



SPORT INTEGRITY
AUSTRALIA

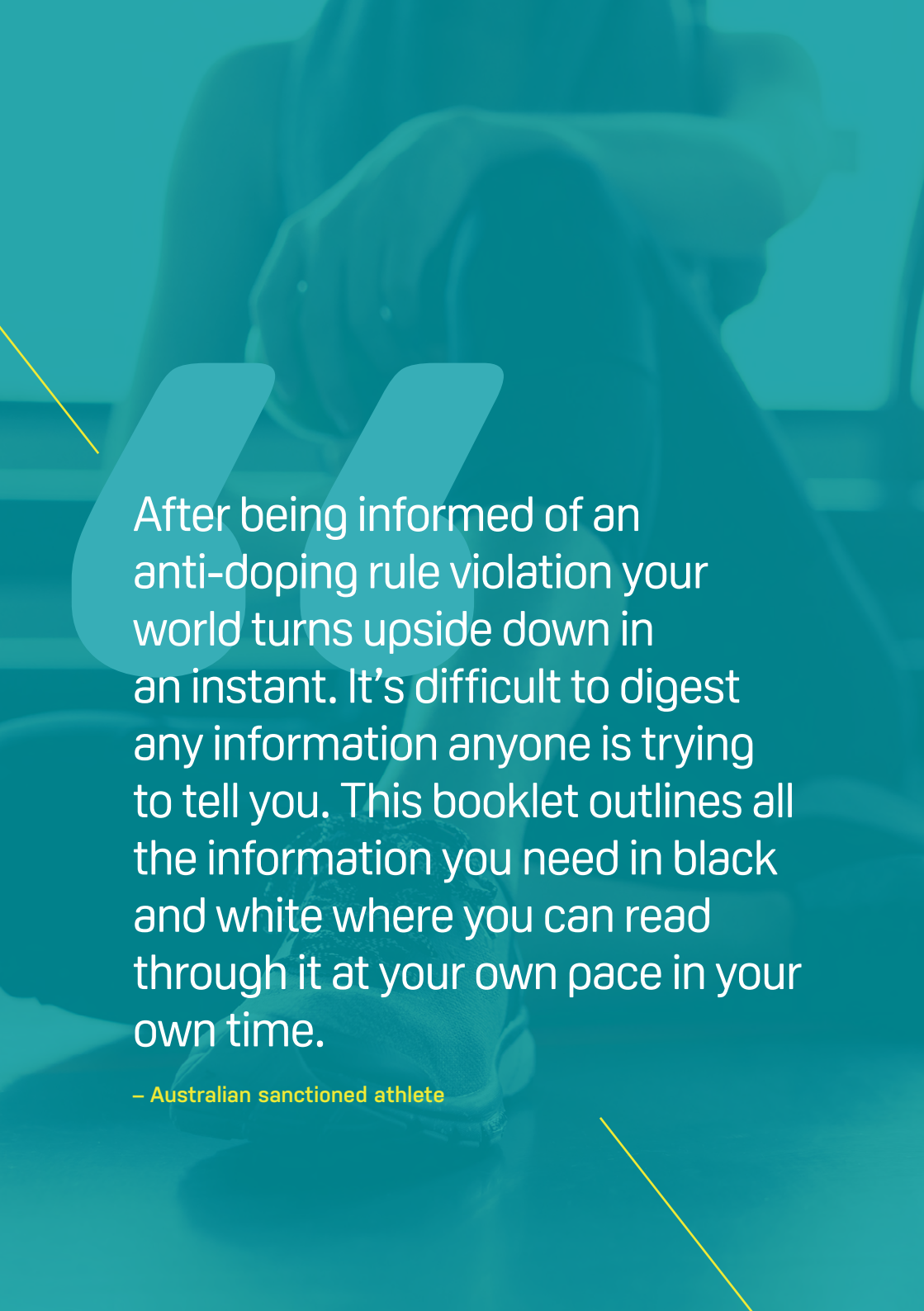
ANTI-DOPING RULE VIOLATION HANDBOOK:

A GUIDE FOR ATHLETES

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After being informed of an anti-doping rule violation your world turns upside down in an instant. It's difficult to digest any information anyone is trying to tell you. This booklet outlines all the information you need in black and white where you can read through it at your own pace in your own time.

– Australian sanctioned athlete

INTRODUCTION

The possibility of being banned from sport for doping can be an extremely confronting experience. This handbook aims to provide clarity around this complex situation by explaining the process, what it means, what resources are available to you, and what you can do to take care of your physical and mental health.

It also includes stories from athletes who have been through the same process, and their advice for your wellbeing.

The handbook is designed to help athletes by translating, as best as possible, complex legislation and rules into plain English.

However, this handbook does not replace the information contained in the World Anti-Doping Code (Code), International Standards, the Australian National Anti-Doping Policy, or an amended version of this policy which your sport has adopted, or the relevant legislation.

The content of this handbook does not constitute legal advice, is not intended to be a substitute for legal advice and should not be relied upon as such. We recommend you seek legal advice – a process which is explored further in this handbook.

