

**MINISTER CADIEUX ANNOUNCES  
FOUR-YEAR PENALTY, FRAMEWORK AND  
LAUNCH OF ANTI-DOPING ORGANIZATION**

**SEPTEMBER 18, 1991**

**OTTAWA** - The Minister of State for Youth, Fitness and Amateur Sport, the Honourable Pierre H. Cadieux, today announced a new penalty framework for doping infractions that includes a four-year penalty. He also took part in the launch of the Canadian Anti-Doping Organization (CADO).

The penalty framework establishes a common, consistent and uniform approach to penalties for doping infractions for amateur sport in Canada. It was first proposed in broad terms in the Federal Government's initial response to the Commission of Inquiry into the Use of Drugs and Banned Practices Intended to Increase Athletic Performance (Dubin Commission) on August 9, 1990. The framework ensures that penalties are imposed on athletes and others who have violated anti-doping rules and includes the adoption of a four-year penalty for first-time offences involving steroids, with a lifetime penalty for a second offence.

The new penalty framework will take effect on December 31, 1991.

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"This is a tough penalty, but one we consider necessary in Canada's on-going fight against doping in sport," said Minister Cadieux. "Following a year of consultation with interested stakeholders, it is our expectation that the National Sport Organizations will now undertake to adopt the penalty framework and we look forward to seeing it implemented by year end," added Mr. Cadieux.

At the same time, the Minister joined Dr. Andrew Pipe in launching CADO. CADO is an independent, federally-incorporated, non-profit body charged with the responsibility for implementing Canada's enhanced anti-doping campaign. It is in conformity with the Canadian Anti-Doping Policy agreed to by Federal/Provincial/Territorial Governments.

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CADO will be involved in all aspects of anti-doping policies and programs including athlete testing, research, coordination of appeals, investigations into alleged drug use and the development of extensive education programs for young athletes, coaches and other sport leaders.

The new organization will also coordinate the involvement of various stakeholders such as Federal/Provincial/Territorial Governments, sport bodies, educators, medical personnel and others in order to develop and implement new anti-doping policies and programs.

"Through the launch of the Canadian Anti-Doping Organization and the adoption of a new penalty framework, the Federal Government has come through with its stated intent to make significant progress in the area of anti-doping following the Dubin Commission," concluded Minister Cadieux.

**Information:**

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(Également disponible en français)



**Speaking Notes**  
**for**  
**The Honourable Pierre H. Cadieux**  
**Minister of State, Youth**  
**Minister of State, Fitness and Amateur Sport**  
**on the occasion of**  
**CADO Launch**

**September 18, 1991**

**Gloucester, Ontario**

Thank you, Mr. Cameron.

Ladies and gentlemen and Dr. Pipe.  
Mesdames et messieurs.  
Members of the media.

Good morning.

It has been little more than a year since Justice Dubin first released the report of his "Inquiry into the Use of Drugs and Banned Practices Intended to Increase Athletic Performance". Since that time, the Federal Government, in close cooperation with sport community, have begun to effect positive change in Canada's sport system.

As part of the Government's overall response to the Dubin Commission, today, I am pleased to announce further progress in the fight against doping in Canadian sport.

The Government's first response to the Dubin Report on August 9, 1990 proposed a new penalty framework for Canadian sport.

Following consultations with the sport community over the last year and recently, after further improvements were finalized by a joint committee of sport representatives and public officials, I am pleased to announce a new, common and consistent penalty framework which we hope to have fully implemented across all of amateur sport in Canada by December 31, 1991.

This penalty framework calls for a four-year ban on eligibility to participate in sport activities for first time major offenses, for example, involving steroids, with a lifetime penalty for a second offence.

While respecting the appropriateness of the sport community determining questions of eligibility to participate, the Government continues to believe strongly in the fight against doping in sport and will withdraw direct funding for life from any athlete guilty of a major doping offence.

