



**The National Anti-Doping Policy of**

**Football Australia Limited**

**and**

**Our Member & Sub-Member Organisations**

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## **IMPORTANT WARNING**

- You are responsible for knowing what the anti-doping rule violations are.
- You must find out which substances and methods are prohibited.
- Ignorance is no excuse.
- You must be aware of the rules in this Anti-Doping Policy.
- This Anti-Doping Policy adopts the strict liability principle.
- *Athletes* are responsible for anything found in their system.
- You must be aware of the sanctions that could be applied to you in this Anti-Doping Policy.

Approved by Sport Integrity Australia and adopted by our sport for a commencement date of

**6 July 2022**

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## Schedule

### SOME IMPORTANT DETAILS OF OUR SPORT

#### **Item 1 – Individual Sport or Team Sport**

For the purposes of this ADP and the Code our sport is a Team Sport.

#### **Item 2 – Our elite level *Competitions and Events***

For the purposes of this ADP, as at the commencement date, (so far) only the A-Leagues competitions are declared National Level Events by the Sport Integrity Australia CEO, and listed on the Sport Integrity Australia website.

#### **Item 3 – A typical *Competition***

In our sport a typical Competition is a game of football.

#### **Item 4 – A typical *Event***

In our sport a typical Event is the entire A-Leagues, Australia Cup and National Premier Leagues competitions.

#### **Item 5 – Our International Federation**

In our sport our International Federation is Fédération Internationale de Football Association (FIFA) and/or Asian Football Confederation (AFC).

## 1 Application of the Anti-Doping Policy

### 1.1 Adoption of the Anti-Doping Policy

- 1.1.1 This is the Anti-Doping Policy (**ADP**) of Football Australia Limited (**FA**) and our member and sub-member organisations and applies to our sport of football as played in Australia and New Zealand<sup>1</sup>.
- 1.1.2 This ADP is current as at the date shown on the front page as the “**commencement date**” and will come into force (and apply to Samples collected) on and from 12.01 am on the commencement date. (All Samples collected prior to 12.01 am on the commencement date will be dealt with under the then existing applicable anti-doping rules.)
- 1.1.3 We have adopted this ADP so as to be compliant with the *WADA Code* (**the Code**) and the National Anti-Doping scheme (**NAD scheme**) administered by Sport Integrity Australia (**SIA**).
- 1.1.4 Where this ADP repeats any part of the Code that is so as to expressly incorporate the article as a rule in this ADP.
- 1.1.5 As this ADP is to apply to the various *Events* and organisations within our sport, the terms ‘our sport’, ‘us’, and ‘we’ are used to refer to those *Events* and organisations in a distributive manner.
- 1.1.6 This ADP forms part of the FA Statutes.

### 1.2 Application

- 1.2.1 This ADP applies to all *Participants* and *Other Persons* involved in our sport whether or not such Person is a citizen of or (temporary or permanent) resident in Australia and in all Competitions and Events in our sport (whether run, authorised, sanctioned or approved by us or one of our member or sub-member organisations or held under our or their auspices). That includes:
- 1.2.1.1 all Athletes, including *Recreational Athletes*, who are:
- 1.2.1.1.1 registered with us or one of our member or sub member organisations (including any clubs, teams, associations or leagues);
  - 1.2.1.1.2 in training for or compete from time to time in any Competition or Event in our sport; or
  - 1.2.1.1.3 registered with, compete, train or trial with any club, team, association or league involved in our sport;
- 1.2.1.2 all Athlete Support Personnel;
- 1.2.1.3 our board members, directors, officers and employees;
- 1.2.1.4 Event organisers;
- 1.2.1.5 clubs, teams, associations and leagues in our sport and their board members, directors, officers and employees;

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<sup>1</sup> As to application in New Zealand, this ADP applies save for entirely New Zealand domestic football if covered exclusively by the anti-doping policy of New Zealand Football.

