



Topic Area 2: ANTI-DOPING IN SPORT



LESSON PLAN/GUIDE



Australian Government
Australian Sports Anti-Doping Authority



Australian Government
National Integrity of Sport Unit



Unit 1: INTRODUCTION TO DOPING IN SPORT

Level: Adaptable for Years 9 through 12.

Subjects: The following Unit aligns to key knowledge statements in:

- Some senior Physical Education curriculum.



Teacher Notes

The Lesson Plan/Guide for this Topic, and others in this Topic series, provides background information, resources and ideas to assist teachers in developing a lesson (or series of lessons), which addresses the key concepts articulated in relevant areas of the curriculum.



Teachers should introduce the two Units within this Topic by providing an introduction using the **lesson overview** below and highlight the **learning objectives** to be achieved. The teacher should then introduce some of the **key questions** that will be investigated and choose some of the activities (and relevant resources) to examine and explore these further. The **extended learning activity** can be used as a homework or take-away activity and **further resources** can be provided for students who wish to delve deeper into the topic. Learning time for each Unit will be determined by how many activities the teacher wishes to analyse and discuss.

LESSON OVERVIEW

Doping refers to the use of prohibited drugs/methods by an athlete to improve sporting performance. A range of research and reports suggest that doping and the use of illicit and Performance Enhancing Drugs (PEDs) at professional, sub-elite and grassroots levels in sport in Australia are growing issues that warrant serious concern and action. These findings are alarming on many levels: not only because of the health implications for athletes, but the use of these drugs and methods serves to undermine the principles of fair play, and may act to weaken the community's enduring faith and belief in sport.



The National Integrity of Sport Unit is responsible for overseeing the anti-doping legislation, regulation, policies and administrative practices between the Commonwealth and Australian states/territories. The National Anti-Doping Framework coordinates these efforts and aims to align domestic anti-doping efforts in Australia through a set of agreed principles.

This Unit will provide a historical overview of anti-doping in sport, an introduction to the current anti-doping framework, and a discussion on why some athletes may choose to dope.

LEARNING OBJECTIVES

- Students have an understanding of what is considered to be 'doping'.
- Students gain an understanding of the impact of historical 'sporting scandals', on present day athletes, and the organisations that regulate 'anti-doping'.
- Students have an understanding of why some athletes may 'dope'.



KEY QUESTIONS

1. What do we define as doping?
2. Why might an athlete choose to use performance enhancing substances or methods?
3. From ancient civilizations to present day, what substances or methods were used to improve performance?
 - Were these substances or methods effective in enhancing performance?
 - Did any of these substance or methods have 'dangerous' side effects?



ACTIVITIES AND RESOURCES

1. **What is doping?**
 - Brainstorm all the possible activities that you think might constitute doping.
 - Use the World Anti-Doping Code to find the accepted definition of doping¹ and the ten anti-doping rule violations.
2. **History of doping**

Conduct a search to investigate the timeline of anti-doping.^{2,3}

 - Can you find any references that indicate athletes prior to the 1900's used doping products? What about the ancient Greeks?
 - List as many major doping scandals as you can, and compare your lists with the class (Ben Johnson, Balco, Festina, Lance Armstrong, MLB, AFL/NRL etc).
 - What points/events do you believe were major turning points in the fight against drugs in sport?
3. **Why do athletes take drugs?**

Students can brainstorm the reasons why athletes take performance enhancing drugs.

 - Which reason/motivation might be the biggest driver behind an athlete's decision?
 - Would the reasons vary by sport?

List some reasons athletes choose NOT to take performance enhancing drugs.



Extended Learning Activity: DOPING THAT CHANGED HISTORY



Pick one major case of doping from your research and provide a summary (written or oral) on the facts of the case which may include:

- What substances were used?
- How was it detected?
- What was the outcome for the individuals involved?
- What impact did it have on the way doping was regulated by governing bodies?