SUPPORT SERVICES

Athletes who are going through the Anti-Doping Rule Violation (ADRV) process often feel overwhelmed, isolated, confused and anxious.

As this can be an extremely challenging time, it is important that you prioritise your mental wellbeing and seek support.

COUNSELLING SUPPORT

Sport Integrity Australia recognises that finding professional support can be difficult, so we provide free access to an independent and confidential counselling service with qualified professionals through TELUS Health. This service should be used within 6 weeks of receiving your initial notification from Sport Integrity Australia.

To access this service, please call TELUS Health on 1300 361 008 (Australia) and inform them that you have been referred by Sport Integrity Australia.

OTHER FREE SERVICES AVAILABLE INCLUDE:

LIFELINE

13 11 14 | lifeline.org.au

BEYOND BLUE

1300 22 4636 | beyondblue.org.au

BLACK DOG INSTITUTE

(02) 9382 4530 | blackdoginstitute.org.au

CROSSING THE LINE

crossingthelinesport.com

HEADSPACE

headspace.org.au

WELLMOB ONLINE COUNSELLING

wellmob.org.au

YARNING SAFE N STRONG

vahs.org.au/yarning-safenstrong

TELUS HEALTH

telushealth.com

You may also be eligible to receive support from the **Australian Institute of Sport (AIS) Mental Health Referral Network** – ais.gov.au/mhrn

KEEPING ACTIVE

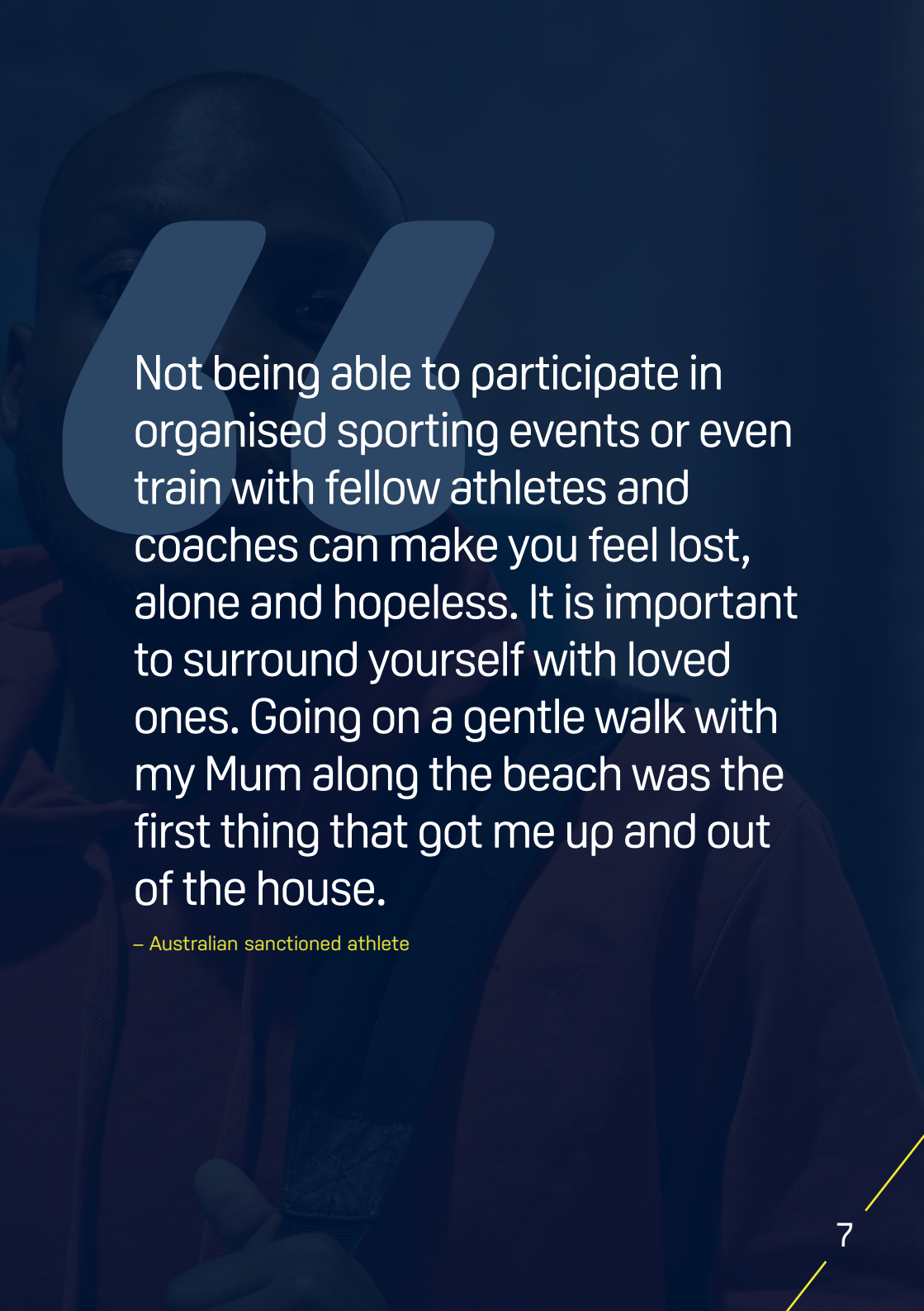
If you are serving a provisional suspension or a sanction, you will not be able to participate in organised sporting events or training, in any capacity. You will also not be able to coach athletes, receive coaching or participate in a training program from your sport or team. However, you can still keep physically active.