- 1.2.1.6 any other *Athlete* or *Athlete Support Person* or other *Person* who, by virtue of a registration, an accreditation, a license or other contractual arrangement, or otherwise, is subject to our jurisdiction, or that of one of our member or sub-member organisations) for the purposes of anti-doping;
- 1.2.1.7 all *Athletes* who do not fall within one of the provisions of this Article but who wish to be eligible to participate in *International Events* or *National Events* and such *Athletes* must be available for *Testing* under this ADP. *Athletes* wishing to be eligible to participate in *International Events* must be available for *Testing* for the period of time specified by the *International Federation* for our sport. *Athletes* wishing to be eligible to participate in *National Events* must be available for *Testing* under this ADP for at least six months before they will be eligible for such *Events*;
- 1.2.1.8 Delegated Third Parties and their officers and employees; and
- 1.2.1.9 others having access to our facilities and services for sporting purposes.
- 1.2.2 To be eligible to participate (in the case of an *Athlete*) or assist any *Athlete* (in the case of *Athlete Support Personnel*) in any *Competition* or *Event* in our sport or other activity organised, convened or authorised by us or one of our member or sub member organisations, a *Person* agrees to be bound by and to comply with this ADP. By so participating or assisting, a *Person* shall be deemed to have agreed to be bound by and comply with this ADP.
- 1.2.3 Any *Athlete* or *Athlete Support Personnel* or other *Person* shall be deemed to have agreed to be bound by and comply with this ADP for a period of 6 months following the last time the *Athlete* or *Athlete Support Person* or other *Person* participated in or was scheduled to participate in any capacity recognised under this ADP. For clarity *Athletes* shall remain subject to *Testing* for that 6 month period and be subject to results management (including hearings and appeals processes) in accordance with this ADP. The continuation of the application of this ADP prevails regardless of retirement, contract termination, or any other cessation of arrangement with our sport.
- 1.2.4 This ADP shall also apply to all other *Persons* over whom *the Code*, *SIA Act*, *SIA Regulations* and *NAD scheme* give *SIA* jurisdiction in respect of compliance with the anti-doping rules as defined in the *SIA Act*, including all *Athletes* who are nationals of or resident in Australia, and all *Athletes* who are present in Australia, whether to compete or to train or otherwise.
- 1.2.5 *Persons* falling within the scope of Articles 1.2.1 and/or 1.2.2 are deemed to have accepted and to have agreed to be bound by this ADP, and to have submitted to the authority of *Anti-Doping Organisations* under this ADP (including *SIA*) and to the jurisdiction of the hearing panels specified in Article 8 and Article 13 to hear and determine cases and appeals brought under this ADP, as a condition of their membership, accreditation and/or participation in sport.

### 1.3 Australian Olympic Committee (AOC) Anti-Doping By-Law

We and the *Persons* falling within the scope of Articles 1.2.1 and/or 1.2.2 agree to be knowledgeable of, comply with, and be bound by the AOC Anti-Doping By-Law as applicable.<sup>2</sup>

In addition to our Education obligations under Article 17, we agree, in collaboration with the AOC, to inform and educate the *Persons* falling within the scope of Articles 1.2.1 & 1.2.2 as applicable, of their obligations under the AOC Anti-Doping By-Law, and of their rights

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<sup>2</sup> AOC Anti-Doping By-Law is posted on the AOC website ([www.olympics.com.au](http://www.olympics.com.au) under "Reports and Documents" and under "Anti-Doping").

foregone, in return for the privilege to participate in an Olympic sport.

#### **1.4 Interaction between this ADP and other provisions of the FA Statutes**

We have our own disciplinary rules or policies regulating the conduct of our members, which apply to Participants and cover conduct that either does not constitute an anti-doping rule violation, or conduct that is, or is related to, behaviour that does not constitute a possible anti-doping rule violation. Breaches of these rules or policies are managed separately by us, including public disclosure, suspension or termination of contracts, and consequential sanctions. These disciplinary rules or policies shall not limit or change the effect of this ADP and where there is any ambiguity or conflict, this ADP prevails.

## 2 Anti-Doping Rule Violations

Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Article 2.1 through Article 2.11 of this ADP.

The purpose of Article 2 is to specify the circumstances and conduct which constitute anti-doping rule violations. Hearings in doping cases will proceed based on the assertion that one or more of these specific rules have been violated.

*Athletes* or *Other Persons* shall be responsible for knowing what constitutes an anti-doping rule violation and the substances and methods which have been included on the *Prohibited List*.

