Cycling Australia Review

January 2013
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14 January 2013

Senator the Hon. Kate Lundy
Minister for Sport
Parliament House
CANBERRA ACT 2600

Dear Minister Lundy

On 7 November 2012 you announced my appointment to head a Review into Cycling Australia and the Terms of Reference for the conduct of the Review. It is my pleasure to forward my Report.

Within the time frame for the Review I have undertaken a number of consultations with key stakeholders including Board members and staff of Cycling Australia, current and former cyclists, other national sporting organisations, major Australian sporting umbrella groups, and key personnel in the Australian Sports Commission and the Australian Sports Anti-Doping Authority. Details are included in the Report. These consultations informed my conclusions and recommendations.

In line with the Terms of Reference I have reviewed Cycling Australia’s governance and administrative policies. These include employment and appointment practices, and the related issue of declarations of past doping activity and sanctions that might apply. I have examined Cycling Australia’s Anti-Doping Policy and its practices, including anti-doping education, and made recommendations on possible improvements.

I consider that many of my recommendations will have wider application and can be adopted across other national sporting organisations.

Yours sincerely

James Wood

James Wood QC AO
Executive summary

This Review was requested in the wake of disclosures of widespread and systematic doping violations in professional road cycling. The extent of those violations was revealed, in particular, by the Reasoned Decision of the United States Anti-Doping Agency (USADA) that followed its inquiry into the activities of American cyclist Lance Armstrong and teams of which he was a member. That decision was followed by admissions made by Matt White and Stephen Hodge to having been part of a team where doping had been part of the team’s strategy, or to having used performance enhancing drugs while riding professionally. The need for the Review was increased because of the prominent position that has been occupied by cycling in the Australian sporting environment, and because of the harm to the sport and its reputation that these events could potentially cause.

In order to safeguard the future of cycling, its administration and integrity, changes are needed that will impact on aspects of Cycling Australia’s (CA) governance, administrative structures and policy positions on several issues. To look at the issue of doping in isolation to these broader considerations would result in an inadequate and piecemeal approach. Accordingly, this Report is broad in its focus and in its recommendations.

The recommendations are wide-ranging but implementable within a 12-month period and should be achieved by the end of 2013.

Methodology

In completing this Review, I have drawn on the experience and opinions that were provided to me during the 80 or so interviews that were conducted with athletes, coaches, support staff and administrators attached to CA; with senior executives of CA, Mountain Bike Australia (MTBA) and Bicycle Motocross Australia (BMXA); with senior executives of the Australian Olympic, Paralympic and Commonwealth Games organisations; with staff of the Australian Sports Commission (ASC), the Australian Sports Anti-Doping Authority (ASADA), the Australian Institute of Sport (AIS), state/territory institutes/academies of sport, and state/territory and federal offices for sport or allied government agencies; with stakeholders representing the recreational side of cycling; and with executives of other national sporting organisations of comparable standing to CA in the Australian sporting environment.

I have examined a range of documents supplied by ASADA and the ASC that together represent the international and national anti-doping frameworks, comprising anti-doping policies, codes of conduct and anti-doping educational materials. I have also examined a series of documents provided by CA relating to its governance, financial and commercial activities.

My approach has been firstly to identify what is currently occurring within the sport of cycling, what is perceived to be an optimal model for its governance in Australia and whether CA’s Anti-Doping Policy is adequate to deal with the problems that have emerged, and secondly to consider the potential strategies that could be implemented by CA, with the support of the government, to address any issues that arise.
The review in summary
Governance of Cycling Australia

Governance structure and incorporation
CA's governance arrangements are complicated and need to be updated in line with a modern sporting organisation of its size and status. A recommendation is made to incorporate CA as a company limited by guarantee under the Corporations Act 2001 (Cth), in place of its current incorporation as an association under the Associations Incorporation Act 1991 (ACT). The establishment of a Women's Commission is also recommended.

Integration
A recommendation is made relating to the need for the horizontal integration of the four competitive cycling disciplines of road, track, mountain bike and BMX at the national level.

Introducing a Declaration Policy
An important driver for this Review was the fact that former athletes had been appointed to certain roles in the sport, without consideration of whether or not they had been involved in doping activity. Consistent with the approach that has been announced by the Australian Olympic Committee (AOC) and that has been adopted by some professional road teams, consideration is given to the introduction of a policy requiring certain staff, coaches, athletes and contractors to declare whether they have been involved in past doping activity. Recommendations are made for the adoption of such a policy, including the identification of the persons to whom it should apply and the responses available. Responses would depend on whether or not there was a refusal to provide the declaration, whether the declaration provided was later found to be untrue, and whether the declaration that was made disclosed a history of involvement in doping.

Boards and Commissions
Recommendations are made in relation to the interaction between CA's Board, Executive, Commissions and the Council that represents the state/territory cycling associations, including the need for increasing independent representation on the Board.

Integrity Unit
A key recommendation is made for the establishment of an Integrity Unit within CA to strengthen its commitment to enforcement of its Anti-Doping Policy and general Codes of Conduct.

Office location
CA currently has offices in Sydney and Melbourne. The Sydney office has responsibility for head office management and the Melbourne office for events and commercial operations. CA operates a high performance training centre in Adelaide for road and track and provides support for a BMX high performance centre in the Gold Coast. It also has a presence in Italy where provision is made for accommodation and training within the European environment. Recommendations are made for co-locating the Melbourne and Sydney offices to achieve a closer coordination of CA's national and global activities.
Financial recovery

CA has grown considerably in recent years but its financial position has been precarious. Consideration is given to the steps that have been taken by CA in recent years to recapture the events for which it previously had responsibility. Consideration is also given to its entry into a joint venture with the Grass Roots organisation to develop its commercial opportunities, and to the need for the interests of state/territory cycling associations to be balanced in any reconstruction of the events calendar.

Cycling Australia’s anti-doping strategies

I carried out a review of the anti-doping arrangements that are in force in Australia and of CA’s policies, in order to determine whether CA was compliant with the applicable international and national codes and standards, and whether it was sufficiently engaged in combatting doping. As a consequence of that analysis and in reference to the history of doping within the sport, recommendations are made in a number of areas.

Increased focus of Cycling Australia on anti-doping

Recommendations are made in relation to CA taking a more proactive role in gathering intelligence to assist ASADA, and in establishing collaborative relationships with like-minded peak cycling organisations in other countries, and with the Australian Drug Foundation. Additional recommendations are made for the revision and expansion of CA’s Code of Conduct for members and for securing athletes’ cooperation with ASADA investigations.

Ethics and Integrity Panel

A key recommendation is made for the creation of an Ethics and Integrity Panel to deal with a range of ethical and conduct issues, including doping activity and breaches of the Declaration Policy, and to have responsibility for considering individual cases and advising CA on the appropriate response.

Anti-doping education

The nature and extent of anti-doping education available through ASADA, the ASC and CA were examined and recommendations are made for its enhancement, through adopting an approach that would be more relevant for specific groups of athletes and coaches depending on their experience, and through extending its reach to a wider body of cyclists.

Supplements and warning signs

Recommendations are made to address the concerns of coaches and of medical and sports science staff in relation to the widespread, but not necessarily productive, use of supplements. The risk of inadvertent breaches of the World Anti-Doping Code (WADC) arising from supplement use is addressed through a recommendation for the creation of a formal system for the reporting and recording of supplement use in a central register at the Adelaide high performance centre, and through placing greater emphasis on the advantages that can be secured through nutrition and training. Recommendations are also made for the adoption of a more formal method of detecting warning signs of doping activity and for its reporting, including the development of a whistle-blower strategy.
**Athletes cooperating with the Australian Sports Anti-Doping Authority**

Consideration is given to the need to ensure that those persons who fail to cooperate with ASADA investigations are sanctioned appropriately.

**Extending the reach of testing**

Recommendations are made for supporting the extension of testing, on a random and targeted basis, to events at state/territory, club and Masters level that are subject to either limited or no testing, with modest funding provided by CA.

**Support, brokerage and mentoring**

Consideration is given to the need for additional support for young riders transitioning to professional teams overseas, and for riders who have been sanctioned for anti-doping violations or other forms of misconduct, including substance abuse. Recommendations are made in relation to the provision of mentoring by senior Australian cyclists for the first group, and support and rehabilitation for the second group.

**ASADA Act reform**

Some areas for improvement of the *Australian Sports Anti-Doping Authority Act 2006* (Cth) (ASADA Act) are identified. Recommendations are made in relation to giving ASADA the power to compel persons to attend interviews and provide documents, the removal of any restrictions on information exchange, and the introduction of a local avenue for the review of therapeutic use exemption (TUE) decisions.

**Privacy legislation**

Consideration will need to be given to ensuring compliance with current federal and state/territory privacy legislation or privacy principles, in relation to the recommendations that require the collection and/or dissemination of information.

**Conclusion**

The Review was conducted in the light of the steps that have been taken internationally to combat doping in sport generally and in cycling specifically. Hopefully the impetus for reform will be supported by recent initiatives, including the Review of the Union Cycliste Internationale (UCI) that has been announced, and the proposals advocating reform that have been issued by several organisations representing riders and teams on the World Tour Circuit.

However, there can be no guarantee that doping in cycling will not re-emerge. This Review is intended to place CA in a position where, through reform of its governance and anti-doping responsibilities, it can perform an active role in promoting cycling as a clean and well-managed sport. It is also intended, given the broad review of the Australian cycling community that is provided, to assist in giving greater direction to cycling in Australia, in enhancing participation, in rebuilding the reputation of the sport, and in assisting CA to become more self-sustaining and less reliant on government funding.
Summary of recommendations

Chapter 3—Governance of Cycling Australia

3.1 Upgrading governance structure

3.1.1 Cycling Australia (CA) move as soon as practicable to incorporate under the Corporations Act 2001 (Cth) as a company limited by guarantee, consistent with the Australian Sports Commission’s (ASC) Sports Governance Principles.

3.1.2 In the event of CA retaining its status as an incorporated association, an independent review be conducted of its Constitution and By-laws to ensure that it has a governance structure that is appropriate for its objectives and for the constituent associations and individual members whom it represents.

3.1.3 CA establish a Women’s Commission or similar advisory body, to be chaired by a member of the Board.

3.1.4 CA make arrangements to provide active assistance for the Athletes’ Commission and the Women’s Commission (if created) so as to allow them more effectively to have the views of riders engaged in the sport taken into account by the Board and management of CA.

3.2 Integrating national cycling bodies

3.2.1 CA, Bicycle Motocross Australia (BMXA) and Mountain Bike Australia (MTBA) proceed to integrate to a single governance structure to centrally oversee operations for all disciplines at a national level as soon as possible.

3.2.2 For this purpose BMXA and MTBA be given constituent member status.

3.2.3 The ASC take a proactive role in facilitating this integration and advising on appropriate governance reform.

3.2.4 Consideration be given to the development of a longer term plan for further integration of the sport of cycling using a staged approach.

3.3 Adopting a Declaration Policy

3.3.1 CA introduce a Declaration Policy which would incorporate features outlined in paragraph 3.92.

3.4 Strengthening Boards and Commissions

3.4.1 An independent review be undertaken to reach an agreed governance structure before establishing a company limited by guarantee, to enable the integration of BMXA, MTBA and CA.

3.4.2 CA constitute an audit committee, that will include at least one external and independent Certified Practising Accountant and its Chief Operating Officer (or equivalent).
3.4.3 CA introduce a process for the periodic assessment of the performance of the Board.

3.4.4 CA immediately increase the number of independent Directors from two to four in parallel with the broader governance initiatives.

3.4.5 CA arrange for Directors to participate in the Australian Institute of Company Directors course.

3.5 Establishing an Integrity Unit

3.5.1 CA establish a dedicated Integrity Unit with responsibility for ensuring the application of CA’s Anti-Doping Policy, its Codes of Conduct and the Illicit Drugs in Sport (IDIS) program.

3.6 Co-locating administrative and commercial offices

3.6.1 CA consider co-locating their administrative and commercial functions, subject to a cost–benefit analysis.

3.7 Improving links between commercialisation activities and cycling stakeholders

3.7.1 CA continue to participate in the Grass Roots joint venture and ensure that it continues to be efficiently managed in CA’s interest and in a way that enhances its relationships with the constituent associations.

3.7.2 Consultation take place between CA and the state/territory associations in developing a national calendar of events and in ensuring that there is an equitable division or partnership in event allocation so as to advance the interests of the associations and the sport of cycling as a whole.

Chapter 4—Anti-doping strategies

4.1 Building anti-doping accountability and networks

The CA Board place a greater focus on the enforcement of its anti-doping code through strategies including:

4.1.1 Establishing, as a standing agenda item for Board meetings, a report from the proposed Integrity Unit that will deal with anti-doping developments and challenges occurring both in Australia and overseas.

4.1.2 Ensuring that active steps are taken to proactively exchange information with the Australian Sports Anti-Doping Authority (ASADA) in relation to possible areas of concern involving doping.

4.1.3 Establishing closer links with the state/territory associations, the Union Cycliste Internationale (UCI) and the Oceania Cycling Confederation, as well as with peak cycling organisations in other countries that have adopted a strong anti-doping stance, including in particular British Cycling.
4.1.4 Establishing a closer working relationship with the Australian Drug Foundation in order to develop a community drug and alcohol education strategy that could assist in limiting substance abuse problems amongst cyclists.

4.1.5 Preparing a more comprehensive Code of Conduct for members, incorporating relevant sections of the draft Code that is intended to apply to employees, Board members and contractors, and incorporating compliance with CA’s Anti-Doping Policy and the proposed Declaration Policy.

4.2 Establishing an Ethics and Integrity Panel

CA amend its Constitution in order to:

4.2.1 Establish an Ethics and Integrity Panel, with terms of reference approved by the Board, with the function of considering and reporting to the Board appropriate recommendations concerning doping, disciplinary, member protection, and other ethical and integrity issues arising under CA’s Codes of Conduct and Anti-Doping Policy.

4.2.2 Make provision for the regulation of proceedings brought before the Panel, including an avenue for appeal.

4.3 Improving anti-doping education

CA, with the assistance of ASADA, review its education programs and develop an Education Plan so as to:

4.3.1 Ensure that they comply with contemporary communication and learning standards and provide the information that needs to be known, dependent on the category of people to whom they are directed.

4.3.2 Disseminate in a timely way updates in relation to developments concerning prohibited substances and methods, supplement use and other matters of relevance to the national anti-doping (NAD) scheme.

4.3.3 Develop ways of disseminating anti-doping education to a wider audience, in conjunction with state/territory associations, MTBA, BMXA and cycling clubs.

4.3.4 Maintain a record of education compliance by athletes attached to CA programs and of the delivery of education programs generally.

4.3.5 Impose compliance with CA’s anti-drug educational requirements as a condition for inclusion as an athlete in a national team or of coach accreditation.

4.3.6 Maintain a record of the delivery of education for inclusion in its Annual Report.

4.3.7 Make provisions for CA, in conjunction with ASADA, to assess and report annually to the ASC on CA’s delivery of anti-doping education against the Plan.
4.3.8 Encourage senior riders to attend camps and group seminars involving young riders to provide a firsthand account of the way in which the testing regime applies and of the need to ride clean.

4.4 Supplements

4.4.1 CA introduce its own supplements policy that would:

4.4.1.1 Reinforce the Australian Institute of Sport Policy.

4.4.1.2 Encourage coaches and medical and sports science staff to actively promote the benefits of nutrition and training in preference to reliance on supplements.

4.4.1.3 Require athletes in high performance and development programs to report information electronically on a quarterly basis in relation to the supplements that they have been using, their source and the reasons for their use, with such information to be maintained on a register that would be accessible by medical and sports science staff.

4.4.2 Relevant agencies should consider opportunities to inform athletes and the broader community of the potential presence of banned substances in sport supplement products.

4.5 Strengthening identification and reporting of possible doping activity

CA establish a policy that would:

4.5.1 Include a protocol for the identification by coaches and sport support personnel of the warning signs that might indicate that an athlete was engaging in doping activity, and identify a line of authority for reporting such a matter.

4.5.2 Provide that a failure to report will constitute a breach of CA’s Code of Conduct in circumstances where the coach or sport support personnel has a belief, based on reasonable grounds, that an athlete attached to a CA program or team has engaged in doping activity.

4.5.3 Provide sanctions for an athlete, coach or sport support person who refuses to cooperate with an ASADA investigation.

4.6 Extending the reach of testing

CA give consideration to:

4.6.1 Supporting an extension of the reach of testing, on both a random and targeted basis, to selected events at club, state/territory and Masters level (road, track, mountain bike and BMX) and providing modest funding for that purpose.

4.6.2 Engaging with the UCI to ensure that the cost of delivering doping control does not cause promoters to withdraw races from the sanctioned list of events.
4.7 Helping the transition of riders to professional teams

4.7.1 CA develop a program whereby senior Australian professional riders and coaches can assist in securing the placement of young Australian riders entering the professional ranks into appropriate teams, and in providing mentoring and advice during their period of transition.

4.8 Supporting athletes

CA give consideration to developing a policy whereby support can be given to:

4.8.1 Athletes in programs and on national teams in accessing educational and vocational training opportunities for a life after sport.

4.8.2 Athletes who are sanctioned for an anti-doping rule violation (ADRV) or for other forms of misconduct, including the provision of counselling and assistance with rehabilitation.

4.8.3 Athletes and others who provide information on doping activity pursuant to a whistle-blower protocol.

4.9 Sanctions and the Declaration Policy

4.9.1 CA develop, in consultation with the ASC, a process for dealing with cases where a person subject to its Declaration Policy refuses to provide a declaration, provides a declaration that is subsequently found to be untrue, or discloses a history of doping activity that falls outside the ASADA limitations period.

4.9.2 In addition to the sanction regime under the World Anti-Doping Code for ADRVs, CA develop and promulgate a clear and robust sanction regime for breaches of its Declaration Policy and its Anti-Doping Policy that provides a high level of deterrence and is proportionate to the particular breach.

4.9.3 To accommodate this process, CA introduce suitable amendments to its By-laws (or Constitution if incorporated as a company limited by guarantee), Anti-Doping Policy, Codes of Conduct and standard letters of engagement for employment of employees, contractors and officials.

4.10 Strengthening the Australian Sports Anti-Doping Authority

In regard to ASADA’s intelligence and investigation function and ASDMAC’s TUE process, the ASADA Act and other relevant legislation be amended to:

4.10.1 Give ASADA a power, subject to appropriate protections, to compel persons to attend an interview with an investigator nominated by the Chief Executive Officer and to produce information and documents relevant to any inquiry that it is conducting under the NAD scheme.
4.10.2 Allow the dissemination of information obtained under compulsion to other agencies or authorities within the national and international anti-doping framework, as well as to the relevant national sporting organisation and the Anti-Doping Rule Violation Panel (ADRVP).

4.10.3 Remove any limitations on the powers of law enforcement and other federal statutory bodies to disseminate information to ASADA concerning the importation, purchase, receipt, transmission, possession or use of substances on the World Anti-Doping Agency (WADA) list of prohibited substances, following a request by ASADA based on a reasonable belief that they have been or may be associated with a possible breach of the NAD scheme.

4.10.4 Provide for the establishment of an independent review panel with the function of reviewing, based on the documents, any application by an athlete for a review of a refusal by Australian Sports Drug Medical Advisory Committee (ASDMAC) to grant a therapeutic use exemption (TUE).
## Acronyms

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<tr>
<th>Acronym</th>
<th>Full Form</th>
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<tr>
<td>ADAMS</td>
<td>Anti-Doping Administration and Management System</td>
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<td>ADRV</td>
<td>Anti-Doping Rule Violation</td>
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<td>ADMS</td>
<td>Anti-Doping Rule Violation Panel</td>
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<td>AIS</td>
<td>Australian Institute of Sport</td>
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<td>AOC</td>
<td>Australian Olympic Committee</td>
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<td>ASADA</td>
<td>Australian Sports Anti-Doping Authority</td>
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<td>ASC</td>
<td>Australian Sports Commission</td>
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<td>ASDMAC</td>
<td>Australian Sports Drug Medical Advisory Committee</td>
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<td>BMX</td>
<td>Bicycle Motocross</td>
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<td>BMXA</td>
<td>Bicycle Motocross Australia</td>
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<td>CA</td>
<td>Cycling Australia</td>
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<td>CAS</td>
<td>Court of Arbitration for Sport</td>
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<td>EPO</td>
<td>Erythropoietin</td>
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<td>IDIS</td>
<td>Illicit Drugs in Sport (Program)</td>
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<td>IOC</td>
<td>International Olympic Committee</td>
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<td>Mountain Bike Australia</td>
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<td>NAD</td>
<td>National Anti-Doping (Scheme)</td>
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<td>Registered Testing Pool</td>
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<td>Union Cycliste Internationale</td>
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<td>United States Anti-Doping Agency</td>
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<td>United States Postal Service (Team)</td>
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1. Background

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1.1 On 19 November 2012, my appointment to undertake a review of Cycling Australia’s
(CA) approach to anti-doping was confirmed by Senator the Hon. Kate Lundy, Minister
for Sport, Minister for Multicultural Affairs, and Minister Assisting for Industry and
Innovation. The letter of appointment and the Terms of Reference are included in this
Report as Appendix A.

1.2 In this chapter I note the circumstances in which this Review became necessary and
make brief reference to the ways in which sporting authorities, and cycling in
particular, have responded to the incidence of doping. It is against that background,
with an appreciation of the present culture of cycling in Australia and internationally,
that the recommendations in this Report have been formulated.

United States Anti-Doping Agency inquiry

1.3 The Review was requested in the wake of the investigation of the United States Anti-
Doping Agency (USADA) into the activities of American cyclist Lance Armstrong and of
a number of other cyclists, doctors, a trainer and a soigneur associated with the United
States Postal Service (USPS) and Discovery Channel teams, during the years 1998 to
2012.

