.9.

### 10.9.3 Additional rules for Certain Potential Multiple Violations

**10.9.3.1** For purposes of imposing sanctions under Article 10.9, except as provided in Articles 10.9.3.2 and 10.9.3.3, an anti-doping rule violation will only be considered a second violation if the *Anti-Doping Organisation* can establish that the *Athlete or Other Person* committed the additional anti-doping rule violation after the *Athlete or Other Person* received notice pursuant to Article 7, or after the *Anti-Doping Organisation* made reasonable efforts to give notice of the first anti-doping rule violation. If the *Anti-Doping Organisation* cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction, including the application of *Aggravating Circumstances*. Results in all *Competitions* dating back to the earlier anti-doping rule violation will be *Disqualified* as provided in Article 10.10.<sup>65</sup>

**10.9.3.2** If the *Anti-Doping Organisation* establishes that an *Athlete or Other Person* committed an additional anti-doping rule violation prior to notification, and that the additional violation occurred twelve (12) months or more before or after the first-noticed violation, then the period of *Ineligibility* for the additional violation shall be calculated as if the additional violation were a stand-alone first violation and this period of *Ineligibility* is served consecutively, rather than concurrently, with the period of *Ineligibility* imposed for the earlier-noticed violation. Where this Article 10.9.3.2 applies, the violations taken together shall constitute a single violation for purposes of Article 10.9.1.

**10.9.3.3** If the *Anti-Doping Organisation* establishes that an *Athlete or Other Person* committed a violation of Article 2.5 in connection with the *Doping Control* process for an underlying asserted anti-doping rule violation, the violation of Article 2.5 shall be treated as

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<sup>65</sup> Comment to Article 10.9.3.1: The same rule applies where, after the imposition of a sanction, the *Anti-Doping Organisation* discovers facts involving an anti-doping rule violation that occurred prior to notification for a first anti-doping rule violation – e.g., the *Anti-Doping Organisation* shall impose a sanction based on the sanction that could have been imposed if the two (2) violations had been adjudicated at the same time, including the application of *Aggravating Circumstances*.

a stand-alone first violation and the period of *Ineligibility* for such violation shall be served consecutively, rather than concurrently, with the period of *Ineligibility*, if any, imposed for the underlying anti-doping rule violation. Where this Article 10.9.3.3 is applied, the violations taken together shall constitute a single violation for purposes of Article 10.9.1.

**10.9.3.4** If the *Anti-Doping Organisation* establishes that an *Athlete* or *Other Person* has committed a second or third anti-doping rule violation during a period of *Ineligibility*, the periods of *Ineligibility* for the multiple violations shall run consecutively, rather than concurrently.

#### **10.9.4** Multiple Anti-Doping Rule Violations during Ten-Year period

For purposes of Article 10.9, each anti-doping rule violation must take place within the same ten-year period in order to be considered multiple violations.

### **10.10 Disqualification of Results in Competitions subsequent to Sample Collection or Commission of an Anti-Doping Rule Violation**

In addition to the automatic *Disqualification* of the results in the *Competition* which produced the positive *Sample* under Article 9, all other competitive results of the *Athlete* obtained from the date a positive *Sample* was collected (whether *In-Competition* or *Out-of-Competition*), or other anti-doping rule violation occurred, through the commencement of any *Provisional Suspension* or *Ineligibility* period, shall, unless fairness requires otherwise, be *Disqualified* with all of the resulting *Consequences*, including forfeiture of any medals, points and prizes.<sup>66</sup>

### **10.11 Forfeited Prize Money**

If the *Sporting Administration Body* recovers prize money forfeited as a result of an anti-doping rule violation, it shall take reasonable measures to allocate and distribute this prize money to the *Athletes* who would have been entitled to it had the forfeiting *Athlete* not competed.<sup>67</sup>

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<sup>66</sup> Comment to Article 10.10: Nothing in this Anti-Doping Policy precludes clean *Athletes* or *Other Persons* who have been damaged by the actions of a *Person* who has committed an anti-doping rule violation from pursuing any right which they would otherwise have to seek damages from such *Person*.

<sup>67</sup> Comment to Article 10.11: This Article is not intended to impose an affirmative duty on an *Anti-Doping Organisation* to take any action to collect forfeited prize money. If the *Anti-Doping Organisation* elects not to take any action to collect forfeited prize money, it may assign its right to recover such money to the *Athlete(s)* who should have otherwise received the money. "Reasonable measures to allocate and distribute this prize money" could include using collected forfeited prize money as agreed upon by the *Anti-Doping Organisation* and its *Athletes*.

## 10.12 Financial Consequences

The imposition of a financial sanction (such as the recovery of funding by a sport organisation) shall not be considered a basis for reducing the *Ineligibility* or other sanction which would otherwise be applicable under this Anti-Doping Policy or the *Code*.

## 10.13 Commencement of *Ineligibility* Period

Where an *Athlete* is already serving a period of *Ineligibility* for an anti-doping rule violation, any new period of *Ineligibility* shall commence on the first day after the current period of *Ineligibility* has been served. Otherwise, except as provided below, the period of *Ineligibility* shall start on the date of the final hearing decision providing for *Ineligibility* or, if the hearing is waived or there is no hearing, on the date *Ineligibility* is accepted or otherwise imposed.

### 10.13.1 Delays Not Attributable to the *Athlete* or *Other Person*

Where there have been substantial delays in the hearing process or other aspects of *Doping Control* and the *Athlete* or *Other Person* can establish that such delays are not attributable to the *Athlete* or *Other Person*, the body imposing the sanction may start the period of *Ineligibility* at an earlier date commencing as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. All competitive results achieved during the period of *Ineligibility*, including retroactive *Ineligibility*, shall be *Disqualified*.<sup>68</sup>

### 10.13.2 Credit for *Provisional Suspension* or Period of *Ineligibility* Served

**10.13.2.1** If a *Provisional Suspension* is respected by the *Athlete* or *Other Person*, then the *Athlete* or *Other Person* shall receive a credit for such period of *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. If the *Athlete* or *Other Person* does not respect a *Provisional Suspension*, then the *Athlete* or *Other Person* shall receive no credit for any period of *Provisional Suspension* served. If a period of *Ineligibility* is served pursuant to a decision that is subsequently appealed, then the *Athlete* or *Other Person* shall receive a credit for

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<sup>68</sup> Comment to Article 10.13.1: In cases of anti-doping rule violations other than under Article 2.1, the time required for SIA (or another *Anti-Doping Organisation*) to discover and develop facts sufficient to establish an anti-doping rule violation may be lengthy, particularly where the *Athlete* or *Other Person* has taken affirmative action to avoid detection. In these circumstances, the flexibility provided in this Article to start the sanction at an earlier date should not be used.

such period of *Ineligibility* served against any period of *Ineligibility* which may ultimately be imposed on appeal.

**10.13.2.2** If an *Athlete* or *Other Person* voluntarily accepts a *Provisional Suspension* in writing from the *Sporting Administration Body* and thereafter respects the *Provisional Suspension*, the *Athlete* or *Other Person* shall receive a credit for such period of voluntary *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. A copy of the *Athlete* or *Other Person's* voluntary acceptance of a *Provisional Suspension* shall be provided promptly to each party entitled to receive notice of an asserted anti-doping rule violation under Article 14.1.<sup>69</sup>

**10.13.2.3** No credit against a period of *Ineligibility* shall be given for any time period before the effective date of the *Provisional Suspension* or voluntary *Provisional Suspension* regardless of whether the *Athlete* elected not to compete or was suspended by his or her team.

**10.13.2.4** In *Team Sports*, where a period of *Ineligibility* is imposed upon a team, unless fairness requires otherwise, the period of *Ineligibility* shall start on the date of the final hearing decision providing for *Ineligibility* or, if the hearing is waived, on the date *Ineligibility* is accepted or otherwise imposed. Any period of team *Provisional Suspension* (whether imposed or voluntarily accepted) shall be credited against the total period of *Ineligibility* to be served.

## **10.14 Status during *Ineligibility* or *Provisional Suspension***

**10.14.1** Prohibition against Participation during *Ineligibility* or *Provisional Suspension*

No *Athlete* or *Other Person* who has been declared *Ineligible* or is subject to a *Provisional Suspension* may, during a period of *Ineligibility* or

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<sup>69</sup> Comment to Article 10.13.2.2: An *Athlete's* voluntary acceptance of a *Provisional Suspension* is not an admission by the *Athlete* and shall not be used in any way as to draw an adverse inference against the *Athlete*.

*Provisional Suspension*, participate in any capacity in a *Competition* or activity (other than authorised anti-doping *Education* or rehabilitation programs) authorised or organised by any *Signatory*, *Signatory's* member organisation, or a club or other member organisation of a *Signatory's* member organisation, or in *Competitions* authorised or organised by any professional league or any international- or national-level *Event* organisation or any elite or national-level sporting activity funded by a governmental agency.

An *Athlete* or *Other Person* subject to a period of *Ineligibility* longer than four (4) years may, after completing four (4) years of the period of *Ineligibility*, participate as an *Athlete* in local sport events not sanctioned or otherwise under the authority of a *Code Signatory* or member of a *Code Signatory*, but only so long as the local sport event is not at a level that could otherwise qualify such *Athlete* or *Other Person* directly or indirectly to compete in (or accumulate points toward) a national championship or *International Event*, and does not involve the *Athlete* or *Other Person* working in any capacity with *Protected Persons*.

An *Athlete* or *Other Person* subject to a period of *Ineligibility* shall remain subject to *Testing* and any requirement by *SIA* or the *Sporting Administration Body* to provide whereabouts information.<sup>70</sup>

#### **10.14.2** Return to Training

As an exception to Article 10.14.1, an *Athlete* may return to train with a team or to use the facilities of a club or other member organisation of the *Sporting Administration Body* or a *Signatory's* member organisation during the shorter of: (1) the last two months of the *Athlete's* period of

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<sup>70</sup> Comment to Article 10.14.1: For example, subject to Article 10.14.2, an *Ineligible Athlete* cannot participate in a training camp, exhibition or practice organised by his or her *Sporting Administration Body* or a club which is a member of that *Sporting Administration Body* or which is funded by a government agency. Further, an *Ineligible Athlete* may not compete in a non-*Signatory* professional league (for example, the National Hockey League, the National Basketball League). *Events* organised by a non-*Signatory International Event* organisation or a non-*Signatory* national-level event organisation without triggering the *Consequences* set forth in Article 10.14.3. The term 'activity' also includes, for example, administrative activities, such as serving as an official, director, officer, employee, or volunteer of the organisation described in this Article. *Ineligibility* imposed in one sport shall also be recognised by other sports (see Article 15.1, Automatic Binding Effect of Decisions). An *Athlete* or *Other Person* serving a period of *Ineligibility* is prohibited from coaching or serving as an *Athlete Support Person* in any other capacity at any time during the period of *Ineligibility*, and doing so could also result in a violation of Article 2.10 by another *Athlete*. Any performance standard accomplished during a period of *Ineligibility* shall not be recognised by *SIA*, the *Sporting Administration Body* or other *National Federations* in Australia for any purpose.