The following constitute anti-doping rule violations:

### 2.1 Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample

2.1.1 It is the *Athlete's personal* duty to ensure that no *Prohibited Substance* enters his or her body. *Athletes* are responsible for any *Prohibited Substance* or its *Metabolites* or *Markers* found to be present in their *Samples*. Accordingly, it is not necessary that intent, *Fault*, *Negligence* or knowing *Use* on the *Athlete's* part be demonstrated in order to establish an anti-doping rule violation under Article 2.1.<sup>3</sup>

2.1.2 Sufficient proof of an anti-doping rule violation under Article 2.1 is established by any of the following:

2.1.2.1 presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in the *Athlete's A Sample* where the *Athlete* waives analysis of the *B Sample* and the *B Sample* is not analysed; or

2.1.2.2 where the *Athlete's B Sample* is analysed and the analysis of the *Athlete's B Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the *Athlete's A Sample*; or

2.1.2.3 where the *Athlete's A* or *B Sample* is split into two (2) parts and the analysis of the confirmation part of the split *Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the first part of the split *Sample* or the *Athlete* waives analysis of the confirmation part of the split *Sample*.<sup>4</sup>

2.1.3 Excepting those substances for which a *Decision Limit* is specifically identified in the *Prohibited List* or a *Technical Document*, the presence of any reported quantity of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample* shall constitute an anti-doping rule violation.

2.1.4 As an exception to the general rule of Article 2.1, the *Prohibited List*, *International Standards*, or *Technical Documents* may establish special criteria for reporting or the evaluation of certain *Prohibited Substances*.

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<sup>3</sup> Comment to Article 2.1.1: An anti-doping rule violation is committed under this Article without regard to an Athlete's Fault. This rule has been referred to in various CAS decisions as 'Strict Liability'. An Athlete's Fault is taken into consideration in determining the Consequences of this anti-doping rule violation under Article 10. This principle has consistently been upheld by CAS.

<sup>4</sup> Comment to Article 2.1.2: The Anti-Doping Organisation with *Results Management* responsibility may, at its discretion, choose to have the B Sample analysed even if the Athlete does not request the analysis of the B Sample.



## 2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method<sup>5</sup>

2.2.1 It is the *Athlete's personal* duty to ensure that no *Prohibited Substance* enters his or her body and that no *Prohibited Method* is *Used*. Accordingly, it is not necessary that intent, *Fault*, *Negligence* or knowing *Use* on the *Athlete's* part be demonstrated in order to establish an anti-doping rule violation for *Use* of a *Prohibited Substance* or a *Prohibited Method*.

2.2.2 The success or failure of the *Use* or *Attempted Use* of a *Prohibited Substance* or *Prohibited Method* is not material. It is sufficient that the *Prohibited Substance* or *Prohibited Method* was *Used* or *Attempted* to be *Used* for an anti-doping rule violation to be committed.<sup>6</sup>

## 2.3 Evading, Refusing or Failing to Submit to Sample Collection by an Athlete

Evading Sample collection; or, refusing or failing to submit to Sample collection without compelling justification after notification by a duly authorised person.<sup>7</sup>

## 2.4 Whereabouts Failures by an Athlete

Any combination of three missed tests and/or filing failures, as defined in the International Standard for Results Management, within a twelve-month period by an Athlete in a *Registered Testing Pool*.

## 2.5 Tampering or Attempted Tampering

Tampering or Attempted Tampering with any part of Doping Control by an Athlete or Other Person.

## 2.6 Possession of Prohibited Substance or a Prohibited Method by an Athlete or Athlete Support Person

2.6.1 Possession by an Athlete In-Competition of any Prohibited Substance or any Prohibited Method, or Possession by an Athlete Out-of-Competition of any Prohibited Substance or any Prohibited Method which is prohibited Out-of-Competition unless the Athlete establishes that the Possession is consistent with a Therapeutic Use Exemption (TUE)

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<sup>5</sup> Comment to Article 2.2: It has always been the case that Use or Attempted Use of a Prohibited Substance or Prohibited Method may be established by any reliable means. As noted in the Comment to Article 3.2, unlike the proof required to establish an anti-doping rule violation under Article 2.1, Use or Attempted Use may also be established by other reliable means such as admissions by the Athlete, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, including data collected as part of the Athlete Biological Passport, or other analytical information which does not otherwise satisfy all the requirements to establish 'Presence' of a *Prohibited Substance* under Article 2.1. For example, *Use* may be established based upon reliable analytical data from the analysis of an *A Sample* (without confirmation from an analysis of a *B Sample*) or from the analysis of a *B Sample* alone where the *Anti-Doping Organisation* provides a satisfactory explanation for the lack of confirmation in the other *Sample*.