FURTHER RESOURCES

- The WADA Anti-Doping Text Book⁴



KEY QUESTIONS



1. What substances or methods (banned and permitted) are more common in endurance sports?
2. Specifically, what substances or methods (banned and permitted) enhance oxygen transfer?
3. What is known about the health risks of banned substances or methods that enhance oxygen transfer (i.e. EPO, blood transfusion)?
4. What substances or methods (banned and permitted) mask fatigue or assist alertness?
5. What is known about the health risks of banned substances or methods that mask fatigue or assist alertness?
6. What substances or methods (banned and permitted) are more common in strength/power sports?
7. Specifically, what substances or methods (banned and permitted) enhance muscle growth, repair or recovery?
8. What is known about the health risks of banned substances or methods that enhance muscle growth, repair or recovery (i.e. anabolic steroids, human growth hormone)?
9. What substances or methods (banned and permitted) are more common in sports with weight categories (i.e. Boxing, Judo)?
10. What is known about the health risks of diuretics, clenbuterol (beta2agonist)?
11. Of the three criteria WADA use to assess substances and methods, which is the most important? Which is the most difficult to define?
12. What is meant by '*the Spirit of Sport*'? Other than deliberate doping, what else might contravene the Spirit of Sport?
13. Do you agree with the WADA criteria? What else do you think should be considered?
14. Only two of the three criteria need to be met for a substance or method to be placed on the banned list. Do you support this approach?

ACTIVITIES AND RESOURCES



1. Breaching the World Anti-Doping Code

In this activity, students will be introduced to the World Anti-Doping Code and the criteria on which it is based. By watching a program⁵ that details the dilemma that faced the American athlete Justin Gatlin, they will gain an understanding of the impact of breaching the 'WADA Prohibited List'. Students can also see the structure and make-up of the international World Anti-Doping Code and the list of banned substances and methods by visiting the WADA website.⁶

2. Physiology of enhancing performance

Students should watch ABC's Catalyst program '*Doping to Win*'.⁷ Groups should be then assigned one of the following topics and related questions to review/research.

3. Endurance

- What substances or methods (banned and permitted) are more common in endurance sports?
- Specifically, what substances or methods (banned and permitted) enhance oxygen transfer?
- What is known about the health risks of banned substances or methods that enhance oxygen transfer (i.e. EPO, blood transfusion)?
- What substances or methods (banned and permitted) mask fatigue or assist alertness?
- What is known about the health risks of banned substances or methods that mask fatigue or assist alertness?

4. Strength/Power

- What substances or methods (banned and permitted) are more common in strength/power sports?
- Specifically, what substances or methods (banned and permitted) enhance muscle growth, repair or recovery?
- What is known about the health risks of banned substances or methods that enhance muscle growth, repair or recovery (i.e. anabolic steroids, human growth hormone)?

5. Weight

- What substances or methods (banned and permitted) are more common in sports with weight categories?
- What is known about the health risks of diuretics, clenbuterol (beta2agonist)?

6. WADA Criteria

In groups, students should discuss the three criteria used to determine which substances and method are prohibited. Of the three criteria WADA use to assess substances and methods, which is the most important? Which is the most difficult to define? Only two of the three criteria need to be met for a substance or method to be placed on the banned list. Do you support this approach? What is meant by *'the spirit of sport'*? Other than deliberate doping, what else might contravene *'the spirit of sport'*?

7. A different approach

Suggesting a different approach, watch the video *'Doping to Win'*[®] (from 17:25 - 17.40) and consider the comment made by Dr Jason Mazanov:

"... you can use drugs, but if you breach health parameters, you can't compete. So should we be monitoring athletes' health rather than monitoring athletes' performance enhancement?"

What are the pros and cons of a "health only" focus, as suggested by Dr Mazanov?

Extended Learning Activity: REVIEWING THE PROHIBITED LIST



You are a member of WADA's List Expert Group. Each year you consider adding or removing substances and methods on the Prohibited List. Using the WADA criteria, argue a case for the following:

- low dose anabolic steroids (currently banned)
- creatine (currently permitted)
- cocaine (banned)
- caffeine (permitted)
- medically supervised blood transfusion (banned)
- altitude training (permitted)
- diuretics (banned)
- heat sauna (permitted).