*Ineligibility*, or (2) the last one-fourth of the period of *Ineligibility* imposed.<sup>71</sup>

**10.14.3** Violation of the Prohibition of Participation during *Ineligibility* or *Provisional Suspension*

Where an *Athlete* or *Other Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in Article 10.14.1, the results of such participation shall be *Disqualified* and a new period of *Ineligibility* equal in length to the original period of *Ineligibility* shall be added to the end of the original period of *Ineligibility*. The new period of *Ineligibility*, including a reprimand and no period of *Ineligibility*, may be adjusted based on the *Athlete* or *Other Person*'s degree of *Fault* and other circumstances of the case. The determination of whether an *Athlete* or *Other Person* has violated the prohibition against participation, and whether an adjustment is appropriate, shall be made by the *Anti-Doping Organisation* or *Sporting Administration Body* (in consultation with *SIA*) whose *Results Management* led to the imposition of the initial period of *Ineligibility*. This decision may be appealed under Article 13.

An *Athlete* or *Other Person* who violates the prohibition against participation during a *Provisional Suspension* described in Article 10.14.1 shall receive no credit for any period of *Provisional Suspension* served and the results of such participation shall be *Disqualified*.

Where an *Athlete Support Person* or *Other Person* assists a *Person* in violating the prohibition against participation during *Ineligibility* or a *Provisional Suspension*, an *Anti-Doping Organisation* with jurisdiction over such *Athlete Support Person* or *Other Person* shall impose sanctions for a violation of Article 2.9 for such assistance.

**10.14.4** Withholding of Financial Support during *Ineligibility*

In addition, for any anti-doping rule violation not involving a reduced sanction as described in Article 10.5 or 10.6, some or all sport-related financial support or other sport-related benefits received by such *Person*

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<sup>71</sup> Comment to Article 10.14.2: In many *Team Sports* and some individual sports (for example, ski jumping and gymnastics), an *Athlete* cannot effectively train on his/her own so as to be ready to compete at the end of the *Athlete*'s period of *Ineligibility*. During the training period described in this Article, an *Ineligible Athlete* may not compete or engage in any activity described in Article 10.14.1 other than training.



will be withheld by *Signatories*, *Signatories'* member organisations and governments.

### **10.15 Automatic Publication of Sanction**

A mandatory part of each sanction shall include automatic publication, as provided in Article 14.3.

### **10.16 Anti-Doping *Education***

Prior to returning to sport after serving any period of *Ineligibility*, an *Athlete* or *Other Person* must have completed an anti-doping *Education* program sanctioned by *SIA*.

# ARTICLE 11 *CONSEQUENCES TO TEAMS*

## 11.1 *Testing of Team Sports*

Where more than one member of a team in a *Team Sport* has been notified of an anti-doping rule violation under Article 7 in connection with an *Event*, the ruling body for the *Event* shall conduct appropriate *Target Testing* of the team during the *Event Period*.

## 11.2 *Consequences for Team Sports*

If more than two members of a team in a *Team Sport* are found to have committed an anti-doping rule violation during an *Event Period*, the ruling body of the *Event* shall impose an appropriate sanction on the team (for example, loss of points, *Disqualification* from a *Competition* or *Event*, or other sanction) in addition to any *Consequences* imposed upon the individual *Athletes* committing the anti-doping rule violation.

## 11.3 *Event Ruling Body may establish stricter Consequences for Team Sports*

The ruling body for an *Event* may elect to establish rules for the *Event* which impose *Consequences for Team Sports* stricter than those in Article 11.2 for purposes of the *Event*.<sup>72</sup>

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<sup>72</sup> Comment to Article 11.3: For example, the International Olympic Committee could establish rules which would require *Disqualification* of a team from the Olympic Games based on a lesser number of anti-doping rule violations during the period of the Games.

# ARTICLE 12 SANCTIONS AGAINST SPORTING BODIES

## 12.1 Withholding Funding for Non-Compliance

SIA may request the Australian Sports Commission and any other relevant public authorities to withhold some or all funding or other non-financial support to the *Sporting Administration Body*, if the *Sporting Administration Body* fails to comply with, implement, uphold, or enforce this Anti-Doping Policy.

## 12.2 Disciplinary Action against a *Sporting Administration Body*

SIA may request the Australian Sports Commission, Australian Olympic Committee or Commonwealth Games Australia to take additional disciplinary action against a *Sporting Administration Body* with respect to recognition, the eligibility of its officials and *Athletes* to participate in *International Events*, and fines based on the following:

- 12.2.1 Four or more violations of this Anti-Doping Policy (other than violations involving Article 2.4) are committed by *Athletes* or *Other Persons* affiliated with the *Sporting Administration Body* within a 12-month period.
- 12.2.2 More than one *Athlete* or *Other Person* from the *Sporting Administration Body* commits an anti-doping rule violation during an *International Event*.
- 12.2.3 The *Sporting Administration Body* has failed to make diligent efforts to keep SIA informed about an *Athlete's* whereabouts after receiving a request for that information from SIA.
- 12.2.4 The *Sporting Administration Body* has failed to adopt or comply with its *Education Plan*.

# ARTICLE 13 RESULTS MANAGEMENT: APPEALS<sup>73</sup>

## 13.1 Decisions Subject to Appeal

Decisions made under this Anti-Doping Policy may be appealed as set forth below in Articles 13.2 through 13.7 or as otherwise provided in this Anti-Doping Policy, the *Code* or the *International Standards*. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise.

### 13.1.1 Scope of Review not Limited

The scope of review on appeal includes all issues relevant to the matter and is expressly not limited to the issues or scope of review before the initial decision maker. Any party to the appeal may submit evidence, legal arguments and claims that were not raised in the first instance hearing so long as they arise from the same cause of action or same general facts or circumstances raised or addressed in the first instance hearing.<sup>74</sup>

### 13.1.2 The NST or CAS shall not defer to the findings being appealed

In making its decision, the NST or CAS shall not give deference to the discretion exercised by the body whose decision is being appealed.<sup>75</sup>

### 13.1.3 WADA is not required to exhaust internal remedies

Where WADA has a right to appeal under Article 13 and no other party has appealed a final decision within the *Anti-Doping Organisation's*

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<sup>73</sup> Comment to Article 13: The object of the *Code* is to have anti-doping matters resolved through fair and transparent internal processes with a final appeal. Anti-doping decisions by *Anti-Doping Organisations* are made transparent in Article 14. Specified *Persons* and organisations, including WADA, are then given the opportunity to appeal those decisions. Note that the definition of interested *Persons* and organisations with a right to appeal under Article 13 does not include *Athletes*, or their *National Federations*, who might benefit from having another competitor *Disqualified*.

<sup>74</sup> Comment to Article 13.1.1: The revised language is not intended to make a substantive change to the 2015 *Code*, but rather for clarification. For example, where an *Athlete* was charged in the first instance hearing only with *Tampering* but the same conduct could also constitute *Complicity*, an appealing party could pursue both *Tampering* and *Complicity* charges against the *Athlete* in the appeal.

<sup>75</sup> Comment to Article 13.1.2: CAS proceedings are *de novo*. Prior proceedings do not limit the evidence or carry weight in the hearing before CAS. In the NST, section 95 of the *National Sports Tribunal (Practice and Procedure) Determination 2020* provides that the Tribunal is to conduct an appeal by way of a rehearing, unless the involved parties to the appeal agree that an appeal can be decided without a hearing, and the Tribunal is satisfied that it would be appropriate to determine the matter without a hearing. The Tribunal has the discretion to exclude evidence presented by the parties on appeal if it was available to them or could reasonably have been discovered by them before the determination or decision appealed against was made.

process, WADA may appeal such decision directly to CAS without having to exhaust other remedies in the *Anti-Doping Organisation's* process.<sup>76</sup>

### **13.2 Appeals from Decisions Regarding Anti-Doping Rule Violations, Consequences, Provisional Suspensions, Implementation of Decisions and Authority**

A decision:

- that an anti-doping rule violation was committed,
- imposing *Consequences* or not imposing *Consequences* for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed;
- that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription);
- by WADA not to grant an exception to the six months' notice requirement for a retired *Athlete* to return to competition under Article 5.6.1;
- by WADA assigning *Results Management* under Article 7.1 of the *Code*;
- by SIA (or other *Anti-Doping Organisation*) not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation in accordance with the *International Standard for Results Management*;
- to impose, or lift, a *Provisional Suspension* as a result of a *Provisional Hearing*;
- that SIA, the *Sporting Administration Body* (or another *Anti-Doping Organisation*) lacks jurisdiction to rule on an alleged anti-doping rule violation or its *Consequences*;
- to suspend, or not suspend, *Consequences* or to reinstate, or not reinstate, *Consequences* under Article 10.7.1;
- under Article 10.14.3;
- by SIA (or another *Anti-Doping Organisation*) not to implement another *Anti-Doping Organisation's* decision under Article 15;
- under Article 27.3

may be appealed exclusively as provided in this Article 13.2.

The following may also be appealed exclusively as provided in Article 13.2:

- an *Anti-Doping Organisation's* failure to comply with Article 7.4;
- an *Anti-Doping Organisation's* failure to comply with Articles 7.1.4 and 7.1.5;

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<sup>76</sup> Comment to Article 13.1.3: Where a decision has been rendered before the final stage of the *Anti-Doping Organisation's* process (for example, a first hearing before the NST) and no party elects to appeal that decision to the Appeals Division of the NST, then WADA may appeal directly to CAS.

- an *Anti-Doping Organisation's* failure to comply with Article 10.8.1;

### **13.2.1** Appeals Involving *International-Level Athletes* or *International Events*

In cases arising from participation in an *International Event* or in cases involving *International-Level Athletes*, the decision may be appealed exclusively to CAS.<sup>77</sup>

### **13.2.2** Appeals Involving *Other Athletes* or *Other Persons*

In cases where Article 13.2.1 is not applicable, the decision may be appealed initially to the Appeals Division of the *NST* in accordance with the process set out in the *NST Act* and instruments made under it, as in force from time to time.<sup>78</sup> Decisions from the Appeals Division of the *NST* may be appealed to the Appeals Division of CAS in accordance with the provisions applicable before such court.