I believe that we can succeed only through a tough penalty such as this. We have allowed for early reinstatement of athletes in exceptional circumstances where the reasoning and decision capacity of the athlete is severely and adversely compromised.

Furthermore we have defined a very tough penalty for those involved in aiding, abetting, condoning, counselling or distributing -- these individuals will be banned from participation in any role in sport for life and exempt from any further federal funding. The doping infraction policy and procedure is of course subject to due process and appeal at the various stages of the process.

I want to thank the sport community for their cooperation and in particular the selected committee from sport who have helped enhance this policy. I would like to take this opportunity to recognize the presence of Mr. Tom Pinckard, who chaired that committee.

On the international scene, Canada continues to seek a common consistent and coordinated penalty.

Canada has been spearheading efforts to promote these principles amongst governments around the world at important forums such as the UNESCO Sport Ministers Conference, the Council of Europe, La Francophonie and the Commonwealth.

We will continue this initiative next week at the World Anti-Doping Conference being hosted in Bergen, Norway.

Recently I was encouraged to hear that the International Amateur Athletics Federation has adopted a four-year penalty framework policy - joining other international governing bodies in their determination to eliminate doping in sport.

Following intensive consultations over the past years, it is our expectation that the National Sport Organizations will now undertake to adopt the penalty framework and we look forward to seeing it implemented by year end.

Consistent with Justice Dubin's recommendations, my predecessor announced on January 9, 1991, the intention to set up an independent, non-profit body with broad responsibilities to conduct an enhanced anti-doping campaign.

Today, I am pleased to announce the inauguration of the Canadian Anti-Doping Organization (CADO). As my predecessor indicated, CADO is an arms-length, independent, non-profit body, situated outside of government and is responsible for coordinating the development and implementation of policies and programs for anti-doping in Canadian sport.

CADO is intended to be an instrument for all partners in sport. The sport community and CADO will be working closely together toward their common objective of the elimination of doping in sport.

Through the launch of the Canadian Anti-Doping Organization we are putting measures into place which will allow us to fight the problem of doping in sport in a much more efficient way. We believe this is a wise investment of taxpayers' dollars.

As we continue to translate into action the recommendations of the Dubin Report, although there are grounds for celebration of the accomplishments already made, we must be no less vigilant.

With the creation of the Canadian Anti-Doping Organization and the adoption of a new penalty framework, the Federal Government has come through with its stated intent to take significant actions in the area of anti-doping following the Dubin Commission.

Nonetheless, the task ahead of us requires the same level of effort and conviction to which all Canadians are committed. We hope to have more to say on the Dubin Report and the future of sport in Canada when we receive the Report of the Minister's Task Force on Sport Policy later this year. As you know, it will cover broad policy issues like ethics, values and fair play.

The Federal Government has recognized that the Dubin Report is really about ethics and values and that amateur sport is only beneficial to the extent that it reflects the ethics and values Canadians expect to find in sport and in our athletes and teams. In short, cheating in amateur sport cannot be allowed or condoned in any way.



Canadian athletes find themselves in a highly competitive environment on the international scene. That's why we must give them the tools to compete on an equal footing.

With the new penalty framework and the launch of the Canadian Anti-Doping Organization, we are proud of our continuing efforts to encourage an ethical environment in sport.

I would now like to introduce someone who is well-known in the field of sport medicine and for his commitment to anti-doping - nationally and internationally - Dr. Andrew Pipe. Last January, Dr. Pipe accepted to be Chairman of CADO and has been working hard ever since to get it operating. I'd ask Dr. Pipe to introduce the new organization.

Thank you./Merci.

## *Penalties for Doping Infractions*

### *Preamble:*

The objective of this policy is to ensure a consistent and serious response to the use of banned drugs and practices in Canadian sport which will deter those who might engage in doping and protect those who commit themselves to the practice of sport based on fair play.

The policy ensures that penalties are imposed both on athletes and on others who have violated anti-doping rules. It ensures the entitlement to due process of those accused of a doping infraction, as well as access, in limited and exceptional circumstances, to the early reinstatement of those who have violated anti-doping rules.