Physical activity has been shown to help with improving and maintaining mental and physical well-being. Activities¹ that you can still do to keep yourself fit and active include:

- joining a publicly accessible gym (not a team or club gym)
- yoga or Pilates
- hiking, running and trail running
- swimming
- cycling
- rock-climbing.

The consequences for breaching a provisional suspension or sanction are severe, so if you are unsure whether or not you can do something, always contact Sport Integrity Australia before you do it.

¹ As long as these activities aren't organised or authorised by any Signatory to the Code, any Signatory's member organisation, or a club or other member organisation of a Signatory's member organisation.



Not being able to participate in organised sporting events or even train with fellow athletes and coaches can make you feel lost, alone and hopeless. It is important to surround yourself with loved ones. Going on a gentle walk with my Mum along the beach was the first thing that got me up and out of the house.

– Australian sanctioned athlete

LEGAL SUPPORT

The anti-doping rules and processes are complex, and the flow-on effects of a sanction can be significant, so it's important that you seek legal advice.

If your matter is heard in the National Sports Tribunal (NST), you may be able to access free or discounted legal advice through the NST Legal Assistance Panel.

Visit: www.nationalsportstribunal.gov.au/ for more information.

If your matter is heard in the Court of Arbitration for Sport, you may be eligible for legal aid.

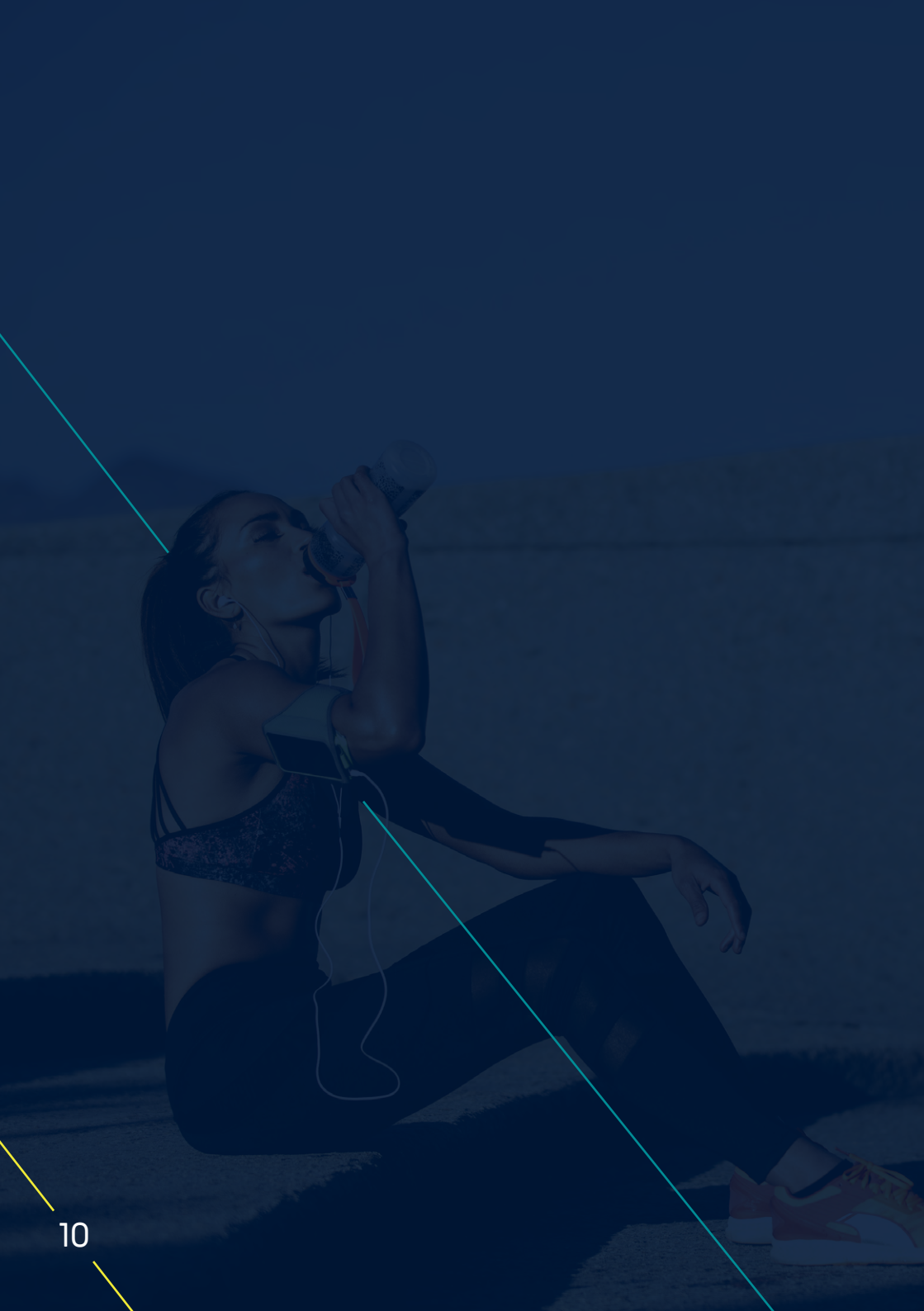
Visit: www.tas-cas.org/en/arbitration/legal-aid.html for more information.