### **13.2.3** *Persons* entitled to appeal

#### **13.2.3.1** Appeals Involving *International-Level Athletes* or *International Events*

In cases under Article 13.2.1, the following parties shall have the right to appeal to CAS:

- (a) the *Athlete* or *Other Person* who is the subject of the decision being appealed;
- (b) the other party to the case in which the decision was rendered;
- (c) the relevant International Federation;
- (d) *SIA* and (if different) the *National Anti-Doping Organisation* of the *Person's* country of residence or countries where the *Person* is a national or licence holder or countries where the *Person* is a national or license holder;

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<sup>77</sup> Comment to Article 13.2.1: CAS decisions are final and binding except for any review required by law applicable to the annulment or enforcement of arbitral awards.

<sup>78</sup> These are the *National Sports Tribunal Rule 2020* and the *National Sports Tribunal (Practice and Procedure) Determination 2020*.

- (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and
- (f) WADA.

#### **13.2.3.2 Appeals Involving Other *Athletes* or *Other Persons***

In cases under Article 13.2.2, the following parties, at a minimum, shall have the right to appeal to the *NST* Appeals Division (and from there, to the *CAS* Appeals Division):

- (a) the *Athlete* or *Other Person* who is the subject of the decision being appealed;
- (b) the other party to the case in which the decision was rendered;
- (c) the relevant International Federation;
- (d) *SIA* and (if different) the *National Anti-Doping Organisation* of the *Person's* country of residence or countries where the *Person* is a national or license holder;
- (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and
- (f) WADA.

For cases under Article 13.2.2, WADA, the International Olympic Committee, the International Paralympic Committee, and the relevant International Federation shall also have the right to appeal to *CAS* from the decision of the *NST* Appeals Division.

Any party filing an appeal shall be entitled to assistance from *CAS* to obtain all relevant information from the *Anti-Doping Organisation* whose



decision is being appealed and the information shall be provided if CAS so directs.

#### **13.2.3.3** Duty to Notify

All parties to any CAS appeal must ensure that WADA and all other parties with a right to appeal have been given timely notice of the appeal.

#### **13.2.3.4** Appeal from *Imposition of Provisional Suspension*

Notwithstanding any other provision herein, the only *Person* who may appeal from the imposition of a *Provisional Suspension* is the *Athlete* or *Other Person* upon whom the *Provisional Suspension* is imposed.

#### **13.2.4** Cross Appeals and other Subsequent Appeals Allowed

Cross appeals and other subsequent appeals by any respondent named in cases brought to CAS under the *Code* are specifically permitted. Any party with a right to appeal under this Article 13 must file a cross appeal or subsequent appeal at the latest with the party's answer.<sup>79</sup>

### **13.3 Failure to Render a Timely Decision**

Where, in a particular case, an *Anti-Doping Organisation* fails to render a decision with respect to whether an anti-doping rule violation was committed within a reasonable deadline set by WADA, WADA may elect to appeal directly to CAS as if an *Anti-Doping Organisation* had rendered a decision finding no anti-doping rule violation. If the CAS hearing panel determines that an anti-doping rule violation was committed and that WADA acted reasonably in electing to appeal directly to CAS, then WADA's costs and attorney fees in prosecuting the appeal shall be reimbursed to WADA by the *Anti-Doping Organisation*.<sup>80</sup>

### **13.4 Appeals relating to TUEs**

TUE decisions may be appealed exclusively as provided in Article 4.4.

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<sup>79</sup> Comment to Article 13.2.4: This provision is necessary because since 2011, CAS rules no longer permit an *Athlete* the right to cross appeal when an *Anti-Doping Organisation* appeals a decision after the *Athlete's* time for appeal has expired. This provision permits a full hearing for all parties.

<sup>80</sup> Comment to Article 13.3: Given the different circumstances of each anti-doping rule violation investigation and *Results Management* process, it is not feasible to establish a fixed time period for an *Anti-Doping Organisation* to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with the *Anti-Doping Organisation* and give the *Anti-Doping Organisation* an opportunity to explain why it has not yet rendered a decision.

## 13.5 Notification of Appeal Decisions

Any *Anti-Doping Organisation* that is a party to an appeal shall promptly provide the appeal decision to the *Athlete* or *Other Person* and to the other *Anti-Doping Organisations* that would have been entitled to appeal under Article 13.2.3 as provided under Article 14.

## 13.6 Time for Filing Appeals

### 13.6.1 Appeals to CAS or to the Appeals Division of the NST<sup>81</sup>

The time to file an appeal to CAS or the NST shall be twenty-one (21) days from the date of receipt of the decision by the appealing party. This notwithstanding, the following shall apply in connection with appeals filed by a party entitled to appeal but which was not a party to the proceedings that led to the decision being appealed:

- (a) Within fifteen (15) days from the notice of the decision, such party/ies shall have the right to request a copy of the full case file pertaining to the decision from the *Anti-Doping Organisation* that had *Results Management* authority;
- (b) If such a request is made within the fifteen (15) day period, then the party making the request shall have twenty-one (21) days from receipt of the file to file an appeal to CAS or to the Appeals Division of the NST.

This notwithstanding, the filing deadline for an appeal filed by WADA shall be the later of:

- (a) Twenty-one (21) days after the last day on which any other party in the case could have appealed; or
- (b) Twenty-one (21) days after WADA's receipt of the complete file relating to the decision.

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<sup>81</sup> Paragraph 38(4)(a) of the NST Act provides that where the relevant anti-doping policy specifies a period within which an appeal may be made to the Appeals Division of the NST, the application must be made before the end of that period.

### **13.7 CAS Fees**

In the case of any appeals before CAS each party shall bear the arbitration costs in accordance with CAS Code of Sports-related Arbitration. Should it be found that no anti-doping rule violation has been committed, SIA shall reimburse the *Athlete* or *Other Person* their application fee and their portion of the arbitration costs. Each party shall otherwise bear their own costs.

## ARTICLE 14 CONFIDENTIALITY AND REPORTING

### 14.1 Information Concerning *Adverse Analytical Findings, Atypical Findings, and other Asserted Anti-Doping Rule Violations*

#### 14.1.1 Notice of Anti-Doping Rule Violations to *Athletes and Other Persons*

Notice to *Athletes* or *Other Persons* that an anti-doping rule violation is being asserted against them shall occur as provided under Articles 7 and 14 of this Anti-Doping Policy. Notice to an *Athlete* or *Other Person* who is a member of the *Sporting Administration Body* may be put into effect by delivery of the notice to the *Sporting Administration Body*.

If at any point during *Results Management* up until the anti-doping rule violation charge, the *Results Management Authority* decides not to move forward with a matter, it must notify the *Athlete* or *Other Person* (provided that the *Athlete* or *Other Person* had been already informed of the ongoing *Results Management*).

#### 14.1.2 Notice of Anti-Doping Rule Violations to the International Federation and WADA

Notice of the assertion of an anti-doping rule violation to the International Federation and WADA shall occur as provided under Articles 7 and 14 of this Anti-Doping Policy, simultaneously with the notice to the *Athlete* or *Other Person*.

If at any point during *Results Management* up until the anti-doping rule violation charge under Article 7 of the *International Standard for Results Management*, the *Results Management Authority* decides not to move forward with a matter, it must give notice (with reasons) to the *Anti-Doping Organisations* with a right of appeal under Article 13.2.3.

#### 14.1.3 Content of an anti-doping rule violation Notice

Notification of an anti-doping rule violation shall include: the *Athlete's* or *Other Person's* name, country, sport and discipline within the sport, the *Athlete's* competitive level, whether the test was *In-Competition* or *Out-of-Competition*, the date of *Sample* collection, the analytical result reported by the laboratory, and other information as required by the *International Standard for Results Management*.

Notification of anti-doping rule violations other than under Article 2.1 shall also include the rule violated and the basis of the asserted violation.

#### **14.1.4** Status Reports

Except with respect to investigations which have not resulted in notice of an anti-doping rule violation pursuant to Article 14.1.1, the International Federation and WADA shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Article 7, 8 or 13 and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

#### **14.1.5** Confidentiality

The recipient organisations shall not disclose this information beyond those *Persons* with a need to know (which would include the appropriate personnel at the applicable *National Olympic Committee, National Federation, and team in a Team Sport*) until SIA, the *Sporting Administration Body* or other *Anti-Doping Organisation* has made *Public Disclosure* or has failed to make *Public Disclosure* as permitted by Article 14.3.<sup>82</sup>

### **14.2 Notice of Anti-Doping Rule Violation or Violations of *Ineligibility* or *Provisional Suspension* Decisions and Request for Files**

**14.2.1** Anti-doping rule violation decisions or decisions related to violations of *Ineligibility* or *Provisional Suspension* rendered pursuant to Article 7.6, 8.6, 10.5, 10.6, 10.7 10.14.3 or 13.5 shall include the full reasons for the decision, including, if applicable, a justification for why the maximum potential sanction was not imposed. Where the decision is not in English or French, SIA or another *Anti-Doping Organisation* shall provide a short English or French summary of the decision and the supporting reasons.

**14.2.2** An *Anti-Doping Organisation* having a right to appeal a decision received pursuant to Article 14.2.1 may, within fifteen (15) days of receipt, request a copy of the full case file pertaining to the decision.

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<sup>82</sup> Comment to Article 14.1.5: Part 8 of the SIA Act contains criminal offences for the disclosure of information by 'entrusted persons' other than as permitted by the SIA Act. This is defined by s 69 of the SIA Act to include the SIA CEO and staff, and contractors and consultants engaged by SIA, among others. SIA is also subject to the *Privacy Act 1988*, and the Australian Privacy Principles made under that Act.

### **14.3 Public Disclosure**

**14.3.1** After notice has been provided to the *Athlete* or *Other Person* in accordance with the *International Standard for Results Management*, and to the applicable *Anti-Doping Organisations* in accordance with Article 14.1.2, the identity of any *Athlete* or *Other Person* who is notified of a potential anti-doping rule violation, the *Prohibited Substance* or *Prohibited Method* and the nature of the violation involved, and whether the *Athlete* or *Other Person* is subject to a *Provisional Suspension* may be *Publicly Disclosed* by *SIA* or by the *Sporting Administration Body*, but only to the extent previously agreed by *SIA*.

*SIA* can agree to the *Sporting Administration Body* disclosing some or all of the following in relation to a potential anti-doping rule violation: the identity of the *Athlete* or *Other Person*, the *Prohibited Substance* or *Prohibited Method*, the nature of the violation or violations, and whether a *Provisional Suspension* has been imposed or accepted.

For the avoidance of doubt, *SIA* can refuse to agree to the *Sporting Administration Body Publicly Disclosing* any information under this Article 14.3.1.