### *A. Definitions and Interpretations*

1. Doping infractions fall into two broad categories:
  - (1) use, of banned substances or practices; and,
  - (2) infractions other than use - i.e. aiding, abetting, condoning, counselling or distributing banned substances or the materiel used in banned substances or practices.
2. Use infractions are defined as major or minor, depending upon the banned substance or practice involved:

**Major** doping infractions are those involving "doping classes and methods" including, inter alia, steroids and related compounds, blood-doping, masking agents, diuretics, probenecid, human growth hormone, stimulants, narcotics, beta blockers, peptide hormones and analogues, as defined from time to time by the Canadian Anti-doping Organization consistent with the International Olympic Charter Against Doping in Sport.

**Minor** doping offences are those involving ephedrine, phenylpropanolamine, codeine etc. when these are administered orally for medical purposes in association with decongestants and/or anti-histamines, as defined from time to time by the Canadian Anti-doping Organization consistent with the International Olympic Charter Against Doping in Sport.

**NB.** *CADO will assess and determine whether the misuse of substances subject to certain restrictions in sport (i.e. alcohol, marijuana, local anaesthetics, corticosteroids, and/or other substances as may from time to time be identified by CADO consistent with the International Olympic Charter Against Doping in Sport), constitute major or minor doping infractions.*

3. For the purposes of this policy, an athlete is any individual who participates in competitive activities organized, convened, sanctioned or held by an IF, NSO, PSO or affiliated club, team, association or league.
4. An individual who, in a context other than that of the IF-NSO-PSO sport community environment, is, or has been proven to be, involved with the use of substances or practices banned in sport in a manner equivalent to a doping infraction, shall be subject to the penalties outlined in this policy, should he or she wish to participate in activities organized, convened, held or sanctioned by an IF, or a Canadian NSO, PSO or affiliate.
5. In the case of an individual who participates in sport in more than one role, (for example, as both an athlete and a coach), the role of the individual for the purpose of application of this policy shall be that which the individual was performing at the time of the doping infraction.
6. The penalties and suspensions referred to in this policy apply to an individual guilty of a doping infraction regardless of the sports or sport roles subsequently engaged in by the individual. Penalties in any sport, role or level shall be respected by the authorities at other levels of the same sport and in other sports.
7. The **Canadian Anti-doping Organization (CADO)** is the independent body responsible for coordinating the development and implementation of programs and policies for anti-doping in the areas, inter alia, of testing, research, education and appeals/arbitration.

***B. Penalties - "Use" Infractions (Athletes)***

Use of a banned substance or practice may be proven by a positive test result, or such other means as CADO may identify and announce from time to time (i.e. admission etc.).

***1. Sport Eligibility Penalties***

- 1a An athlete who has committed a first major doping infraction will be ineligible to participate in any competition or activity organized, convened, held or sanctioned by an international federation, or a Canadian NSO, PSO, or affiliate for a minimum period of 4 years from the date of the infraction.

In cases where the infraction occurs at a major sport event (i.e. World or Continental Championship, Canada Games or Major Games), the athlete shall be deemed ineligible for a full four-year period, and will be ineligible for the same Games or Championships (i.e. at which the original infraction occurred) which take place at the approximate end of the four-year cycle following the infraction, even if the date of those Games or Championships is beyond the 4 year time period.

- 1b An athlete who has committed a **second major** doping infraction will be ineligible for life to participate in activities organized, convened, held or sanctioned by an IF, or an NSO, PSO or affiliate in Canada.
- 1c An athlete who has committed a **minor** doping infraction will be ineligible to participate in activities organized, convened, held or sanctioned by an IF, or an NSO, PSO or affiliate in Canada for the following time periods:

*1st infraction - 3 months*  
*2nd infraction - 4 years*  
*3rd infraction - life*

- 1d The above penalties shall be applied to any individual who wishes to compete in Canada, whether they are affiliated to a Canadian sport body or not.