It is important that if you do seek legal advice or support that they have experience in anti-doping violations. It can be difficult to understand the process and keep up with what is going to happen next. Having someone who understands the legal process and can talk with you step by step is invaluable.

– Australian sanctioned athlete





THE ANTI-DOPING FRAMEWORK



world
anti-doping
agency



SPORT INTEGRITY
AUSTRALIA

NSO
YOUR SPORT

YOU

In this section, we will explore which rules, laws and policies will apply to you throughout your case, and how they interact.



The World Anti-Doping Code

First up, the World Anti-Doping Code (Code) details the anti-doping rules that apply to all sports internationally, and the consequences that apply to those who are sanctioned.

The World Anti-Doping Agency Prohibited List

The Prohibited List outlines the substances and methods that are banned in sport. The List is updated on 1 January each year. Not every single banned substance is listed specifically in the Prohibited List – the List includes terminology such as "and other substances with similar chemical structure or similar biological effect(s)." The Prohibited List cannot list every chemical compound specifically, because new ones can be developed in labs every day. Athletes can check whether particular substances are banned on the www.GlobalDRO.com website. Not all substances are listed on GlobalDro so you can contact Sport Integrity Australia if you have any questions.

Legislation

Sport Integrity Australia operates under legislation that outlines its role, functions and powers (the *Sport Integrity Australia Act 2020* and the *Sport Integrity Australia Regulations 2020*). More information is available on the Sport Integrity Australia website at www.sportintegrity.gov.au.

Anti-Doping Policy

The Australian National Anti-Doping Policy merges the requirements of the Code and Australian legislation. All recognised sports in Australia are bound by this policy, or an amended version of this policy, and as a consequence, so are all athletes, including you. This policy is where you will find all the relevant information on results management, the hearing process, sanctions, confidentiality etc.

The policy can be found on the Sport Integrity Australia website under: What We Do - Anti-Doping - 2021 World Anti-Doping Code - Australian National Anti-Doping Policy.

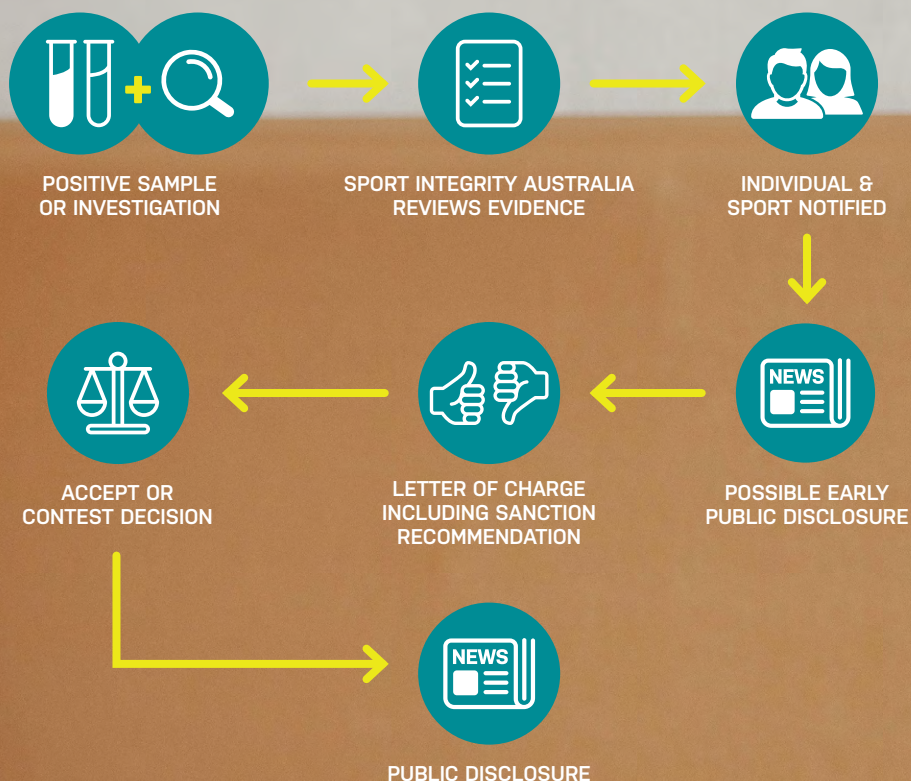
If you have not done anti-doping education before, completing this education is critical so you understand the rules and the framework you are being held accountable to. Our online courses are available at elearning.sportintegrity.gov.au or you can contact Sport Integrity Australia for a free one-on-one session.