1.4 Central to the inquiry was the period when Lance Armstrong, as a member of those
teams, won the Tour de France on seven occasions between 1999 and 2005, but it also
related to the period that followed his return to racing in 2009. The Reasoned Decision
of USADA¹ (the USADA Decision) was released on 10 October 2012, although some
details of the information that had been provided by American cyclist Floyd Landis had
already made its way to the media, and had come to the attention of CA.

1.5 As a result of the USADA Decision, Lance Armstrong received a lifetime ban and was
stripped of his seven Tour de France titles, a decision that was ratified by the World
Anti-Doping Agency (WADA) and by the Union Cycliste Internationale (UCI). Two of the
team doctors, Dr Michele Ferrari and Dr Luis Garcia del Moral, received lifetime bans,
and six of the riders who were still racing received suspensions.

¹ United States Anti-Doping Agency v Armstrong, USADA Reasoned Decision on Disqualification and
Ineligibility, Report on Proceedings under the World Anti-Doping Code and the USADA Protocol,
1.6 A review of the USADA Decision shows that evidence was collected in the form of admissions from a number of elite professional cyclists riding in the World Tours of their participation in an organised team-based doping conspiracy or conspiracies.

1.7 The practices that were disclosed ranged across a number of possibilities, involving the use and distribution of prohibited performance enhancing substances including corticosteroids, testosterone, erythropoietin (EPO) and peptide hormones such as human growth hormone; the use of prohibited methods such as blood transfusions; and the adoption of various strategies to avoid anti-doping controls, including micro-dosing. They also extended to various methods of bypassing or frustrating the whereabouts reporting regime that came into effect for cycling from about 2004, and of enforcing secrecy. Of particular concern was information received suggesting that pressure and threats were directed to team members who rode in the peloton to participate in these practices and to enforce a code of silence, or risk being dropped from the team or demoted.

1.8 The disclosures were not entirely surprising having regard to the long-standing reputation of the Tour de France for instances of cheating, and doping, that seems to have dated back to its inception, and to the individual instances that were detected during the years preceding the period reviewed in the USADA investigation, including some deaths that were attributed to the use of amphetamines and particularly of EPO in its period of experimental use during the late 1980s and early 1990s.

Development of an international anti-doping framework

1.9 In fairness to cycling it was not the only sport that has been affected by instances of doping during the years preceding 1999 and subsequently. The International Olympic Committee (IOC) had adopted a positive approach from at least 1967, when it established the IOC Medical Commission that prepared a prohibited substances list for Olympic sports, and that carried out testing during the Olympic Games commencing from the 1968 Mexico Games. It added anabolic steroids to this list in 1976, blood doping from 1986 and EPO from 1990.

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2. In the 2003 WADC whereabouts, provisions were made available for implementation and the UCI adopted a system of requiring cyclists to provide whereabouts filings. The 2009 WADC dictated compulsory whereabouts obligations for all anti-doping organisations which are spelt out in WADA International Standard for Testing. http://www.wada-ama.org/Documents/World_Anti-Doping_Program/WADP-IS-Testing/WADA_Whereabouts_IntroductoryNote_EN.pdf

3. Even more recently, it was reported that there was a cluster of deaths among cyclists from heart attacks in 2003 and 2004. Although it is difficult to establish a link between the deaths and the use of EPO, the more recent deaths bore some similarities to the cluster of deaths in the late 1980s and early 1990s which coincided with the period around the arrival in cycling of EPO. http://www.guardian.co.uk/sport/2004/feb/16/cycling.cycling1


1.10 The UCI, founded in 1900, established its own Medical Commission in 1964 for the purpose of collecting information and providing education in relation to doping. This was followed in 1992 by the establishment of the UCI Anti-Doping Commission, in 1997 by the creation of the UCI Sporting Safety and Condition Commission, and in 1998 by the establishment of the Council for the Fight Against Doping with a mandate to collect funds from UCI partners to support its anti-doping effort. Contemporaneously with those developments it introduced a haematocrit threshold of 50% which when exceeded would incur a no-start penalty and a 15-day stand down or rest period.

1.11 However, the critical step that marked the beginning of a more aggressive and coordinated response was one that occurred during the period reviewed by the USADA investigation. Following the first World Conference on Doping in Sport in Lausanne in 1999, the World Anti-Doping Agency (WADA) was created. The Copenhagen Conference on Doping in Sport in March 2003, adopted the Copenhagen Declaration on Anti-Doping in Sport, and this was followed by the introduction of the World Anti-Doping Code (WADC), effective from 1 January 2004. In October 2005, the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) adopted the International Convention Against Doping in Sport, to which Australia became a signatory in January 2006.

1.12 Additionally, in 2005 a web-based anti-doping administration and management system (ADAMS) was launched, and has subsequently been introduced and implemented by most anti-doping agencies and by WADA-accredited anti-doping laboratories. A number of countries (including Australia) had introduced their own web-based systems (prior to the introduction of ADAMS). The existence of these systems is critical for the operation of the registered testing pool (RTP) programs that are now in place. ADAMS constitutes a clearing house for the storage of data, including athletes’ whereabouts information, laboratory results of the testing of individual athletes, therapeutic use exemptions (TUEs), and details of anti-doping rule violations (ADRVs). Provision is made for the sharing of information between relevant agencies. Notably the United States, New Zealand, Switzerland and Ireland use a common system known as SIMON. Australia uses its own system known as EUGENE whilst having access to some information in ADAMS.

1.13 In 2008, the UCI created the Cycling Anti-Doping Foundation to bring together the anti-doping functions of the Commissions and Council that it had previously created. Its objectives are to manage the activities and funding of its anti-doping program. The funding is provided by the UCI, riders and the UCI Pro Tour and UCI Pro Tour Continental teams and is managed by the foundation as a separate institution in order to quarantine the monies received for anti-doping purposes.

1.14 Since 2009, the year in which Lance Armstrong resumed competing, although without the same success as previously, there have been further developments including the revision that year of the WADC and of the accompanying standards that were then adopted by the signatories. In December of that year approval was given by WADA to the Athlete Biological Passport operating guidelines, initially developed by the UCI, which provide for an electronic record to be built up of an athlete’s individual limits of haematological and steroid profiles, based on urine and blood tests. Then in May 2011,
the UCI management committee approved the amendment of the UCI Regulations to prohibit and sanction the use of injections of medicines (or other substances) without a clear medical indication, which is now reflected in a no-needle policy.

1.15 The number of tests carried out by the UCI for the period 2006–2011 is shown in the following table.\(^8\)

<table>
<thead>
<tr>
<th>Testing</th>
<th>Type</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>In-competition tests</td>
<td>Urine</td>
<td>5,363</td>
<td>5,425</td>
<td>5,509</td>
<td>5,375</td>
<td>5,247</td>
<td>5,515</td>
</tr>
<tr>
<td></td>
<td>Blood</td>
<td>51</td>
<td>86</td>
<td>587</td>
<td>667</td>
<td>627</td>
<td>631</td>
</tr>
<tr>
<td>Out-of-competition tests</td>
<td>Urine</td>
<td>152</td>
<td>1,051</td>
<td>2,013</td>
<td>2,349</td>
<td>2,067</td>
<td>2,385</td>
</tr>
<tr>
<td></td>
<td>Blood</td>
<td>4</td>
<td>406</td>
<td>4,649</td>
<td>6,731</td>
<td>4,981</td>
<td>3,314</td>
</tr>
<tr>
<td>Pre-competition tests</td>
<td>Blood</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,299</td>
</tr>
<tr>
<td>Total anti-doping tests</td>
<td></td>
<td>5,570</td>
<td>6,968</td>
<td>12,758</td>
<td>15,122</td>
<td>12,922</td>
<td>13,144</td>
</tr>
<tr>
<td>Pre-competition tests for blood medical monitoring (i.e. not for anti-doping purposes)</td>
<td>2,683</td>
<td>2,881</td>
<td>466</td>
<td>577</td>
<td>594</td>
<td>601</td>
<td></td>
</tr>
<tr>
<td>Total tests</td>
<td></td>
<td>8,253</td>
<td>9,849</td>
<td>13,224</td>
<td>15,699</td>
<td>13,516</td>
<td>13,745</td>
</tr>
</tbody>
</table>

N.B. Pre-competition tests are recorded as a separate item from 2011 to better reflect the Athlete Biological Passport tests.

### Change in culture

1.16 It appears to have been accepted by the sport, as was confirmed by a number of the professional riders and coaches to whom I spoke during this Review, that there was a substantial change in the culture and attitude to doping from about 2006. From that year, there has been awareness of the developments noted above, and of the enhanced capacity of the testing systems to detect a number of the prohibited substances such as human growth hormones and EPO\(^9\) that had previously been thought to be undetectable. In addition, the cycling community has been exposed to the Athlete Biological Passport and its capacity to identify anomalies in athletes’ blood profiles leading to further targeted investigation of individuals. Moreover, there was the experience of a criminal law response to doping, at least in Italy and France, which has increased the risks of engaging in organised doping.\(^10\)

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9. A test for EPO was introduced for the Sydney Olympic Games in 2000 and was improved in subsequent years.
10. A pivotal event in this respect was the investigation of French police into the Festina team that led to its exclusion from the 1998 Tour de France; equally significant was Operación Puerto that led to the withdrawal of the Liberty Seguros team from the 2006 Tour. More recently, there has been the Padua investigation into allegations of the fixing of the outcome of the 2010 Liège–Bastogne–Liège classic, involving members of the Astana and Katusha teams. Operación Puerto is a Spanish police operation that was initiated in response to allegations in 2004 about systematic doping in a professional cycling team. The investigation led to several team members being questioned and to three cyclists admitting they
1.17 The change in culture has been confirmed by the establishment, in 2007, of the Mouvement Pour un Cyclisme Crédible (Movement for Credible Cycling),\(^\text{11}\) and very recently by the establishment of the Change Cycling Now movement which has brought together former riders and sports anti-doping campaigners with the objective of establishing a reform charter.\(^\text{12}\) ‘Charter of the Willing—a road map for the future direction of competitive cycling’ was established on 2–3 December 2012 in London.\(^\text{13}\)

1.18 The Movement for Credible Cycling has proposed a number of reforms that have been approved by the European Cycling Union including:

- securing an agreement by cycling federations not to select for a national team any rider who has been suspended for six months or more during the two years after an initial suspension
- introducing an eight-day rest period for a rider following any use of corticosteroid injections, and
- calling on the UCI World Tour and Continental teams to establish an internal medical mentoring program for their riders.

1.19 The other organisations that have been reported to have entered into the reform process on an institutional basis since the release of the USADA Decision include the Cyclistes Professionnels Associés and the Association International des Groupes Cyclistes Professionnels. More significant, however, has been the announcement of an independent review into issues concerning the UCI arising out of the USADA investigation to be conducted by a Commission headed by former England Appeals Court Judge, Sir Philip Otton, assisted by House of Lords Peer and Paralympics champion, Baroness Tanni Grey-Thompson, and Australian counsel and arbitrator, Member of the Court of Arbitration for Sport, Malcolm Holmes QC.\(^\text{14}\)

**The current challenge**

1.20 Notwithstanding this change of culture, it cannot be said with any degree of certainty that the sport of cycling is, or will remain, drug free or that new substances or methods will not emerge that, for a time, will be undetectable.

1.21 It remains of concern that despite the considerable efforts that the UCI had made in establishing an effective program for the funding and delivery of a testing program, it had not detected the nature and extent of the violations that were disclosed in the USADA investigation.

doped or had evidence of blood doping. The matters raised in the investigation are expected to be heard in court in early 2013.

11. It has been reported that this movement has been joined by a number of professional teams and has the support of the Amaury Sports Organisation, the Tour de France organiser. Cycling Weekly, 28 November 2012.


1.22 It seems that until an intensive and aggressive investigation was undertaken of the kind seen in the USADA investigation, there was a belief that the dopers could remain ahead of the testers and that the use of prohibited substances or methods was necessary for riders to compete on a level playing field. In this respect, it would also seem that while the establishment of a coherent testing system accompanied by use of the Athlete Biological Passport protocol will continue to be indispensable, insufficient attention has been given to the opportunities provided through deploying intelligence-based investigative strategies. What must be rejected is a ‘win at all costs’ culture that could put the health and integrity of riders at risk, without any appreciation of the long-term consequences for the sport.

1.23 Although the USADA investigation was focused on the world road circuit, track cycling was not free from suspicion. Subsequent to the announcement of the present Review, Martin Vinnicombe, an Australian silver medallist at the 1988 Seoul Summer Olympic Games, disclosed that he had used performance enhancing drugs at one stage of his career.15

Impact on cycling in Australia

1.24 Of immediate relevance for this Review is the fact that following the release of the USADA Decision, former Australian cyclist Matt White acknowledged, on 13 October 2012, that he had been part of a team where doping formed part of the team’s strategy. As a consequence, he advised that he would be voluntarily standing down from his positions with the national men’s high performance program with CA and as a Sports Director with GreenEDGE while inquiries into his case were conducted and the CA Board and GreenEDGE made a determination regarding his future with each organisation.16 The admissions of Matt White were followed shortly after by admissions made to the Executive of CA by former Australian cyclist Stephen Hodge, that during a stage in his career as a professional cyclist he had taken performance enhancing drugs. Stephen Hodge then resigned from his position as a Vice President of the CA Board to which he had been appointed in 1999.17

1.25 It was the disclosure of these admissions in the wake of the USADA investigation, and of an earlier report tabled in the Australian Senate of the inquiry by former Judge, the Hon. Robert Anderson, which was commissioned by the Australian Sports Commission (ASC) and CA into possible doping violations involving members of the Track Sprint Cycling program18 in 2003 at the Australian Institute of Sport (AIS) Del Monte establishment in Adelaide, that led to this Review. Its urgency was increased because of the prominent position occupied by cycling in the Australian sporting environment.

17. Letter from Stephen Hodge to CA dated 19 October 2012.
18. The report of this inquiry and the supplementary reports are collectively referred to as the ‘Anderson Report’. The first-stage report was tabled in the Australian Senate on 29 July 2004 and the second-stage report tabled on 18 November 2004.
1.26 It is very important for Australian cyclists to have a reputation of being clean, of having a good work ethic, and of being good team members. This particularly enhances the value of their brand and consequently their attractiveness to professional teams. The protection of this reputation is equally important for the sport of cycling as a whole in this country.

1.27 In fact, Australia has been achieving significant sporting successes in cycling, particularly in the Olympic, Commonwealth and Paralympic Games. An increasing number of young and elite professional riders are involved in the UCI World Tour, the Continental Pro Tour and the Continental Tour, and in World Championships and World Cups. In 2010, Cadel Evans won the Tour de France. Australians occupy the top rankings in Bicycle Motocross (BMX), and excel at junior levels across road and track. The significance of these sporting successes is reflected in the fact that CA has received funding from the Australian Government through the ASC and AIS for the 2012–13 year in the sum of $7.36 million, second only to that provided to Swimming Australia ($9.28 million). A table providing details of funding provided to CA through the ASC is included in Chapter 3.

1.28 In this respect, it is understood that some 30–40 Australians are likely to be involved in the UCI World Tour in 2013, either as members of the Australian Orica-GreenEDGE team or of other international teams. In addition, there are a significant number of young Australian cyclists riding in the Asian circuit, and in the local National Road Series. Australia has successfully conducted World Road and Track Championships, and the Tour Down Under conducted in South Australia has become part of the UCI World Tour.

1.29 The importance of these successes cannot be underestimated. They have been accompanied by a substantial increase in public interest in the sport, and by a remarkable growth in cycling in all of its disciplines, both in the recreational and competitive and semi-competitive spheres, as is noted later in this Report. In requesting this Review the Minister has recognised the importance of ensuring that cycling in Australia maintains a high reputation as an ethical, well-governed sport that is free of the taint of doping and other unacceptable practices.  

1.30 It was acknowledged by almost every person to whom I spoke who was engaged in the sport as an athlete, coach, employee or Director of CA, of CA’s constituent associations and affiliates, of the AIS, and of the state/territory institutes/academies of sport, that the disclosures mentioned above have seriously damaged the reputation of cycling as a sport and that morale has been adversely affected. This needs to be addressed and measures adopted that can ensure that the practices that were employed, particularly between 1990 and 2006, remain in the past, and that cycling in Australia remains a clean sport. Otherwise there is a risk that its growth will be stunted, that sponsorship will be lost, that some professional teams will go out of existence, that athletes with potential will be reluctant to progress to competitive status at the national or elite


20. European investment bank, Rabobank, withdrew €15 million in sponsorship from the top level of the sport after a long association with cycling worldwide.
level, and that the brand of the Australian professional riders engaged in the World and Continental Tours will be damaged.

1.31 For that reason this Review gives consideration not only to the anti-doping regime that is in place in Australia and the extent to which it is supported by CA, but also to those aspects of CA’s governance that may impact upon its capacity to ensure that cycling remains a clean, well-managed and appropriately supported sport.

1.32 Necessarily, having regard to the narrow time frame that was available and to the nature of the recommendations that are made, further work will need to be undertaken with the assistance of the ASC and others in carrying forward some of the recommendations, and particularly those of a governance and financial nature.

1.33 I also wish to make it clear that it has not been part of this Review to investigate whether any individual Australian rider has engaged in doping activity. Any such investigation would fall outside the Terms of Reference and, in any event, would properly be entrusted to ASADA.

Acknowledgements

1.34 In preparing this Review, I have received considerable assistance from the Australian Sports Commission; the Australian Sports Anti-Doping Authority; members or senior executives of the Olympic, Commonwealth and Paralympic Games committees and of several of the major national sporting organisations; representatives of the state/territory institutes/academies of sport; a large number of athletes, coaches, sports scientists and doctors who are, or have been, involved in the sport of cycling in Australian and overseas; and from Board members, executives and others who are employed by or associated with Cycling Australia, Mountain Bike Australia, Bicycle Motocross Australia or with the state/territory cycling federations and bicycling associations. A full list of those to whom I have spoken or from whom information has been received on my behalf is attached as Appendix B.

1.35 I wish to acknowledge the considerable and invaluable assistance which I have received in preparing this Report, provided by officers from the Office for Sport in the Department of Regional Australia, Local Government, Arts and Sport; the Australian Sports Commission; and the Australian Sports Anti-Doping Authority.

1.36 I also acknowledge the assistance that was provided by King & Wood Mallesons as well as Ashurst Australia solicitors in relation to some of the legal issues that arose, concerning the governance of CA and the introduction of a requirement for the provision by certain categories of staff and others of a declaration of any prior involvement in doping activity.

1.37 In addition, I wish to acknowledge the extremely helpful editing of this Report by the staff at The Happy Apostrophe whose contribution ensured that it was finalised in time for release.
2. Australian cycling community—an overview

Overview of cycling organisations ................................................................. 9
Role of Cycling Australia ........................................................................... 11
Cycling population ...................................................................................... 12

2.1 The structure for the management and promotion of cycling in Australia is complex, and to a very considerable degree fragmented. A brief reference to that structure is relevant for an understanding of the challenges that are faced in its governance and development, and in ensuring the enforcement of the anti-doping rules.

Overview of cycling organisations

2.2 Cycling Australia (CA) is the trading name for the Australian Cycling Federation Inc. which is established as a not-for-profit association registered in the Australian Capital Territory.\textsuperscript{21} It operates as a federation of the eight state/territory associations that have responsibility for regulating and promoting the sport of cycling at state/territory level. These bodies are similarly established as associations under local legislation, and in that capacity they constitute the membership of CA.

2.3 As a federation of the state/territory associations, CA is recognised by the ASC, the UCI, the Australian Olympic Committee (AOC), the Australian Commonwealth Games Committee and the Australian Paralympic Committee as the national sporting organisation or peak body that governs the sport of cycling in Australia in its various competitive disciplines of track, road, BMX, mountain bike and para-cycling. CA also has a function of promoting cycling as a participatory activity, although as the cycling community currently exists it does not occupy a peak body role in that context.

2.4 Affiliate status\textsuperscript{22} is given under CA’s Constitution to Mountain Bike Australia (MTBA) and to Bicycle Motocross Australia (BMXA) that respectively represent the sports of mountain bike and BMX at a national level. Each is an association constituted pursuant to the laws of the Australian Capital Territory. While BMXA constitutes a federation of state/territory associations, MTBA does not have that structure. Rather, it represents the individual clubs that are involved in this discipline.

2.5 Beneath the state/territory associations and MTBA there are a large number of clubs that conduct races at various grade and age levels, whose governance structure varies according to their size. In most instances, they will have been incorporated as associations under state/territory legislation. In some states/territories there are also local or regional associations that operate at a level between the clubs and the state/territory associations. Some of these clubs are specific to track, road, mountain bike or BMX, while others cater for more than one discipline, allowing members to hold more than one race licence. Some constitute Masters cycling clubs, whose members are likely to hold CA licences. The structure of the organisations that are involved in cycling as a competitive sport is illustrated in the following diagram.

\textsuperscript{21} Under the Associations Incorporation Act 1991 (ACT).
\textsuperscript{22} Affiliate status provides for membership of the CA Board but not membership of the CA Council.
2.6 In addition to the state/territory cycling associations there are, in each state/territory, a number of bicycling associations, such as Bicycle New South Wales and Bicycle Victoria, usually employing that title in conjunction with their state/territory denomination, although in the Australian Capital Territory the comparable body is titled Pedal Power.

2.7 The primary concern of bicycling associations is with promoting cycling as a recreational activity and/or mode of transport, and acting in an advocacy/advisory role in relation to cycling safety, cycle paths and similar issues. In addition, they organise community rides such as the Spring Cycle in New South Wales, and the RACV Great Victorian Bike Ride, as well as cyclosportif type events. They also offer insurance and other membership benefits. They have no affiliation as such with CA, but they do represent a significant membership that is currently in the order of 85,000.\(^23\) They are potentially influential in the growth of cycling as a participatory sport and as a pathway to competitive cycling. To varying degrees they have an association with local bicycle user groups (BUGs) whose members ride together on a largely recreational basis and who exercise an advocacy role in relation to cycle ways and paths and cycle safety at a local level.