## **2. *Direct Federal Funding Penalties***

- 2a An athlete who has committed a **major** doping infraction will be suspended for life from eligibility from direct federal sport funding.

Direct federal sport funding is defined as any financial support provided by the federal government in respect of that individual by name (i.e. monthly financial support through the Athlete Assistance Program, coaching or professional staff salaries, honoraria for the provision of professional services, coaching apprenticeships etc.) regardless of the method of payment by the federal government - i.e. directly to the individual or via an NSO.

- 2b An athlete who has committed a **minor** doping infraction will be suspended by the same withdrawal of financial support as described above in 2a, for the following time periods:

*1st infraction - 3 months*  
*2nd infraction - life*

**NB:** *It is not the intent to limit the access of individuals to benefits arising from federal government block payments made to NSOs once the individual's period of sport ineligibility has been served.*

### **C. Reinstatement - "Use" Infractions**

This section deals with conditions and procedures through which reinstatement of sport eligibility and eligibility for direct federal sport funding may be granted. Procedures for the appeal of an alleged doping infraction are described briefly in section E.

1. An individual who has committed a major doping "use" infraction or a second minor infraction must in all cases file notice of their desire for **normal reinstatement** of sport eligibility once the applicable penalty has been served.

In the case of these infractions, the individual must notify their NSO and the Canadian Anti-doping Organization at least 18 months prior to the date of desired reinstatement, (and no sooner than 30 months after the original infraction in the event of a four year sport eligibility penalty, and correspondingly longer if the penalty is longer than four years). The NSO, in consultation with CADO, will determine any conditions which must be fulfilled during the remaining time period leading up to reinstatement (e.g. involvement in no-notice testing etc.).

2. Under limited and exceptional circumstances, an athlete who has committed a major doping infraction or a second minor infraction may apply to their NSO and CADO for **early reinstatement** - i.e. reinstatement prior to the expiry of the (minimum) four year penalty.

Independent arbitrators appointed through processes expedited by CADO will review and decide such cases. The terms of reference provided to these arbitrators will indicate that the athlete, in order to be considered for early reinstatement, must demonstrate that his/her capacity to make a decision to conform with the rules of sport and fair play was severely and adversely compromised by specific factors present in and around the time of the infraction. Factors which might be considered include, for example, relatively young age in combination with the demonstrated adverse influence of a person in a position of leadership, trust or authority. The burden of proof lies with the athlete. Objective factors such as age, will not, in and of themselves, constitute sufficient grounds for automatic consideration, or granting, of early reinstatement.

3. An individual wishing to apply for early reinstatement must file an application within one year of the date of the infraction.
4. The decision of the arbitrator will be final and binding.
5. In the event that early reinstatement of sport eligibility is granted, reinstatement of eligibility for direct federal funding will automatically be granted and take immediate but not retroactive effect.

6. Federal direct funding penalties are not appealable or reducible other than in the event of early reinstatement.
7. Lifetime sport eligibility penalties for second major doping infractions, or third minor doping infractions are not appealable.

***D. Infractions other than Athlete Use of Banned Substances and Practices***

1. In general, aiding, abetting, condoning, counselling the use of banned substances or practices in sport, or distributing banned substances or the materiel used in banned practices, constitute doping violations.

Whether or not an infraction as generally described above has been committed will be determined at a hearing convened by CADO. The following, inter alia, describes further the general scope and nature of non-use infractions:

Any action which condones the use of banned substances or practices, including counselling or advising others to use banned drugs, aiding in the avoidance of, or counselling means to avoid detection, failing to report suspected use of banned substances or practices to appropriate agencies or individuals, securing, supplying, administering or facilitating the supplying or administration of banned drugs or practices, possession of banned drugs unless compelling medical reasons exist to possess same, importing or trafficking in banned drugs or materials intended for use in a manner contrary to anti-doping rules.