<sup>6</sup> Comment to Article 2.2.2: Demonstrating the 'Attempted Use' of a Prohibited Substance or a Prohibited Method requires proof of intent on the Athlete's part. The fact that intent may be required to prove this particular anti-doping rule violation does not undermine the Strict Liability principle established for violations of Article 2.1 and violations of Article 2.2 in respect of Use of a Prohibited Substance or Prohibited Method. An Athlete's Use of a Prohibited Substance constitutes an anti-doping rule violation unless such Substance is not prohibited Out-of-Competition and the Athlete's Use takes place Out-of-Competition. (However, the presence of a Prohibited Substance or its Metabolites or Markers in a Sample collected In-Competition is a violation of Article 2.1 regardless of when that Substance might have been administered.)

<sup>7</sup> Comment to Article 2.3: For example, it would be an anti-doping rule violation of 'evading Sample collection' if it were established that an Athlete was deliberately avoiding a Doping Control official to evade notification or Testing. A violation of 'failing to submit to Sample collection' may be based on either intentional or negligent conduct of the Athlete, while 'evading' or 'refusing' Sample collection contemplates intentional conduct by the Athlete.

granted in accordance with Article 4.4 or other acceptable justification.

2.6.2 Possession by an Athlete Support Person In-Competition of any Prohibited Substance or any Prohibited Method, or Possession by an Athlete Support Person Out-of-Competition of any Prohibited Substance or any Prohibited Method which is prohibited Out-of-Competition in connection with an Athlete, Competition or training, unless the Athlete Support Person establishes that the Possession is consistent with a TUE granted to an Athlete in accordance with Article 4.4 or other acceptable justification.<sup>8</sup>

## 2.7 **Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method.**

Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method by an Athlete or Other Person.

## 2.8 **Administration or Attempted Administration**

Administration or Attempted Administration by an Athlete or Other Person to any Athlete In-Competition of any Prohibited Substance or Prohibited Method, or Administration or Attempted Administration to any Athlete Out-of-Competition of any Prohibited Substance or any Prohibited Method that is prohibited Out-of-Competition.

## 2.9 **Complicity or Attempted Complicity by an Athlete or Other Person**

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity or *Attempted* Complicity involving an anti-doping rule violation, *Attempted* anti-doping rule violation or violation of Article 10.14.1 by another *Person*.

## 2.10 **Prohibited Association by an Athlete or Other Person**

2.10.1 Association by an *Athlete* or other *Person* subject to the authority of an *Anti-Doping Organisation* in a professional or sport-related capacity with any *Athlete Support Person* who:

2.10.1.1 If subject to the authority of an Anti-Doping Organisation, is serving a period of Ineligibility; or

2.10.1.2 If not subject to the authority of an Anti-Doping Organisation, and where Ineligibility has not been addressed in a results management process pursuant to the Code, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if Code-compliant rules had been applicable to such Person. The disqualifying status of such Person shall be in force for the longer of six years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed; or

2.10.1.3 Is serving as a front or intermediary for an individual described in Articles 2.10.1 or 2.10.2.

2.10.2 To establish a violation of Article 2.10, it must be established that the *Athlete* or *Other Person* knew of the *Athlete Support Person's* disqualifying status.

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<sup>8</sup> Comment to Articles 2.6.1 and 2.6.2: Acceptable justification would not include, for example, buying or Possessing a Prohibited Substance for purposes of giving it to a friend or relative, except under justifiable medical circumstances where that Person had a physician's prescription, e.g., buying Insulin for a diabetic child. Acceptable justification may include, for example, (a) an Athlete or a team doctor carrying *Prohibited Substances* or Prohibited Methods for dealing with acute and emergency situations (e.g. an epinephrine auto-injector), or (b) an Athlete Possessing a Prohibited Substance or Prohibited Method for therapeutic reasons shortly prior to applying for and receiving a determination on a TUE.