**14.3.2** No later than twenty days after it has been determined in a final appellate decision under Article 13.2.1 or 13.2.2, or such appeal has been waived, or a hearing in accordance with Article 8 has been waived, or the assertion of an anti-doping rule violation has not been timely challenged, or the matter has been resolved under Article 10.8, or a new period of *Ineligibility*, or reprimand, has been imposed under Article 10.14.3, *SIA* and the *Sporting Administration Body* must *Publicly Disclose* the disposition of the matter, including the sport, the anti-doping rule violated, the name of the *Athlete* or *Other Person* committing the violation, the *Prohibited Substance* or *Prohibited Method* involved (if any) and the *Consequences* imposed. *SIA* and the *Sporting Administration Body* must also *Publicly Disclose* within twenty (20) days the results of final appeal decisions concerning anti-doping rule violations, including the information described above.

**14.3.3** After an anti-doping rule violation has been determined to have been committed in an appellate decision under Article 13.2.1 or 13.2.2 or such appeal has been waived, or in a hearing in accordance with Article 8 or

where such hearing has been waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, or the matter has been resolved under Article 10.8, SIA and the *Sporting Administration Body* may make public such determination or decision and may comment publicly on the matter.

**14.3.4** In any case where it is determined, after a hearing or appeal, that the *Athlete* or *Other Person* did not commit an anti-doping rule violation, the fact that the decision has been appealed may be *Publicly Disclosed*. However, the decision itself and the underlying facts may not be *Publicly Disclosed* except with the consent of the *Athlete* or *Other Person* who is the subject of the decision. SIA and the *Sporting Administration Body* shall use reasonable efforts to obtain such consent. If consent is obtained, SIA and the *Sporting Administration Body* shall *Publicly Disclose* the decision in its entirety or in such redacted form as the *Athlete* or *Other Person* may approve.

**14.3.5** Publication shall be accomplished at a minimum by placing the required information on SIA's website and leaving the information up for the longer of one (1) month or the duration of any period of *Ineligibility*.

**14.3.6** Except as provided in Articles 14.3.1 and 14.3.3, neither SIA, nor WADA-accredited laboratory, nor the *Sporting Administration Body*, nor any official of either body, shall publicly comment on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed to, or based on information provided by, the *Athlete*, *Other Person* or their entourage or other representatives.

**14.3.6(a)** Where an *Athlete* or *Other Person* or their representative comments about their matter the *Athlete* or *Other Person* is taken to have consented to SIA commenting in response to their matter for the purposes of the SIA Act.

**14.3.7** The mandatory *Public Disclosure* required in Article 14.3.2 shall not be required where the *Athlete* or *Other Person* who has been found to have committed an anti-doping rule violation is a *Minor*, *Protected Person*, or *Recreational Athlete*. Any optional *Public Disclosure* in a case involving a



*Minor, Protected Person, or Recreational Athlete* shall be proportionate to the facts and circumstances of the case.

## 14.4 Data Privacy

**14.4.1** SIA may collect, store, process or disclose personal information relating to *Athletes* and *Other Persons* collected in accordance with this Policy for the purposes of conducting its activities under the SIA Act, SIA Regulations, the NAD scheme, Code, the *International Standards* (including specifically the *International Standard* for the Protection of Privacy and Personal Information), the *Australian Privacy Principles*, and this Anti-Doping Policy as in force from time to time.<sup>83</sup>

**14.4.2** Any *Participant* who submits personal information to any *Person* in accordance with this Anti-Doping Policy shall be deemed to have agreed that such information may be collected, processed, disclosed and used by such *Person* for the purposes of the implementation of this Anti-Doping Policy, in accordance with the *International Standard* for the Protection of Privacy and Personal Information, the *Australian Privacy Principles*, the *Archives Act 1983 (Cth)*, SIA Act, SIA Regulations, the NAD scheme as in force from time to time, and otherwise as required to implement this Anti-Doping Policy.

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<sup>83</sup> For further information, see SIA's Athlete Privacy Policy: [www.sportintegrity.gov.au](http://www.sportintegrity.gov.au)

## ARTICLE 15 IMPLEMENTATION OF DECISIONS

### 15.1 Automatic Binding Effect of Decisions by *Signatory Anti-Doping Organisations*

- 15.1.1** A decision of an anti-doping rule violation made by a *Signatory Anti-Doping Organisation*, an appellate body (Article 13.2.2 of the Code) or CAS shall, after the parties to the proceeding are notified, automatically be binding beyond the parties to the proceeding upon *SIA* and the *Sporting Administration Body*, as well as every *Signatory* in every sport with the effects described below:
- 15.1.1.1** A decision by any of the above-described bodies imposing a *Provisional Suspension* (after a *Provisional Hearing* has occurred or the *Athlete* or *Other Person* has either accepted the *Provisional Suspension* or has waived the right to a *Provisional Hearing*, expedited hearing or expedited appeal offered in accordance with Article 7.4.3) automatically prohibits the *Athlete* or *Other Person* from participation (as described in Article 10.14.1) in all sports within the authority of any *Signatory* during the *Provisional Suspension*.
- 15.1.1.2** A decision by any of the above-described bodies imposing a period of *Ineligibility* (after a hearing has occurred or been waived) automatically prohibits the *Athlete* or *Other Person* from participation (as described in Article 10.14.1) in all sports within the authority of any *Signatory* for the period of *Ineligibility*.
- 15.1.1.3** A decision by any of the above-described bodies accepting an anti-doping rule violation automatically binds all *Signatories*.
- 15.1.1.4** A decision by any of the above-described bodies to *Disqualify* results under Article 10.10 for a specified period automatically *Disqualifies* all results obtained within the authority of any *Signatory* during the specified period.
- 15.1.2** *SIA* and the *Sporting Administration Body* shall recognise and implement a decision and its effects as required by Article 15.1.1, without any further action required, on the earlier of the date *SIA* receives actual notice of the decision or the date the decision is placed into *ADAMS*.

**15.1.3** A decision by an *Anti-Doping Organisation*, an appellate body or CAS to suspend, or lift, *Consequences* shall be binding upon SIA and the *Sporting Administration Body* without any further action required, on the earlier of the date SIA receives actual notice of the decision or the date the decision is placed into ADAMS.

**15.1.4** Notwithstanding any provision in Article 15.1.1, however, a decision of an anti-doping rule violation by a *Major Event Organisation* made in an expedited process during an *Event* shall not be binding on SIA or the *Sporting Administration Body* unless the rules of the *Major Event Organisation* provide the *Athlete* or *Other Person* with an opportunity to an appeal under non-expedited procedures.<sup>84</sup>

## **15.2 Implementation of Other Decisions by *Anti-Doping Organisations***

SIA and the *Sporting Administration Body* may decide to implement other anti-doping decisions rendered by *Anti-Doping Organisations* not described in Article 15.1.1 above, such as a *Provisional Suspension* prior to a *Provisional Hearing* or acceptance by the *Athlete* or *Other Person*.<sup>85</sup>

## **15.3 Implementation of Decisions by Body that is not a *Signatory***

An anti-doping decision by a body that is not a *Signatory* to the *Code* shall be implemented by SIA and the *Sporting Administration Body*, if SIA finds that the decision purports to be within the authority of that body and the anti-doping rules of that body are otherwise consistent with the *Code*.<sup>86</sup>

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<sup>84</sup> Comment to Article 15.1.4: By way of example, where the rules of the *Major Event Organisation* give the *Athlete* or *Other Person* the option of choosing an expedited CAS appeal or a CAS appeal under normal CAS procedure, the final decision or adjudication by the *Major Event Organisation* is binding on other *Signatories* regardless of whether the *Athlete* or *Other Person* chooses the expedited appeal option.

<sup>85</sup> Comment to Articles 15.1 and 15.2: *Anti-Doping Organisation* decisions under Article 15.1 are implemented automatically by other *Signatories* without the requirement of any decision or further action on the *Signatories'* part. For example, when a *Sporting Administration Body* decides to *Provisionally Suspend* an *Athlete*, that decision is given automatic effect at the *International Federation* level. To be clear, the "decision" is the one made by the *Sporting Administration Body*, there is not a separate decision to be made by the *International Federation*. Thus, any claim by the *Athlete* that the *Provisional Suspension* was improperly imposed can only be asserted against the *Sporting Administration Body*. Implementation of *Anti-Doping Organisations'* decisions under Article 15.2 is subject to each *Signatory's* discretion. A *Signatory's* implementation of a decision under Article 15.1 or Article 15.2 is not appealable separately from any appeal of the underlying decision. The extent of recognition of *TUE* decisions of other *Anti-Doping Organisations* shall be determined by Article 4.4 and the *International Standard for Therapeutic Use Exemptions*.

<sup>86</sup> Comment to Article 15.3: Where the decision of a body that has not accepted the *Code* is in some respects *Code* compliant and in other respects not *Code* compliant, *Signatories* should attempt to apply the decision in harmony with the principles of the *Code*. For example, if in a process consistent with the *Code* a non-*Signatory* has found an *Athlete* to have committed an anti-doping rule violation on account of the presence of a *Prohibited Substance* in the *Athlete's* body but the period of *Ineligibility* applied is shorter than the period provided for in the *Code*, then all *Signatories* should recognise the finding of an anti-doping rule violation and the *Athlete's* *Sporting Administration Body* should conduct a hearing consistent with Article 8 to determine whether the longer period of *Ineligibility* provided in the *Code* should be imposed. A *Signatory's* implementation of a decision or its decision not to implement a decision under Article 15.3 is appealable under Article 13.

## **ARTICLE 16    STATUTE OF LIMITATIONS**

No anti-doping rule violation proceeding may be commenced against an *Athlete* or *Other Person* unless he or she has been notified of the anti-doping rule violation as provided in Article 7, or notification has been reasonably attempted, within ten years from the date the violation is asserted to have occurred.

## **ARTICLE 17    *EDUCATION***

*SIA* shall plan, implement, evaluate and promote *Education* in line with the requirements of Article 18.2 of the *Code* and the *International Standard for Education*.

*SIA* will support the *Sporting Administration Body* to plan and implement an anti-doping *Education* program in line with Article 18.2 of the *Code*, the *International Standard for Education* and its *SIA Education Plan*.

The *Sporting Administration Body* shall support active participation by *Athletes* and *Other Persons* in such programs.

# **ARTICLE 18 INCORPORATION OF THIS ANTI-DOPING POLICY AND OBLIGATIONS OF THE *SPORTING ADMINISTRATION BODY***

**18.1** The *Sporting Administration Body* and its members shall comply with the *Code*, *International Standards*, and this Anti-Doping Policy. As set out in Article 1.1 above, the *Sporting Administration Body* is also required to comply with the *Sporting Administration Body* rules in clause 2.04 of the *NAD scheme*.