THE PROCESS

The ADRV process is complex and involves many steps, so it can take some time to finalise, depending on the complexity of the case. During the process, you will have the opportunity to explain yourself and have your case heard (should you elect a hearing).

This section of the handbook tries to break this process down and simplify it for you, so you can prepare for the steps ahead.





When I received notification of my AAF I genuinely thought someone was playing a prank, and for a minute I thought it just couldn't be real – I felt faint and had to sit down as I read it out. I felt so useless and depressed, since one of the only things I am truly passionate about in my life was now in jeopardy.

- Sanctioned athlete statement

NOTIFICATION

When you are first notified of your Adverse Analytical Finding (AAF) (positive test) or possible ADRV, it will usually be through a phone call or in person by a Sport Integrity Australia official. If you can't be contacted by phone or in person, you will receive your initial notification letter in the mail or by email.

At the point of notification, you will also receive an email or letter with all the relevant information. You will also have an opportunity to provide an initial explanation in response to this letter. Your response, along with Sport Integrity Australia's evidence, will be reviewed by the Sport Integrity Australia CEO.

At the same time you are being notified, your National Sporting Organisation (NSO), International Federation (IF) and the World Anti-Doping Agency (WADA) will also be informed. All of these organisations are bound by confidentiality rules (see 'Announcement of Violation').

ANALYSIS OF THE B SAMPLE

If the alleged ADRV involves a positive test, you may choose to have the B Sample tested (the second part of the sample you provided), at no cost to you. You or a representative can attend the lab to oversee the opening of your sample if you choose. Alternatively, the lab can appoint an independent witness on your behalf.

Attending the lab means that you, or your witness, will have the opportunity to confirm that the B Sample being opened in front of you is yours, to check that the sample is still sealed, and to check that the details on the B Sample match the A Sample that has already been tested. As the tests can take hours, or even days, the witness will usually only be present at the beginning of the process.



You can waive your right to have the B Sample tested in writing. However Sport Integrity Australia may still decide to test your B Sample.

Note: It is extremely uncommon for the B Sample not to confirm the A Sample. This does not mean you shouldn't elect to have the B Sample tested, especially as it is free to do so, but you should be aware that the chances of the 2 not matching are very small.

If the results of the B Sample confirm the A Sample, you will be promptly notified. You will have an opportunity to provide a further explanation to Sport Integrity Australia in response to this notification.



PROVISIONAL SUSPENSIONS

A provisional suspension is when an athlete begins serving their ban after being notified of a possible ADRV, and BEFORE a final sanction decision has been made. If you comply with the provisional suspension, any time served during a provisional suspension is taken off the final ban period. Provisional suspensions can be mandatory or voluntary.

Mandatory Provisional Suspension

In certain cases where there is a positive test, a mandatory provisional suspension may be imposed. This means the ban from the sport will start immediately or shortly after being notified.

Mandatory provisional suspensions apply to anyone who tests positive to a "non-specified substance", which includes things like steroids, EPO and SARMS. You have the right to appeal this mandatory suspension or elect to have an expedited hearing if you choose.

For most sports, mandatory provisional suspensions don't apply to ADRVs that do not involve a positive test, such as evasion, complicity, trafficking, possession, prohibited association, whereabouts, tampering or administration. However, some sports may have specific rules regarding mandatory provisional suspensions. You will be able to find the rules in the Australian National Anti-Doping Policy (or an amended version if one is adopted by your sport), or by asking Sport Integrity Australia.

Voluntary Provisional Suspension

In cases where a mandatory provisional suspension does not have to be imposed, you may be given the option to choose to serve a voluntary provisional suspension, and start your ban before the process is complete.

Once the process is finalised and a sanction is determined, the sanction period will include the period of time you have already spent serving the voluntary provisional suspension, provided you have complied with its terms.

If you choose not to serve a voluntary provisional suspension and continue competing, any results, medals, points or prizes you win during this period can be disqualified if you are found to have committed an ADRV at the end of the process.



ANNOUNCEMENT OF A VIOLATION

There are 2 stages when the basic details of your case may be made public:

After you and your sport have been notified by Sport Integrity Australia of the possible violation

Depending on the circumstances, some sports may wish to publicly disclose the matter at this stage – usually by a media statement. The sport cannot do this unless Sport Integrity Australia agrees.

Once the matter is finalised, either through a hearing, or by you accepting the charge

Once the legal process has expired, Sport Integrity Australia and the sport are required to make the case public, which includes at a minimum, posting the information on the Sport Integrity Australia website. The details that will be published on the website include your name, sport, the ADRV, the substance and the sanction. This is a rule of the Code and required under the *Sport Integrity Australia Act 2020 (Cth)* and *Sport Integrity Australia Regulations 2020*.