The burden shall be on the *Athlete* or *Other Person* to establish that any association with an *Athlete Support Person* described in Article 2.10.1 or 2.10.2 is not in a professional or sport-related capacity and/or that such association could not have been reasonably avoided.

If we are aware of *Athlete Support Personnel* who meet the criteria described in Article 2.10.1.1, 2.10.1.2, or 2.10.1.3 we shall submit that information to WADA.<sup>9</sup>

## 2.11 Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting to Authorities

Where such conduct does not otherwise constitute a violation of Article 2.5:

2.11.1 Any act which threatens or seeks to intimidate another *Person* with the intent of discouraging the *Person* from the good-faith reporting of information that relates to an alleged anti-doping rule violation or alleged non-compliance with the *Code* to WADA, an *Anti-Doping Organisation*, law enforcement, regulatory or professional disciplinary body, hearing body or *Person* conducting an investigation for WADA or an *Anti-Doping Organisation*.

2.11.2 Retaliation against a *Person* who, in good faith, has provided evidence or information that relates to an alleged anti-doping rule violation or alleged non-compliance with the *Code* to WADA, an *Anti-Doping Organisation*, law enforcement, regulatory or professional disciplinary body, hearing body or *Person* conducting an investigation for WADA or an *Anti-Doping Organisation*.<sup>10</sup>

For purposes of Article 2.11, retaliation, threatening and intimidation include an act taken against such *Person* either because the act lacks a good faith basis or is a disproportionate response.<sup>11</sup>

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<sup>9</sup> Comment to Article 2.10: *Athletes* and *Other Persons* must not work with coaches, trainers, physicians or other *Athlete Support Personnel* who are *Ineligible* on account of an anti-doping rule violation or who have been criminally convicted or professionally disciplined in relation to doping. This also prohibits association with any other *Athlete* who is acting as a coach or *Athlete Support Person* while serving a period of *Ineligibility*. Some examples of the types of association which are prohibited include: obtaining training, strategy, technique, nutrition or medical advice; obtaining therapy, treatment or prescriptions; providing any bodily products for analysis; or allowing the *Athlete Support Person* to serve as an agent or representative. *Prohibited association* need not involve any form of compensation.

While Article 2.10 does not require the *Anti-Doping Organisation* to notify the *Athlete* or *Other Person* about the *Athlete Support Person's* disqualifying status, such notice, if provided, would be important evidence to establish that the *Athlete* or *Other Person* knew about the disqualifying status of the *Athlete Support Person*.

<sup>10</sup> Comment to Article 2.11.2: This Article is intended to protect *Persons* who make good faith reports, and does not protect *Persons* who knowingly make false reports.

<sup>11</sup> Comment to Article 2.11.2: Retaliation would include, for example, actions that threaten the physical or mental well-being or economic interests of the reporting *Persons*, their families or associates. Retaliation would not include an *Anti-Doping Organisation* asserting in good faith an anti-doping rule violation against the reporting *Person*. For purposes of Article 2.11, a report is not made in good faith where the *Person* making the report knows the report to be false.

### 3 Proof of Doping

#### 3.1 Burdens and Standards of Proof

SIA, or us where we are presenting an anti-doping case, shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether the anti-doping rule violation has been established to the comfortable satisfaction of the hearing panel bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where this ADP places the burden of proof upon the *Athlete* or other *Person* alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, except as provided in Articles 3.2.2 and 3.2.3, the standard of proof shall be by a balance of probability.<sup>12</sup>

#### 3.2 Methods of Establishing Facts and Presumptions

Facts related to anti-doping rule violations may be established by any reliable means, including admissions.<sup>13</sup> The following rules of proof shall be applicable in doping cases:

3.2.1 Analytical methods or Decision Limits approved by WADA after consultation within the relevant scientific community and which have been the subject of peer review are presumed to be scientifically valid. Any *Athlete* or other *Person* seeking to rebut this presumption of scientific validity shall, as a condition precedent to any such challenge, first notify WADA of the challenge and the basis of the challenge. The initial hearing body, appellate body or CAS, on its own initiative, may also inform WADA of any such challenge. Within 10 days of WADA's receipt of such notice and the case file relating to such challenge WADA's receipt of the hearing panel file, WADA shall also have the right to intervene as a party, appear amicus curiae, or otherwise provide evidence in such proceeding<sup>14</sup>. In cases before CAS, at WADA's request, the CAS panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge.