**18.2** The *Sporting Administration Body* shall accept and abide by the spirit and terms of Australia's National Anti-Doping Program and these Anti-Doping Rules as a condition of receiving financial and/or other assistance from the Australian Government.<sup>87</sup>

**18.3** The *Sporting Administration Body* will incorporate this Anti-Doping Policy either directly or by reference into its governing documents, constitution and/or rules as part of the rules of sport that bind their members so that the *Sporting Administration Body* or *SIA* (as the case may be) may enforce the anti-doping policy itself directly as against *Athletes* and *Other Persons* under the *Sporting Administration Body's* authority.

**18.4** By adopting this Anti-Doping Policy, and incorporating it into its governing documents and rules of sport, the *Sporting Administration Body* shall cooperate with and support *SIA* in that function. The *Sporting Administration Body* shall also recognise, abide by and implement the decisions made pursuant to this Anti-Doping Policy, including the decisions imposing sanctions on *Persons* under their authority.

**18.5** The *Sporting Administration Body* shall take appropriate action to enforce compliance with the *Code*, *International Standards*, and this Anti-Doping Policy by, among other things:

- (i) conducting *Testing* only under the documented authority of their International Federation and using *SIA* or another *Sample* collection authority to collect *Samples* in compliance with the *International Standard for Testing and Investigations*;
- (ii) recognising the authority of *SIA* in accordance with Article 5.2.1 of the *Code* and assisting as appropriate with the implementation of *SIA's Testing* program for their sport;

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<sup>87</sup> Comment to Article 18.2: *SIA* shall work cooperatively with its Government and *National Olympic Committee* to ensure that recognition of *SIA* and acceptance and application of these Anti-Doping Rules represents a pre-condition to a *National Federation's* receipt of any financial and/or other assistance from the Government and/or the *National Olympic Committee*.

- (iii) analysing all *Samples* collected using a WADA-accredited or WADA-approved laboratory in accordance with Article 6.1; and
- (iv) ensuring that any anti-doping rule violation cases discovered by the *Sporting Administration Body* are adjudicated by an *Operationally Independent* hearing panel in accordance with Article 8.1 and the *International Standard for Results Management*.

**18.6** The *Sporting Administration Body* shall establish rules requiring all *Athletes* and each *Athlete Support Personnel* who participates as coach, trainer, manager, team staff, official, medical or paramedical personnel in a *Competition* or activity authorised or organised by the *Sporting Administration Body* or one of its member organisations to agree to be bound by this Anti-Doping Policy and to submit to the *Results Management* authority of any *Anti-Doping Organisation* in conformity with the *Code* as a condition of such participation.

**18.7** The *Sporting Administration Body* shall report any information suggesting or relating to an anti-doping rule violation to *SIA* and to the International Federation, and shall cooperate with investigations conducted by any *Anti-Doping Organisation* with authority to conduct the investigation.

**18.8** The *Sporting Administration Body* shall have disciplinary rules in place to prevent *Athlete Support Personnel* who are *Using Prohibited Substances* or *Prohibited Methods* without valid justification from providing support to *Athletes* under the jurisdiction of *SIA* or the *Sporting Administration Body*.

**18.9** The *Sporting Administration Body* shall be required to conduct anti-doping *Education* in coordination with *SIA*.



## **ARTICLE 19 RESEARCH**

This Article has not been included by SIA.

## **ARTICLE 20 AMENDMENT AND INTERPRETATION OF ANTI-DOPING POLICY**

**20.1** This Anti-Doping Policy may be amended from time to time by the *Sporting Administration Body* subject to written approval by the SIA CEO under clause 2.04 of the *NAD scheme*.

**20.2** The comments annotating various provisions of the *Code* and this Anti-Doping Policy shall be used to interpret this Anti-Doping Policy.

**20.3** This Anti-Doping Policy shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes of the *Signatories* or governments.

**20.4** The headings used for the various Parts and Articles of this Anti-Doping Policy are for convenience only and shall not be deemed part of the substance of this Anti-Doping Policy or to affect in any way the language of the provisions to which they refer.

**20.5** Where the term “days” is used in this Anti-Doping Policy, or in the *Code* or an *International Standard*, it shall mean calendar days unless otherwise specified.

**20.6** This Anti-Doping Policy has been adopted pursuant to the applicable provisions of the *Code* and the *International Standards* and shall be interpreted in a manner that is consistent with applicable provisions of the *Code* and the *International Standards*. The *Code*, including the Purpose, Scope and Organization of the World Anti-Doping Program (as outlined in the *Code*) and Appendix 1, Definitions, shall be considered integral parts of this Anti-Doping Policy and shall prevail in the case of conflict.

**20.7** The *Code* shall not apply retroactively to matters pending before the date the *Code* is accepted by a *Signatory* and implemented in its rules. However, pre-*Code* anti-doping rule violations would continue to count as ‘First violations’ or ‘Second violations’ for the purposes of determining sanctions under Article 10 of this Anti-Doping Policy for subsequent post-*Code* violations.

**20.8** This Anti-Doping Policy shall come into effect on 1 January 2021 (the ‘Effective Date’), and supersedes any previous Anti-Doping Policy of the *Sporting Administration Body*. This Anti-Doping Policy shall not apply retroactively to matters pending before the Effective Date; provided, however, that:

**20.8.1** Anti-doping rule violations taking place prior to the Effective Date count as ‘first violations’ or ‘second violations’ for purposes of determining sanctions under Article 10 for violations taking place after the Effective Date.

**20.8.2** Any anti-doping rule violation case which is pending as of the Effective Date and any anti-doping rule violation case brought after the Effective Date based on an anti-doping rule violation which occurred prior to the Effective Date, shall be governed by the substantive anti-doping rules in effect at the time the alleged anti-doping rule violation occurred, and not by the substantive anti-doping rules set out in these Anti-Doping Rules, unless the panel hearing the case determines the principle of “lex mitior” appropriately applies under the circumstances of the case.

For these purposes, the retrospective periods in which prior violations can be considered for purposes of multiple violations under Article 10.9.4 and the statute of limitations set forth in Article 16 are procedural rules, not substantive rules, and should be applied retroactively along with all of the other procedural rules in these Anti-Doping Rules (provided, however, that Article 16 shall only be applied retroactively if the statute of limitations period has not already expired by the Effective Date).

**20.8.3** Any Article 2.4 whereabouts failure (whether a filing failure or a missed test, as those terms are defined in the *International Standard for Results Management*) prior to the Effective Date shall be carried forward and may be relied upon, prior to expiry, in accordance with the *International Standard for Results Management*, but it shall be deemed to have expired twelve (12) months after it occurred.

**20.8.4** With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the *Athlete* or *Other Person* is still serving the period of *Ineligibility* as of the Effective Date, the *Athlete* or *Other Person* may apply to the *Anti-Doping Organisation* which had *Results Management* responsibility for the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of this Anti-Doping Policy. Such application must be made before the period of *Ineligibility* has expired. The decision rendered may be appealed pursuant to Article 13.2. This Anti-Doping Policy shall have no application to any case where a final decision finding an anti-doping rule violation has been rendered and the period of *Ineligibility* has expired.

**20.8.5** For purposes of assessing the period of *Ineligibility* for a second violation under Article 10.9.1, where the sanction for the first violation was determined based on rules in force prior to the Effective Date, the period

of *Ineligibility* which would have been assessed for that first violation had this Anti-Doping Policy been applicable, shall be applied.<sup>88</sup>

#### 20.8.6

Changes to the *Prohibited List* and *Technical Documents* relating to substances or methods on the *Prohibited List* shall not, unless they specifically provide otherwise, be applied retroactively. As an exception, however, when a *Prohibited Substance* or a *Prohibited Method* has been removed from the *Prohibited List*, an *Athlete* or *Other Person* currently serving a period of *Ineligibility* on account of the formerly *Prohibited Substance* or *Prohibited Method* may apply to the *Anti-Doping Organisation* which had *Results Management* responsibility for the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of the removal of the substance or method from the *Prohibited List*.

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<sup>88</sup> Comment to Article 20.8.5: Other than the situation described in Article 20.8.4, where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date and the period of *Ineligibility* imposed has been completely served, this Anti-Doping Policy may not be used to re-characterise the prior violation.

# ARTICLE 21 ADDITIONAL ROLES AND RESPONSIBILITIES OF *ATHLETES* AND OTHER *PERSONS*

## 21.1 Roles and Responsibilities of *Athletes*

- 21.1.1 To be knowledgeable of and comply with this Anti-Doping Policy.
- 21.1.2 To be available for *Sample* collection at all times.<sup>89</sup>
- 21.1.3 To take responsibility, in the context of anti-doping, for what they ingest and *Use*.
- 21.1.4 To inform medical personnel of their obligation not to *Use Prohibited Substances* and *Prohibited Methods* and to take responsibility to make sure that any medical treatment received does not violate this Anti-Doping Policy.
- 21.1.5 To disclose to their International Federation and to *SIA* any decision by a non-*Signatory* finding that the *Athlete* committed an anti-doping rule violation within the previous ten (10) years.
- 21.1.6 To cooperate with *Anti-Doping Organisations* investigating anti-doping rule violations.
- 21.1.7 To disclose the identity of their *Athlete Support Personnel* upon request by any *Anti-Doping Organisation* with authority over the *Athlete*.

## 21.2 Roles and Responsibilities of *Athlete Support Personnel*

- 21.2.1 To be knowledgeable of and comply with this Anti-Doping Policy.
- 21.2.2 To cooperate with the *Athlete Testing* program.
- 21.2.3 To use their influence on *Athlete* values and behaviour to foster anti-doping attitudes.
- 21.2.4 To disclose to the International Federation and to *SIA* any decision by a non-*Signatory* finding that they committed an anti-doping rule violation within the previous ten (10) years.

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<sup>89</sup> Comment to Article 21.1.2: With due regard to an *Athlete*'s human rights and privacy, legitimate anti-doping considerations sometimes require *Sample* collection late at night or early in the morning. For example, it is known that some *Athletes* use low doses of EPO during these hours so that it will be undetectable in the morning.

**21.2.5** To cooperate with *Anti-Doping Organisations* investigating anti-doping rule violations.<sup>90</sup>

**21.2.6** *Athlete Support Personnel* shall not *Use or Possess* any *Prohibited Substance* or *Prohibited Method* without valid justification.

**NOTE:** Coaches and other *Athlete Support Personnel* are often role models for *Athletes*. They should not be engaging in personal conduct which conflicts with their responsibility to encourage their *Athletes* not to dope. *Use or Possession* of a *Prohibited Substance* or *Prohibited Method* by an *Athlete Support Person* without valid justification is not an anti-doping rule violation under the *Code*, but may be a breach under the *Sporting Administration Body's* disciplinary rules or policies.