2.8 A somewhat similar function in promoting cycling proficiency and safety, and community participation, is performed by the Amy Gillett Foundation. It has a much closer relationship with CA than the bicycling associations, through the AustCycle joint venture and through its partnership with CA in delivering Amy’s Gran Fondo, which is part of the UCI World Cycling Tour program.

\(^23\) Information supplied by CA to the Review.
2.9 The Audax Australia Cycling Club also performs a role in promoting and organising rides on a national basis,\(^\text{24}\) and in offering membership benefits. It is afforded affiliate status by CA, as is the Australian Defence Cycling Club.

2.10 There is also in existence an Australian Bicycle Council, the membership of which is made up of representatives from federal and state/territory government departments, of bicycle industry and trade groups, and of bicycle riders, whose objectives are to oversee and coordinate implementation of the National Cycling Strategy 2011–16, provide a forum for the sharing of information between stakeholders involved in the implementation of the Strategy, and maintain a repository of information and resources to promote increased cycling in Australia.

2.11 Additional representation is provided for Masters level cyclists through the Australian Veteran Cycling Council, which has a membership in the order of 2000. It is not currently affiliated with CA; however, each organisation recognises each other’s disciplinary arrangements. Some state/territory and club veterans’ cycling bodies have formalised relationships with state/territory cycling associations.

### Role of Cycling Australia

2.12 As will be discussed in more detail in the following section of this Report, CA has established an events arm through its subsidiary, Australian Cycling Events Pty Ltd.\(^\text{25}\)

2.13 The CA Events Team that is now in place will deliver, in 2013 and beyond, CA’s Road and Track Championships, as well as a suite of the Subaru National Road Series events.\(^\text{26}\) It has a partnership with MTBA to deliver the National Series, National Championships and Oceania Championships for mountain bike. A schedule of the current structure for road and track events in Australia is shown at Appendix C.

2.14 CA has the responsibility for nominating competitors in road and track for Olympic, Paralympic and Commonwealth Games representation. It also selects and supports national teams for World Championships, World Cups, and international and national events including, for example, the Tour Down Under, which is owned by Events South Australia, a division of the South Australian Tourism Commission, and conducted under licence from the UCI.

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\(^{24}\) Audax Australia Cycling Club is a non-profit national cycling organisation specialising in non-competitive long distance bicycle rides from 50 to 1200 km. It also offers off road or dirt rides from 35 to 200 km, Permanents which allow a rider the flexibility of following a pre-determined route at a time of their choosing, and Raids which entail multi-day riding over a longer distance.

\(^{25}\) Australian Cycling Events was responsible for the successful running of the 2010 UCI Road Cycling World Championships, the 2012 UCI Track Cycling World Championships, and the 2011 Para-cycling World Cup.

\(^{26}\) CA organisational snapshot.
CA has acquired the rights to five to six events which were previously promoted by Caribou Publications, but does not promote all of the events that make up the National Road Series.
2.15 CA has established a tripartite venture with the Grass Roots group and with Michael Edgley, which operates as its promotions and commercial development arm, supporting the promotion of CA Events Team events, securing television rights, and developing various commercial opportunities. The role of that joint venture is discussed in more detail in the following chapter.

2.16 CA has received valuable support from the Jayco Group through its sponsorship of CA’s high performance program. That group has been a major supporter of cycle racing through its sponsorship of events such as the Herald Sun Tour and the Bay Series and through its sponsorship of the Continental team ‘Team Jayco AIS’, the membership of which has largely comprised riders engaged in CA’s high performance program. CA has a number of other sponsors whose contributions supplement the income that it receives from government funding and membership fees. The combined value of the sponsorship contributions in the 2011 year was in the order of $2.03 million,\(^{27}\) the continuation and enhancement of which is vital for the success of CA.

**Cycling population**

2.17 Some indication of the number of cyclists, coaches and officials involved in the competitive aspect of sport can be gained by reference to the individual membership of CA. It performs a licensing function for its members in issuing the licences that are required for coach and official accreditation, and for racing at all levels, including at international level. In 2011 there were approximately 22,000 members of CA, of whom about 76% were engaged in the competitive field, the remainder representing the serious recreational sector.\(^{28}\) As at October 2011, the membership of BMXA was 6626\(^{29}\) and MTBA was 7750,\(^{30}\) bringing the participation level of those who are engaged in the competitive and serious recreational cycling sectors, and who are linked by membership to CA, BMXA and MTBA, to just over 36,000 in 2011.\(^{31}\) It is estimated that this number has now increased to a total in the order of 40,000 members.\(^{32}\)

2.18 The role of the mountain bike and BMX disciplines is significant, since progression through their ranks has produced some of Australia’s most prominent professional road and track riders including, for example, Cadel Evans and Anna Meares. BMX is a discipline in which new events are emerging that are likely to be attractive to young riders who seek innovative forms of competition such as Freestyle BMX and BMX Supercross.

2.19 An additional group of cyclists engaged in cycling on a competitive basis are those who belong to triathlon clubs and hold membership of Triathlon Australia, or who, while not being club and Triathlon Australia members, compete in triathlons on a day-licence basis. Triathlon Australia had almost 12,000 members during the 2011–12 season.\(^{33}\)

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27. CA Annual Report 2011, p78, Profit and loss statement.
28. The 2011 Annual Report shows that of the 22,005 members, there were 5146 recreational members.
30. BMXA Annual Report, p11.
32. Refer to paragraph 2.20.
33. Figure reported by Triathlon Australia to the ASC.
2.20 Some idea of the potential size of the cycling community, and of the rate of its growth that has occurred in recent years, can be obtained by reference to the following figures provided to the Review by CA and obtained from other sources:

<table>
<thead>
<tr>
<th>Cycling Landscape</th>
<th>Membership/Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cycling Australia competitive sector membership</td>
<td>40,000 (rounded: CA 23,000; MTBA 9000; BMXA 8000)—each entity growing at over 10% per annum34</td>
</tr>
<tr>
<td>Recreational cycling body membership</td>
<td>Approximately 85,000 members35</td>
</tr>
<tr>
<td>Triathlon Australia members in 2011–12 season</td>
<td>Approximately 12,000 members36</td>
</tr>
<tr>
<td>Community participation</td>
<td>Estimated at 3.6 million Australians37</td>
</tr>
<tr>
<td>Adult population riding ‘regularly’</td>
<td>Over 2 million Australians38</td>
</tr>
<tr>
<td>Bicycle participation</td>
<td>Grew by 38% between 2002 and 201039</td>
</tr>
</tbody>
</table>

2.21 It is clear from the participation figures that while those who are engaged in the competitive and semi-competitive side of cycling do represent a significant body of cyclists, their numbers constitute a very small percentage of the total cycling community when the recreational, commuting, touring and health-oriented participants are taken into account, most of whom will have no affiliation with a club or cycling association. As is noted later, this fact, along with the differences in the level of interest, objectives and culture that exist between the various group, presents a challenge to vertical integration of cycling as a sport in Australia.

2.22 Apart from this significant participation rate, it is noted that the bicycle industry constitutes an economic sector of some value. The Australian Bicycle Council’s National Cycling Strategy 2011 Implementation Report records that the bicycle industry employs around 10,000 people and generates around $139 million per year in income tax revenue, and that cycle tourism events and activities generate around $254 million a year. Additionally, the market for bikes and accessories was reported to be worth $1 billion a year, generating $100 million in GST revenue.40

34. Provided by CA.
35. Provided by CA.
36. Provided by CA.
40. Australian Bicycle Council’s National Cycling Strategy 2011 Implementation Report, drawing on information provided by Bicycle Industries Australia.
3. Governance of Cycling Australia

Background

3.1 To reflect CA’s position as a federation of the state/territory and national cycling controlling bodies, it is the delegates of these constituent associations that comprise the CA Council. The Council appoints the President and five Vice Presidents to the CA Board. The President takes the role of the Chair of the Board. The remaining members of the Board comprise two independent Directors appointed by the Board, the Chair of the Athletes’ Commission who acts as a Director ex officio, and one or more Directors nominated by the affiliated associations (BMXA and MTBA) subject to Council agreement.

3.2 At meetings of the Council, and at the annual general meeting, only the delegates of the constituent associations have voting rights. Individual membership of CA is available and obtained on an annual basis by completing an application form, which also serves as application for a licence to race or coach. Life membership is also available for persons nominated for election by the Council to that status.

3.3 The current categories of individual membership are as follows.

<table>
<thead>
<tr>
<th>Membership</th>
<th>Purpose</th>
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<tbody>
<tr>
<td>Gold</td>
<td>Full racing membership. Covers various age categories and associated price ranges. Also includes para-cycling.</td>
</tr>
<tr>
<td>Silver</td>
<td>Non-competitive membership. Entitles participation in organised recreational rides, training rides, coffee shop rides, etcetera. Sub-championship time trial racing permitted.</td>
</tr>
<tr>
<td>Platinum</td>
<td>Discounted membership for accredited coaches and officials, and administrators.</td>
</tr>
<tr>
<td>International licenses</td>
<td>Available to members to enable overseas racing. Must include insurance to race worldwide.</td>
</tr>
</tbody>
</table>

41. CA Constitution Articles 10.1 and 18.
42. CA Constitution Articles 37(a) and (b).
43. CA Constitution Article 38.1.
44. CA Constitution Article 57.
45. CA Constitution Article 37.
46. CA Constitution Article 32.
47. CA Constitution Article 11 and CA website.
3.4 Provision is made for six-month discount memberships and for short-term racing permits, as well as for the issue of international licences for elite cyclists and officials travelling with teams overseas. Office bearers, officials, coaches and commissaires come within the ‘Platinum’ category of membership.

3.5 CA currently has over 23,000 members; details are at Appendix F. As was noted in the 2011 Annual Report, it has faced a difficulty in membership churn, having lost around 6000 members in that year, while growing by more than 8000 members. A challenge that it needs to face is encouraging not only membership expansion but also retention, for example through offering alternative competition and participation opportunities, insurance and other benefits of the kind that are made available by the bicycling associations, or through developing affiliate relationships with those associations.

3.6 The governance of CA and its operating powers and procedures are defined in its Constitution and By-laws, which have binding effect in relation to the constituent associations, and the individual and life members.

3.7 CA currently has seven Commissions that represent road, coaching, athletes, Masters, track, technical and para-cycling. The Commissions act as sub-committees of the Board under its delegation. The membership of the Athletes’ Commission comprises persons drawn from each of the cycling disciplines, who are approved by the Council, and who are considered by the Board to be fit for appointment.

3.8 Provision is made in the By-laws for the establishment of a high performance management committee. The selection committees for national teams are to consist of a minimum of three members, one of whom is to be the National Performance Director or the appointed National Discipline Coach, and two of whom are appointed by the Board for rotating two-year terms.

3.9 Provision is also made in the By-laws for the management of disciplinary matters, including mechanisms for the appointment of a disciplinary tribunal and the imposition of penalties, the establishment of a Code of Conduct, and the endorsement and adoption of an anti-doping code that is compliant with the WADC.

49. Information provided by CA.
51. CA Constitution Article 15.
52. CA Constitution Article 58 and By-law 2.05.
53. CA By-law 2.05.10.
54. CA By-law 2.06.
55. CA By-laws 2.10–2.15.
56. CA By-law 2.08.
57. CA By-law 2.09.
3.10 CA operates in three locations within Australia:

- 280 Coward Street, Mascot, New South Wales—general operations/head office, Chief Executive Officer, administration, sport development, BMXA, MTBA and AustCycle
- State Sports Park, Adelaide, South Australia—high performance centre in conjunction with the AIS for road and track
- 616 St Kilda Road, Melbourne, Victoria—Commercial and Events Team, and Grass Roots joint venture.

3.11 CA is currently managing approximately 70 staff across these offices. This represents a considerable growth in its staffing from 2001 when it had only around 10 staff members.⁵⁸ CA makes use of the ASC-funded training centre at Varese in Italy and it has created a residential base for cyclists in Castrano, Italy. During the seven months over the northern summer there are approximately four to six CA staff based in Italy. The high performance centre that is located at the velodrome in Adelaide (the Superdrome) is provided with medical and sports science services through staff employed by the AIS. Some of the coaches at that centre are employed by CA while others are currently on contract to the AIS. There are also two coaches employed by CA that work at the AIS BMX program on the Gold Coast.

3.12 CA’s executive management structure and its commercial and events structure are illustrated in the following diagrams.⁵⁹

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⁵⁸. Information provided by CA.
⁵⁹. Diagrams supplied by CA.
Cycling Australia, Executive Management Structure

- **High Performance**
  - Athlete Services
  - Coaching Services
  - Anti-Doping
  - Program Strategy Development & Execution
  - International Competition Management

- **Operations**
  - Finance
  - Membership Database
  - Event Portal / Registration Platform
  - Human Resources
  - Administration
  - Information Technology
  - Sport Participation & Development
  - Stakeholder Affiliate Management BMX & MTBA

- **Commercial / Events**
  - Rights Management
  - Broadcast Media
  - Partnerships (Sponsor)
  - Member Loyalty
  - Major Events (International)
  - Elite Domestic Events
  - New Commercial Asset Creation

- **Marketing and Communications**
  - Brand
  - High Performance Media Management
  - Mass Electronic Comms
  - Digital Media (9 CA Sites and 25 Social Media Accounts)
  - Broadcast Services
  - Corporate Comms
  - Content Management
Cycling Australia, Commercial and Events Human Resources Structure

(Includes dotted line to Marketing and Communications re shared staff)

The Events Unit caters for elite competition and participation events. The team has individual segment responsibilities but activate as one unit.
3.13 As noted earlier, CA does receive significant sponsorship benefits, however, its principal source of funding to date has been received in the form of grants from the ASC. Because of its status as a multi-medal Olympic and Paralympic sport and its strong performance record, CA has been treated as a high priority sport in relation to additional high performance funding, for example through the Green and Gold initiative that was established to support medal chances in London. Additionally, it has received funding for investment in participation in cycling at the grassroots level, as well as for women.

3.14 A summary of ASC funding to CA over the year 2009–10 through to that proposed for 2012–13 is provided in the following table.

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<tr>
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<tbody>
<tr>
<td>AIS Scholarship Program Allocation</td>
<td>1,434,666</td>
<td>1,564,960</td>
<td>1,584,022</td>
<td>1,458,100</td>
</tr>
<tr>
<td>High Performance Program</td>
<td>3,413,000</td>
<td>3,413,200</td>
<td>5,443,000</td>
<td>5,443,000</td>
</tr>
<tr>
<td>Additional High Performance Funding</td>
<td>1,800,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sport Participation Funding*</td>
<td>350,000</td>
<td>460,000</td>
<td>460,000</td>
<td></td>
</tr>
<tr>
<td>Beijing Athlete Program—International Competition Travel</td>
<td>60,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Talent Identification and Development Program</td>
<td></td>
<td>286,690</td>
<td></td>
<td></td>
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<tr>
<td>Elite Coach Development Program</td>
<td>60,000</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Sport Development Program</td>
<td>110,000</td>
<td>110,000</td>
<td></td>
<td></td>
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<tr>
<td>Sport Leadership Grants for Women</td>
<td>5,400</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Sports CONNECT</td>
<td>30,000</td>
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<td></td>
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<tr>
<td>National Officiating Scholarship Program</td>
<td></td>
<td>4,000</td>
<td></td>
<td></td>
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<tr>
<td>Green and Gold Project</td>
<td></td>
<td>365,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Women in Sport Media Grant</td>
<td></td>
<td>147,000</td>
<td>150,000</td>
<td></td>
</tr>
<tr>
<td>Business Development Program</td>
<td></td>
<td></td>
<td>200,000</td>
<td></td>
</tr>
<tr>
<td>Infrastructure Project</td>
<td></td>
<td></td>
<td></td>
<td>1,000,000</td>
</tr>
<tr>
<td>Total national sporting organisation funding</td>
<td>5,113,066</td>
<td>8,040,850</td>
<td>8,837,022</td>
<td>7,361,100</td>
</tr>
<tr>
<td>Direct Athlete Support**</td>
<td>364,000</td>
<td>521,000</td>
<td>735,000</td>
<td>***</td>
</tr>
<tr>
<td>TOTAL including direct athlete support</td>
<td>5,477,066</td>
<td>8,561,850</td>
<td>9,572,022</td>
<td>7,361,100</td>
</tr>
</tbody>
</table>

* Sport development program became sport participation funding as of 1/7/2011.
** Direct athlete support includes athletes with a disability.
*** 2012–13 direct athlete support is yet to be finalised.

60. Chapter 2, paragraph 2.16.
61. CA finished with six medals at the 2012 London Olympics and 14 medals at the 2012 London Paralympics.
62. Provided by the ASC.
3.15 Notwithstanding this level of funding it is clear that CA’s financial position has not been secure, as a consequence of which the ASC has taken a number of remedial steps. They include:

- Commissioning in 2009 the Gemba Opportunity Assessment that was directed at identifying opportunities and ways of optimising CA’s growth strategy through securing increased participation and developing commercial opportunities

- Commissioning in 2010 a financial risk assessment of CA and BMXA that was carried out by KPMG, which included a review of the effectiveness of the financial policies, procedures and controls for those two associations and for the high performance program. A report of KPMG’s findings (the KPMG Report), containing a number of recommendations, was delivered to the ASC on 7 June 2010

- Commissioning in 2011 a review (‘Cycling Inc’) that was carried out by Sports Business Partners for the use of the ASC and the Boards of CA, BMXA and MTBA of the optimal business model for cycling in Australia. A report of this review, which provides a blueprint for a staged transfer of the governance of the sport of cycling in Australia towards a unified peak body, was delivered in July 2011 (the Sports Business Partners Report)

- Engaging in meetings in 2011 with CA, BMXA and MTBA to continue discussions on the Sports Business Partners model for governance integration of the three associations, accompanied by a national commitment by the ASC of an additional $200,000 a year for the next three years to facilitate this process, and

- In October 2012, requiring CA to prepare a long-term financial recovery plan, in the wake of the corrections that were required during the 2011–12 year to the accounts for prior years which substantially eroded its equity. The plan was required to address profit targets for the next four years, and to outline a time frame for which CA was to achieve a net equity position of 20% of annual revenue in the longer term.

Issues

3.16 In the following sections of this chapter, I consider the issues that arise in relation to the governance and financial recovery of CA, and to its recruitment and employment practices. As noted earlier, although these issues could be viewed as being on the periphery of the central area of concern, namely the rebuilding of the reputation of Australian cycling, they do underpin the capacity of CA to grow participation in the sport and to advance its anti-doping strategies. The purpose of this chapter is to assist the Board in addressing limitations in CA’s current structure.

63. KPMG Report to the ASC, June 2010.
64. An approach that was recommended by the Gemba Report.
3.17 In my examination of these issues I have noted the extent to which there is a variation between CA’s governance arrangements, and the Sports Governance Principles that were published by the ASC in March 2012 which are directed towards ensuring good practice accountability, contestability and transparency.

**Incorporation**

3.18 There is a compelling case for CA to change its status from that of an incorporated association to that of a company limited by guarantee. Incorporated association status was designed to provide protection for committee members of local and community groups that were formed for a common purpose. It was not intended for a national organisation of the size of CA, with a staff of 70 or so and with an annual turnover in the order of $16–17 million, much of which is derived from federal funding.

3.19 This change would bring CA into conformity with the ASC Sports Governance Principles, which recommend that national sporting organisations be established as a company limited by guarantee and note that the Corporations Act 2001 (Cth) ‘provides for a very robust and structured platform for the operation of organisations and provides clarity on areas otherwise silent within the Associations Incorporation Act’ 1991 (ACT).

3.20 Compliance with the Sports Governance Principles would have a number of advantages. It would allow CA’s Constitution, which is somewhat dated, to be reformed in accordance with current best practice. It would also bring CA under the regulatory framework of the Corporations Act 2001 and the control of national regulators such as the Australian Securities and Investments Commission (ASIC). It would add to its gravitas as the peak body for a major Olympic sport and bring it in line with national sporting organisations of comparable standing, such as Swimming Australia, Athletics Australia and Rowing Australia.

3.21 CA’s complex membership and governance structure, the national and international spread of its activities, the commercial venture in which it is now engaged, and the possibilities for an extension of its reach through integration all point to it moving forward to a higher level of transparency and accountability.

3.22 I acknowledge that the AOC continues to be an incorporated association, but it has taken the step of imposing on itself the standards that are required of a body incorporated under corporations law, including compliance with Australian Securities Exchange (ASX) standards.

3.23 While CA could follow the AOC in increasing its level of accountability in this way, I am of the view that it should take the next step for the reasons mentioned above. If, contrary to the recommendation that I make in this respect, CA elects to retain its current status, then I believe it would be timely for its Constitution to be reviewed and for it to upgrade its accountability and reporting requirements in line with the AOC model.

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65. ASC Sports Governance Principle 1.2.
3.24 Attention could be given in this respect to the provisions of the Constitution that apply to the:

- process for selecting Directors and the current requirement that they be members of CA
- composition of the Board and the extent to which it is able to exercise independent and skill-based direction
- role of the Council
- role of the Executive
- process for the appointment of members to the Commissions
- role of the Commissions, and
- status of the affiliate members and their capacity to provide input.