3.2.2 WADA-accredited laboratories, and other laboratories approved by WADA, are presumed to have conducted Sample analysis and custodial procedures in accordance with the International Standard for Laboratories. The *Athlete* or other *Person* may rebut this presumption by establishing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the Adverse Analytical Finding.

If the *Athlete* or other *Person* rebuts the preceding presumption by showing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the Adverse Analytical Finding, then we, or SIA where it is presenting the case, shall have the burden to establish that such departure did not

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<sup>12</sup> Comment to Article 3.1: This standard of proof required to be met by the *Anti-Doping Organisation* is comparable to the standard which is applied in most countries to cases involving professional misconduct.

<sup>13</sup> Comment to Article 3.2: For example, an *Anti-Doping Organisation* may establish an anti-doping rule violation under Article 2.2 based on the *Athlete's* admissions, the credible testimony of third *Persons*, reliable documentary evidence, reliable analytical data from either an A or B *Sample* as provided in the Comments to Article 2.2, or conclusions drawn from the profile of a series of the *Athlete's* blood or urine *Samples*, such as data from the *Athlete Biological Passport*.

<sup>14</sup> Comment to Article 3.2.1: For certain *Prohibited Substances*, WADA may instruct WADA-accredited laboratories not to report *Samples* as an *Adverse Analytical Finding* if the estimated concentration of the *Prohibited Substance* or its *Metabolites* or *Markers* is below a *Minimum Reporting Level*. WADA's decision in determining that *Minimum Reporting Level* or in determining which *Prohibited Substances* should be subject to *Minimum Reporting Levels* shall not be subject to challenge. Further, the laboratory's estimated concentration of such *Prohibited Substance* in a *Sample* may only be an estimate. In no event shall the possibility that the exact concentration of the *Prohibited Substance* in the *Sample* may be below the *Minimum Reporting Level* constitute a defence to an anti-doping rule violation based on the presence of that *Prohibited Substance* in the *Sample*.

cause the Adverse Analytical Finding.<sup>15</sup>

3.2.3 Departures from any other *International Standard* or other anti-doping rule or policy set forth in the Code or this ADP shall not invalidate analytical results or other evidence of an anti-doping rule violation, and shall not constitute a defence to an anti-doping rule violation<sup>16</sup>; provided, however, that if the *Athlete* or *Other Person* establishes that a departure from one of the specific *International Standard* provisions listed below could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding* or whereabouts failure, then FA, or SIA if it is conducting the hearing, shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding* or the whereabouts failure:

- (i) a departure from the *International Standard for Testing and Investigations* related to *Sample* collection or *Sample* handling which could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding*, in which case we, or SIA if it is presenting the case, shall have the burden to establish that such departure did not cause the Adverse Analytical Finding;
- (ii) a departure from the *International Standard for Results Management* or *International Standard for Testing and Investigations* related to an *Adverse Passport Finding* which could reasonably have caused an anti-doping rule violation, in which case we, or SIA if it is presenting the case, shall have the burden to establish that such departure did not cause the anti-doping rule violation;
- (iii) a departure from the *International Standard for Results Management* related to the requirement to provide notice to the *Athlete* of the B *Sample* opening which could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding*, in which case we, or SIA if it is presenting the case, shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*;<sup>17</sup>
- (iv) a departure from the *International Standard for Results Management* related to *Athlete* notification which could reasonably have caused an anti-doping rule violation based on a whereabouts failure, in which case we, or SIA if it is conducting the hearing, shall have the burden to establish that such departure did not cause the whereabouts failure.