### **21.3 Roles and Responsibilities of *Other Persons***

**21.3.1** To be knowledgeable of and comply with this Anti-Doping Policy.

**21.3.2** To disclose to *SIA* and to the International Federation any decision by a non-*Signatory* finding that they committed an anti-doping rule violation within the previous ten (10) years.

**21.3.3** To cooperate with *Anti-Doping Organisations* investigating anti-doping rule violations.

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<sup>90</sup> Comment to Article 21.2.5: Failure to cooperate is not an anti-doping rule violation under the *Code*, but it may be the basis for disciplinary action under the rules of the *Sporting Administration Body*.

# APPENDIX 1 DEFINITIONS<sup>91</sup>

**ADAMS:** The Anti-Doping Administration and Management System is a web-based database management tool for data entry, storage, sharing and reporting designed to assist stakeholders and WADA in their anti-doping operations in conjunction with data protection legislation.

**Administration:** Providing, supplying, supervising, facilitating, or otherwise participating in the *Use or Attempted Use* by another *Person* of a *Prohibited Substance* or *Prohibited Method*. However, this definition shall not include the actions of bona fide medical personnel involving a *Prohibited Substance* or *Prohibited Method Used* for genuine and legal therapeutic purposes or other acceptable justification and shall not include actions involving *Prohibited Substances* which are not prohibited in *Out-of-Competition Testing* unless the circumstances as a whole demonstrate that such *Prohibited Substances* are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

**Adverse Analytical Finding:** A report from a WADA-accredited laboratory or other WADA-approved laboratory that, consistent with the *International Standard for Laboratories*, establishes in a *Sample* the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* or evidence of the *Use of a Prohibited Method*.

**Adverse Passport Finding:** A report identified as an *Adverse Passport Finding* as described in the applicable *International Standards*.

**Aggravating Circumstances:** Circumstances involving, or actions by, an *Athlete* or *Other Person* which may justify the imposition of a period of *Ineligibility* greater than the standard sanction. Such circumstances and actions shall include, but are not limited to: the *Athlete* or *Other Person Used* or *Possessed* multiple *Prohibited Substances* or *Prohibited Methods*, *Used* or *Possessed* a *Prohibited Substance* or *Prohibited Method* on multiple occasions or committed multiple other anti-doping rule violations; a normal individual would be likely to enjoy the performance-enhancing effects of the anti-doping rule violation(s) beyond the otherwise applicable period of *Ineligibility*; the *Athlete* or *Person* engaged in deceptive or obstructive conduct to avoid the detection or adjudication of an anti-doping rule violation; or the *Athlete* or *Other Person* engaged in *Tampering* during *Results Management*. For the avoidance of doubt, the examples of circumstances and conduct described herein are not exclusive and other similar circumstances or conduct may also justify the imposition of a longer period of *Ineligibility*.

**Anti-Doping Activities:** Anti-doping *Education* and information, test distribution planning, maintenance of a *Registered Testing Pool*, managing *Athlete Biological Passports*, conducting

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<sup>91</sup> Comment to Definitions: Defined terms shall include their plural and possessive forms, as well as those terms used as other parts of speech.



*Testing*, organising analysis of *Samples*, gathering of intelligence and conduct of investigations, processing of *TUE* applications, *Results Management*, monitoring and enforcing compliance with any *Consequences* imposed, and all other activities related to anti-doping to be carried out by or on behalf of an *Anti-Doping Organisation*, as set out in the *Code* and/or the *International Standards*.

**Anti-Doping Organisation:** WADA or a *Signatory* that is responsible for adopting rules for initiating, implementing or enforcing any part of the *Doping Control* process. This includes, for example, the International Olympic Committee, the International Paralympic Committee, other *Major Event Organisations* that conduct *Testing* at their *Events*, International Federations, and *National Anti-Doping Organisations*. For the purposes of this Anti-Doping Policy, *SIA* is an *Anti-Doping Organisation*.

**Archives Act 1983 (Cth):** is the Commonwealth legislation that governs the retention and disposal of Commonwealth records. *SIA*'s Disposal Authority document is approved pursuant to that legislation, and it categorises types of records and classifies how long those records must be retained, and how they must be stored.

**ASDMAC:** Australian Sports Drug Medical Advisory Committee constituted under the *SIA Act*.

**Athlete:** Any *Person* who competes in sport at the international level (as defined by each International Federation), or the national level (as defined by each *National Anti-Doping Organisation*). For the purposes of this Anti-Doping Policy, *Athlete* includes any *Person* falling within the scope of Article 1.3.1 or 1.3.2. An *Anti-Doping Organisation* has discretion to apply anti-doping rules to an *Athlete* who is neither an *International-Level Athlete* nor a *National-Level Athlete*, and thus to bring them within the definition of '*Athlete*'.

In relation to *Athletes* who are neither *International-Level* nor *National-Level Athletes*, an *Anti-Doping Organisation* may elect to: conduct limited *Testing* or no *Testing* at all; analyse *Samples* for less than the full menu of *Prohibited Substances*; require limited or no whereabouts information; or not require advance *TUEs*. However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any *Athlete* over whom an *Anti-Doping Organisation* has elected to exercise its authority to test and who competes below the international or national level, then the *Consequences* set out in the *Code* must be applied.

For purposes of Article 2.8 and Article 2.9 and for purposes of anti-doping information and *Education*, any *Person* who participates in sport under the authority of any *Signatory*, government, or other sports organisation accepting the *Code* is an *Athlete*.<sup>92</sup>

***Athlete Biological Passport:*** The program and methods of gathering and collating data as described in the *International Standard for Testing and Investigations* and *International Standard for Laboratories*.

***Athlete Support Personnel:*** Any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent or any *Other Person* working with, treating or assisting an *Athlete* participating in or preparing for sports *Competition* whether a member of a *Sporting Administration Body* or not falling within the scope of Article 1.3.1 or 1.3.2.

***Attempt:*** Purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of an anti-doping rule violation. Provided, however, there shall be no anti-doping rule violation based solely on an *Attempt* to commit a violation if the *Person* renounces the *Attempt* prior to it being discovered by a third party not involved in the *Attempt*.

***Atypical Finding:*** A report from a WADA-accredited laboratory or other WADA-approved laboratory which requires further investigation as provided by the *International Standard for Laboratories* or related *Technical Documents* prior to the determination of an *Adverse Analytical Finding*.

***Atypical Passport Finding:*** A report described as an *Atypical Passport Finding* as described in the applicable *International Standards*.

***Australian Privacy Principles:*** are contained in Schedule 1 to the *Privacy Act 1988* (Cth). *SIA* is required to comply with this legislation.

***CAS:*** The Court of Arbitration for Sport.

***Code:*** The World Anti-Doping Code.

***Competition:*** A single race, match, game or singular sport contest. For example, a basketball game or the finals of the Olympic 100-metre race in athletics. For stage races and other sport contests where prizes are awarded on a daily or other interim basis the distinction between a

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<sup>92</sup> Comment to *Athlete*: Individuals who participate in sport may fall in one of five categories: 1) *International-Level Athlete*, 2) *National-Level Athlete*, 3) individuals who are not *International* or *National-Level Athletes* but over whom the International Federation or *National Anti-Doping Organisation* has chosen to exercise authority, 4) *Recreational Athlete*, and 5) individuals over whom no International Federation or *National Anti-Doping Organisation* has, or has chosen to, exercise authority. All *International-* or *National-Level Athletes* are subject to the anti-doping rules of the *Code*, with the precise definitions of international and national level sport to be set forth in the anti-doping rules of the International Federations and *National Anti-Doping Organisations*.

*Competition* and an *Event* will be as provided in the rules of the applicable International Federation.

**Consequences of Anti-Doping Rule Violations ('Consequences'):** An *Athlete's* or *Other Person's* violation of an anti-doping rule may result in one or more of the following:

- (a) *Disqualification* means the *Athlete's* results in a particular *Competition* or *Event* are invalidated, with all resulting *Consequences* including forfeiture of any medals, points and prizes;
- (b) *Ineligibility* means the *Athlete* or *Other Person* is barred on account of an anti-doping rule violation for a specified period of time from participating in any *Competition* or other activity or funding as provided in Article 10.14;
- (c) *Provisional Suspension* means the *Athlete* or *Other Person* is barred temporarily from participating in any *Competition* or activity prior to the final decision at a hearing conducted under Article 8;
- (d) *Financial Consequences* means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and
- (e) *Public Disclosure* means the dissemination or distribution of information to the general public or *Persons* beyond those *Persons* entitled to earlier notification in accordance with Article 14. Teams in *Team Sports* may also be subject to *Consequences* as provided in Article 11.

**Contaminated Product:** A product that contains a *Prohibited Substance* that is not disclosed on the product label or in information available in a reasonable internet search.

**Decision Limit:** The value of the result for a threshold substance in a *Sample*, above which an *Adverse Analytical Finding* shall be reported, as defined in the *International Standard for Laboratories*.

**Delegated Third Party:** Any *Person* to which *SIA* delegates any aspect of *Doping Control* or anti-doping *Education* programs including, but not limited to, third parties or other *Anti-Doping Organisations* that conduct *Sample* collection or other *Doping Control* services or anti-doping *Education* programs for *SIA*, or individuals serving as independent contractors who perform *Doping Control* services for *SIA* (e.g. non-employee *Doping Control* officers or chaperones). This definition does not include *CAS*.

**Disqualification:** See *Consequences of Anti-Doping Rule Violations* above.

**Domestic Testing Pool:** Is the pool of *Athletes* designated as such by SIA, who are neither in SIA's *Registered Testing Pool* nor SIA's *National Testing Pool* and who are subject to *Testing* both *In-Competition* and *Out-of-Competition* as part of SIA's test distribution plan.

**Doping Control:** All steps and processes from test distribution planning through to ultimate disposition of any appeal and the enforcement of *Consequences* including all steps and processes in between, including but not limited to, *Testing*, investigations, whereabouts, *TUEs*, *Sample* collection and handling, laboratory analysis, *Results Management* and investigations or proceedings relating to violations of Article 10.14 (*Status During Ineligibility or Provisional Suspension*).

**Education:** The process of learning to instill values and develop behaviors that foster and protect the spirit of sport, and to prevent intentional and unintentional doping.

**Education Plan:** The plan that outlines the required and recommended *Education* interventions for all members of the *Sporting Administration Body* across key integrity threats including doping.

**Event:** A series of individual *Competitions* conducted together under one ruling body (for example, the Olympic Games, FINA World Championships, or Pan American Games).