In addition, if you, your lawyer or your representative make a public statement during the process (such as on social media, or to a journalist) prior to your case being finalised, Sport Integrity Australia may respond to any comments you make.

Major Games

If you test positive during a major game event, such as the Olympics or Commonwealth Games, this will typically be announced immediately.

Exceptions

There are 2 exceptions to the Public Disclosure requirements in the Code, which means your matter might not be made public:

1. Protected Person

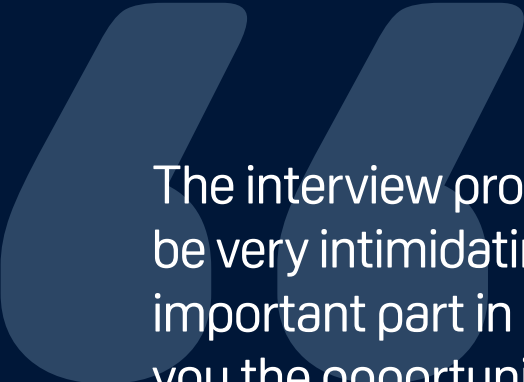
Public disclosure is not required if the violation was committed by a minor or Protected Person. A Protected Person is an athlete who, at the time of the violation, is:

- under 16 years old;
- under 18 years old, not in any Testing Pool and has never competed in an open category at an International Event; or
- reasons other than age, otherwise lacks legal capacity under applicable domestic legislation.

2. Substantial Assistance:

WADA can also agree to not publicly disclose an ADRV in exchange for substantial assistance on other anti-doping matters (see further detail on substantial assistance at page 29).





The interview process can be very intimidating but is an important part in providing you the opportunity to explain your side of the story. The best thing to do is be prepared, wear clothes you would if you were going to a job interview to feel a sense of confidence, write down key points to refer to, consider having a support person and lastly just be honest.

– Australian sanctioned athlete

INVESTIGATIONS

Sport Integrity Australia investigates alleged ADRVs to help us understand more about your case. As part of this investigation, you may be asked to voluntarily attend an interview, or you may be required to under a 'Disclosure Notice'.

Disclosure Notice

As part of an investigation, you may be given a 'Disclosure Notice'. This is a legal document which requires you to provide documents or things, give information and attend an interview.

This is not voluntary – failing to comply with a Disclosure Notice is a breach of the *Sport Integrity Australia Act 2020 (Cth)*, and will leave you open to financial penalties.

In addition to information collected through the Disclosure Notice process, Sport Integrity Australia may also collect information gathered from other law enforcement, government agencies and sporting administration bodies, as well as scientific information and other evidence.

During the investigation, you may be interviewed multiple times so that all possible evidence can be assessed thoroughly. Cooperating by making a prompt admission or providing substantial assistance may help in reducing the length of your potential sanction. More detail on this is in the next section.

You will be provided further information about these options at the time you receive the notification of your positive test or possible ADRV.



Assertions about anti-doping rule violations

Once the investigation has been completed, if the Sport Integrity Australia CEO is satisfied that you have committed an ADRV, you will be issued with an Assertion confirming the CEO's decision.

Letter of Charge

You will also receive a 'Letter of Charge' which will include details of the ADRV, outline the allegations against you, the proposed sanction and consequences of the proposed sanction. You will have 20 days to respond to this letter.

The Letter of Charge will set out your options for the next step, including how many days you have to respond. Usually, depending on your sport, you will have 3 options:

- You can admit the ADRVs and accept the sanction and consequences,
- You can challenge the ADRVs and/or the sanction in a hearing, or
- You do not respond within the time frame. In this instance, you will be deemed to have admitted to the ADRVs and have accepted the sanction.



PROMPT RESOLUTION OF CASES

If you admit to committing the violation, you can help speed up the Results Management process and could also reduce the length of your potential sanction. There are 2 ways that an admission can potentially reduce your sanction:

1. Reducing a sanction for early admission to a violation and acceptance of sanction

If you are facing a 4-year ban, you can have your sanction reduced by one year if you admit to the violation and accept the sanction within 20 days of receiving the Letter of Charge.

2. Entering into a Case Resolution Agreement

If you admit to the ADRV and agree to consequences, you may be able to enter a Case Resolution Agreement if Sport Integrity Australia and WADA agree. Your sanction may be reduced depending on:

- the seriousness of the violation,
- your degree of fault, and
- how promptly you admit to the violation.

Under a Case Resolution Agreement, you must still serve at least half of your original sanction, and the Agreement (including the amount of reduction to, and the starting date of the sanction) cannot be appealed. Additionally, a decision by Sport Integrity Australia and WADA to enter, or not to enter a Case Resolution Agreement, also cannot be appealed.

If you are considering entering into a Case Resolution Agreement, you are entitled to provide information under a 'Without Prejudice Agreement'. This means that if an agreement is not finalised, the information gathered during the case resolution discussions cannot be used against you in any proceedings under the Code.