3.25 It is noted that a question arises concerning the role of the Executive and its relationship to the Board. The fact that it is comprised of a President and three other Directors, but not the Chief Executive Officer, could suggest that CA is effectively run by a subset of four Directors who are elected by the Council, which in turn is constituted by delegates of the state/territory constituent associations. In these circumstances there is also a risk that the interests of some of the constituent associations may not be sufficiently taken into account. It is understood that, in practice, the Chief Executive Officer attends Executive meetings and that significant matters are left for decision by the full Board. However, amendment of the Constitution to ensure that the full Board is responsible for key decisions would be desirable.

3.26 Additionally, a question arises as to a possible inconsistency between the Constitution and the By-laws in relation to appointments to the Commissions. The Constitution specifies that Commissions are to consist of ‘such persons as the Board thinks fit’ (implicitly suggesting that appointments are made by the Board) whereas the By-laws provide that the membership of the Commissions are to be ‘recommended’ by the Board and ‘endorsed’ by the annual general meeting, the voting rights at which vest in the delegates of the constituent associations.

3.27 A possible inconsistency also exists in relation to the powers of the Commissions. For example, in relation to the Athletes’ Commission, the Constitution refers to the Board delegating powers to the Commission, whereas the By-laws give that Commission only advisory functions.

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66 CA Constitution Article 58.1.
67 CA Constitution Article 57.3.
68 CA By-law 2.05.06.
3.28 The role of the Athletes’ Commission is potentially of some importance since it is an avenue through which the views of the individual members who are actively involved in the sport can be heard. By way of a contrast, the views of the individual members generally can only be heard through their clubs and regional or state/territory associations. They have no voting rights or other means of influencing the direction that CA takes.

3.29 In my view it is important for individual members to have a capacity for their views to be taken into account by the Board and management. For this reason, I am of the view that CA should take positive steps to support the Athletes’ Commission, through assisting it in convening meetings and in keeping it informed of current developments and plans, not only in relation to the sanctioning of events and establishing an events calendar, but generally.

3.30 This also leads me to the view that it would be prudent for CA to establish a Women’s Commission, requiring an amendment to the current CA Constitution and By-laws. It was evident to me from the interviews and information provided in the course of the Review, that there have been difficulties in securing sponsorship for women’s teams and individual riders. It is a fact that Australian women riders have competed very successfully in international road and track events in recent years, as they have in the allied sport of triathlon.

3.31 I would regard it in the interest of cycling for CA to develop positive strategies for the development and support of women riders. As a first step this could be achieved by the establishment of a Women’s Commission, to be chaired by a member of the Board. Similar comments to those made in relation to the need for support to be given to the Athletes’ Commission, apply for the support of a Women’s Commission. It is pleasing that the Board agreed to this initiative on 11 November 2012.

**Recommendation 3.1**

1. CA move as soon as practicable to incorporate under the *Corporations Act 2001* (Cth) as a company limited by guarantee, consistent with the ASC’s Sports Governance Principles.

2. In the event of CA retaining its status as an incorporated association, an independent review be conducted of its Constitution and By-laws to ensure that it has a governance structure that is appropriate for its objectives and for the constituent associations and individual members whom it represents.

3. CA establish a Women’s Commission or similar advisory body, to be chaired by a member of the Board.

4. CA make arrangements to provide active assistance for the Athletes’ Commission and the Women’s Commission (if created) so as to allow them more effectively to have the views of riders engaged in the sport taken into account by the Board and management of CA.
Integration

3.32 An issue that has now been alive for some time has been the integration of the sport of cycling in a way that would more effectively establish CA as the peak cycling body. Three possible stages of integration have been identified, namely:

i. a horizontal integration at the national level of cycling, bringing the existing national bodies (CA, BMXA and MTBA) into a single national governing body for all four competitive cycling disciplines (road, track, BMX and mountain bike)

ii. a horizontal integration of the four cycling disciplines at the state/territory level that would see one state/territory cycling association in each jurisdiction representing all of the disciplines at that level, and

iii. a more general unification that would bring the recreational cycling membership of all the state/territory bicycling associations and similar associations into the fold giving rise to a single national body for the sport of cycling. 69

3.33 The stakeholders interviewed70 were generally supportive of the concept of integrating the sport of cycling at the national horizontal level by bringing BMXA and MTBA into the fold alongside the state/territory cycling associations. There was some support for a more complex form of integration involving horizontal integration of the four disciplines at the state/territory level. A number of those interviewed went so far as to propose that the recreational cycling membership of organisations such as Bicycle New South Wales, Bicycle Victoria and Pedal Power in the Australian Capital Territory should be integrated into a single national cycling body. 71

3.34 There are differences in opinion among stakeholders as to the way forward. The views received range at one end of the spectrum from merging the mountain bike and BMX disciplines into the existing CA structure, to rebuilding a unitary structure that could accommodate all cycling disciplines and levels at the other end. Some saw the latter as desirable but unachievable, while others considered that it might be achievable through a staged process. Notwithstanding these differences in views it was common ground that any level of integration would need to be established on a staged basis.

3.35 There was also a ‘middle ground’ view that the sport could continue to function effectively and efficiently in its present form. Those that supported this view tended to accept that it is not possible to ‘shoe horn’ the mountain bike and BMX disciplines into the existing CA structure, but that with some adjustment a revised structure could adequately and fairly deal with all four disciplines and the state/territory federations and/or clubs (in the case of mountain bike).

69. Possibly along the lines of the Westcycle model that was established in Western Australia to bring together the several cycling bodies in that state.
70. See Appendix B for list of stakeholders interviewed.
71. Possibly along the lines of the Westcycle model in Western Australia.
Stage 1—Integration at the national level

3.36 There were a number of reasons provided in support of national horizontal integration, including the fact that:

- the international governing body for cycling (UCI) is responsible for all cycling disciplines at the international level and each discipline accesses the international environment through CA
- the four disciplines are included in the Olympic program
- there are economies of scale in a single administration that provides office support, information technology services, insurance, membership and event and general management
- integration presents an opportunity to move to a skill-based Board and committee structure, and
- better coordination of events at a national and state/territory level could be achieved.

3.37 I am firmly of the view that horizontal integration of the four competitive cycling disciplines should proceed at the national level without delay. There are significant benefits, most of which are mentioned above. This Review provides an opportunity for cycling to take the steps required for a horizontal integration.

3.38 Inevitably, discussion around this kind of integration turns to a consideration of winners and losers and who will be left with control. Board members of associations that are brought into an integrated structure are likely to be concerned about their continuing involvement in their sector of the sport and staff may feel threatened by the prospect that administrative savings will lead to the loss of their positions. These issues are real and need to be managed transparently.

3.39 There is added pressure when the existing balance of power is, or seems to be, unequal. Smaller stakeholders may feel that they are being taken over or absorbed and fear a subsequent loss of their identity. This is reflected in the history of attempts to secure the integration of BMXA and MTBA. Either organisation has, from time to time, withdrawn from the process or been unrepresented on the CA Board. To its credit, CA attempted to advance the integration process through the provision of financial and other services to each organisation. This was a positive step, yet it was reported to me that the quality of the services that were provided in the past was mixed and that this had hampered the progress of the efforts at integration. On the bright side, this situation has improved dramatically with the recruitment of specialist senior staff within CA and with the execution of clear service level agreements which, particularly
in the case of BMXA, provide clarity around a range of services. As a consequence relationships at the Board level have improved, including the return of the BMXA delegate to Board meetings.

3.40 This points to the importance of continuing to build trust among stakeholders who need to have ownership of the bigger picture of developing the sport as a whole and to have a shared understanding of how this can be achieved.

3.41 The nurturing and maintenance of the good working relationships that are necessary to underpin a successful national horizontal integration would be enhanced by co-locating the staff from the various organisations within an affirmative team-building environment, a process that has already commenced.

3.42 In this respect I understand that the steering committee that has been established and that comprises representatives from CA, BMXA and MTBA supports the ‘full merger’ model that was canvassed in the Sports Business Partners Report titled ‘Cycling Inc’. A number of the operational aspects of the four disciplines are already functioning in a semi-integrated way. For example:

- BMXA and MTBA each has affiliation agreements with CA in accordance with CA’s Constitution. Each appoints Directors to the CA Board
- BMXA and MTBA now have their respective head offices co-located with CA at Coward Street, Mascot, New South Wales. All BMXA staff and one MTBA staff member are located at that office
- service level agreements have been established whereby CA delivers membership, finance, information technology, insurance and other administrative services for BMXA and MTBA
- CA manages and administers coaching and officiating accreditation and coordinates participation investment on behalf of all four disciplines
- the Adelaide-based high performance programs for three of the four disciplines are managed by CA, while CA provides support for the BMX training facility on the Gold Coast
- the Grass Roots commercial joint venture is currently providing funded broadcast services for all four disciplines, and
- CA, through the CA Events Team, now provides event management services for all four disciplines.

72. The CA–BMXA service level agreement was executed on 12 October 2012 and provides for range of services including finance, human resource management, general administration, membership operations, facilities, participation, coach education, officiating and information technology operations. An agreement for the provision of similar services, although in different terms, together with a separate event management agreement has been entered into with MTBA.
3.43 This suggests that there is already a solid foundation for the integration of the road, track and mountain bike disciplines at the national level. The full integration process should now be carried forward to completion, being one that was supported by the Sports Business Partners Report commissioned by the ASC.

3.44 For horizontal integration at national level to proceed while CA has the status of an incorporated association, it would be necessary to deal with some of the impediments that arise in its current Constitution, including its convoluted governance and membership structure. This would extend to amending the Constitution to give BMXA and MTBA constituent association status, and to establishing clear and unequivocal lines of authority to underpin the governance arrangements and to ensure that the interests of BMXA and MTBA are properly met.

3.45 A redesigned Constitution would also need to address the role of the other affiliate organisations such as the Amy Gillett Foundation, AustCycle and Audax.

3.46 The level of reform required would probably best be achieved in conjunction with a move by CA to the status of a company limited by guarantee constituted under the Corporations Act 2001. A fresh start could occur once clear agreement is achieved among the four disciplines and the interests they respectively represent, on the way in which the organisation should move forward as the governing body for the sport of cycling in Australia, including who will have responsibility for each aspect of its business.

3.47 The interests of the state/territory associations, including that of the clubs that they represent, will need to be taken into account, as will those of the BMX state/territory associations and clubs and the mountain bike state/territory leadership groups and clubs.

3.48 A model for horizontal integration at the national level could look something like that shown in the following diagram.
3.49 I would envisage separate management committees that are given the responsibility for regulating their discipline and their budget allocations, and that have target objectives and key performance indicators. Necessarily, the detail of securing that integration and the ultimate determination of its framework are beyond the scope of this Review. Independent advice in consultation with the ASC should be obtained and the process conducted carefully in a way that does not fracture the positive relationships that seem to be developing.

Stage 2—Integration at the state/territory level

3.50 This form of integration would, to a considerable degree, mirror the Stage 1 integration, although taking effect at the state/territory level. Its achievement is possibly more complex because of the need to coordinate the exercise across the eight states/territories, and desirably to attain a general alignment of the constitutions and objectives of the association that would then represent each of the four disciplines within their territorial boundaries.

3.51 It is an exercise that would need to take into account the interests of the clubs, some of which are multidisciplinary and others discipline specific. Moreover, there may be ways of achieving an alignment of interests, for example through affiliation or through a memorandum of understanding that might be easier to achieve in some states/territories.

3.52 The creation of a framework in which the four cycling disciplines were effectively represented by a single association in each state/territory, and in which those separate associations have common constitutions and objectives, could go a long way to providing a better coordinated and more effective direction for the sport in its competitive sphere. This is particularly pertinent bearing in mind that those state/territory associations would constitute the membership of CA.

3.53 The possibility of implementing a Stage 2 integration should not hold up the Stage 1 integration which I consider to be highly desirable. Although this is not the place to suggest how a Stage 2 integration could be achieved, it might look something like that shown in the following diagram.
Stage 3—General unification

3.54 The prospect of a total unification of the sport is even more complex because of the variations that exist in the objectives and core business of the recreational bicycling associations and of their separate sources of funding. Possibly the most that could be achieved would be the establishment of formal lines of communication, or association or affiliation, that could lead to the adoption of common objectives, mutual assistance and support for a single national body for the sport of cycling, possibly involving a reconstituted CA.

3.55 Notwithstanding these reservations, I have been made aware that discussions have been conducted at a national and state/territory level between the competitive cycling organisations and the recreational cycling groups. I have been advised that a number of these have been productive and that there appears to be a healthy respect on both sides. This is not to say that some tension does not exist in some quarters. However, there appears to be a reasonable basis to continue the process of building bridges between the competitive and recreational elements of cycling, and the opportunity for bringing about integration of cycling in all of its forms in the longer term, under the umbrella of a single national organisation, should not be abandoned. This might need to be developed at a state/territory level first, before being brought together under a national organisation, and might also need the peak body to be renamed to represent the breadth of its reach.

Summary

3.56 In summary, the prospect of a successful and lasting integration could be enhanced through a staged process along the following lines:

• Stage 1: Horizontally integrate all four cycling disciplines (road, track, mountain bike and BMX) at the national level

• Stage 2: Horizontally integrate all four cycling disciplines at the state/territory level (noting the possibility that this could be done within state/territory cycling associations) and leaving clubs to self-determine any integration to suit their interests, and

• Stage 3: Integrate state/territory-based recreational cycling bodies with state/territory-based competitive cycling associations and encourage local bicycle user groups to join or affiliate with those cycling associations under the overall banner of CA (possibly renamed) as the peak cycling body in Australia.

3.57 Stages 2 and 3 of integration should be deferred until the Stage 1 is achieved, with the potential for achieving a more complete form of integration assessed in the light of the way in which the national horizontal integration proceeds.
Recommendation 3.2

(1) CA, BMXA and MTBA proceed to integrate to a single governance structure to centrally oversee operations for all disciplines at a national level as soon as possible.

(2) For this purpose BMXA and MTBA be given constituent member status.

(3) The ASC take a proactive role in facilitating this integration and advising on appropriate governance reform.

(4) Consideration be given to the development of a longer term plan for further integration of the sport of cycling using a staged approach.

Introducing a Declaration Policy

3.58 It has become apparent that the AOC intends to require athletes, coaches and officials to make a statutory declaration, prior to their acceptance into an Australian Olympic team, concerning any prior involvement on their part in doping activity. This would apply at the time of selection for a shadow team and also at the time of final selection. It was acknowledged that, in the case of an athlete who had already served a sanction, the IOC rules would preclude their exclusion from a team; however, the position would be otherwise in relation to coaches and officials. The need for some flexibility has been recognised, but the full details of the scheme are yet to be released publicly.

3.59 Something of a precedent exists in this regard in the form of the disclosure requirement that has been introduced by the British SKY team whose members are represented on the English Olympic road team, and whose leader, Bradley Wiggins, won the 2012 Tour de France. Although I have not seen the terms of this requirement I understand it does not call for a declaration that needs to be formally subscribed that would potentially attract a criminal sanction if untrue. This policy is, however, held out as an overt statement of the team’s commitment to clean cycling.

3.60 It is understood from my inquiries during this Review that the Australian Commonwealth Games Committee, CA’s affiliates, the ASC and some national sporting organisations have given consideration to moving in this direction but are likely to wait for further developments before settling on an appropriate policy.

3.61 Whether or not CA should follow the precedent that is provided by the SKY team, or that which is proposed by the AOC, has a direct relevance for its recruitment practices, for the inclusion of athletes and coaches in its high performance and development programs, for selection in national teams, for accreditation of coaches and officials, and for the granting of scholarships.

3.62 A number of practical issues arise for the application of a Declaration Policy. For instance, there is a question of whether the disclosure required should be in the form of a simple declaration or a statutory declaration.

73. Such as are required in New South Wales under the Oaths Act 1900 (NSW) Part 4.
Simple declaration or statutory declaration

3.63 In general terms a statutory declaration is a solemn statement of fact made in a form that is specified by statute. In some circumstances statutory declarations are required as a consequence of legislative provision; in other cases their use depends on the maker of the declaration complying ‘voluntarily’ with the request of another party for the provision of information in such form. In either circumstance the provision of false information can constitute an offence. The formality required and the consequences for the provision of a false declaration vary to some degree between the states/territories.74

3.64 There is no current legislative or contractual requirement for the supply by any person of a declaration, let alone a statutory declaration, concerning their involvement or non-involvement in doping. If either is to be required then it will depend on the existence of a term in a contract for employment or services, in a scholarship or team agreement, or in the existence of some other mutually accepted arrangement.

3.65 It is clear, in the light of the recent disclosures, that CA has a real and legitimate interest in seeking assurances of the kind contemplated, from those who hold positions on its Board or who work for it as employees or contractors, or who are otherwise associated with it in its high performance and development programs or national teams. Any involvement of or association with those persons in past or current doping activity could have serious ramifications for the reputation of CA and could threaten the integrity of its anti-doping strategies.

3.66 Assuming that a declaration in some form is required, there are four possible outcomes:

(1) an honest answer is given that the relevant person has not been involved in doping practices
(2) a disclosure is made of past involvement in doping practices
(3) a declaration is made of non-involvement in such practices that is subsequently found to be untrue, or
(4) there is a refusal to provide the declaration.

3.67 The first outcome will not attract any adverse consequences for the employment, engagement or appointment of the person who provides the declaration. The second outcome, depending on the position of the respondent and on what is disclosed, will require consideration to be given to whether any association between CA and that person needs to be terminated, or revisited, or should be made the subject of some internal sanction or disciplinary action. It might also require referral to ASADA for investigation (i.e. if the conduct disclosed fell within the eight-year period of limitation that applies under the WADC).

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74. For present purposes see the Oaths Act 1900 (NSW), Oaths Act 1936 (SA) and the Evidence (Miscellaneous Provisions) Act 1958 (Vic).
3.68 The third outcome would potentially require a disciplinary response that would be more serious than that attached to the second outcome. In addition, if the false information was provided in a statutory declaration, depending on the legislation in force in the jurisdiction in which it was made, it may give rise to a criminal offence.

3.69 An important issue that arises is whether it is necessary, or appropriate, to require disclosure in the present context in a way that will potentially criminalise the provision of a false response.

3.70 On the one hand, this would give teeth to the procedure that has been adopted by the SKY team and it would be consistent with the AOC proposal. On the other hand, it is not necessarily conducive to disclosure and may result in the relevant person adopting the fourth outcome, a circumstance that could run into a number of difficulties, at least in the employment context, as to the response that would be available.

3.71 On a purely pragmatic basis I do not favour structuring the requirement in a way that will attract the criminal law. In this respect, I consider it improbable that law enforcement agencies would initiate criminal proceedings for the making of a false declaration (except in the most egregious cases). Of relevance in this respect is that the declaration is required in a context where civil consequences are potentially available; these could include demotion or loss of employment, termination of a contractual or other engagement, or some other sanction including that arising out of a referral to ASADA.

3.72 It is also not to be overlooked that the list of prohibited substances and methods has expanded significantly over time, and that some substances have moved in and out of the prohibited list. In those circumstances, the maker of a declaration may quite genuinely find it difficult to be certain, at the time of its making, whether they had in the past committed a breach of the WADC, and could inadvertently provide a false declaration.

3.73 Moreover, the prospect of a criminal investigation and prosecution may have the undesirable consequences of delaying or suspending ASADA’s investigation of the suspected breach, jeopardising the possibility of a wider inquiry, and delaying or suspending any internal managerial decision by CA in relation to the maker of the declaration.

3.74 Additionally, I do not consider that it would be necessary for CA to establish that a person is guilty of criminal conduct, before it could exercise a right to terminate that person’s employment or engagement or otherwise to impose a sanction. As is noted later the right to do so can be created contractually or become exercisable through an application of a relevant Code of Conduct or CA By-laws.
3.75 For these reasons, I favour the use of a simple declaration rather than a statutory declaration. The latter risks being overkill in a context where the requirement for disclosure of any past violation is essentially directed at ensuring that those who work for or are engaged by CA are not associated with any history of doping, and in a context where non-criminal sanctions are available.

3.76 This approach would not entirely exclude resort to the criminal law. In the most egregious cases where it could be shown that a false answer was deliberately given in order to obtain a financial advantage, it would normally be possible to present a criminal prosecution for fraud.\(^{75}\)

**Application of the Declaration Policy**

**New engagements**

3.77 In practice, little difficulty is likely to arise where a person who is subject to the Declaration Policy and who is being considered for a new engagement as an employee, contractor or otherwise refuses to provide a declaration. In such a case it would seem that there would be no legal impediment in CA declining to deal further with that person.

3.78 The position would similarly be clear in the case of any person who provided, as a condition of entering into employment or some form of engagement with CA, a declaration that was later found to be untrue.

3.79 If that declaration was given when the person became an employee, contractor, scholarship holder or team member, or was otherwise engaged, depending on the nature and degree of the falsity, the provision of the false information would seem to constitute serious misconduct giving rise to a breach of an implied term of the contract or engagement, or of a corresponding express term.

**Existing engagements**

3.80 Complications potentially arise in relation to existing employees, contractors and others whose employment, scholarship or engagement commenced before the introduction of the proposed scheme. It is arguable whether they could now be required to provide such a document, at the risk of dismissal or termination of their engagement for refusal to comply.

3.81 The question that arises in that context turns upon basic contract law. Put simply, unless the agreement for employment or for the provision of services contained a term, express or implied, that would require the relevant person to provide answers of the kind contemplated in the form of a declaration, it cannot be unilaterally varied by CA so as to add such an obligation.

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75. *Crimes Act 1900 (NSW) s192G; Criminal Law Consolidation Act 1935 (SA) s139; Crimes Act 1958 (Vic) s82.*
3.82 So far as I am aware no existing CA agreement contains an express term of this kind. It could be argued that such an implied obligation would arise out of a more general duty on the part of the employee or contractor to deal with CA on a truthful basis or to comply with directions. Subject to further employment advice, that would seem to require giving attention to whether or not a request could be justified as being fair and reasonable in all of the circumstances. To qualify as such, it would be necessary to show that the requirement properly related to the employee’s work or to the services provided, or to some matter that was within the scope of the relevant contract or related to the mutual interests of the parties.