FURTHER RESOURCES

- Athletes Guide to the Prohibited List⁹
- Dangers of Doping Flyer¹⁰
- Performance enhancing drugs - know the risks¹¹
- ASADA - Prohibited Substances and Methods¹²



KEY QUESTIONS



1. Known as 'International Standards', what are the five key elements of the WADC?¹³
2. For elite athletes who train and compete around the world, what problems could arise without a consistent set of anti-doping rules for sample collection, laboratory testing, prohibited list etc.?
3. What must sporting organisations do to be 'Code Compliant'?^{14,15}
4. What happens if a sports organisation or government does not comply with the Code?¹⁶
5. What is WADA's role in applying the Code?¹⁷
6. Some sports outside the Olympic movement have anti-doping rules consistent with the WADC and some haven't. What are the pros and cons for professional leagues/competitions (i.e. National Rugby League, Australian Football League, American Football, Ultimate Fighting Championship, Major League Hockey, Major League Baseball, NFL) to adopt WADC compliant anti-doping rules?
7. What about athletes playing in professional leagues that have not adopted the WADC (i.e. the USA's National Basketball Association)? Can they be selected to play in the Olympics or other Code Compliant competitions?¹⁸
8. As a signatory to the WADC, the Australian Government has established an anti-doping framework,¹⁹ including the ASADA Act and Regulations. What are the key areas of ASADA's anti-doping program?²⁰ Which of these would you rank as the most important? Why?
9. Identify some of the education initiatives/resources ASADA provides?²¹ Rate which of these appeals the most to you? Which do you think would be the most effective in educating about doping in sport?
10. ASADA was one of the first authorities in the world to have the legal powers to investigate possible doping violations in sport. What are the three things ASADA can require a person to do if they have been issued a disclosure notice?²² Is this reasonable for ASADA to have this power?
11. What are four intelligence gathering methods ASADA uses to build evidence of a possible anti-doping rule violation?²³
12. In addition to ASADA, Australia's Anti-Doping Framework includes two separate bodies, the Anti-Doping Rule Violation Panel (ADRVP) and the Australian Sports Drug Medical Advisory Committee (ASDMAC). What roles do these bodies play?^{24,25} Why separate the role of the ADRVP from ASADA? Most sporting organisations have their own medical doctors supporting their athletes. Why have an independent body such as ASDMAC?
13. Under Australia's National Anti-doping Scheme, what are National Sporting Organisations required to do?²⁶ What about other sports organisations (see list below), do they adopt anti-doping rules too?²⁷
 - State institutes and academies (i.e. AIS, NSWIS, WAIS, ACTAS, NTIS, TAS, QAS, SASI)
 - Your state sporting organisation
 - School Sport Australia²⁸
 - Your club.

14. If you are an athlete competing or involved in any of the following, which organisation's anti-doping rules will apply:
- Basketball (FIBA) World Championships
 - Baseball at the Olympic Games
 - Hockey at the Commonwealth Games
 - Mountain Bike at an U/17 National Series Event
 - 400m Wheelchair race at a State Championships
 - Volleyball Regional Championships
 - AFL AIS Academy
 - QAS Tennis Talent ID squad
 - School Sport Australia Swimming Championship
 - Taekwondo Club Championships.

ACTIVITIES AND RESOURCES

1. Watch UKAD's video introducing the World Anti-Doping Code.²⁹ Of the five key elements, which ones are most relevant to athletes?
2. In groups or as individuals, and guided by the essential questions listed above, students are assigned a research assignment to present findings across three topics.
 - a. WADA (Questions 1-7).
 - b. ASADA (Questions 8-12).
 - c. Sport Organisations (Questions 13-14).
3. Using your sport as an example, students should draw a mind map capturing the structure of the sport from local club through to international level. Include typical events, development programs (institutes/academies) and use the official names of the organisations overseeing each level/program/event. Insert information relating to anti-doping codes.
4. Read the article '*Golf urged to become fully compliant with the WADA Code*'.³⁰ Students should discuss the pros and cons of golf becoming WADC compliant at all levels of the sport (professional to amateur).
5. Review School Sport Australia's Drugs in Sport policy³¹ and highlight what the strengths and weaknesses are of this policy?



Extended Learning Activity: A NEW APPROACH?

Focusing on the current anti-doping framework, formally debate the following statement: 'Sport needs a different system to eliminate doping'. Make arguments for and against.



FURTHER RESOURCES

- World Anti Doping Code³²
- Questions and answers re the World Anti Doping Code³³
- Anti-Doping Rule Violation Panel³⁴
- Australian Sports Drug Medical Advisory Committee³⁵
- Anti doping systems in sport doomed to fail³⁶





Unit 4: ASADA'S ANTI-DOPING PROGRAM

Level: Adaptable for Years 9 through 12.