**Event Period:** The time between the beginning and end of an *Event*, as established by the ruling body of the *Event*.

**Event Venues:** Those venues so designated by the ruling body for the *Event*.

**Fault:** *Fault* is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an *Athlete* or *Other Person's* degree of *Fault* include, for example, the *Athlete's* or *Other Person's* experience, whether the *Athlete* or *Other Person* is a *Protected Person*, special considerations such as impairment, the degree of risk that should have been perceived by the *Athlete* and the level of care and investigation exercised by the *Athlete* in relation to what should have been the perceived level of risk. In assessing the *Athlete's* or *Other Person's* degree of *Fault*, the circumstances considered must be specific and relevant to explain the *Athlete's* or *Other Person's* departure from the expected standard of behaviour. Thus, for example, the fact that an *Athlete* would lose the opportunity to earn large sums of money during a period of *Ineligibility*, or the fact that the *Athlete* only has a short time

left in his or her career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of *Ineligibility* under Article 10.6.1 or 10.6.2.<sup>93</sup>

**Financial Consequences:** See *Consequences of Anti-Doping Rule Violations* above.

**In-Competition:** The period commencing at 11:59 p.m. on the day before a *Competition* in which the *Athlete* is scheduled to participate through the end of such *Competition* and the *Sample* collection process related to such *Competition*. Provided, however, WADA may approve, for a particular sport, an alternative definition if an International Federation provides a compelling justification that a different definition is necessary for its sport; upon such approval by WADA, the alternative definition shall be followed by all *Major Event Organisations* for that particular sport.<sup>94</sup>

**Independent Observer Program:** A team of observers and/or auditors, under the supervision of WADA, who observe and provide guidance on the *Doping Control* process prior to or during certain *Events* and report on their observations as part of WADA's compliance monitoring program.

**Individual Sport:** Any sport that is not a *Team Sport*.

**Ineligibility:** See *Consequences of Anti-Doping Rule Violations* above.

**Institutional Independence:** Hearing panels on appeal shall be fully independent institutionally from the *Anti-Doping Organisation* responsible for *Results Management*. They must therefore not in any way be administered by, connected or subject to the *Anti-Doping Organisation* responsible for *Results Management*.

**International Event:** An *Event* or *Competition* where the International Olympic Committee, the International Paralympic Committee, an International Federation, a *Major Event Organisation*, or another international sport organisation is the ruling body for the *Event* or appoints the technical officials for the *Event*.

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<sup>93</sup> Comment to *Fault*: The criteria for assessing an *Athlete's* degree of *Fault* is the same under all Articles where *Fault* is to be considered. However, under Article 10.6.2, no reduction of sanction is appropriate unless, when the degree of *Fault* is assessed, the conclusion is that *No Significant Fault or Negligence* on the part of the *Athlete* or *Other Person* was involved.

<sup>94</sup> Comment to *In-Competition*: Having a universally accepted definition for *In-Competition* provides greater harmonisation among *Athletes* across all sports, eliminates or reduces confusion among *Athletes* about the relevant timeframe for *In-Competition Testing*, avoids inadvertent *Adverse Analytical Findings* in between *Competitions* during an *Event* and assists in preventing any potential performance enhancement benefits from Substances prohibited *Out-of-Competition* being carried over to the *Competition* period.

**International-Level Athlete:** Athletes who compete in sport at the international level, as determined by each International Federation, consistent with the *International Standard for Testing and Investigations*.<sup>95</sup>

**International Standard:** A standard adopted by WADA in support of the Code. Compliance with an *International Standard* (as opposed to another alternative standard, practice or procedure) shall be sufficient to conclude that the procedures addressed by the *International Standard* were performed properly. *International Standards* shall include any *Technical Documents* issued pursuant to the *International Standard*.

**Lower-Level Athlete:** An Athlete who is neither a *National-Level Athlete* nor an *International-Level Athlete* nor a *Recreational Athlete*.

**Major Event Organisations:** The continental associations of *National Olympic Committees* and other international multi-sport organisations that function as the ruling body for any continental, regional or other *International Event*.

**Marker:** A compound, group of compounds or biological variable(s) that indicates the Use of a *Prohibited Substance* or *Prohibited Method*.

**Metabolite:** Any substance produced by a biotransformation process.

**Minimum Reporting Level:** The estimated concentration of a *Prohibited Substance* or its *Metabolite(s)* or *Marker(s)* in a *Sample* below which WADA-accredited laboratories should not report that *Sample* as an *Adverse Analytical Finding*.

**Minor:** A natural *Person* who has not reached the age of eighteen (18) years.

**NAD scheme:** The *National Anti-Doping scheme* which is contained in Schedule 1 to the *Sport Integrity Australia Regulations 2020* (Cth).

**National Anti-Doping Organisation:** The entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of *Samples*, manage test results, and conduct *Results Management* at the national level. If this designation has not been made by the competent public authority(ies), the entity

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<sup>95</sup> Comment to *International-Level Athlete*: Consistent with the *International Standard for Testing and Investigations*, the International Federation is free to determine the criteria it will use to classify Athletes as *International-Level Athletes*, e.g., by ranking, by participation in particular *International Events*, by type of license, etc. However, it must publish those criteria in clear and concise form, so that Athletes are able to ascertain quickly and easily when they will become classified as *International-Level Athletes*. For example, if the criteria include participation in certain *International Events*, then the International Federation must publish a list of those *International Events*.

shall be the country's *National Olympic Committee* or its designee. In Australia, the *National Anti-Doping Organisation* is SIA.

**National Event:** A sporting *Event* or *Competition* involving *International-Level* or *National-Level Athletes* that is not an *International Event*.

**National Federation:** A national or regional entity in Australia which is a member of or is recognised by an International Federation as the entity governing the International Federation's sport in that nation or region.

**National-Level Athlete:**

- (a) an *Athlete* in the SIA CEO's *Registered Testing Pool*, *National Testing Pool* or *Domestic Testing Pool*; or
- (b) 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.

**National Olympic Committee:** The organisation recognised by the International Olympic Committee. The term *National Olympic Committee* shall also include the National Sport Confederation in those countries where the National Sport Confederation assumes typical *National Olympic Committee* responsibilities in the anti-doping area. In Australia, the *National Olympic Committee* is the Australian Olympic Committee.

**National Sports Tribunal (NST):** The Australian tribunal established by the *National Sports Tribunal Act 2019*(Cth).

**National Testing Pool:** is the pool of *Athletes* designated as such by SIA, who are neither in SIA's *Registered Testing Pool* nor SIA's *Domestic Testing Pool* and who are subject to testing both *In-Competition* and *Out-of-Competition* as part of SIA's test distribution plan and who may be asked for whereabouts information.

**No Fault or Negligence:** The *Athlete* or *Other Person's* establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had *Used* or been administered the *Prohibited Substance* or *Prohibited Method* or otherwise violated an anti-doping rule. Except in the case of a *Protected Person* or *Recreational Athlete*, for any violation of Article 2.1, the *Athlete* must also establish how the *Prohibited Substance* entered his or her system.

**No Significant Fault or Negligence:** The *Athlete* or *Other Person's* establishing that his or her *Fault* or *Negligence*, when viewed in the totality of the circumstances and taking into account the criteria for *No Fault or Negligence*, was not significant in relationship to the anti-doping rule



violation. Except in the case of a *Protected Person* or *Recreational Athlete*, for any violation of Article 2.1, the *Athlete* must also establish how the *Prohibited Substance* entered his or her system.

**Non-participant:** A *Person* who is neither an *Athlete* nor an *Athlete Support Person*, and who is bound by this Anti-Doping Policy.

**NST Act:** *The National Sports Tribunal Act 2019(Cth)*.

**Operational Independence:** This means that (1) board members, staff members, commission members, consultants and officials of the *Anti-Doping Organisation* with responsibility for *Results Management* or its affiliates (e.g., member federation or confederation), as well as any *Person* involved in the investigation and pre-adjudication of the matter cannot be appointed as members and/or clerks (to the extent that such clerk is involved in the deliberation process and/or drafting of any decision) of hearing panels of that *Anti-Doping Organisation* with responsibility for *Results Management* and (2) hearing panels shall be in a position to conduct the hearing and decision-making process without interference from the *Anti-Doping Organisation* or any third party. The objective is to ensure that members of the hearing panel or individuals otherwise involved in the decision of the hearing panel, are not involved in the investigation of, or decisions to proceed with, the case.

**Other Person:** Includes an *Athlete Support Person* or a *Non-participant*.

**Out-of-Competition:** Any period which is not *In-Competition*.

**Participant:** Any *Athlete* or *Athlete Support Person*.

**Person:** A natural *Person* or an organisation or other entity.

**Possession:** The actual, physical *Possession*, or the constructive *Possession* (which shall be found only if the *Person* has exclusive control or intends to exercise control over the *Prohibited Substance* or *Prohibited Method* or the premises in which a *Prohibited Substance* or *Prohibited Method* exists); provided, however, that if the *Person* does not have exclusive control over the *Prohibited Substance* or *Prohibited Method* or the premises in which a *Prohibited Substance* or *Prohibited Method* exists, constructive *Possession* shall only be found if the *Person* knew about the presence of the *Prohibited Substance* or *Prohibited Method* and intended to exercise control over it. Provided, however, there shall be no anti-doping rule violation based solely on *Possession* if, prior to receiving notification of any kind that the *Person* has committed an anti-doping rule violation, the *Person* has taken concrete action demonstrating that the *Person* never intended to have *Possession* and has renounced *Possession* by explicitly declaring it to an *Anti-Doping Organisation*. Notwithstanding anything to the contrary in this definition, the purchase (including

by any electronic or other means) of a *Prohibited Substance* or *Prohibited Method* constitutes *Possession* by the *Person* who makes the purchase.<sup>96</sup>

***Prohibited List:*** The WADA list identifying the *Prohibited Substances* and *Prohibited Methods*.

***Prohibited Method:*** Any method so described on the *Prohibited List*.

***Prohibited Substance:*** Any substance, or class of substances, so described on the *Prohibited List*.

***Protected Person:*** An *Athlete* or other natural *Person* who at the time of the anti-doping rule violation: (i) has not reached the age of sixteen (16) years; (ii) has not reached the age of eighteen (18) years and is not included in any *Registered Testing Pool* and has never competed in any *International Event* in an open category; or (iii) for reasons other than age has been determined to lack legal capacity under applicable national legislation.<sup>97</sup>

***Provisional Hearing:*** For purposes of Article 7.4.3, an expedited abbreviated hearing occurring prior to a hearing under Article 8 that provides the *Athlete* with notice and an opportunity to be heard in either written or oral form.<sup>98</sup>

***Provisional Suspension:*** See *Consequences of Anti-Doping Rule Violations* above.

***Publicly Disclose:*** See *Consequences of Anti-Doping Rule Violations* above.

***Recreational Athlete:*** In Australia, *Recreational Athlete* is defined as set out in the Introduction to this Anti-Doping Policy (Section “Scope of this Anti-Doping Policy”).