2. **An individual, other than an athlete**, proven to have violated non-use anti-doping rules as generally described above shall be subject to a lifetime penalty in respect of federal direct funding and sport eligibility, without opportunity for appeal of the penalty.
3. In the case of an athlete proven to have violated non-use anti-doping rules, he/she will be subject to a lifetime ineligibility for direct federal sport funding, and a sport eligibility penalty for a minimum period of four years, except where the circumstances of the infraction and the athlete's misconduct warrant a lifetime penalty. The circumstances which would lead to the imposition of the longer penalty include the adverse influence and impact of the guilty party's actions on others.

In the event that the hearing leads to the imposition of a lifetime sport ineligibility penalty on an athlete for a non-use infraction, the facts of the case as determined by the hearing convened by CADO shall be reviewed automatically by an independent arbitrator prior to confirmation of the lifetime penalty.

***E. Appeals of Alleged Doping Infractions***

1. Processes for appeal of alleged doping infractions are described in detail in Standard Operating Procedures documents issued from time to time by CADO.
2. Allegations that a doping infraction (either "use" or "non-use") has been committed shall be appealable, but once proven and sustained in appeal proceedings, the relevant penalties shall be served without appeal, except as noted in section C above.
3. In the case of non-use infractions, the procedures established by CADO for hearing and deciding such cases, and, for appeals of infractions, shall be sufficiently separate and distinct so as to ensure the right to due process of the parties implicated.

## A CANADIAN ANTI-DOPING ORGANIZATION

### HISTORICAL BACKGROUND

As a consequence of the recommendations of the "Commission of Inquiry into the Use of Drugs and Banned Practices Intended to Increase Athletic Performance" (Dubin Report), the Minister of State, Fitness and Amateur Sport announced in January 1991 his decision to develop an independent organization with responsibilities for the development and implementation of a "consolidated, comprehensive, consistent, coordinated Canadian anti-doping campaign." This organization was to be given responsibilities "for research, testing, coordination of appeals including arbitration, investigations into alleged drug use and extensive education programs...". The minister announced that the organization would "coordinate the involvement of federal/provincial/territorial governments, sport bodies, educators, medical personnel and others in order to and implement significant new Canadian anti-doping measures and policies".

Responsibility for the further development of the organization was vested in a design group which met throughout the months of January, February and March of 1991.



**MANDATE**

The Canadian Anti-Doping Organization (CADO), will be an independent, federally incorporated, non-profit body. It will be administered by a professional staff reporting to a Board of Directors and a National Council.

The Council will provide strategic advice and broad general guidance to the Board of Directors. The Council will also provide the virtue of expertise, sensitivity and perspective, national leadership to the Canadian anti-doping campaign. The Council will be broadly based and will include representation from those in the sport community, and society at large, with particular interests and expertise relevant to anti-doping.

It is recognized that the Government of Canada will continue to maintain a broad general policy regarding the issue of doping and sport; but it is understood that the primary responsibility for the development, implementation and coordination of policies and programs relating to anti-doping rests with CADO. From time to time, as it sees fit, the organization may recommend changes in the government's general policy regarding doping and sport.

In the first instance the organization will be funded by the Government of Canada, and it will, on a regular basis report its activities to the Government through the Minister of State, Fitness and Amateur Sport. On such occasions the organization may make such recommendations to the Minister as it sees fit, which would, if enacted, facilitate the success of the Canadian anti-doping campaign, the organization and its activities.

The Government of Canada will defer, unless otherwise noted, to the expertise, knowledge and sensitivities resident within the organization on all matters pertaining to the development and conduct of a comprehensive anti-doping campaign. Such a campaign will encompass all those elements noted in the 'Model for a national anti-doping program' of the "International Olympic Charter Against Doping in Sport" as being essential to a domestic doping control policy, including but not limited to:

- \* research;
- \* conduct of all doping control carried out in Canadian sport (including testing at the time of such international competition or sporting activity as may from time to time take place in Canada);
- \* development, implementation, coordination and integration of educational initiatives and programs among, and by, sporting and other agencies.