Subjects: The following Unit aligns to key knowledge statements in:

- Some senior Physical Education curriculum.

LESSON OVERVIEW

Enforcing anti-doping rules has, and remains, a significant challenge. In the 1980s, event testing was the primary method used to detect doping. Out-of-competition testing was minimal and mostly ineffective due to the advanced notice athletes were provided to arrange sample collection. However, since the introduction of the WADA and the response from anti-doping authorities such as ASADA, the gaps in enforcement have narrowed.

Many Australian sports refer their anti-doping functions and powers to ASADA, including those relating to the issuing of an infraction notice, the convening of a hearing, the presentation of allegations of an anti-doping rule violation at a hearing and all related matters. They also recognise the authority of ASADA to investigate possible anti-doping rule violations.

In this lesson, students will look at the development of doping control, review the role ASADA and sporting organisations play in enforcing anti-doping rules, and assess what else can be done to close current enforcement gaps.

LEARNING OBJECTIVES

- Reflect on the historical shortfalls of doping control and identify the improvements introduced in the last 10 years.
- Demonstrate an understanding of ASADA's approach to identify potential anti-doping rule violations.
- Identify the role sporting organisations play in the enforcement of their anti-doping rules.
- Identify and critically assess options available to close current gaps.

KEY QUESTIONS

1. What is known about the history of doping in sport?
2. What drugs were used before the introduction of anabolic steroids and growth hormones? What were the consequences (integrity, health)?
3. When did sport get serious about controlling doping? When were rules introduced and what was done at this time to enforce them?



4. In recent history, significant developments have occurred in every decade in the fight against doping in sport. What were the key developments in the 80's, the 90's and the 00's? What rules or enforcement strategies were introduced in those decades?
5. What are the key elements of ASADA's anti-doping program?
6. What impact has ASADA's investigations program had since its introduction in 2006?³⁷
7. What responsibilities do sporting organisations have in relation to the enforcement of anti-doping rules?³⁸
8. In what ways have anti-doping enforcement strategies improved in recent times?
9. What else needs to be addressed to close the gap between those who dope and those enforcing anti-doping rules?

ACTIVITIES AND RESOURCES



1. Research the history of doping in sport^{39,40}. Identify five landmark moments from 1980 - 2010? Why are they landmark moments? What was learnt? What impact did they have on shaping doping control strategies?
2. Summarise the five elements of ASADA's anti-doping program.⁴¹ In small groups, rank the five elements of ASADA's anti-doping program, agreeing on the order of impact on enforcing anti-doping rules. If ASADA's budget was to be increased, present an argument identifying the components of ASADA's anti-doping program that should be enhanced? In what way and why?
3. Debate the statement: 'Athlete education is fundamental to enforcing anti-doping rules'.
4. Review the responsibilities detailed in the National Anti-Doping Scheme.⁴² What items are sporting organisations and ASADA required to collaborate on. What responsibilities do sporting organisations have that don't directly involve ASADA?
5. Doping Control Gap Analysis: Some experts suggest doping methods are always a step ahead of the authorities. Map the gaps that have been addressed in recent years.

Example:

Issue (Gap)	Response
Athletes stop doping before competition to avoid detection at events	Comprehensive out of competition testing. Anytime, anywhere, any athlete.
Athletes difficult to locate for testing	Athlete Whereabouts Requirements. One hour every day is nominated by the athlete. Three strikes over 12 months can constitute a doping offence.
Athletes micro dose overnight (limits window of detection)	Athlete Biological Passport ⁴³ monitors fluctuations and can be submitted as doping evidence. Early morning testing (beyond the nominated athlete whereabouts hour) maximised detection of athletes' micro dosing overnight.

Issue (Gap)	Response
Undetectable doping	Athlete Biological Passport monitors fluctuations that indirectly indicate possible doping. This data can be submitted as doping evidence. Samples stored for 10 years for retrospective testing when new detection methods become available.
Doping athletes reside and train in remote locations	Worldwide arrangements across anti-doping authorities to collect samples for each other.
Infrequent testing of tier two athletes (sub elite)	Targeted testing based on intelligence rather than random testing across a large pool of athletes (too expensive, too hit and miss).

6. What gaps in enforcement remain (e.g. new substances/methods emerging from medical trials, undetectable substances, gene manipulation)? What can be done to address existing gaps?