3.83 It is not readily apparent that the interests of CA would be served by a blanket requirement for all existing employees or contractors to provide a declaration. However, there are clearly some existing employees or contractors, for example a high performance program coach, whose position or services are such as to justify them being asked to do so, whereas it might not be reasonable for such a request to be made in the case of an administrative assistant.

**Board members**

3.84 The argument for inclusion of an implied term requiring the provision of a declaration by an existing Board member is much stronger, and in any event in a practical sense it is unlikely that there would be other than full cooperation.

**Team members**

3.85 The national team agreement, which applies to athletes and coaches who are selected for CA teams, incorporates the Anti-Doping Policy and Disciplinary Policy by reference and includes an acknowledgement that CA ‘can impose further selection conditions’. It also requires athletes ‘to observe and comply with the reasonable directions of CA and authorised team officials’, and to act in a proper manner so as not to bring the athlete, the team or CA into disrepute.

3.86 These provisions would seem to be sufficient to require an athlete to provide a declaration of the kind proposed, if requested, but any issue in this regard could be put beyond doubt by insertion of an appropriate provision. Once bound by the agreement the athlete could be subject to the general disciplinary structure that is established by the Code of Conduct and the By-laws, and amenable to non-selection or removal if a declaration was given that is later found to be untrue.

**Volunteers**

3.87 I do not see any justification for extending the Declaration Policy to volunteers who are not CA members. Their capacity to provide an improper influence, or to cause any harm to CA, is slight and any requirement on their part to comply with the policy may have a negative impact on their willingness to offer their service.

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76. National team agreement, clause 6.2.
77. National team agreement, clause 7.2.
78. National team agreement, clause 7.3.
Members

3.88 In the case of any person falling within the category mentioned above who is a member, the misconduct By-laws would apply, including Rule 2.11.01 which defines ‘misconduct’ to include conduct that is ‘detrimental to CA and/or contrary to the Code of Conduct of CA’, and conduct that is ‘detrimental to the sport of cycling’. These definitions would appear to catch the provision of a false declaration, but for more abundant caution amendment of the By-laws and Code of Conduct to make that clear would be desirable. I do not think it necessary, however, for each individual member to make a declaration of the kind proposed when completing the annual application form. That would constitute overkill.

Summary

3.89 It is indisputable that CA must exercise care in the selection and appointment process, to ensure that prospective employees and others whom it sponsors or deals with on a contract or similar basis do not have a history of involvement in doping activity. No such inquiry was directly made by CA in the past of its employees and contractors, or of those who were appointed to the Board, to Commissions, to positions as coaches, team officials or support staff, or to disciplinary panels.

3.90 In the case of Matt White, I was informed that in April 2010 CA became aware of some allegations that may have related to him. It then asked ASADA to investigate those matters. By the end of the year Matt White’s possible engagement to head up the elite men’s program was considered. Following advice from ASADA that it had not received information sufficient to open an ADRV file, the decision was made to appoint him to the part-time position mentioned above. I was informed that no further inquiry was made by CA of him in connection with the allegations, it being considered in the light of the ASADA advice that there was no reason to do so. Similarly, I was informed that Stephen Hodge was not asked by CA whether he had been involved in doping before his appointment to the Board in about 1999. Nor was he asked any such question during his tenure as a Vice President prior to his disclosures in October 2012.

3.91 This experience highlights the need for CA to be proactive in the future in ensuring that those who have a significant relationship with it do not have a history of doping.

3.92 In order for CA to adopt a proactive role in this respect, a number of matters will need to be attended to (collectively referred to in this Review as the CA Declaration Policy). They include:

(1) Adoption of a form of declaration in accordance with, or in similar terms to, the drafts that are included in Appendix E, that would also:
   a) contain a consent for CA to make inquiries of ASADA to verify the content of the declaration, and
   b) state that where an athlete acknowledges in the declaration to have engaged in conduct that would constitute a breach of the WADC, then particulars of that breach need not be included in the declaration if that might require disclosure of a spent criminal conviction or of facts that might expose the declarant to a criminal prosecution.
(2) Inclusion in any relevant letter or agreement, as a precondition to an appointment, selection, engagement or accreditation by CA, an acknowledgement that:
   a) the applicant or nominee is aware of and understands CA’s Anti-Doping Policy and Declaration Policy which are available on CA’s website, and
   b) if required, the applicant or nominee will sign a declaration in the form of the draft attached to that document, and will consent to CA making an inquiry of ASADA to verify the declaration.

(3) The requirement in paragraph (2) to extend to:
   a) letters of engagement as an employee
   b) contracts for the provision of services
   c) scholarship agreements
   d) team agreements
   e) national officiating accreditation scheme accreditation or re-accreditation forms
   f) letters of acceptance of appointment to the CA Board, its Commissions, and its Ethics and Integrity Panel (if one is created), and
   g) any other instrument for engagement or appointment to a position of influence or significance as determined by the Board.

(4) Amendment of the Codes of Conduct and CA By-laws to make it clear that the provision of a false declaration will constitute misconduct for the purpose of those Codes.

(5) Development of a Declaration Policy in the general form of the draft that has been proposed by CA that will identify the persons to whom it applies, the obligations that arise, the potential consequences of a failure to comply with those obligations either by refusing to provide a declaration or by providing a declaration that is untrue, and the role of the proposed Ethics and Integrity Panel.\(^79\)

(6) The requirement for a declaration to not apply to persons aged under 18 years.

(7) Pending integration, encouragement of BMXA and MTBA to adopt a similar policy.

3.93 It is implicit in the foregoing that I would recommend the introduction of the Declaration Policy so as to apply prospectively, i.e. to those whose appointment, engagement, employment or accreditation commences or comes up for renewal after its introduction. However, I consider that it should apply to existing Board and Commission members and, subject to further employment advice, to those coaches and other sport support personnel who hold existing positions where a history of doping might be problematic. I am also of the view that there should be a measure of

\(^79\) Further consideration is given to the role of this panel and the sanctions for non-compliance in Chapter 4 of this Report.
discretion reserved to the Chief Executive Officer in accordance with a protocol settled by the Board, as to the persons to whom the policy should be applied.

3.94 Further consideration is given in Chapter 4 to a possible framework for responding to non-compliance with this policy.

**Recommendation 3.3**

| (1) | CA introduce a Declaration Policy which would incorporate features outlined in paragraph 3.92. |

**Board and Commissions**

3.95 There is a potential difficulty in giving direction to CA’s operations through a structure that involves a Council, a Board of Directors, an Executive (comprising the President and three elected Directors) and Commissions acting under delegation from the Board. This structure was established in order to give effect to the federation of state/territory cycling associations that saw CA incorporated as an association.

3.96 However, as noted earlier, CA’s existence as an association appears to be inappropriate for a national sporting organisation that currently represents in excess of 23,000 individual members (and almost 40,000 members when the MTBA and the BMXA membership are taken into account) yet confers a voting power only in the constituent associations through their nominated delegates, and that has an annual revenue stream in the order of $16–17 million.

3.97 Moreover, the structure that currently exists appears to be somewhat cumbersome and, as noted earlier in this Review, it appears to be one in which it is not entirely clear how day-to-day management responsibilities are divided between the Executive, the Chief Executive Officer and the Board as a whole. Similarly, it is not clear what role the Commissions, acting as sub-committees under delegation from the Board, play in this respect.

3.98 Any restructure would need to address the need for a free flow of communication between the Board, Executive and Commissions, and ensure that the interests of cycling as a whole, as distinct from the sectional interests of the state/territory associations, are respected.

3.99 In my view some aspects of the governance arrangements do not currently comply with the ASC Sports Governance Principles, for example:

- Principle 1.6 recommends that the Chairman/President be elected by the Board, whereas in the case of CA it is the constituent associations that have this function
3.102 It is not possible in this Review, within the time available for its completion, to conduct any greater analysis of the governance issues that arise beyond those noted in this chapter. However, the issues raised are important issues for an organisation whose Board meets quarterly (subject to additional emergency meetings); whose principal resources are devoted to the high performance program that is located in South Australia; and which has effectively delegated the management and development of the commercial products that are linked to its brand to a joint venture in which it is a 50% partner.

3.103 Together, these facts and the complex governance structure of CA require that very careful consideration be given to that structure and to CA’s Constitution and By-laws at the time of the incorporation and integration process that I consider necessary for the future operations of CA.

80. The audit committee would have a key role to play in overseeing the organisation’s financial systems, processes and performance. The nominations committee would play a pivotal role in ensuring the mix of skills and experience amongst Board members. The Board has agreed to establish an audit committee, but this has not yet occurred.
**Recommendation 3.4**

(1) An independent review be undertaken to reach an agreed governance structure before establishing a company limited by guarantee, to enable the integration of BMXA, MTBA and CA.

(2) CA constitute an audit committee, that will include at least one external and independent Certified Practising Accountant and its Chief Operating Officer (or equivalent).

(3) CA introduce a process for the periodic assessment of the performance of the Board.

(4) CA increase the number of independent Directors from two to four in parallel with the broader governance initiatives.

(5) CA arrange for Directors to participate in the Australian Institute of Company Directors course.

**Integrity Unit**

3.104 As a result of the USADA investigation and the importance of rebuilding the reputation of cycling, I am of the view that CA should establish an Integrity Unit that is dedicated to ensuring compliance with CA’s Anti-Doping Policy and its membership and employee Codes of Conduct, and the Illicit Drugs in Sport (IDIS) program.

3.105 This office could replace the current position held by the Anti-Doping Manager, whose functions in this respect are shared with other duties. In terms of anti-doping functions, the Integrity Unit should include:

- ensuring that CA provides appropriate education to those cyclists and coaches who are attached to its programs, including those who are selected for national teams, in relation to the anti-doping framework, CA’s membership and employee Codes of Conduct and the IDIS program

- expanding the reach of CA’s education programs to club level and where appropriate assisting state/territory institutes/academies of sport with providing appropriate and consistent programs at camps

- ensuring that the CA website is kept up to date with current anti-doping requirements, and that prompt advice is given through e-mails or newsletters of any changes in the prohibited substances and methods list and of any concerns in relation to supplements that are commercially available

- being the point of contact between CA, AIS, ASADA, UCI and CA’s medical staff in relation to anti-doping matters

- assisting athletes in complying with whereabouts reporting
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- maintaining contact with current anti-doping developments, including representing CA at WADA and ASADA conferences

- responding to the results of ASADA inquiries and findings of the Anti-Doping Rule Violation Panel (ADRVP) and providing relevant information to the Board, the proposed Ethics and Integrity Panel and to the Court of Arbitration for Sport if a violation case needs to be resolved in that tribunal

- assembling any relevant intelligence for the referral of a case to ASADA for investigation

- tracking any evidence suggesting that fixing has occurred in aid of gambling in cycling races and reporting these to the Australian Government’s National Integrity of Sport Unit, and

- reporting to the Board on anti-doping violations and on any other forms of misconduct by team members that may bring the sport into disrepute, and for that purpose preparing a report for each Board meeting as a standing agenda item.

3.106 A precedent for the establishment of such a unit, whose focus, to the exclusion of all other duties, should be on ensuring compliance with the anti-doping framework, the Codes of Conduct and the IDIS, can be seen in the Integrity Unit that was established by the Australian Football League (AFL) in 2008.

3.107 Support was received for the formation of a dedicated unit exercising these functions, from a number of those persons who were consulted during this Review. Not only would it potentially serve a valuable purpose in reinforcing CA’s stand of adopting a zero tolerance approach to doping, it would also stand as a strong statement to the public, and to potential competitive riders, of its commitment to rid the sport of prohibited practices as well as of conduct that risks bringing cycling into disrepute.

**Recommendation 3.5**

| 1 | CA establish a dedicated Integrity Unit with responsibility for ensuring the application of CA’s Anti-Doping Policy, its Codes of Conduct and the IDIS program. |

**Office location**

3.108 As was noted earlier, the head office, administration and development functions of CA are carried out in its Sydney premises, while event management and the commercial/promotion functions are carried out in Melbourne. This seems to have been less a matter of design and more a product of the way in which CA has evolved and expanded since its move from Bass Hill in Sydney, particularly as a consequence of the establishment of the events team and the commercial joint venture. Although this is not considered to be a matter of high priority, it does appear to be undesirable for CA’s management to be physically located in separate cities. Amalgamation and co-
location of the two offices would seem to be cost effective, and advantageous in permitting a closer coordination of CA’s management and commercial/events operations, the latter of which needs to be carefully directed if it is to contribute to CA’s future growth.

3.109 Such a change would still see the high performance program located at the Adelaide Superdrome. Between 75% and 80% of CA’s budget is currently directed to this program, which is treated as a separate entity for accounting purposes and which has its own bank account. In some years it has required supplementation from CA’s general operations. It is recognised that there are sound reasons for locating this program in Adelaide, related to the high quality of the velodrome track, and ready access to hills and roads that are relatively free of traffic and well suited for training. Additionally, it is the case that the sports science and other services that are on site can be used for development camps and by elite cyclists returning from overseas.

3.110 It is not, however, suggested that the Sydney and Melbourne offices be relocated to Adelaide. Clearly there are commercial advantages in those offices remaining in a larger capital city, in proximity to other national sporting organisations and to potential commercial sponsors or partners.

**Recommendation 3.6**

(1) CA consider co-locating their administrative and commercial functions, subject to a cost–benefit analysis.

**Financial recovery and commercial joint venture**

3.111 For the financial year 2011–12, CA reported total revenue of $17.03 million and equity of $633,000. To its credit, CA has recorded significant growth in revenue streams, its revenue in 2008–09 having been approximately $9 million. This growth has primarily arisen from increases in government grants and corporate sponsorship. However, there are current concerns about CA’s financial performance that stem from its inability to build its equity position as its revenue has grown, to a more secure level appropriate for an organisation of its size.

3.112 CA has developed a long-term recovery plan with profit targets for the next four years and a commitment to returning the sport to a net asset position that is at least 20% of annual revenue in the longer term.

3.113 Despite the provision of external support through the 2010 KPMG Report, I believe that CA has continued to have challenges in the area of budgeting and reporting. It is reassuring to note that over the last 12 months, staff changes, including the appointment of a Chief Operating Officer, appears to have impacted positively and provided greater confidence amongst stakeholders; however, there still appears to be room for improvement.
CA has been subject to an increased level of financial scrutiny by the ASC because of concerns about its financial management and performance (noting that it is one of 15 national sporting organisations in this situation). It is appropriate that the ASC continues to work closely with CA on this element of its business.

Improving and upgrading its financial monitoring and reporting is one component underpinning CA’s financial recovery program. Another is the commercialisation of its growth strategy.

As indicated previously, CA has increased its income streams and, with the support and encouragement of the ASC, it has now developed a commercialisation approach that focuses on four strategies: partnerships, major events, member loyalty programs and marketing/communications. The commencement of the joint venture partnership with Grass Roots has clearly expanded the level of its commercial activity. Although the partnership is reportedly geared to accelerate the delivery of financial returns to CA in 2013, its early successes have largely been related to upgraded broadcast arrangements with SBS, sponsorship deals with Subaru and Mars and the delivery of a number of bicycle expos.

The Grass Roots operations are closely linked to CA’s increased involvement in event management, for example through securing broadcast rights, sponsorship, race insurance, and so on.

The rationale behind the strategic move of CA into event management and delivery and into commercialisation of its products is understandable. Feedback was provided to me from some stakeholders highlighting a frustration that CA had in the past ‘let go’ of the rights to conduct events. There are obvious benefits in maintaining a presence in this area, through ensuring that the sport has an adequate events calendar which will cater for a range of competition levels, encourage participation and attract public interest. Competition is of the essence for the progression of athletes to higher levels. Other sports including swimming and athletics have seen the benefits, financial and otherwise, of owning and delivering events, although Swimming Australia has maintained a careful division between state/territory and local events, which remain the remit of state/territory and local bodies, and national events for which it assumes responsibility.

There are some financial risks in event management, as well as a potential for conflicts of interest when CA seeks to gain a financial return from events where it also has responsibilities as the ‘regulator’ of the sport.

The deeper issue that is involved concerns the tension or competition that might arise between CA and the state/territory associations, if CA seeks to take over the events that have historically been under their control. For the sport of cycling to grow and move forward, like all sporting organisations in a federated structure, there needs to be a level of cohesion, collaboration and national direction in achieving a rational and fair allocation of the ownership of events.
3.121 Obviously allegations of doping activity can have negative impacts on the brand of cycling as a sport and on potential corporate partnerships. While it is not the case that sponsorship has been lost, the interest of securing cooperation between CA and the constituent associations in the management of events and in the promotion of cycling remains paramount.

3.122 Events clearly represent a product that sports can commercialise, as was highlighted by the 2009 Gemba Report.\textsuperscript{81} However, that report also highlighted that there were some specific issues concerning cycling that suggested this would be the most difficult of CA’s commercialisation strategies. It would seem that this is reflected in some of the concerns that were reported to me by state/territory associations about CA’s move into event management and delivery, and particularly the demarcation of which body should be responsible for their allocation and delivery.

3.123 As noted earlier, the Grass Roots venture is still in an early stage of development and is yet to provide a return on CA’s not inconsiderable investment. Although some stakeholders questioned what it was that commercialisation was intended to achieve and expressed concerns as to whether there were sufficiently designed policy objectives and safeguards, it is beyond the scope of this Review to conduct an assessment of the commercial merit of the joint venture.

3.124 I note the ASC will, to an extent, monitor the outcomes of CA’s investment from an external perspective, through its ongoing scrutiny of CA’s finances. Additionally, I consider it important that the CA Board gives careful attention to the way in which the joint venture is progressing and managed through the CA/joint venture governance group, on which CA is represented by its Chief Executive Officer.

3.125 This venture does provide a potentially broader revenue base for CA, through the products that are currently available in the way of insurance, cycle tours, bicycle expos and the Cyclones HQ loyalty program; as well as through the broadcast partnership and sponsorship that has been arranged. However, each will require careful management and oversight by CA to ensure that its rights and reputation remain protected and that it does not become exposed to any greater financial risk. The need for this degree of attention provides a further justification for bringing the Sydney and Melbourne offices together.

**Recommendation 3.7**

1. CA continue to participate in the Grass Roots joint venture and ensure that it continues to be efficiently managed in CA’s interest and in a way that enhances its relationships with the constituent associations.

2. Consultation take place between CA and the state/territory associations in developing a national calendar of events and in ensuring that there is an equitable division or partnership in event allocation so as to advance the interests of the associations and the sport of cycling as a whole.

\textsuperscript{81} Gemba Report, CA—opportunity assessment, 2009.
4. Anti-doping strategies

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Anti-doping arrangements Australia—an overview

4.1 Unlike the UCI, CA does not undertake any testing of athletes for prohibited substances, prosecute potential ADRV, or enforce the whereabouts reporting regime. These roles are carried out by ASADA, which was established in 2006. The anti-doping functions, powers and responsibilities of CA were referred to ASADA by an instrument signed by each party in July 2006, a copy of which is at Appendix D.

4.2 The regime that is in place is comprehensive and appears to comply with the UNESCO Convention and the WADC and UCI anti-doping program. In brief the Australian anti-doping framework, which is embodied in the national anti-doping (NAD) scheme, so far as it is relevant to CA, is reflected in the following legislative and policy instruments.

Legislation

- Australian Sports Anti-Doping Authority Act 2006 (Cth) (ASADA Act), and
- Australian Sports Anti-Doping Authority Regulations 2006 (Cth) (ASADA Regulations).

Current policies

- ASC Anti-Doping Policy—approved by the ASC Board and ASADA and came into effect on 1 January 2009
- AIS Supplements Policy
- AIS Self-Injecting Policy
- CA Anti-Doping Policy—adopted by the CA Board in November 2009 and came into effect on 1 January 2010

82. In place of the Australian Sports Drug Agency (ASDA) which had been established in 1990.
83. In place of the previous Anti-Doping Policy that came into effect on 1 August 2004.
• CA Code of Conduct, and
• CA High Performance Unit Anti-Doping Guidelines.

4.3 Further obligations of CA in relation to compliance with the NAD scheme arise under the funding agreement that exists between CA and the ASC, known as the Sport Collaboration Agreement.

4.4 The IDIS program, although having no direct relationship with the anti-doping framework, serves an additional function in advancing a healthy sporting environment.

4.5 Within the current anti-doping framework, CA’s role is largely confined to ensuring that its staff and the coaches and athletes who are members or are otherwise involved in its programs or teams, are:

• given sufficient education and preparation at induction and subsequently, so as to gain a comprehensive understanding of the anti-doping regime and of the need to avoid committing any violations

• provided with appropriate support in applying to ASADA for TUEs where an otherwise prohibited substance or method may need to be used for genuine medical reasons

• kept under review so as to support referral to ASADA where violations are suspected, and

• Appropriately sanctioned where ADRVs are found by the ADRVP or Court of Arbitration for Sport to have occurred following investigation by ASADA.

4.6 Additionally, CA has a responsibility for ensuring that the events which it conducts have the facilities and means to allow ASADA and UCI85 doping control officers to carry out testing, and for supporting the Oceania Cycling Confederation and the UCI in enforcing an effective anti-doping regime.

84. In place of the policy that had previously been approved by ASADA and CA and came into effect on 1 January 2009.

85. For UCI-sanctioned events, doping control can be carried out by UCI officers or by UCI and ASADA officers working in conjunction.
Implementation of the Australian anti-doping regime

4.7 The incidence of testing by ASADA of Australian cyclists during the period 2006 to 2011 is shown in the following table.