EARLY ADMISSION & ACCEPTANCE OF SANCTION

- Must take place **within 20 days** of notice of charge
- Only for ADRVs with **4 year sanctions**
- **Reduction** of 4 year sanction by one year

CASE RESOLUTION AGREEMENTS

- **Reduction** in sanction must be agreed by **WADA and Sport Integrity Australia**
- Not limited to ADRVs with 4 year sanctions
- Reduction dependent on factors such as degree of fault
- At least **half of original sanction** must be served

SUBSTANTIAL ASSISTANCE

If you provide information to Sport Integrity Australia that helps in the investigation of others for doping offences, such as how the doping activity occurred and who else may be involved, you could have up to 75% of your ban suspended, depending on the circumstances. This can also apply if you provide information which leads to criminal charges or disciplinary action being brought against others (for example if a doctor is providing inappropriate prescriptions for performance enhancing drugs).

You may only be offered the opportunity to provide Substantial Assistance once. If you have information, the earlier you provide it the better the likely outcome for you. Providing information after you receive your sanction may still help your cause, but this is less likely.

You should also be aware that criminal charges can be brought against you if you lie to a Commonwealth Official such as a Sport Integrity Australia investigator. In addition, lying may be considered an aggravating factor that is likely to work against you in the sanction process, and can lead to a longer sanction.

To be eligible for 'Substantial Assistance' and a possible reduction in your sanction, you must be honest and truthful in relation to your own and other people's violations.





CASE STUDY

An Australian athlete under investigation sought a reduction in his sentence on the basis of providing Substantial Assistance. However, in the process of the investigation it was found that the athlete was still withholding critical information and being dishonest. As a result, he was not eligible to receive a reduction to his sanction under the Substantial Assistance provisions.

To be eligible for Substantial Assistance and a possible reduction in your sanction, you must be honest and truthful in relation to your own and other people's violations.

HEARINGS

If you disagree with the sanction, you can have your case heard by the National Sports Tribunal (NST) or your sport's tribunal, if applicable (sports such as FFA, AFL, Cricket and NRL have their own anti-doping tribunal). The NST is independent from Sport Integrity Australia and your sport, and will hear the matter and make a decision. If the ADRV is upheld, it will impose a sanction in line with the Australian National Anti-Doping Policy, or an amended version of this policy as adopted by your sport.

If you are not satisfied with the decision from this initial hearing, you can appeal the decision as follows:

- If you are an International Level athlete, you can appeal to the Court of Arbitration for Sport (CAS), or
- All other athletes can appeal to the Appeals Division of the NST, and then again to the CAS.

INITIAL HEARING

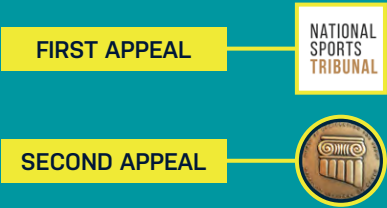
NATIONAL SPORTS TRIBUNAL OR SPORT'S TRIBUNAL

APPEALS

INTERNATIONAL LEVEL ATHLETE



NATIONAL/LOWER LEVEL ATHLETE




SANCTION LENGTH

At the end of any tribunal hearing, or if you do not seek a hearing (or have been deemed to have accepted the sanction), your sport will send you a Decision Notice, confirming the consequences and sanction imposed for the ADRV.

The length of your sanction can range anywhere from a reprimand, all the way up to a lifetime ban. In most cases, the starting point for determining your sanction will be 2 or 4 years depending on the violation and substance involved. Any reduction in the length of your sanction will be determined by a number of factors, including the ADRV(s) you committed, the evidence submitted by you or your legal team relating to your intention, negligence or fault, whether you made an early admission or provided substantial assistance during the investigation process, and whether you have committed an ADRV before.





Being aware of the consequences of an ADRV as soon as possible is helpful. If you consider the worst case scenario occurring then you will be mentally prepared if it does happen, and anything less is a blessing.

– Australian sanctioned athlete

WHAT ARE THE CONSEQUENCES OF YOUR SANCTION?

There are a range of consequences if you are found to have committed an ADRV, and these are set out below. The consequences that apply to you will be made clear to you once your case has been finalised.

Ban from sport: Your sanction will likely include a 'Period of Ineligibility', which prohibits you from participating in competitions or activities as set out in the Code, in any capacity. This includes a ban against participating in any sport that has an anti-doping policy, in any country, as an athlete, coach, manager or official.

Results and prizes: It's also likely that you'll forfeit any results, medals, points, or prizes for competitions entered after the date you committed your ADRV. For example, from the date of your positive test.

Team consequences: If you compete in a team sport, the team may also lose medals, points, or prizes, depending on which sport you play and the anti-doping rules that apply in that specific circumstance. For example, if your ADRV took place during the Olympic Games, your entire team may be impacted.

Financial support: In addition, you may lose financial support or benefits from your sport for the duration of your sanction, including sponsorship or scholarships.