Extended Learning Activity: RULES/LAWS AND THE ROLE OF ENFORCEMENT AND EDUCATION - WHAT IS THE RIGHT BALANCE?



Introducing laws without the appropriate levels of education and enforcement can cause difficulties. Some laws are accompanied by 'big sticks', while others rely on education to influence behaviour.

Consider the following issues. Would you lean more to - education or enforcement to achieve the purpose of the relevant law? What types of education or enforcement should be applied for the following?

- Lighting of flares at soccer games
- Illegal graffiti
- Illegal downloading movies/music
- Speeding
- Plagiarism.

FURTHER RESOURCES

- Muller, R.K. *History of Doping and Doping Control*, Doping in Sports: Biochemical principles, effects and analysis. Vol. 195 Handbook of Experimental Pharmacology, PP 1-23, 2009.
- Yesalis, C. & Bahrke, M. *History of Doping in Sport*. International Sports Studies, 24, (1):42-76, 2003.





Unit 5: SUPPLEMENTS IN SPORT

Level: Adaptable for Years 9 through 12.

Subjects: The following Unit aligns to key knowledge statements in:

- Some senior Physical Education curriculum.



LESSON OVERVIEW

Supplement use may include vitamins, minerals, herbal remedies, amino acids and various other ergogenic (i.e. performance enhancing) substances. Supplements can assist athletes to achieve peak performance. However, poor regulation of the supplement industry allows athletes to be bombarded with marketing hype that exaggerates or completely invents unproven benefits arising from their use.

The results of the present frenzy of supplements in sport are: a small, but real risk of a positive 'doping' outcome; money being wasted on products that simply do not work; time, money and belief being distracted away from the factors that can really enhance health, recovery and performance.⁴⁴

This Unit will review 'effective' and proven methods to enhance performance including: training programs and methods, recovery methods, nutrition, psychological techniques and other interventions. Focusing on proven methods, it will also analyse scientific evidence of ergogenic aids (supplements), the regulation of supplements, the risks involved with supplement use and actions athletes may take to limit risks.



LEARNING OBJECTIVES

- Compare and contrast practices designed to enhance performance and/or speed up recovery (physical conditioning, nutrition, psychological).
- Identify and explain methods used by sport science to validate effective practices to enhance performance.
- Understand what an ergogenic aid (or supplement) is and be able to identify supplements that are effective.
- Identify risks associated with supplement use and explain actions athletes may take to limit or eliminate risks.



KEY QUESTIONS



1. What is meant by 'a cutting edge performance method/approach'? When the term 'cutting edge' is mentioned, does it include the idea of 'proven'?
2. From a scientific point of view, what needs to be established to validate/prove a method/approach is effective? What can organisations do to validate and approve these 'new methods or approaches'?
3. Is there a method or approach that is emerging in sport that is yet to be proven?
4. Thinking about physical preparation, what methods are common across many sports?
5. What approaches do athletes take to maximise performance?
6. What role should nutrition play in an athlete's preparation, performance and recovery?
7. Can you think of a training technique or nutritional approach that athletes no longer use that was once thought to be effective?
8. What questions would you expect an elite athlete to ask before considering the use of a supplement?
9. From whom or where should elite athletes seek this advice before the use of any supplements?
10. Thinking about nutritional supplements advertised in magazines and online, what approaches are used to influence the buyer?
11. What are the consequences for an athlete testing positive 'inadvertently' through the use of a contaminated supplement product?

ACTIVITIES AND RESOURCES



1. **What really works**
 - Discuss training techniques or nutritional approaches once thought to be effective that are no longer used (i.e. steak and eggs before competition, pre-season 100x100m sprint).
 - Discuss the role of sport science in building evidence-based nutrition and training techniques.
 - Review the science-based training article '*To rest or not to rest in between efforts in team sport*⁴⁵ and identify how the claims are supported.
2. **Nutrition - keeping it real**
 - Review the AIS webpage '*Supplements in Sport - Why are they so tempting?*⁴⁶ and identify five key messages.
 - Watch AIS Chief Medical Officer, Dr David Hughes, talk about nutrition and supplements in sport.⁴⁸ What does he mean by the phrase: "... a victory for marketing over science"?