<table>
<thead>
<tr>
<th>Type of Testing</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>In-Competition Urine</td>
<td>238</td>
<td>253</td>
<td>325</td>
<td>201</td>
<td>222</td>
<td>163</td>
</tr>
<tr>
<td>Blood</td>
<td>65</td>
<td>72</td>
<td>192</td>
<td>83</td>
<td>105</td>
<td>68</td>
</tr>
<tr>
<td>Out-of-Competition Urine</td>
<td>200</td>
<td>260</td>
<td>154</td>
<td>135</td>
<td>164</td>
<td>108</td>
</tr>
<tr>
<td>Blood</td>
<td>95</td>
<td>78</td>
<td>45</td>
<td>195</td>
<td>128</td>
<td>117</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>598</strong></td>
<td><strong>663</strong></td>
<td><strong>716</strong></td>
<td><strong>614</strong></td>
<td><strong>619</strong></td>
<td><strong>456</strong></td>
</tr>
</tbody>
</table>

4.8 Since 2008, ADRVs involving 14 Australian riders have been established by ASADA arising out of its testing program (comprising the presence, use, attempted use or possession of prohibited substances).

- presence—3
- use—1
- presence and use—7
- attempted use—2, and
- attempted use, use and possession—1.

4.9 Currently there are 84 Australian riders in the ASADA registered testing pool (RTP) whose compliance with the whereabouts reporting regime, as summarised in the following paragraph, is recorded via the online system that was developed by ASADA prior to the introduction of ADAMS. That system allows ASADA to monitor athlete compliance with the quarterly filing regime, and to provide reminders or assistance to those on the RTP who are having difficulty with its use. This has been assisted by the arrangements that have been put into place that allow Australian riders on the UCI RTP to submit their whereabouts returns to ASADA. Currently 50 Australian riders are included in the UCI RTP.

4.10 Similarly to ADAMS, the ASADA system records the information that is required by RTP athletes in accordance with the WADA International Standard for Testing 2012 in the form of a quarterly whereabouts filing that must contain at least:

- a complete mailing address
- details of any disability that may affect sample collection

86. Substances involved included Phentermine, Testosterone, Nandrolone, Metenolone, Methandienone, Trenbolone, Nandrolone, Drostanolone, Prednisolone, Prednisone, Erythropoietin (EPO), Clenbuterol, D-Amphetamine, Cannabis, Stanozolol, Human Growth Hormone and Dehydroepiandrosterone (DHEA).
• confirmation of the athlete’s consent to share the information with relevant anti-doping bodies
• a residential address for each day of the next quarter
• the name and address of places where the athlete carries out regular activities and the usual times for these activities
• a competition schedule for the next quarter including names, addresses and dates of those competitions, and
• for each day of that quarter, one specific 60-minute time slot between 6 am and 11 pm when the athlete will be available and accessible for testing at a specific location.

4.11 The availability of this information is important for the Athlete Biological Passport program in enabling testing to be planned and carried out in accordance with the program’s guidelines. As a deterrent measure, it is reinforced by the fact that three failures within a period of 18 months, either in not filing the information or in not being able to be found at the locations specified, will constitute a violation under the current WADC.

4.12 Among other capabilities, the ASADA system maintains a record of violations for each athlete and, subject to any privacy or confidentiality restrictions, potentially allows them to be matched against intelligence acquired from other national anti-doping agencies, the UCI, law enforcement agencies, and customs and border protection services.

4.13 Athletes, coaches and sport support staff who come within CA responsibility need to be made aware by CA of the following possible forms of Code violations (which may be grounded either on adverse analytical findings following testing or on non-analytical findings):

• the presence of a prohibited substance or its metabolites or markers in an athlete's bodily specimen

• use or attempted use of a prohibited substance or a prohibited method

• refusing, or failing without compelling justification, to submit to sample collection after notification, as authorised in applicable anti-doping rules, or otherwise evading sample collection

• violation of applicable requirements regarding athlete availability for out-of-competition testing, including failure to provide required whereabouts information and missing declared tests

• tampering, or attempting to tamper, with any part of doping control

• possession of a prohibited substance or a prohibited method

• trafficking in a prohibited substance or a prohibited method, and
• administration or attempted administration of a prohibited substance or prohibited method to any athlete, or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an ADRV or any attempted violation.87

4.14 Of critical importance for athletes, coaches and sport support staff is awareness of the current list of prohibited substances and methods that is published by WADA annually and updated by ASADA on its website.88 Equally important is their understanding that the WADC requirements apply whether or not the person who is subject to testing intentionally or unintentionally used a prohibited substance or method, or was negligent or otherwise personally at fault. Information to this effect forms part of an education program that national sporting organisations, such as CA, should make available through their website, educational programs and other forms of communication including, for example, e-letters. In this respect, it is noted that the CA website provides links to the policies published by the ASC on its website, including the self-injecting and supplements policies and the TUE and whereabouts requirements.

4.15 Responsibility for imposing a sanction on a cyclist who is found to have committed an ADRV rests with CA.89 For this purpose, under the current framework, it is provided with the report and recommendations of the ADRV. It can proceed to impose a sanction where the violation recorded in the infraction notice is accepted or is otherwise not contested or when the athlete’s right to a hearing is waived. If it is contested, then CA’s determination of an appropriate sanction will need to await the outcome of a hearing in the Court for Arbitration for Sport. At that hearing CA has a right of audience.

4.16 The sanctions that can be imposed by CA are those for which provision is made in the WADC.90

4.17 In general terms, it appears that CA’s Anti-Doping Policy complies with the requirements of the NAD scheme, that it has imposed appropriate sanctions in the past, and that its relationship with ASADA is positive.

**Issues arising**

4.18 In the remainder of this chapter I give consideration to a number of issues that emerged during the Review. In this respect, I have been assisted by the fact that, at its meeting on 11 November 2012, the CA Board resolved to endorse a series of recommendations that

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87. Document produced by WADA and supplemented by the Department of Regional Australia, Local Government, Arts and Sport.
88. The ASADA website provides a Check Your Substances tool for checking the status of Australian medications and prohibited substances status in sport at https://checksubstances.asada.gov.au/
89. The powers and responsibilities referred to ASADA noted above do not extend to the imposition of a sanction and this responsibility remains with CA as a national sporting organisation.
90. Currently, in addition to cancellation of results and the imposition of a monetary penalty, the sanctions include two years exclusion for a first violation, and exclusion for a minimum of four years up to a maximum of life (subject to the existence of exceptional circumstances) for the trafficking or administration of a prohibited substance or method. Additional sanctions exist for repeat offences. Provision is made for a degree of flexibility where the athlete provides substantial assistance, or where the athlete can show that a specified substance was not intended for performance enhancement. It is likely that the 2015 revision of the Code will see some increase in the sanctions as well as the relaxation of the substantial assistance provisions in not requiring that it result in adverse findings for other athletes.
were agreed at a meeting of its Council on the previous day. In general terms, each of these recommendations was positive and, to varying degrees, they are developed further in this Review, except those that would support criminalising doping in sport. This is an issue that is beyond the scope of this Review. It is a threshold policy position for the federal and state/territory governments and would require cross-sport and community consensus, and very careful consideration of its reach and application. Accordingly, it is not the subject of any recommendations in this Review.

Increased focus of Cycling Australia on anti-doping

4.19  It is acknowledged that ASADA performs an effective role in the investigation and preparation of cycling ADRV cases. This does not, however, mean that CA can delegate to ASADA the whole of its responsibilities for the enforcement of its Anti-Doping Policy.

4.20  In most instances, CA Board members will have only become aware of ADRVs at the point when disclosure by ASADA was permitted under the ASADA legislation. The incidents that have been reported in the past tended to be isolated events and not of the systematic kind revealed by the USADA investigation. In those circumstances, there was a risk that doping within the sport and the adoption of a proactive anti-doping strategy would not become a focus of Board consideration. The position has now altered significantly to the point where CA must take an active role in enforcing the anti-doping framework.

4.21  This needs to be addressed, firstly, by introducing a standing agenda item for each Board meeting supported by a report from the Integrity Unit, the establishment of which is the subject of Recommendation 3.5 in this Report.

4.22  Secondly, there is a need to contest any impression that coaches, administrators, athletes and others may have that all that is required of CA is compliance with ASADA’s requirements. Instead, it needs to be understood that CA has an integral role in protecting the integrity of the sport and the organisation.

4.23  In this respect, CA needs to have in place a strategy whereby it can provide additional input to ASADA based on the information available to it. The flow of relatively minor pieces of information from the cycling community, especially from riders at the elite and development levels of the sport, is potentially important and, as such, its collection would be assisted by having in place an appropriate whistle-blower policy.

4.24  Thirdly, it would be important for attention to be given to ensuring that the Board is kept up to date with intelligence in relation to new forms of prohibited performance enhancement and any consequent challenges to their detection, for example in relation to micro-dosing practices and the possibilities of genetic modification.

4.25  In my view, CA should now take an active role, partnering ASADA, in gathering and exchanging information of the kind mentioned. This would not derogate from ASADA’s responsibility to determine the veracity of the information it receives or to investigate independently whether ADRVs can be proved.

4.26  Fourthly, I see merit in a proposal by CA, that has been brought to my attention, for it to establish a collaborative relationship with British Cycling to promulgate a positive stance and
community message in establishing cycling as a drug-free sport. The possibility of extending such a collaboration to other like-minded peak cycling organisations and of engaging in a closer link with the UCI and members of the Oceania Cycling Confederation in promoting this objective should also be considered.

4.27 Fifthly, I would support a proposal that was recently developed by the CA Board to establish a closer working relationship with the Australian Drug Foundation to assist in developing a community drug and alcohol education strategy that could help to limit the incidence of problems related to substance abuse that have emerged in cycling from time to time.

4.28 Finally, it is noted that the current Code of Conduct for members is a brief one-page document that does not include the detail that is contained in the broader Code of Conduct that has been drafted but, so far as I am aware, has yet to be introduced. That broader Code, in its terms, applies to ‘all CA employees, Board members, contractors, employees of contractors and subcontractors as well as individuals using CA facilities’.

4.29 The reach of the expression ‘individuals using CA facilities’ is not entirely clear and much of the draft Code of Conduct would have little relevance for athletes. In the circumstances, although it is not a matter of urgency, there would seem to be merit in CA preparing a more comprehensive Code of Conduct for members. The requirement for compliance with that Code should then be incorporated in team agreements, scholarship agreements and similar agreements between CA and athletes. The requirement for the provision, on request, of a truthful declaration in accordance with the Declaration Policy, should be included in the Code of Conduct.

**Recommendation 4.1**

The CA Board place a greater focus on the enforcement of its anti-doping code through strategies including:

1. Establishing, as a standing agenda item for Board meetings, a report from the proposed Integrity Unit that will deal with anti-doping developments and challenges occurring both in Australia and overseas.

2. Ensuring that active steps are taken to proactively exchange information with ASADA in relation to possible areas of concern involving doping.

3. Establishing closer links with the state/territory associations, the UCI and the Oceania Cycling Confederation, as well as with peak cycling organisations in other countries that have adopted a strong anti-doping stance, including in particular British Cycling.

4. Establishing a closer working relationship with the Australian Drug Foundation in order to develop a community drug and alcohol education strategy that could assist in limiting substance abuse problems amongst cyclists.

5. Preparing a more comprehensive Code of Conduct for members, incorporating relevant sections of the draft Code that is intended to apply to key employees, Board members and contractors, and incorporating compliance with CA’s Anti-Doping Policy and the proposed Declaration Policy.
Ethics and Integrity Panel

4.30 Provision is made in CA’s By-laws (Article 2.10) for the convening of disciplinary tribunals to deal with misconduct (as defined in the By-laws) and with breaches of its Code of Conduct.

4.31 At its 11 November 2012 meeting, the CA Board agreed to make provision for the establishment of an Ethics and Integrity Panel with a membership of between three and five persons. As proposed, it would be responsible for dealing with doping admissions arising from the proposed declaration process that fall outside the ASADA limitations period, and with a range of matters concerning doping, ethics, integrity, discipline, member protection, gaming and similar issues.91 The proposal includes a mechanism for the appointment of sub-panels to deal with individual cases and report to the Ethics and Integrity Panel, which would in turn report to the Board, and for a right of appeal.

4.32 I am satisfied that this is an approach that should be implemented by CA. Subject to amendment of the By-laws, it would provide a proper mechanism for dealing with general disciplinary matters and with issues arising under the declaration proposal.

Recommendation 4.2

<table>
<thead>
<tr>
<th>Recommendation</th>
</tr>
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<tbody>
<tr>
<td>CA amend its Constitution in order to:</td>
</tr>
<tr>
<td>(1) Establish an Ethics and Integrity Panel, with terms of reference approved by the Board, with the function of considering and reporting to the Board appropriate recommendations concerning doping, disciplinary, member protection, and other ethical and integrity issues arising under CA’s Codes of Conduct and Anti-Doping Policy.</td>
</tr>
<tr>
<td>(2) Make provision for the regulation of proceedings brought before the Panel, including an avenue for appeal.</td>
</tr>
</tbody>
</table>

Anti-doping education

4.33 Anti-doping education constitutes a critical element for an effective anti-doping strategy that has three components: education and communication, testing and intelligence-based investigations. The second and third of these focus on deterrence (arising from the risk of being caught). The value of education and communication lies in its capacity to encourage a more positive approach to compliance. Education is currently made available to the cycling community through a variety of methods.

4.34 ASADA currently has a suite of education solutions that national sporting organisations can use and, I was informed, it has plans to engage with every ASC-recognised national sporting organisation to assist in developing an education strategy that is tailored to their sport.

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91. Information provided by CA.
4.35 The ASADA educational package can be disseminated in a variety of ways, although responsibility for its delivery primarily rests with the national sporting organisation. For example:

- ASADA’s website provides an e-learning program that covers the basic anti-doping curriculum in an interactive and self-paced form. This program allows for certification of satisfactory completion and thus portability of results. It also makes provision for updating the curriculum content to ensure its contemporary relevance.
- ASADA has developed vodcasts, a DVD and workbooks that a national sporting organisation can incorporate into its education programs.
- ASADA has a train the trainer program that can be accessed by national sporting organisation facilitators.
- Customised face-to-face sessions can be provided for high priority sports on a user pays basis.
- A capability exists whereby ASADA can report to a national sporting organisation whether an individual athlete has accessed the online educational material, as well as the overall participation of the athlete for which that national sporting organisation is responsible.

4.36 However, ASADA’s broad remit across the sporting community means that it cannot reasonably conduct face-to-face sessions with all of the athletes who are subject to the NAD scheme.

4.37 In addition to the materials and educational opportunities offered by ASADA, the AIS provides support through its own educational activities, which include the provision to all AIS athletes of an anti-doping education booklet, which identifies the several policies that it has in place.

4.38 CA has various strategies in place to provide drug education opportunities, particularly for those who are included in the high performance and development programs, as well as for coaches and support staff. However, they take various forms and are not always appropriate for the audience to which they are directed. It also appears that the tracking of those who participate in the programs and the monitoring of their compliance and satisfactory completion could be improved. The development of appropriate programs and their delivery to those who would most benefit from them should be a matter of high priority for CA. This objective could be assisted by continuing to foster a close relationship with ASADA in relation to the delivery of educational activities and resources, the development of an Education Plan and also by CA, in conjunction with ASADA, providing an annual assessment and report to the ASC as to the sufficiency of the delivery by CA of anti-doping education against the Plan.

4.39 Some of those who were interviewed by me suggested that there needs to be a greater focus on the ethical consequences of doping and, in particular, to the fact that it denies fellow competitors the opportunity for a fair race and of the possible financial and other
3.503 In the wake of the USADA investigation that followed the discoveries made during the Canadian anti-doping raids in 2009, the authorities of CA felt that the information that was available to the athletes was insufficient. It was suggested that awareness could be improved by providing more frequent and comprehensive training. The need to broaden the reach of the anti-doping education strategy is cogent. The focus of this Review has been on best practice, not simply on discovery and conviction, it was suggested, meant that today these risks were of less relevance than in the past.

4.40 My attention was additionally drawn to the need for athletes to be made particularly aware of the circumstances in which inadvertent breaches might occur, for example through the purchase overseas of proprietary medicines or supplements that may have the same branding as those that are sold and used safely within Australia but which may include a prohibited substance, through contamination or because of a different formulation (that will not be apparent from the labelling). This is necessary to accommodate the possibility that for Australian riders brought up in a clean culture, their infringements are more likely to arise from inadvertent use of prohibited substances than from deliberate doping.

4.41 It is encouraging that subsequent to the release of the findings of the USADA investigation, CA has committed to undertaking a comprehensive review of its education and training policies, including that provided for coaches and officials, and in particular:

- requiring competitors at national junior and under-19 championships (both road and track) to attend anti-doping seminars
- engaging educators and CA’s medical team to ensure that the programs meet contemporary expectations and best practice for the current generation
- placing obligations on senior cyclists, who have passed though CA programs and received its support in developing their career, to assist in conducting the sessions that are aimed at elite junior riders
- requiring all athletes, as a precondition to representing Australia or joining a national team, to have completed the ASADA e-learning course or to have attended one of its education sessions, and
- imposing a similar condition on accreditation and re-accreditation of coaches.

4.42 These are favourable developments that should be encouraged. Additionally, I consider that it would be desirable for CA to support extending the reach of its anti-doping education strategies to riders at state/territory and club level, in conjunction with state/territory institutes/academies of sport that provide cycling programs, and with MTBA and BMXA. This would require a review of the material that is presently available online or in the face-to-face sessions in order to establish a uniform format. Widening the reach of the CA anti-doping education strategy could usefully be included in the duties of the Integrity Unit, the establishment of which is recommended in this Review.

4.43 I was informed that coaches and athletes support personnel have been expected, in the past, to attend education sessions that have been delivered annually at the high performance centre and are now required to engage in the interactive program. However, it was suggested with some conviction that these strategies are of limited value having regard to the familiarity of this group with the basic materials that are provided.
Suggestions were made for the introduction of more relevant pathways for coaches to access these programs and of ways of ensuring that they remain up to date with recent developments, and with the key issues that are involved from their perspective in enforcing a drug-free sport.

This has some importance in relation to CA’s coach education and development program which is conducted in partnership with the national coaching accreditation scheme of the ASC. Although for the level 1 or 2 courses anti-doping education is included in a variety of forms, it has yet to be introduced at entry level, although it is under active consideration.

Many of the same observations as those that apply to coaches were made by, and apply with equal relevance to, senior riders who have been through basic programs on many occasions and who are unlikely to benefit from attending group education sessions. Those riders who were interviewed in this category made it clear that what they needed was more precise information that was relevant to current developments. Some within this group suggested that they could have a useful role in attending seminars at camps with young riders, where they could provide a firsthand account of the way that the testing and anti-doping system works. I regard this as a positive contribution that should be implemented.

**Recommendation 4.3**

CA, with the assistance of ASADA, review its education programs and develop an Education Plan so as to:

1. Ensure that they comply with contemporary communication and learning standards and provide the information that needs to be known, dependent on the category of people to whom they are directed.
2. Disseminate in a timely way updates in relation to developments concerning prohibited substances and methods, supplement use and other matters of relevance to the NAD scheme.
3. Develop ways of disseminating anti-doping education to a wider audience, in conjunction with state/territory associations, MTBA, BMXA and cycling clubs.
4. Maintain a record of education compliance by athletes attached to CA programs and of the delivery of education programs generally.
5. Impose compliance with CA’s anti-drug educational requirements as a condition for inclusion as an athlete in a national team or of coach accreditation.
7. Make provisions for CA, in conjunction with ASADA, to assess and report annually to the ASC on CA’s delivery of anti-doping education against the Plan.
8. Encourage senior riders to attend camps and group seminars involving young riders to provide a firsthand account of the way in which the testing regime applies and of the need to ride clean.
Supplements

4.47 The potential risks related to use of supplements by athletes was identified by a number of the persons who were interviewed. Athletes are seemingly pressured by relentless promotions and advertising that suggest they are ‘being left behind’ if they are not using supplements. This is often reinforced by the offer of sponsorship opportunities from supplement providers. The message conveyed is in stark contrast to the stance of ASADA that warns strongly of the risks associated with supplement use. These include the possibility of contamination and inadvertent use of supplements that contain prohibited substances giving rise to a breach of the anti-doping rules. The coaches and sports science practitioners to whom I spoke said that they were sceptical of the benefits associated with supplements, particularly for riders at development level, and offered the view that proper nutrition and training were likely to be of more value.

4.48 It is not suggested that supplement use in itself constitutes an ADRV, nor is it suggested that all or even a significant body of the supplements that are available in Australia contain prohibited substances. However, the regulation of supplement quality is notoriously difficult. The wide availability of online shopping increases the potential for athletes to acquire and use supplements containing prohibited substances, particularly having regard to their availability in countries that have even less regulation than that imposed in Australia.

4.49 There are a number of private services that currently have the capacity to test and to provide assurance on whether particular supplements are prohibited substance free. ASADA has also tested supplements in the past on a fee-for-service basis. However, assurances obtained in this way will not remove the strict liability of the athlete if a prohibited substance is detected in a sample taken under the rules.92

4.50 Athletes are informed of this rule and of the publication by the AIS of a list that classifies supplements into the following categories.93

- Group A—supported for AIS athletes
- Group B—considered for use for research purposes
- Group C—no meaningful proof of beneficial effects and not provided to AIS athletes, or
- Group D—banned or at a high risk of contamination.

4.51 One concern with the use of supplements generally that was identified in the Review, is that it can promote a culture or mindset that will lead an individual to adopt other short cuts including engaging in prohibited forms of doping. The need to counter the development of such a mindset has been identified and addressed by the implementation of the self-injecting policy, but it does not seem to have been sufficiently taken into account in the present context.

4.52 Support staff reported to me their frustration at the lack of an adequate system for the regulation of supplement use, and mentioned the constant battle they have to manage their use by athletes who, at times, expressed a concern that Australia is behind the other cycling nations in not pursuing supplementation in a more positive way.