3.2.4 The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrebuttable evidence against the *Athlete* or other *Person* to whom the decision pertained of those facts unless the *Athlete* or other *Person* establishes that the decision violated principles

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<sup>15</sup> Comment to Article 3.2.2: The burden is on the *Athlete* or *Other Person* to establish, by a balance of probability, a departure from the *International Standard for Laboratories* that could reasonably have caused the *Adverse Analytical Finding*. Thus, once the *Athlete* or *Other Person* establishes the departure by a balance of probability, the *Athlete* or *Other Person*'s burden on causation is the somewhat lower standard of proof—“could reasonably have caused.” If the *Athlete* or *Other Person* satisfies these standards, the burden shifts to the *Anti-Doping Organisation* to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the *Adverse Analytical Finding*.

<sup>16</sup> Comment to Article 3.2.3: Departures from an *International Standard* or other rule unrelated to *Sample* collection or handling, *Adverse Passport Finding*, or *Athlete* notification relating to whereabouts failure or B *Sample* opening – e.g., the *International Standard for Education*, *International Standard* for the Protection of Privacy and Personal Information or *International Standard for Therapeutic Use Exemptions* – may result in compliance proceedings by WADA but are not a defence in an anti-doping rule violation proceeding and are not relevant on the issue of whether the *Athlete* committed an anti-doping rule violation. Similarly, the *Anti-Doping Organisation*'s violation of the document referenced in Article 20.7.7 of the Code (the Athletes' Anti-Doping Rights Act) shall not constitute a defence to an anti-doping rule violation.

<sup>17</sup> Comment to Article 3.2.3 (iii): the *Anti-Doping Organisation* would meet its burden to establish that such departure did not cause the *Adverse Analytical Finding* by showing that, for example, the B *Sample* opening and analysis were observed by an independent witness and no irregularities were observed.

of natural justice.

- 3.2.5 The hearing panel in a hearing on an anti-doping rule violation may draw an inference adverse to the *Athlete* or other *Person* who is asserted to have committed an anti-doping rule violation based on the *Athlete's* or other *Person's* refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or telephonically as directed by the hearing panel) and to answer questions from the hearing panel or us and SIA.

## 4 The Prohibited List

### 4.1 Incorporation of the Prohibited List

This ADP incorporates the Prohibited List which is published and revised by WADA as described in Article 4.1 of the Code, as in force from time to time.

Unless provided otherwise in the Prohibited List or a revision of it, the Prohibited List and revisions shall go into effect under this ADP three months after publication by WADA without requiring any further action by us or SIA. All *Athletes* and *Other Persons* shall be bound by the Prohibited List, and any revisions thereto, from the date they go into effect, without further formality. It is the responsibility of all *Athletes* and *Other Persons* to familiarise themselves with the most up-to-date version of the Prohibited List and all revisions thereto<sup>18</sup>.

### 4.2 Prohibited Substances and Prohibited Methods Identified on the Prohibited List

#### 4.2.1 *Prohibited Substances and Prohibited Methods*

The Prohibited List shall identify those Prohibited Substances and Prohibited Methods which are prohibited as doping at all times (both In-Competition and Out-of-Competition) because of their potential to enhance performance in future Competitions or their masking potential, and those substances and methods which are prohibited In-Competition only. The Prohibited List may be expanded by WADA for a particular sport. Prohibited Substances and Prohibited Methods may be included in the Prohibited List by general category (for example, anabolic agents) or by specific reference to a particular substance or method<sup>19</sup>.

#### 4.2.2 *Specified Substances or Specified Methods*

For purposes of the application of Article 10, all Prohibited Substances shall be Specified Substances except as identified on the Prohibited List. No Prohibited Method shall be a Specified Method unless it is specifically identified as a Specified Method on the Prohibited List<sup>20</sup>.

#### 4.2.3 *Substances of Abuse*

For the purposes of applying Article 10, Substances of Abuse shall include those Prohibited Substances which are specifically identified as Substances of Abuse on the Prohibited List because they are frequently abused in society outside of the context of sport.

### 4.3 WADA's determination of the Prohibited List

WADA's determination of the *Prohibited Substances* and *Prohibited Methods* that will be included on the *Prohibited List*, the classification of substances into categories on the *Prohibited List*, the classification of a substance as prohibited at all times or *In-Competition* only, the classification of a substance or method as a Specified Substance, Specified Method

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<sup>18</sup> Comment to Article 4.1: The current *Prohibited List* is available on WADA's website at <https://www.wada-ama.org>. The *Prohibited List* will be revised and published on an expedited basis whenever the need arises. However, for the sake of predictability, a new *Prohibited List* will be published every year whether or not changes have been made.