PROHIBITED ASSOCIATION

You will also be unable to act in an Athlete Support Person³ role towards other athletes or persons subject to the Code in a professional or sport-related capacity, without putting those athletes or persons at risk of a Prohibited Association ADRV.

'Professional or sport-related capacity' is key here. Sanctioned athletes or athletes subject to a provisional suspension are not permitted to train with, or provide coaching to other athletes. However, they can spend time with athletes or support personnel for social reasons, during events which are not sports related. For example, going to the pub for dinner.

This rule prevents sanctioned persons from influencing other athletes, and helps protect the integrity of sport.

If you are concerned that an activity you are undertaking during your sanction period may breach this rule, contact Sport Integrity Australia for advice before doing it.

TESTING DURING YOUR SANCTION

You can still be tested while serving your sanction at any time, and you are still subject to the same anti-doping rules even though you are not playing sport. If you were required to provide whereabouts information prior to your sanction, you will still be required to keep this information up to date. This is to prevent people doping deliberately while sanctioned.

³ An Athlete Support Person is 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.

RETIRING

There are specific rules about retiring from sport. If you intend to retire, you should check the Australian National Anti-Doping Policy (or an amended version if one is adopted by your sport), as you may be required to notify Sport Integrity Australia or your sport's International Federation.

BREACHING YOUR SANCTION

If you breach your sanction by participating in sport whilst you are ineligible, you could face an additional ban from sport which would be the same length as your original ban. This will be determined by Sport Integrity Australia and your sport.

If a person subject to an anti-doping policy were to assist you in breaching your Period of Ineligibility (such as by letting you use their ID to sign up for a competition) they may also face an ADRV. You may also face an additional sanction if you help anyone else commit a violation – the 11 anti-doping rules still apply to you during sanction.



CASE STUDY

An Australian athlete was serving a 4-year ban for testing positive. One year into his ban, the athlete chose to register and play for a new sport. An anonymous report was received, which led to an investigation into whether he was still playing. Once it was confirmed that the athlete was breaching his sanction, a new Period of Ineligibility equal in length to the original Period of Ineligibility was added to the end of the original Period of Ineligibility. This essentially extended his ban to 8 years, instead of 4.

RESUMING TRAINING

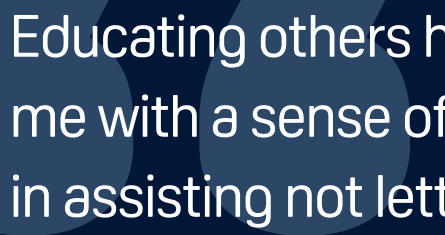
The length of your ban will determine when you may resume training – it will be either the last 2 months, or the last quarter of your ban, whichever is the shorter. Sport Integrity Australia will advise you of this.

EDUCATION

Before returning to sport, you will be required to complete education. This could be an online course, participation in a face-to-face session, or a one-on-one phone call with a Sport Integrity Australia educator. Sport Integrity Australia will advise you of the requirements.

EDUCATING OTHERS

Some athletes recognise that their story could be powerful in preventing other athletes from committing the same violation. Sport Integrity Australia works with a number of sanctioned athletes to help share their stories and prevent doping in Australia. Sanctioned athletes assisted us to prepare this booklet in order to help you. If at any stage you are interested in supporting anti-doping education, please contact Sport Integrity Australia.



Educating others has provided me with a sense of being involved in assisting not letting what I went through happen to another athlete. Knowing this in some way helps that going through what I did was not for nothing but instead created a platform to drive home a message that this is real and can happen to anyone.

– Australian sanctioned athlete



FREQUENTLY ASKED QUESTIONS

HOW LONG WILL IT TAKE?

The length of time it takes to finalise a matter is determined by a range of factors, for example:

- the type and complexity of the scientific analysis required on a sample
- the complexity of the investigation – including how many people are involved, how truthful and forthcoming parties are, the amount of evidence collected, etc.
- how many ADRVs you may have committed and the type of those ADRVs
- whether or not a hearing is sought in a tribunal, which requires significant time for each party to prepare legal arguments.

Sport Integrity Australia works hard to ensure the process is completed as quickly as possible.

IS THERE ANYTHING I CAN DO TO SPEED UP THE PROCESS?

Sport Integrity Australia recommends that you seek legal advice at the outset of your matter, as there may be options open to you at that early stage which could speed up the process. For example, providing early admissions to ADRVs, and not electing to contest the matter in a tribunal are the 2 ways that could reduce the overall length of time of the process.

If you choose to contest the matter, ensuring submissions are made on time will assist, whether that's on your own, or by working closely with your legal adviser.

IF I DON'T TELL ANYONE ABOUT MY BAN, WILL PEOPLE FIND OUT?

Once a sanction is imposed and all appeal periods have expired or been exhausted, Sport Integrity Australia is obligated to publish the basic facts of the matter on its website unless an exception applies. This includes your name, the violation type and substance, and your sport. This is a requirement of the Code.





SPORT INTEGRITY AUSTRALIA

CONTACT INFORMATION

To enquire, provide feedback or have any questions about the content of the document please contact:

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