4.53 Whilst regulating the sale and distribution of supplements is an issue outside the sphere of influence of governing sports bodies, particularly in a context where they are widely used by the general community, this does not mean that action cannot be taken by national sporting organisations to enhance the processes and controls around their use by athletes.

4.54 In particular, strengthening the current arrangements for recording the use of supplements through the establishment of a register of their use would seem to be desirable. In this respect, I was informed that although records of this kind have been kept at times in relation to some teams and are reported by AIS athletes, there was no general or routine procedure in place for the creation of a formal register. I am of the view that such a process should be introduced. It would permit online reporting, at regular intervals, by cyclists attached to the high performance and similar programs, of the supplements used, their source and the reason for their use. This could act, in conjunction with the AIS sports supplement program, as a means of ensuring that athletes are educated about their limited benefits (except perhaps at elite professional level). The information recorded should be available to AIS and CA medical and sports science staff, who could maintain a close watch on the athlete’s supplementation practices and advocate greater reliance on the nutrition and training path.

4.55 Of additional value, as has been shown by a recent example in relation to a national age team competing overseas, is the establishment of a pre-competition agreement not to use certain supplements (for example caffeine tablets) at the risk of disciplinary action for a breach. Although not prohibited, the possibility of riders being seen in public using supplements of this kind is potentially damaging to the reputation of Australian cycling.

4.56 The support of management and coaches in implementing changes of this kind will be important.

4.57 Relevant agencies should also look to opportunities to provide more information on supplements for use by grassroots participants including, for example, through changes to labelling to identify where a supplement contains substances on the WADA list of prohibited substances.

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94. Currently, an athlete is obliged to declare any supplements and/or medications they are consuming on the ASADA doping control form at the time of completing test paperwork.
Recommendation 4.4

(1) CA introduce its own supplements policy that would:
1. reinforce the AIS Policy
2. encourage coaches and medical and sports science staff to actively promote the benefits of nutrition and training in preference to reliance on supplements
3. require athletes in high performance and development programs to report information electronically on a quarterly basis in relation to the supplements that they have been using, their source and the reasons for their use, with such information to be maintained on a register that would be accessible by medical and sports science staff.

(2) Relevant agencies should consider opportunities to inform athletes and the broader community of the potential presence of banned substances in sport supplement products.

Athlete profiling—warning signs

4.58 It was common ground during the Review that athletes need to be given a strong foundation in relation to anti-doping issues. Related to this is the idea that those most at risk of being improperly influenced should receive additional support and guidance. This objective is addressed elsewhere in this Report through the brokerage and mentoring recommendations. However, this is of relevance to young professional riders transitioning to the professional ranks. More is required in relation to athletes in their earlier development period.

4.59 I was informed during the Review that experienced coaches, sports scientists and welfare officers may be able to detect the warning signs that can suggest that an athlete is resorting to doping. The physiological testing that is conducted in Adelaide as part of the medical monitoring program, the results of which can be added to or considered in the light of the individual’s biological passport, potentially provide a useful starting point. Where anomalies arise; where it appears that a rider’s power output or performance has increased to an unexpected level or unusually quickly; where there are behavioural changes, unusual absences, last minute race withdrawals or whereabouts reporting breaches; or where there are associations with people with a doping history, these may be observed by coaches. I recommend that where applicable they be referred to CA and to ASADA.

4.60 I was informed during the interviews that there are some riders with identifiable personality characteristics that make them more likely to pursue quick fixes to achieve improved performance. Although these concerns were raised principally in the context of athletes using supplements, it is likely that similar personality traits will come into play for those who are most likely to use prohibited substances.
4.61 It appears that there are already some informal processes in place to identify individuals at risk, which are predominantly based on observations by coaching and support staff. However, it would seem to be beneficial for a more structured approach to be adopted for identifying athletes who display traits of the kind mentioned. This could be integrated into the screening of athletes when entering CA programs. While not being a panacea, this initiative could go some way to ensuring the welfare of individual riders and their sporting careers. It is not suggested that the identification of any such trait should give rise to a need to report the athlete to ASADA; rather, it is a matter that might require additional support and guidance for that athlete.

4.62 Although CA’s Anti-Doping Policy requires athlete support personnel to report suspected ADRVs to ASADA,\(^5\) the CA High Performance Unit guidelines do not provide any further guidance as to the time at which, or the manner in which, this should occur.

4.63 I believe that the absence of any clear direction in this respect is consistent with the uncertainty that was mentioned to me by several staff members at the Adelaide facility as to the way in which this requirement should be met.

4.64 In my view, it is important that a suitable protocol be developed with a clear statement of the circumstances that need to be reported and of the lines of authority for reporting such matters. It should identify, with suitable explanation, the relevant warning signs for which coaches and support staff should be alert, and for greater certainty, it should reproduce clause 4.2 of CA’s Anti-Doping Policy.

4.65 Failure to report in accordance with the suggested protocol should, in my view, be a breach of CA’s Code of Conduct, in circumstances where the coach or support staff member should have formed a belief, on reasonable grounds, that an athlete is engaged in doping activity.

**Athletes cooperating with the Australian Sports Anti-Doping Authority**

4.66 In completing this Review, it became apparent that an essential element of doping detection is the ability of relevant authorities to investigate alleged incidents of doping involving athletes, support personnel or team staff. In the Australian context, critical to ASADA’s role is the cooperation of these groups with its investigation efforts. Elsewhere in this Report I discuss the possible strengthening of the ASADA Act and other relevant legislation in relation to investigations, but I consider it of the utmost importance that CA make provision in its policies to sanction those persons who fail to cooperate with ASADA investigations.

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95. CA Anti-Doping Policy, clause 4.2.
4.67 I am aware that some sports have put in place arrangements to facilitate cooperation between athletes, clubs and support personnel and ASADA in relation to investigations. The National Rugby League (NRL)\(^96\) and Australian Football League (AFL),\(^97\) as part of their anti-doping arrangements, have a requirement that certain classes of people, which are defined by the respective policies, must cooperate with investigations associated with doping. For example, the AFL’s anti-doping code requires each player, club, officer and official to fully cooperate with any investigation and includes a sanction for a breach of this requirement.\(^98\) CA should develop similar arrangements, appropriate to its circumstances, to enable greater cooperation with ASADA investigations.

**Recommendation 4.5**

**CA establish a policy that would:**

(1) Include a protocol for the identification by coaches and sport support personnel of the warning signs that might indicate that an athlete was engaging in doping activity, and identify a line of authority for reporting such a matter.

(2) Provide that a failure to report will constitute a breach of CA’s Code of Conduct in circumstances where the coach or sport support personnel has a belief, based on reasonable grounds, that an athlete attached to a CA program or team has engaged in doping activity.

(3) Provide sanctions for an athlete, coach or sport support person who refuses to cooperate with an ASADA investigation.

**Extending the reach of testing**

4.68 Although I am unaware of any positive evidence that doping is occurring at club level, allegations have been made that this is the case. If so, it is a worrying development that needs to be addressed.

4.69 It is understood that testing occurs only infrequently at state/territory level races, and almost never at club or Masters races.\(^99\) Any perception that doping can be safely undertaken at these levels must be challenged. That can best be achieved by CA providing modest funding to ASADA for random testing at selected events, and for targeted testing where CA has intelligence to suggest that a rider or group of riders may be transgressing. This would also form part of expanding the reach of CA’s education programs to club level, recommended elsewhere in this Report.

4.70 I was informed that the level of testing in relation to mountain bike and BMX events is similarly limited, particularly at state/territory level. As a consequence, similar considerations apply to those mentioned above.

96. Anti-doping policy of the Australian Rugby League Commission Ltd, National Rugby League Ltd, New South Wales Rugby League, Queensland Rugby League and Country Rugby League of New South Wales, and their member and sub-member organisations.


99. Information provided by CA.
4.71 Concern was also expressed in the course of the interviews in relation to the cost of testing, and to its potential impact for promoters seeking CA sanctioning for state/territory level and other events, if they are expected to contribute to or bear those costs.

Recommendation 4.6

CA give consideration to:

(1) Supporting an extension of the reach of testing, on both a random and targeted basis, to selected events at club, state/territory and Masters level (road, track, mountain bike and BMX) and providing modest funding for that purpose.

(2) Engaging with the UCI to ensure that the cost of delivering doping control does not cause promoters to withdraw races from the sanctioned list of events.

Support, brokerage and mentoring

4.72 Several of the riders and coaches to whom I spoke identified a concern that a number of young riders are making the transition to the overseas professional ranks at a much younger age than in the past, often before they have attained the age of 20 years, and in some cases without having progressed through the AIS, state/territory institutes/academies of sport or CA programs. Their concern was that these riders were not adequately prepared to deal with any of those involved in the sport overseas who may not have the riders' best interests at heart.

4.73 Moreover, as it was explained to me, not all of these young Australians are prepared for the challenges of handling the newly acquired status of a team professional, managing a new language, possible visa and insurance issues, and living away from home. Nor were they likely to be aware of the potential criminal consequences of engaging in doping activity in Europe.

4.74 The response of those to whom I spoke was to encourage the establishment of a system for the brokerage of these young riders into suitable teams and for their mentoring during the early period of their transition. This could be achieved through the auspices of CA and with the assistance of respected senior Australian riders and coaches on the circuit. It was confirmed that there is a very positive relationship between the Australians engaged in the Tour circuit that rises above the interests of their individual teams. Not only is there a willingness to see fellow Australians succeed, they said, but also a self interest in ensuring that the reputation of Australian riders generally, and hence their value, is not damaged.

4.75 Although the general expectation was that systematic team doping is now a thing of the past, these experienced riders and coaches were not prepared to assert that individual instances of doping will not occur, or that young riders will not be offered or encouraged to use performance enhancing substances.

4.76 As it was put to me, for many aspiring young professionals, the objective is not necessarily to beat the competition, but rather to stay in touch and preserve a position on the team. A part of the mentoring program, in addition to emphasising that it is possible to ride clean and exploring the value of doing so, would be to outline to the new professional, the factual circumstances in which they might be pressured or encouraged to engage in doping, and to give them advice as to how to deal with any such approach. This could go as far as providing a hotline contact.
4.77 It appears to me that this advice is sound and that while individual teams, particularly the more successful ones in the World Pro Tour or the Continental Pro Tour, are likely to look after their young riders, not all of the newly arrived Australian riders will make those teams, especially in their early years on the circuit.

**Recommendation 4.7**

(1) CA develop a program whereby senior Australian professional riders and coaches can assist in securing the placement of young Australian riders entering the professional ranks into appropriate teams, and in providing mentoring and advice during their period of transition.

**Support programs**

4.78 ASADA is required by the Regulations to notify individuals of the management process that is involved in an ADRV investigation. Part of the care that is taken by it in explaining, both verbally and in written form, the potential impact of an ADRV, involves providing the athlete with access to an outsourced counselling service. Counselling is made available on a confidential basis so far as the athlete is concerned, and at ASADA’s cost. ASADA legal practitioners also receive training in recognising the behavioural traits that may indicate that an athlete, who is caught up in this process, is having difficulty with the potential impact on their personal and professional life.

4.79 This is a positive development, but what is lacking is any involvement of CA in the process. Clearly its hands are tied while the investigation is carried out and the case is reviewed by the ADRV. Similarly, it will need to defer providing any support pending the decision that it will need to make, based on the ADRV’s recommendation, or if the case is referred to the Court of Arbitration for Sport, pending its decision.

4.80 It does not follow, however, that CA’s association with a rider needs to be permanently severed once an ADRV is established. Dependent on the circumstances and subject to the IOC rules and to the provisions of the WADC (which are likely to be amended from 1 January 2015) an ADRV does not necessarily mean the end of a rider’s career. Similar considerations arise when it becomes necessary to invoke the Code of Conduct to deal with a rider who has run into a problem with the use of illicit drugs or alcohol, or inappropriate conduct, that might bring the sport into disrepute.

4.81 It would seem desirable for CA in appropriate cases (e.g. where it has had a lengthy association with a rider through its high performance or development programs, or through membership of a national team), to provide some post-case support. This might include securing entry into rehabilitation where the problem was related to substance abuse or to other conduct of a criminal nature. It might also use the opportunity to debrief the rider for the purpose of determining whether any improvements can be made to its Anti-Doping Policy or its Code of Conduct. The absence of that kind of contact in the past and its potentially adverse consequences were brought home to me in some interviews.
4.82 An allied point that was made during the interviews is that only a very small percentage (probably around 2%) of the riders who pass through the high performance and development programs will end up making a living from competitive cycling. In these circumstances, I was informed that it is important for CA, and for the AIS, to ensure that riders who may have left school early and who have not engaged in any form of vocational training are provided with suitable assistance through the athlete career and education (ACE) program to build a life after cycling. Clearly this is desirable and efforts should be made to encourage riders to take advantage of the program.

4.83 Similarly of importance is the need for CA to be seen to support those athletes and others within its programs, who provide information in relation to doping or other illegal activities. This should extend to promoting the anonymous ASADA reporting capabilities\textsuperscript{100} and establishing a point of contact within CA to which doping activity information can be provided anonymously or otherwise under conditions of confidence. Additionally, CA should be in a position to provide ongoing support.

<table>
<thead>
<tr>
<th>Recommendation 4.8</th>
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<tbody>
<tr>
<td>CA give consideration to developing a policy whereby support can be given to:</td>
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<tr>
<td>(1) Athletes in programs and on national teams in accessing educational and vocational training opportunities for a life after sport.</td>
</tr>
<tr>
<td>(2) Athletes who are sanctioned for an ADRV or for other forms of misconduct, including the provision of counselling and assistance with rehabilitation.</td>
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<tr>
<td>(3) Athletes and others who provide information on doping activity pursuant to a whistle-blower protocol.</td>
</tr>
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</table>

**Sanctions and the Declaration Policy**

4.84 Although there was general support among those who were interviewed that the WADC and the sanctions process available to CA provide an appropriate response to cycling in Australia, some uncertainty was expressed in relation to the way in which that process might, or should, impact on the Declaration Policy.

4.85 At this time, the WADC does not make any provision for a declaration requirement. A refusal to provide a declaration on request, or the provision of a false declaration, would not constitute a breach of the Code.

4.86 Accordingly, the response that CA can take in such a case will need to be spelled out by amendment of its Anti-Doping Policy, Codes of Conduct and By-laws, and also by amendment of its standard employee letter of appointment and its agreements with athletes, coaches, officials and contractors.

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\textsuperscript{100} ASADA reporting is available online at https://www.asada.gov.au/stampoutdoping/index.php or over the telephone on 13 000 ASADA (13 000 27232).
4.87 Where a declaration is provided by a person who is subject to the NAD scheme that discloses a violation or history of violations within the eight-year ASADA limitations period, then its contents will need to be communicated to ASADA. The matter can then proceed in accordance with the usual procedure for the investigation and imposing of sanctions in relation to an ADRV.

4.88 The position is more complex where the disclosure by an athlete relates to events outside the ASADA limitations period. The amendments noted above will need to accommodate that situation, as well as one where a person outside the reach of the NAD scheme discloses a history of doping activity. It is in these areas that CA will need to develop and promulgate a clear and robust sanction regime to deal with doping incidents that fall outside the parameters of the WADC. The proposed Ethics and Integrity Panel will have an important role to play in recommending an appropriate and proportionate response, including a recommendation for the imposition of a sanction. The ultimate responsibility for fixing a sanction will, however, need to remain with the CA Board.

4.89 CA will also need to make provision for the Ethics and Integrity Panel to deal with the case where there is a refusal to provide a declaration, or where a declaration is provided that is subsequently found to be untrue. It would be expected, if a deliberately false declaration is provided that goes beyond a genuine oversight or error or some technical misstatement, that the sanction would require a permanent severance of any relationship with CA.

4.90 This Review is not the place to construct the necessary framework; this should be developed in a consistent way across those sports that introduce a Declaration Policy. This would be best achieved by involving the ASC in the process and by developing a best practice guideline to be included in its Sports Governance Principles.

4.91 It may, however, be noted that the response required will depend on the facts of each case, including the category into which the relevant person falls, the nature and duration of the violation, and the timing of its commission (particularly whether or not it occurred during the period where doping was endemic to the sport and apparently tolerated), as well as any subsequent contribution of that person to the anti-doping effort. Of importance for the Ethics and Integrity Panel’s determination will be the extent to which the refusal to give a declaration, or the publication of past violations might taint the reputation of the sport or affect its Anti-Doping Policy.

Recommendation 4.9

(1) CA develop, in consultation with the ASC, a process for dealing with cases where a person subject to its Declaration Policy refuses to provide a declaration, provides a declaration that is subsequently found to be untrue, or discloses a history of doping activity that falls outside the ASADA limitations period.

(2) In addition to the sanction regime under the WADC for ADRVs, CA develop and promulgate a clear and robust sanction regime for breaches of its Declaration Policy and its Anti-Doping Policy that provides a high level of deterrence and is proportionate to the particular breach.

(3) To accommodate this process, CA introduce suitable amendments to its By-laws (or Constitution if incorporated as a company limited by guarantee), Anti-Doping Policy, Codes of Conduct and standard letters of engagement for employment of employees, contractors and officials.
ASADA Act reform

4.92 It has become apparent, as was acknowledged by a large number of persons to whom I spoke, that testing alone, while a necessary and important element of the anti-doping regime, is not the only answer. Of importance in addition to testing, education and mentoring is the use of intelligence-based investigations, the value of which was demonstrated by the USADA investigation into Lance Armstrong and the USPS team. Although CA’s involvement in this respect is limited, having regard to the role that is performed by ASADA, it is necessary that CA provides whatever assistance it can to ASADA, for example through passing on information as to suspicious activity that comes to its notice, and through engaging more closely than in the past with the Oceania Cycling Confederation and the UCI.

4.93 Any detailed review of ASADA’s capacity to perform its investigative functions and amendment of the ASADA Act is outside the scope of this Review. Accordingly, my observations, in this respect, will be brief and limited to those matters of potential reform (applicable across the board for all sports), that were brought to my attention during the Review, and that appear to be desirable.

Powers of compulsion

4.94 Neither the ASADA Act or Regulations make provision for ASADA’s investigators to exercise powers of compulsion, that would allow them to require persons (as defined under and subject to the provisions of the NAD scheme) to attend an interview and to provide information or produce documents. The absence of such a power potentially limits the capacity of ASADA to investigate allegations or suspicions of ADRVs, and to determine the time and place of any interview. Additionally, unless a contractual requirement for cooperation exists then there is little incentive for an athlete to respond to a request for an interview.

4.95 This does appear to be a deficiency that needs to be addressed, subject to the inclusion of suitable safeguards including, as a precondition for any such requirement, the existence of a reasonable belief that the person has knowledge, documents or other materials that will assist the effective administration of the NAD scheme. It would appear to be appropriate for an exemption to apply in relation to the provision of information or documents where that might involve the incrimination of a person for an offence; or alternatively for a provision to be included that would prevent the use or derivative use of that information in criminal proceedings (but not in relation to the proof of possible breaches of anti-doping rules).

4.96 In the event of a power of compulsion being introduced, there would be a need to amend the Act and Regulations to permit any information or documents obtained under compulsion to be disclosed to other relevant agencies and to the ADRV and CA.

4.97 Additionally, there would be a need to introduce a penalty for a failure to comply with the requirement, enforceable through the infringement notice system, and for it to be subject to a sanction by the relevant sport, including by the UCI.
Information sharing

4.98 Clearly, ASADA’s investigative capacity is enhanced where it receives information from government bodies such as law enforcement agencies, the Australian Customs and Border Protection Service, the Therapeutic Goods Administration, Australia Post and the Office of Chemical Safety concerning the importation, purchase, receipt, transmission, possession or use of prohibited substances, and that can be linked to relevant athletes who are the subject of the NAD scheme.

4.99 To the extent that there are any statutory restrictions in relation to the supply of this information, or in relation to its dissemination by ASADA to the UCI, and to other agencies with a legitimate interest in its acquisition (i.e. where it would be consistent with enforcement of the NAD scheme and international anti-doping arrangements), then this would seem to require attention. This has a particular importance at a time when, as I was informed, there are concerns that criminal organisations have become engaged in the supply of prohibited substances as an adjunct to their involvement in the wider illicit trade in drugs, as well as concerns that some supplement outlets may be supplying, in addition to their regular products, substances that are included in the WADA prohibited list.

Therapeutic use exemptions review

4.100 Currently, the Australian Sports Drug Medical Advisory Committee (ASDMAC) is responsible for determining application by athletes for therapeutic use exemptions. It has been brought to my attention that the only avenue that is available to an athlete for the review of an ASDMAC decision is to WADA, a process that is potentially dilatory and expensive. A possible solution worthy of considering would be to establish an Australian independent review panel, constituted by independent experts nominated for that purpose by the Minister, whose review would be confined to a consideration of the documents on which the ASDMAC decision was based.

**Recommendation 4.10**

In regard to ASADA’s intelligence and investigation function and ASDMAC’s TUE process, the ASADA Act and other relevant legislation be amended to:

1. Give ASADA a power, subject to appropriate protections, to compel persons to attend an interview with an investigator nominated by the Chief Executive Officer and to produce information and documents relevant to any inquiry that it is conducting under the NAD scheme.

2. Allow the dissemination of information obtained under compulsion to other agencies or authorities within the national and international anti-doping framework, as well as to the relevant national sporting organisation and the ADRV.

3. Remove any limitations on the powers of law enforcement and other federal statutory bodies to disseminate information to ASADA concerning the importation, purchase, receipt, transmission, possession or use of substances on the WADA list of prohibited substances, following a request by ASADA based on a reasonable belief that they have been or may be associated with a possible breach of the NAD scheme.