***Regional Anti-Doping Organisation:*** A regional entity designated by member countries to coordinate and manage delegated areas of their national anti-doping programs, which may include the adoption and implementation of anti-doping rules, the planning and collection of

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<sup>96</sup> Comment to *Possession*: Under this definition, anabolic steroids found in an *Athlete*'s car would constitute a violation unless the *Athlete* establishes that someone else used the car; in that event, the *Anti-Doping Organisation* must establish that, even though the *Athlete* did not have exclusive control over the car, the *Athlete* knew about the anabolic steroids and intended to have control over them. Similarly, in the example of anabolic steroids found in a home medicine cabinet under the joint control of an *Athlete* and spouse, the *Anti-Doping Organisation* must establish that the *Athlete* knew the anabolic steroids were in the cabinet and that the *Athlete* intended to exercise control over them. The act of purchasing a *Prohibited Substance* alone constitutes *Possession*, even where, for example, the product does not arrive, is received by someone else, or is sent to a third party address.

<sup>97</sup> Comment to *Protected Person*: The *Code* treats *Protected Persons* differently than other *Athletes* or *Persons* in certain circumstances based on the understanding that, below a certain age or intellectual capacity, an *Athlete* or *Other Person* may not possess the mental capacity to understand and appreciate the prohibitions against conduct contained in the *Code*. This would include, for example, a Paralympic *Athlete* with a documented lack of legal capacity due to an intellectual impairment. The term “open category” is meant to exclude competition that is limited to junior or age group categories.

<sup>98</sup> Comment to *Provisional Hearing*: A *Provisional Hearing* is only a preliminary proceeding which may not involve a full review of the facts of the case. Following a *Provisional Hearing*, the *Athlete* remains entitled to a subsequent full hearing on the merits of the case. By contrast, an ‘expedited hearing’, as that term is used in Article 7.4.3, is a full hearing on the merits conducted on an expedited time schedule.

*Samples*, the management of results, the review of *TUEs*, the conduct of hearings, and the conduct of *Educational* programs at a regional level.

**Registered Testing Pool:** The pool of highest-priority *Athletes* established separately at the international level by International Federations and at the national level by *National Anti-Doping Organisations*, who are subject to focused *In-Competition* and *Out-of-Competition Testing* as part of that International Federation's or *National Anti-Doping Organisation's* test distribution plan and therefore are required to provide whereabouts information as provided in Article 5.5 of the *Code* and the *International Standard for Testing and Investigations*. In Australia, SIA's *Registered Testing Pool* is defined as set out in Article 5.5 of this Anti-Doping Policy.

**Results Management:** The process encompassing the timeframe between notification as per Article 5 of the *International Standard for Results Management*, or in certain cases (e.g., Atypical Finding, Athlete Biological Passport, whereabouts failure), such pre-notification steps expressly provided for in Article 5 of the *International Standard for Results Management*, through the charge until the final resolution of the matter, including the end of the hearing process at first instance or on appeal (if an appeal was lodged).

**Results Management Authority:** The *Anti-Doping Organisation* responsible for conducting *Results Management* in a given case.

**Sample or Specimen:** Any biological material collected for the purposes of *Doping Control*.<sup>99</sup>

**SIA:** Sport Integrity Australia.

**SIA Act:** The *Sport Integrity Australia Act 2020* (Cth).

**SIA Regulations:** The *Sport Integrity Australia Regulations 2020* (Cth) (the *National Anti-Doping scheme* is contained in Schedule 1 to the Regulations).

**Signatories:** Those entities accepting the *Code* and agreeing to implement the *Code*, as provided in Article 23 of the *Code*.

**Specified Method:** See Article 4.2.2.

**Specified Substance:** See Article 4.2.2.

**Sport:** The *Sporting Administration Body* who is party to this Anti-Doping Policy.

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<sup>99</sup> Comment *Sample or Specimen*: It has sometimes been claimed that the collection of blood *Samples* violates the tenets of certain religious or cultural groups. It has been determined that there is no basis for any such claim.

**Sporting Administration Body:** A *Sporting Administration Body* as defined by the SIA Act.

**Sporting administration body Rules:** The *Sporting Administration Body Rules* as contained in the NAD scheme. Definitions from the NAD scheme are to be used when interpreting the *Sporting Administration Body Rules*.

**Strict Liability:** The rule which provides that under Article 2.1 and Article 2.2, it is not necessary that intent, *Fault*, *Negligence*, or knowing *Use* on the *Athlete's* part be demonstrated by the *Anti-Doping Organisation* in order to establish an anti-doping rule violation.

**Substance of Abuse:** See Article 4.2.3.

**Substantial Assistance:** For purposes of Article 10.7.1, a *Person* providing *Substantial Assistance* must: (1) fully disclose in a signed written statement or recorded interview all information he or she possesses in relation to anti-doping rule violations or other proceeding described in Article 10.7.1.1, and (2) fully cooperate with the investigation and adjudication of any case or matter related to that information, including, for example, presenting testimony at a hearing if requested to do so by an *Anti-Doping Organisation* or hearing panel. Further, the information provided must be credible and must comprise an important part of any case or proceeding which is initiated or, if no case or proceeding is initiated, must have provided a sufficient basis on which a case or proceeding could have been brought.

**Tampering:** Intentional conduct which subverts the *Doping Control* process but which would not otherwise be included in the definition of *Prohibited Methods*. *Tampering* shall include, without limitation, offering or accepting a bribe to perform or fail to perform an act, preventing the collection of a *Sample*, affecting or making impossible the analysis of a *Sample*, falsifying documents submitted to an *Anti-Doping Organisation* or *TUE* committee or hearing panel, procuring false testimony from witnesses, committing any other fraudulent act upon the *Anti-Doping Organisation* or hearing body to affect *Results Management* or the imposition of *Consequences*, and any other similar intentional interference or *Attempted* interference with any aspect of *Doping Control*.<sup>100</sup>

**Target Testing:** Selection of specific *Athletes* for *Testing* based on criteria set forth in the *International Standard for Testing and Investigations*.

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<sup>100</sup> Comment to *Tampering*: For example, this Article would prohibit altering identification numbers on a *Doping Control* form during *Testing*, breaking the B bottle at the time of B *Sample* analysis, altering a *Sample* by the addition of a foreign substance, or intimidating or attempting to intimidate a potential witness or a witness who has provided testimony or information in the *Doping Control* process. *Tampering* includes misconduct which occurs during the *Results Management* process. See Article 10.9.3.3. However, actions taken as part of a *Person's* legitimate defense to an anti-doping rule violation charge shall not be considered *Tampering*. Offensive conduct towards a *Doping Control* official or other *Person* involved in *Doping Control* which does not otherwise constitute *Tampering* shall be addressed in the disciplinary rules of sport organisations.

**Team Sport:** A sport in which the substitution of players is permitted during a *Competition*.

**Technical Document:** A document adopted and published by WADA from time to time containing mandatory technical requirements on specific anti-doping topics as set forth in an *International Standard*.

**Testing:** The parts of the *Doping Control* process involving test distribution planning, *Sample* collection, *Sample* handling, and *Sample* transport to the laboratory.

**Testing Authority:** The *Anti-Doping Organisation* that authorises *Testing* on *Athletes* it has authority over. It may authorise a *Delegated Third Party* to conduct *Testing* pursuant to the authority of and in accordance with the rules of the *Anti-Doping Organisation*. Such authorisation shall be documented. The *Anti-Doping Organisation* authorising *Testing* remains the *Testing Authority* and ultimately responsible under the *Code* to ensure the *Delegated Third Party* conducting the *Testing* does so in compliance with the requirements of the *International Standard for Testing and Investigations*.

**Therapeutic Use Exemption (TUE):** A *Therapeutic Use Exemption* allows an *Athlete* with a medical condition to Use a *Prohibited Substance* or *Prohibited Method*, but only if the conditions set out in Article 4.4 and the *International Standard for Therapeutic Use Exemptions* are met.

**Trafficking:** Selling, giving, transporting, sending, delivering or distributing (or *Possessing* for any such purpose) a *Prohibited Substance* or *Prohibited Method* (either physically or by any electronic or other means) by an *Athlete*, *Athlete Support Person* or any *Other Person* subject to the jurisdiction of an *Anti-Doping Organisation* to any third party; provided, however, this definition shall not include the actions of bona fide medical personnel involving a *Prohibited Substance Used* for genuine and legal therapeutic purposes or other acceptable justification, and shall not include actions involving *Prohibited Substances* which are not prohibited in *Out-of-Competition Testing* unless the circumstances as a whole demonstrate such *Prohibited Substances* are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

**Tribunal:** A hearing body that is compliant with Article 8 of the *Code*.

**TUE Committee or TUEC:** *Therapeutic Use Exemption Committee*. In Australia, this role is fulfilled by the *Australian Sports Drug Medical Advisory Committee*.

**UNESCO Convention:** The *International Convention against Doping in Sport* adopted by the 33rd session of the UNESCO General Conference on 19 October 2005 including any and all amendments adopted by the States Parties to the Convention and the Conference of Parties to the *International Convention against Doping in Sport*.

**Use:** The utilisation, application, ingestion, injection or consumption by any means whatsoever of any *Prohibited Substance* or *Prohibited Method*.

**WADA:** The World Anti-Doping Agency.

**Without Prejudice Agreement:** For purposes of Articles 10.7.1.1 and 10.8.2, a written agreement between an *Anti-Doping Organisation* and an *Athlete* or *Other Person* that allows the *Athlete* or *Other Person* to provide information to the *Anti-Doping Organisation* in a defined time-limited setting with the understanding that, if an agreement for *Substantial Assistance* or a case resolution agreement is not finalised, the information provided by the *Athlete* or *Other Person* in this particular setting may not be used by the *Anti-Doping Organisation* against the *Athlete* or *Other Person* in any *Results Management* proceeding under the *Code*, and that the information provided by the *Anti-Doping Organisation* in this particular setting may not be used by the *Athlete* or *Other Person* against the *Anti-Doping Organisation* in any *Results Management* proceeding under the *Code*. Such an agreement shall not preclude the *Anti-Doping Organisation*, *Athlete* or *Other Person* from using any information or evidence gathered from any source other than during the specific time-limited setting described in the agreement.



**ENDS**

**KARTING**

**A U S T R A L I A**