For a more detailed overview watch AIS nutritionist, Professor Louise Burke, talk about nutrition and supplements in sport.⁴⁷

- Students are to watch the YouTube video⁴⁹ featuring interviews with two elite athletes, Dr. Felipe Contepomi (an international rugby player) and Lauren Williams (an Olympic Gold medallist in both the Summer and Winter Games), and list the advice they give re supplements.
- Watch the series of three funny educational videos from *Play by the Rules* on the use of supplement products.⁵⁰ What key messages do you take out of these videos?

3. Supplements in elite sport - a risky business

- Watch Australian athletes discuss the supplements issue in these two videos.^{51,52} What are the key risks identified? What actions can athletes take to reduce or eliminate the risks?
- Watch the supplements interview with ASADA 'experts'.⁵³ Did you learn anything new?
- Discuss the advice provided by the AIS regarding sports nutrition and supplements.⁵⁴

Extended Learning Activity: CHALLENGING SUPPLEMENT CLAIMS

Find two or three advertisements promoting different sport supplements. Using the 'Guidelines for Evaluation' from the University of Arizona Cooperative Extension article 'How to Evaluate Ergogenic Aid Claims'.⁵⁵ Review the supplement claims in the advertisements and make your own assessment.



FURTHER RESOURCES

- The Hazards of Supplement Use in Sport⁵⁶ (WADA resource)
- UK Anti-Doping website⁵⁷
- BBC Panorama documentary 'Catch me if you can'⁵⁸
- Play by the Rules Supplements e-book⁵⁹





Unit 6: ATHLETES' RIGHTS AND RESPONSIBILITIES

Level: Adaptable for Years 9 through 12.

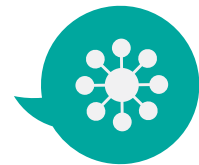
Subjects: The following Unit aligns to key knowledge statements in:

- Some senior Legal Studies curriculum (Human Rights).
- Some senior Physical Education Studies.

LESSON OVERVIEW

The purpose of anti-doping rules, as stated in the World Anti-Doping Code, is to protect the athletes' fundamental right to participate in doping-free sport. In protecting this right, anti-doping laws such as the ASADA Act impact on other rights afforded most individuals. Anti-doping rules also impose responsibilities for athletes to meet.

In this Unit, students will identify the rights of athletes that anti-doping rules impact and the rights that are protected. Students will also undertake a practical exercise that mimics the actions many athletes must undertake to meet the Athlete Whereabouts requirements.



LEARNING OBJECTIVES

- Demonstrate an understanding of the responsibilities expected of athletes in meeting their anti-doping obligations.
- Identify the impact anti-doping rules have on the rights and freedoms of athletes.
- Critically assess the cost/benefit of anti-doping rules on athletes and sport (proportionality test).



KEY QUESTIONS

1. From the perspective of clean athletes, what right is being protected through anti-doping rules? By extension, what human rights are being protected?
2. In what way can anti-doping obligations have a significant impact on athletes?
3. When selected for a doping test, what athlete's rights are ensured and what responsibilities are to be adhered to?⁶⁰ Is this reasonable?
4. ASADA's intelligence and investigation activity may include gaining access to personal documents and communication activity? Is this reasonable?



ACTIVITIES AND RESOURCES



1. Review the list of athlete's rights and responsibilities on the ASADA website.⁶¹ While watching WADA's drug testing video,⁶² cross reference the information provided on the video with ASADA's information.
2. From a practical, everyday perspective, anti-doping obligations can have a significant impact on athletes. List inconveniences that may occur as a result of meeting anti-doping responsibilities.
 - a. Review and comment on the legal opinion provided to WADA on the compatibility of anti-doping rules with accepted principles of international law and human rights.⁶⁵
3. Discuss/debate the following statement: 'Athletes have a fundamental right to participate in a doping-free sport'.
4. You are an international level athlete and have been placed on the Registered Testing Pool. You are now required to submit Athlete Whereabouts Information to enable no advance notice testing. Your requirements are detailed on the ASADA webpage.⁶⁴
 - a. Complete a diary for the next month, forecasting one hour each day where you will be available for testing. Monitor how many times you need to make a change to your diary. Monitor how many times you forgot to make a change or could not be where you said you would be.

Extended Learning Activity: IS THE IMPOST PROPORTIONAL?