- \* discussion and development of policies relating to the application of sanctions;
- \* procedures of investigation of alleged or proven infractions;
- \* provision of services for arbitration and appeal;
- \* international liaison and advocacy activities;
- \* coordination of anti-doping activities, between and among governments, national sport organizations and major games organizations in Canada;
- \* development of ongoing programs of cooperation with any professional sport teams or organizations operating in Canada;
- \* identification of supplemental sources of funding;
- \* communication and cooperation with any other agencies, associations or organizations that share the concerns and interests of the organization.

The Government of Canada will ensure that the organization is, in its start-up period, appropriately and adequately funded. On a continuing basis, the Government of Canada will be the primary funding source for the operation of CADO. Every four years the organization will conduct an extensive review of its operations, programs, financial resources and needs.

As a condition of receipt of federal government funding, the National Sport Organizations, and their agents, will agree to defer to the authority of, and cooperate with, the Canadian Anti-Doping Organization in matters pertaining to the conduct of anti-doping activities. Each National Sport Organization in collaboration with the Canadian Anti-Doping Agency will develop rules and regulations pertaining to anti-doping which will apply, as a condition of participation, to all participants in the organization's activities. The organization will, to the fullest extent possible, assist National Sport Organizations and their International Federations with the conduct of any testing (announced and unannounced) that may be required as a consequence of the regulations or policies of the International Federation.

Each year National Sport Organizations will develop a plan for development and implementation of a comprehensive anti-doping program (including education and advocacy) for the coming year. The program will be reviewed by CADO.

\$1.47 million in new money has been allocated for the enhanced anti-doping campaign in '91-92 and \$2.3 million thereafter. This is in addition to \$1 million in existing resources applied to anti-doping efforts.

Dr. Andrew Pipe of the Ottawa Heart Institute and the current head of the Sport Medicine Council of Canada's anti-doping advisory group has been appointed chairman of the new organization. Mr. Victor Lachance has recently been named as the Chief Executive Officer of CADO. A Board of Directors will be announced shortly.

## **BIOGRAPHICAL NOTES**

### **Dr. Andrew Pipe**

Dr. Andrew Pipe, a General Practitioner, is an assistant professor in cardiothoracic surgery at the University of Ottawa Heart Institute at the Ottawa Civic Hospital as well as a member of the Department of Family Medicine. A graduate of Queen's University, Dr. Pipe has extensive international experience in the field of Sports Medicine.

Dr. Pipe serves as Team Physician to the Canadian National Basketball Team and the Canadian Alpine Ski Team. He will be the Chief Medical Officer for the Canadian Team at the 1992 Summer Olympics in Barcelona, Spain. He is a recipient of many awards and is the first Canadian to receive an International Olympic Committee trophy in recognition of outstanding service in the field of Sports Medicine.

Dr. Pipe serves on a number of Government and voluntary association committees. Among others, he is President of the Canadian Academy of Sport Medicine and member of the Premier's Council on Health, Well-being and Social Justice for the Province of Ontario. He was formerly the author of a weekly column on personal health in the Globe and Mail.

## **BIOGRAPHICAL NOTES**

### **Mr. Victor Lachance**

Mr. Victor Lachance is newly appointed to the position of Chief Executive Officer of the Canadian Anti-Doping Organization, commencing his duties September 16, 1991. A graduate of Queen's University in Health Sciences, Mr. Lachance has wide experience in the management of public health issues and health education.

Formerly Executive Director of the Canadian Council on Smoking and Health, Mr. Lachance has worked extensively on the various political, social and economic issues concerning tobacco control. As Executive Director, he expanded the Council's mandate to include the National Clearinghouse on Tobacco and Health and the National Strategy to Reduce Tobacco Use.

Mr. Lachance has served as consultant to the World Health Organization and the Union International Contre le Cancer (UICC) on European Priorities for Tobacco Control. He was also involved with the implementation and evaluation of the world's first-ever Smoke-Free Olympics in Calgary, Alberta in 1988.