4. Provide for the establishment of an independent review panel with the function of reviewing, based on the documents, any application by an athlete for a review of a refusal by ASDMAC to grant a TUE.


Privacy legislation

4.101 Consideration will need to be given to ensuring compliance with current federal and state/territory privacy legislation or privacy principles, in relation to the recommendations that require the collection and/or dissemination of information.
Conclusion

CA, the AIS and national anti-doping agencies can only do so much in ensuring that the pre-2006 era of doping remains in the past. Necessarily, the impetus for change, both nationally and internationally, must come from the teams and from the individual riders. It does seem that the building blocks and the will are present, and that CA is committed to adopting a stronger anti-doping stance. Positive examples in enforcing a zero tolerance policy do exist, including that provided by the SKY and Orica-GreenEDGE teams, by the teams that have joined the Movement for Credible Cycling, and by the development of the reform plan ‘Charter of the Willing’ under the auspices of the Change Cycling Now movement.

So far as Australian cycling is concerned, there is a need for CA and for the high performance and development programs to actively promote a zero tolerance policy, both through their educational strategies and their actions in managing national teams. They need to embrace the anti-doping initiatives that have been announced for the reform of professional cycling, and convince Australian riders to conform to those initiatives.

The message that must be conveyed to riders is that doping not only is potentially injurious to their health, but it dishonestly deprives fellow competitors of a fair race and of the rewards that are potentially on offer. Riders must be made to realise that doping risks the future of any team of which they are members, and that they can never be sure that future testing, or intelligence, will not reveal past violations with a consequent loss of their reputation and of any titles that they have won.

It was suggested to me during the Review that the advice that needs to be given to aspiring young professional cyclists should be to the following effect:

‘In 2012 you do not even have to think about doping as a pathway you will ever need to take to have success. Because it’s simple: you can win at the highest level without doping, and the most important thing is your work ethic and ticking boxes with looking after yourself with nutrition, sleep and equipment as well as skills. Being a successful athlete is about having the complete package, especially in a sport like road cycling where you are based outside Australia.’

It is that culture that CA must promote and support with its anti-doping programs and strategies.
List of appendices

A  Letter of appointment and Terms of Reference

B  List of interviewees and submissions

C  Cycling event structure—summary matrix

D  Cycling Australia referral of doping authority to Australian Sports Anti-Doping Authority, 2006

E  Cycling Australia sample declarations

F  Cycling Australia membership statistics—provided at December 2012
Appendix A
Letter of appointment and Terms of Reference

SENATOR THE HON KATE LUNDY
MINISTER FOR SPORT
MINISTER FOR MULTICULTURAL AFFAIRS
MINISTER ASSISTING FOR INDUSTRY AND INNOVATION
SENATOR FOR THE A.C.T.

The Honourable James Wood AO QC
Chairperson
New South Wales Law Reform Commission
GPO Box 5199
SYDNEY NSW 2001

Dear Mr. Wood,

I am writing to confirm your appointment to undertake a review of Cycling Australia. I am delighted that it will be led by someone with your level of expertise and experience.

Confirming our previous discussions, my expectation is that the review will have a timeframe of four to six weeks in order to ensure the confidence and trust of the Australian public in cycling’s governing body is restored quickly. I have enclosed a copy of the terms of reference for the review which includes a reference to the development of best practice policies and guidelines that are not only designed to assist Cycling Australia but that may also apply more broadly in other sports.

I have asked the Department of Regional Australia, Local Government, Arts and Sport to assemble a support team with the appropriate sports policy and anti-doping expertise to assist you in conducting the review. This team will be led by Bill Rowe, First Assistant Secretary, Office for Sport. I understand that Mr. Rowe has already been in contact with you and has made arrangements to provide you with background briefing and organise a program to suit your needs.

Once again, I am delighted that you will be leading this review and I look forward to receiving your recommendations.

Yours sincerely,

Kate Lundy

Enc.

19 NOV 2012

Telephone: (02) 6277 7000 • Parliament House, Canberra A.C.T 2600 • Facsimile: (02) 6273 7112
Terms of Reference

Integrity of Cycling in Australia

There have been a number of recent high profile developments in Cycling in Australia and around the world including the sanctions imposed upon Lance Armstrong by the US Anti-Doping Agency and the International Cycling Union (UCI) and admissions of previous doping activity by leading Australian cycling officials. In light of this and to give the Australian public confidence in the integrity of the sport of Cycling in Australia, the Minister for Sport has asked the Hon James Wood AO QC, Chairman of the NSW Law Reform Commission, supported by the Office for Sport and the Australian Sports Commission (ASC) and working with ASADA, to review Cycling Australia’s approach to anti-doping with a particular focus on how it engages staff and volunteers. The Review will:

- Consider whether Cycling Australia’s governance and administrative policies and practices are accountable and effective in ensuring the integrity of the sport is maintained and make recommendations for any improvements;
- Examine Cycling Australia’s current recruitment, employment and appointment practices (particularly in relation to past doping activity) for all current and future Cycling Australia athletes, coaches, athlete support personnel, staff and board members including a requirement to provide declarations that they have not been involved in any past anti-doping violation or activity including doping (or related activity such as blood doping) in sport;
- Consider and advise on actions Cycling Australia can take to improve recruitment, employment and appointment policies and practices;
- Consider and advise on the range of sanctions that would be appropriate for breaches of these obligations, both now and in the future including approaches that could be taken if any Cycling Australia employee or appointee failed to act after gaining an awareness of past doping violation/s or activity by another individual;
- Recommend an appropriate approach in the instance that an individual is implicated in past doping activity but maintains their innocence;
- Examine anti-doping policies and practices of Cycling Australia and comment on their compliance with the WADA Code and ASADA requirements;
- Provide advice on the effectiveness of the implementation of Cycling Australia’s current anti-doping policies and practices and provide advice on any improvement that should be made to Cycling Australia’s anti-doping policies and practices; and
- Examine the effectiveness of the anti-doping education program provided to athletes, coaches and staff by Cycling Australia in co-operation with ASADA.

Reporting to the Government, the Review will also assist the ASC and ASADA to develop best practice policies and guidelines that can be adopted across all national sporting organisations and the ASC/AIS.

The Review will be conducted in a way that will not impede ASADA’s ability to investigate emerging cases of doping as a result of the USADA investigation.
# Appendix B

## List of interviewees and submissions

<table>
<thead>
<tr>
<th>Name</th>
<th>Organisation</th>
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<tbody>
<tr>
<td>Graeme Fredericks &amp; Melinda Tarrant</td>
<td>Cycling Australia</td>
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<tr>
<td>Gary West</td>
<td>Cycling Australia</td>
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<tr>
<td>Dr Tammie Ebert</td>
<td>Cycling Australia</td>
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<tr>
<td>Kevin Tabotta</td>
<td>Cycling Australia</td>
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<tr>
<td>Paul Brosnan</td>
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<tr>
<td>Murray Lydeamore</td>
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<tr>
<td>Sonya Simpson</td>
<td>Cycling Australia</td>
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<tr>
<td>Martin Barras</td>
<td>Cycling Australia</td>
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<td>Dr Mark Fisher</td>
<td>Cycling Australia</td>
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<tr>
<td>Ian McKenzie</td>
<td>Cycling Australia</td>
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<td>James Victor</td>
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<tr>
<td>Michael Edgley</td>
<td>Grass Roots</td>
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<tr>
<td>Klaus Mueller</td>
<td>Cycling Australia Board</td>
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<tr>
<td>Mark Fulcher</td>
<td>Cycling Australia Board</td>
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<tr>
<td>Rob Bates</td>
<td>Cycling Australia Board</td>
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<tr>
<td>Charli Farren</td>
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<td>Craig Peacock</td>
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<tr>
<td>Steven Wooldridge</td>
<td>Cycling Australia Board</td>
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<tr>
<td>Russell Baker</td>
<td>Mountain Bike Australia</td>
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<tr>
<td>Tony Scott</td>
<td>Mountain Bike Australia</td>
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<tr>
<td>Barry Knight &amp; Mark Louis</td>
<td>BMX Australia</td>
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<tr>
<td>Tracey Gaudry</td>
<td>Cycling Australia &amp; Amy Gillett Foundation</td>
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<tr>
<td>Anna Meares</td>
<td>Cyclist</td>
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<tr>
<td>Cadel Evans</td>
<td>Cyclist</td>
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<tr>
<td>Brad McGee</td>
<td>Cyclist and coach</td>
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<tr>
<td>Martin Vinnicombe</td>
<td>Former cyclist</td>
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<tr>
<td>Stephen Hodge</td>
<td>Ex-Cycling Australia</td>
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<tr>
<td>Matt White</td>
<td>Ex-Cycling Australia</td>
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<tr>
<td>Henk Vogels</td>
<td>Former cyclist</td>
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<tr>
<td>Shayne Bannan</td>
<td>Orica-GreenEDGE</td>
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<tr>
<td>Mike Turtur</td>
<td>Tour Down Under</td>
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<tr>
<td>Craig Phillips</td>
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<tr>
<td>Jason Hellwig</td>
<td>Australian Paralympic Committee</td>
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<tr>
<td>Perry Crosswhite</td>
<td>Australian Commonwealth Games Federation</td>
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<td>John Coates</td>
<td>Australian Olympic Committee</td>
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</table>
Paul Doorn  
Sport and Recreation  
(New South Wales Government)

Charles Turner  
New South Wales Institute of Sport

Dr Peter Hertan  
Sport and Recreation Victoria  
(Victorian Government)

Anne-Marie Harrison  
Victorian Institute of Sport

Richard Mellon & Kylie Taylor  
Office for Recreation and Sport  
(South Australian Government)

Russell Da Costa  
South Australian Sports Institute (SASI)

Craig Smith-Gander  
Westcycle

Tony Green & Kevin Young  
Cycling New South Wales

Glen Pearsall  
Cycling Victoria

Jon Leighton  
Bicycle New South Wales

Mike Victor  
Cycling Queensland

Anne Gripper  
Triathlon Australia

Brett Clothier  
Australian Football League (AFL)

Andrew Dee  
Rowing Australia

Dallas O’Brien  
Athletics Australia

Jeremy Turner  
Swimming Australia Limited

Simon Hollingsworth  
Australian Sports Commission

Matt Favier  
Australian Institute of Sport

Andrew Collins  
Australian Sports Commission

Paul Barrett  
Australian Sports Commission

Dr Dave Martin  
Australian Institute of Sport

Phil Borgeaud & Don Cameron  
Australian Institute of Sport

James Selby  
Australian Sports Commission

Aurora Andruska  
Australian Sports Anti-Doping Authority

Elen Perdikogiannis, Darren Mullaly,  
Australian Sports Anti-Doping Authority

Dr Stephen Watt & Mike O’Leary

Andrew Christie-Johnson  
Genesys

Agostino Giramondo  
Drapac

John Forrest  
Suzuki Trek

Nello Marino  
Sports Medicine Australia

Nicki Vance  
GreenEDGE Review

Dr Mike Ashenden  
Science and Industry Against Blood Doping (SIAB)
### Appendix C

**Cycling event structure—summary matrix (provided by Cycling Australia)**

<table>
<thead>
<tr>
<th>Road: event</th>
<th>Description</th>
<th>Sanctioning</th>
<th>Drug testing</th>
<th>Track</th>
<th>MTB</th>
<th>BMX</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>World Championships</strong></td>
<td>e.g. Tour Down Under. Entry restricted to the 18 Pro teams, and other Continental Pro teams by invitation.</td>
<td>UCI—Direct with promoter</td>
<td>UCI</td>
<td>&lt; same</td>
<td>&lt; same</td>
<td>&lt; same</td>
</tr>
<tr>
<td><strong>World Pro Tour Events</strong></td>
<td>e.g. (formerly) Herald Sun Tour. Conti, Pro Conti and Ltd Pro Tour teams. Three grades of ranked events: HC, 1/2.1 and 1/2.2.</td>
<td>National federation &gt; Oceania Cycling Confederation endorses and submits to the UCI, who has the final say.</td>
<td>The UCI categorises event: ‘A’—compulsory by the UCI ‘B’—compulsory by NF or, by approval. Funded by promoter.</td>
<td>Cat 1, 2, 3 events: national federation sanction locally, and the UCI approve status.</td>
<td>Cat 1, 2, 3 events: national federation sanction locally, and the UCI approve status.</td>
<td>Cat 1, 2, 3 events: national federation sanction locally, and the UCI approve status.</td>
</tr>
<tr>
<td><strong>Continental Calendar Events</strong></td>
<td>e.g. (formerly) Herald Sun Tour. Conti, Pro Conti and Ltd Pro Tour teams. Three grades of ranked events: HC, 1/2.1 and 1/2.2.</td>
<td>CA (national federation)</td>
<td>CA/ASADA; gov’t-funded tests.</td>
<td>&lt; same</td>
<td>&lt; same</td>
<td>&lt; same</td>
</tr>
<tr>
<td><strong>National Championships</strong></td>
<td></td>
<td></td>
<td></td>
<td>N/A</td>
<td>Probikx Series</td>
<td>&lt; similar</td>
</tr>
<tr>
<td><strong>National Road Series (NRS)</strong></td>
<td>State Open races elevated to NRS status to establish ‘national league’ competition. Entry based on domestic teams format.</td>
<td>States/territories sanction the events in accordance with state/territory &amp; local authority requirements. CA may require additional standards of presentation for the purposes of safety and promotion.</td>
<td>ASADA ad hoc testing; 25–30% of NRS events/year. CA currently negotiating with promoters to resource increased testing regime.</td>
<td>N/A</td>
<td>CA currently running a national junior series to rebuild track cycling at elite domestic competition level.</td>
<td>Probikx Series &lt; similar</td>
</tr>
<tr>
<td><strong>State Championships</strong></td>
<td></td>
<td>Responsibilty of state/territory.</td>
<td>25–30% of NRS events/year. CA currently negotiating with promoters to resource increased testing regime.</td>
<td>&lt; similar</td>
<td>&lt; similar</td>
<td>&lt; similar</td>
</tr>
<tr>
<td><strong>State Opens</strong></td>
<td>Major races open to entry by elite licence holders. Different tiers of open races in larger states.</td>
<td>Responsibility of state/territory.</td>
<td>Minimal chance of random testing.</td>
<td>&lt; similar</td>
<td>&lt; similar</td>
<td>&lt; similar</td>
</tr>
<tr>
<td>Road: event</td>
<td>Description</td>
<td>Sanctioning</td>
<td>Drug testing</td>
<td>Track</td>
<td>MTB</td>
<td>BMX</td>
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<td>------------------------------------------------------------------------------</td>
<td>-------------------------------------------</td>
<td>-------</td>
<td>------</td>
<td>------</td>
</tr>
<tr>
<td>Club Combines</td>
<td>Regional-based events with entry restricted to identified group of local clubs.</td>
<td>Responsibility of state/territory.</td>
<td>Remote chance of random testing.</td>
<td>&lt; same</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Club Racing</td>
<td>Regular racing conducted within a club environment; usually limited to members of that club.</td>
<td>Responsibility of state/territory—clubs submit annual calendars of racing; events and venues; and courses.</td>
<td>Remote chance of random testing.</td>
<td>&lt; same</td>
<td>&lt; same</td>
<td>&lt; same</td>
</tr>
<tr>
<td>Recreational Rides</td>
<td>'Open entry' organised non-competitive rides open to all membership categories.</td>
<td>Responsibility of state/territory.</td>
<td>Nil</td>
<td>N/A</td>
<td>&lt; same—trail rides</td>
<td>N/A</td>
</tr>
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</table>
Appendix D

Cycling Australia referral of doping authority to Australian Sports Anti-Doping Authority, 2006

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1. Cycling Australia (CA) has an express constitutional object to encourage and promote sporting competition free of prohibited substances and prohibited methods.

2. To facilitate this object CA wishes to refer its anti-doping functions, powers and responsibilities ("anti-doping functions") to ASADA.

3. CA hereby refers the following anti-doping functions to ASADA:
   - investigating possible anti-doping rule violations in the sport of cycling;
   - issuing infraction notices or other matters under the determined results management process;
   - convening hearings before the Court of Arbitration for Sport (CAS), ASADA acknowledges there is no other hearing body for anti-doping matters in the sport of cycling;
   - presenting allegations of anti-doping rule violations and all relevant, incidental matters in hearings before CAS; and
   - notifying the results of investigations and hearings and all relevant, incidental matters to relevant bodies including CA and the International Cycling Union (UCI) (IF). Any notification will be subject to the Australian Sports Anti-Doping Authority Act 2006 (ASADA Act) and privacy legislation.

4. Until ASADA has determined an anti-doping policy for sport in accordance with the ASADA Act the existing CA anti-doping policy will remain in force and effect. CA and ASADA acknowledge and agree that CA will by resolution amend its current anti-doping policy to reflect this referral and the assumption of the anti-doping functions by ASADA.

5. CA and ASADA acknowledge and agree that under the ASADA Act ASADA has the function of supporting and encouraging the development and implementation of comprehensive programs and education initiatives about sports drug and safety matters. CA will assist ASADA with such matters and will provide education and information regarding anti-doping rules and matters to persons in the sport of cycling within the framework established by ASADA.

6. ASADA will perform and conduct the anti-doping functions in accordance with this referral and the ASADA Act. ASADA will use its best endeavours to ensure the IF anti-doping policy is recognised.

7. CA refers the above anti-doping functions to ASADA on the basis that:
ASADA will, subject to the ASADA Act and privacy legislation, provide to CA (and if necessary IF) copies of relevant documents including but not only test results, infraction notices and hearing documents.

CA retains the right to appear in anti-doping hearings before CAS as an interested party. CA will determine whether it wishes to exercise this right upon notification of a hearing by ASADA. If CA wishes to appear at any anti-doping hearing before CAS it will pay its own costs of such appearance;

all costs of any investigation and hearing (including but not only CAS application costs and any legal costs associated with any investigation and/or hearing) undertaken by ASADA will be paid by ASADA;

CA will immediately advise ASADA of any alleged anti-doping rule violation and will provide assistance to ASADA in any investigation that ASADA might reasonably request; and

ASADA will, subject to the ASADA Act and privacy legislation, provide such reports to CA on ASADA’s conduct of the above anti-doping functions as may be agreed between ASADA and CA.

7. CA will recognise and enforce any sanction determined by CAS in respect of an anti-doping rule violation in the sport of cycling and in any other sport.

8. CA will use its best endeavours to ensure its members, athletes and support persons are aware of this referral of the anti-doping functions to ASADA and assist and co-operate with ASADA in the conduct of the anti-doping functions. CA otherwise recognises ASADA’s powers and functions under its enabling legislation.

9. This referral is ongoing. CA may amend or withdraw this referral upon three month’s written notice to ASADA.

SIGNED by

Graham Fredericks
Chief Executive Officer
as the authorised representative of Cycling Australia

Dated 26 July 2006

SIGNED by

as the authorised representative of ASADA as evidence of ASADA’s acceptance of this referral

Dated 31 July 2006
Appendix E
Cycling Australia sample declarations

Sample Declaration (Board Member)

I declare that I have not at any time used, attempted to use or administered to another person any Prohibited Substance or a Prohibited Method (within the definition of these terms in the World Anti-Doping Code 2009), and that I have not otherwise engaged in any conduct which would constitute a breach of the World Anti-Doping Code (as in force at all relevant times), save as indicated below:

[Insert the date and nature of any such breach]

Sample Declaration (Employment Contract)

I declare that I have not at any time used, attempted to use or administered to another person any Prohibited Substance or a Prohibited Method (within the definition of these terms in the World Anti-Doping Code 2009), and that I have not otherwise engaged in any conduct which would constitute a breach of the World Anti-Doping Code (as in force at all relevant times), save as indicated below:

[Insert the date and nature of any such breach]

Sample Declaration (Subsequent Declaration for Employees)

I declare that I have not at any time used, attempted to use or administered to another person any Prohibited Substance or a Prohibited Method (within the definition of these terms in the World Anti-Doping Code 2009), and that I have not otherwise engaged in any conduct which would constitute a breach of the World Anti-Doping Code (as in force at all relevant times), save as indicated below:

[Insert the date and nature of any such breach]

I further declare that I have not engaged in any conduct which would constitute a breach of Cycling Australia’s Anti-Doping Policy at any time during the period of my employment by Cycling Australia, save as indicated below:

[Insert the date and nature of any such breach]
Sample Declaration (Athletes/Coaches—National Team Agreement)

I declare that I have not at any time used, attempted to use or administered to another person any Prohibited Substance or a Prohibited Method (within the definition of these terms in the World Anti-Doping Code 2009), and that I have not otherwise engaged in any conduct which would constitute a breach of the Anti-Doping Rules (as defined in the Agreement and as in force at all relevant times), save as indicated below:

[Insert the date and nature of any such breach]

Sample Declaration (Subsequent Declaration by Athletes/Coaches)

I declare that I have not at any time used, attempted to use or administered to another person any Prohibited Substance or a Prohibited Method (within the definition of these terms in the World Anti-Doping Code 2009), and that I have not otherwise engaged in any conduct which would constitute a breach of the Anti-Doping Rules (as defined in the National Team Agreement and as in force at all relevant times), save as indicated below:

[Insert the date and nature of any such breach]

I further declare that I have not engaged in any conduct which would constitute a breach of Cycling Australia’s Anti-Doping Policy at any time during which the policy applied to me, save as indicated below:

[Insert the date and nature of any such breach]
## Appendix F

### Cycling Australia membership statistics—provided at December 2012

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<th>Member type</th>
<th>ACT</th>
<th>NSW</th>
<th>NT</th>
<th>QLD</th>
<th>SA</th>
<th>TAS</th>
<th>VIC</th>
<th>WA</th>
<th>Affiliates**</th>
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* From 2012 recreation is represented by the ‘Silver Ride’ membership.

** Other includes KIDZ, Club, Platinum and Life Member licences.