Consider the following intervention and argue a case for or against:

In 2013, changes to ASADA's legislation framework introduced the power to require someone to assist with an investigation by issuing a Disclosure Notice.

A disclosure notice can require a person to do one, or more of the following:

- attend an interview to answer questions
- give information
- produce documents or things.

Failure to meet the obligation can result in a fine. Prior to this change, a person was not obligated to respond to such requests.



Unit 7: STRICT LIABILITY

Level: Adaptable for Years 9 through 12.

Subjects: The following Unit aligns to key knowledge statements in the:

- Senior Legal Studies curriculum.

LESSON OVERVIEW

Sport requires players, coaches and administrators to take responsibility for their performance, as well as their actions on and off the field. This responsibility requires that they are up-to-date on the rules and regulations governing their sport, including anti-doping rules.

This Unit defines the term 'strict liability' and provides examples of laws where strict liability often applies (i.e. animal keepers, manufacturers of dangerous/defective products). Students will explore why doping rules have placed the onus on the athlete to prove their innocence, and question, could clean sport be achieved without strict liability?



KEY OBJECTIVES

- Demonstrate an understanding of the term 'strict liability'.
- Identify examples of law where strict liability can apply.
- Explain the rationale for placing the onus on athletes to avoid doping.
- Critically assess whether strict liability for unintentional doping is reasonable.



KEY QUESTIONS

1. What other terms or phrases could be used as synonyms for 'strict liability'?
2. A number of laws relating to animal restraint (dog bites) and product safety (defective goods) adopt the principle of strict liability. Why do lawmakers favour strict liability in these situations? Is this reasonable? Should a level of negligence or fault be considered rather than strict liability?
3. Why have anti-doping codes adopted the principle of strict liability? Should strict liability apply to both intentional and unintentional doping?
4. Could clean sport be achieved without strict liability?
5. While strict liability applies, are there exceptional circumstances that should apply when determining the penalty imposed on an athlete?



ACTIVITIES AND RESOURCES



1. Create a list of ten words or phrases that are synonymous with (or relate to) the term 'Strict Liability'. Choose five that are most closely aligned with the term. Analyse the five that did not make the top list. Discuss why.
2. Watch the video clips 'Dog Bite - Strict Liability Statute'⁶⁵ and 'Strict Product Liability'⁶⁶ (first half of 4:30 mins). Why have lawmakers placed all onuses on dog owners and product producers? Is this reasonable? Should a level of negligence or fault be considered rather than strict liability?
3. Strict liability applies whether an athlete has intentionally or unintentionally used a prohibited substance or was negligent or otherwise at fault. Consider why anti-doping codes have adopted the principle of strict liability. Could clean sport be achieved without strict liability?
4. Review the claims made by athletes who have failed doping tests.⁶⁷ A WADA FAQ⁶⁸ explains that while strict liability applies, sanctions (penalties) may be reduced depending on:
"... a reasonable balance between, on one hand, effective anti-doping enforcement for the benefit of clean athletes and, on the other hand, fairness in the exceptional circumstances where a prohibited substance entered an athlete's system through no fault or negligence on the athlete's part".

Can you think of an exceptional circumstance that might reduce the penalty imposed on an athlete?
5. Review the following cases where athletes have been afforded reduced sanctions. If you were a member of an anti-doping tribunal, would you support these decisions?
 - Kylie Palmer, Australian Swimmer⁶⁹
 - Ahmed Saad, AFL Footballer⁷⁰
 - Shane Warne, Australian Cricketer⁷¹
 - Liliya Shobukhova, Russian Athlete⁷²

Extended Learning Activity: STRICT LIABILITY - 'DRIVERS vs CYCLISTS'



In most European countries the onus is on drivers to prove their innocence in collisions with cyclists that result in civil law suits for damages. The reverse is true in Australia - cyclists have to prove that the driver was at fault if they are to win a civil action.

Read the article where champion cyclist Mark Cavendish argues the case for strict liability for drivers in Britain.⁷³ Present a case for or against Australia adopting this approach.



Unit 8: MANAGING RISKS

Level: Adaptable for Years 9 through 12.

Subjects: The following Unit aligns to key knowledge statements in the:

- Senior Legal Studies curriculum.

LESSON OVERVIEW

This Unit summarises the key risks athletes face in navigating anti-doping rules. Students will examine case studies and identify the actions an athlete can take to avoid concern or controversy. Students will also develop an athlete management plan to eliminate risks and source accurate information.



LEARNING OBJECTIVES

- Review key anti-doping risks covered in the previous lesson plans.
- Identify high-profile anti-doping cases, and critically evaluate the effects and consequences they have had for all stakeholders involved.
- Develop an individual action plan designed to reduce or eliminate risks of using prohibited substances.



KEY QUESTIONS

1. What are some of the most common causes of a positive doping test?
2. What are some of the common excuses offered by athletes who test positive?
3. What are some of the ways in which 'clean' athletes may inadvertently fall foul of the anti-doping rules and regulations?
4. Why do some doping cases receive large media attention, while others cases go relatively unnoticed?
5. Can you identify the key sources of information that clean athletes in Australia need to rely on to protect their image and reputation?



ACTIVITIES AND RESOURCES



1. Individually, or in groups, research a recent anti-doping case/issue/positive test and provide a report back to the class on the key timelines and facts involved in that case. Points to consider may include (but not limited to):
 - a. Date the issue occurred?
 - b. How the case was first discovered?
 - c. Who was involved and which rules were they accused of breaching?
 - d. What level of media reporting was there, and did this appear factual or emotional?
 - e. What do you believe the consequences were for the stakeholders involved?
 - f. What was the outcome of the case?
 - g. What learnings are there for other athletes/sports from this case?
2. Considering some of the risks involved, develop an individual action plan designed for an aspiring elite junior athlete to follow. The action plan should list the individual risks and identify how they can be mitigated or minimised.

Example:

Risk - inadvertent doping through contaminated supplements.

Mitigation strategy - yearly session booked with qualified sports nutritionist/dietician to discuss dietary needs and safe/effective use of supplement products. Regular checks on the ASADA website for the latest warnings or information on supplement products.

Extended Learning Activity: CREATING AN EDUCATIONAL RESOURCE



Using your individual action plan, modify the information into a format that could be used as an educational brochure/flyer/poster for an elite junior sporting team in your state.

Consider what the most important information to be included is? How should this information be best presented so that it will be easily read and understood? How would it be distributed?

46 <https://www.supplementpro.com.au/articles/supplements-in-sport-why-are-they-so-tempting/>
47 www.youtube.com/watch?v=WTN7JX93RsQ
48 www.youtube.com/watch?v=pBAPapMCRlo
49 www.youtube.com/watch?v=ig01z_vxQGA&feature=player_detailpage
50 www.youtube.com/user/playbytherulesport
51 www.youtube.com/watch?v=hR4zHEmRfjY
52 www.youtube.com/watch?v=N3xgl70Gw3E
53 www.youtube.com/watch?feature=player_detailpage&v=7ONINWoAaqk
54 <https://www.sportaus.gov.au/ais/nutrition>
55 <http://arizona.openrepository.com/arizona/bitstream/10150/146492/1/az1383-2006.pdf>
56 www.wada-ama.org/
57 www.ukad.org.uk/
58 <https://www.youtube.com/watch?v=04ck8LwApd4>
59 http://play-by-the-rules.s3.amazonaws.com/Resources/R068_Supps_Get_Informed.pdf
60 www.asada.gov.au/anti-doping-programmes/testing#top
61 www.asada.gov.au
62 <https://youtu.be/sWhudwnE3Fg>
63 <https://wada-main-prod.s3.amazonaws.com/resources/files/WADC-Legal-Opinion-on-Draft-2015-Code-3.0-EN.pdf>
64 www.asada.gov.au/anti-doping-programmes/whereabouts
65 www.youtube.com/watch?v=xly-rbO4LTs
66 www.youtube.com/watch?v=VWy9fZKZGAQ
67 www.topendsports.com/medicine/doping-excuses.htm
68 www.wada-ama.org/en/questions-answers/2015-world-anti-doping-code#item-892
69 <http://swimswam.com/fina-releases-statement-on-australian-kylie-palmers-positive-doping-test-expedited-hearing-unlikely/>
70 <https://www.afl.com.au/news/2013-12-05/saad-ban-appealed>
71 www.smh.com.au/articles/2003/02/22/1045638544833.html
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73 www.thetimes.co.uk/tto/public/cyclesafety/article3451896.ece