<sup>19</sup> Comment to Article 4.2.1: *Out-of-Competition Use* of a substance which is only prohibited *In-Competition* is not an anti-doping rule violation unless an *Adverse Analytical Finding* for the substance or its *Metabolites* or *Markers* is reported for a *Sample* collected *In-Competition*.

<sup>20</sup> Comment to Article 4.2.2: The *Specified Substances* and *Specified Methods* identified in Article 4.2.2 should not in any way be considered less important or less dangerous than other doping substances or methods. Rather, they are simply substances and methods which are more likely to have been consumed or used by an *Athlete* for a purpose other than the enhancement of sport performance.

or Substance of Abuse is final and shall not be subject to challenge by an *Athlete* or Other *Person including*, but not limited to, any challenge based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a health risk or violate the spirit of sport.

#### 4.4 Therapeutic Use Exemptions (TUEs)

4.4.1 The presence of a Prohibited Substance or its Metabolites or Markers, and/or the Use or Attempted Use, Possession or Administration or Attempted Administration of a Prohibited Substance or Prohibited Method shall not be considered an anti-doping rule violation if it is consistent with the provisions of a TUE granted in accordance with the International Standard for Therapeutic Use Exemptions.

4.4.2 The *TUE Committee* for Australia is the *Australian Sports Drug Medical Advisory Committee (ASDMAC)*, the membership and operation of which is described in the SIA Act and SIA Regulations. Unless otherwise specified by ASDMAC in a notice posted on its website, any *National-Level Athlete* who needs to Use a *Prohibited Substance* or *Prohibited Method* for therapeutic purposes should apply to ASDMAC for a TUE as soon as the need arises and in any event (or where Articles 4.1 or 4.3 of the *International Standard for Therapeutic Use Exemptions* applies in regard to retroactive TUEs) at least 30 days before the *Athlete's* next *Competition*, by completing the form at [www.sportintegrity.gov.au](http://www.sportintegrity.gov.au) with assistance from their doctor. ASDMAC will consider applications for the grant of TUEs. ASDMAC shall promptly evaluate and decide upon the application in accordance with the relevant provisions of the *International Standard for Therapeutic Use Exemptions* and the specific ASDMAC protocols posted on the TUE section of [www.sportintegrity.gov.au](http://www.sportintegrity.gov.au). ASDMAC's decision shall be final (except as outlined in Article 4.4.6) and where ASDMAC has granted a TUE, the decision shall be reported to WADA and other relevant *Anti-Doping Organisations* in accordance with the *International Standard for Therapeutic Use Exemptions*. ASDMAC will consider applications for the grant of TUEs. ASDMAC shall promptly evaluate and decide upon the application in accordance with the relevant provisions of the *International Standard for Therapeutic Use Exemptions* and the specific ASDMAC protocols posted on the TUE section of [www.sportintegrity.gov.au](http://www.sportintegrity.gov.au). ASDMAC's decision shall be final (except as outlined in Article 4.4.6) and where ASDMAC has granted a TUE, the decision shall be reported to WADA and other relevant *Anti-Doping Organisations* in accordance with the *International Standard for Therapeutic Use Exemptions*.<sup>21 22</sup>

#### 4.4.3 Retroactive TUE Applications

If an Anti-Doping Organisation chooses to test an Athlete who is not an International-Level or a National-Level Athlete, and that Athlete was not required to obtain a TUE in advance in accordance with Article 4.4.2, the Athlete may apply for a retroactive TUE for any Prohibited Substance or Prohibited Method that he/she is Using for therapeutic reasons.

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<sup>21</sup> Comment to Article 4.4.2: In accordance with Article 5.1 of the *International Standard for Therapeutic Use Exemptions*, ASDMAC may decline to consider advance applications for TUEs from *National-Level Athletes* in sports that are not prioritised by SIA in its test distribution planning. In that case ASDMAC must permit any such *Athlete* who is subsequently tested to apply for a retroactive TUE. Additionally, ASDMAC must publicise such a policy on its website for the benefit of affected *Athletes*.

<sup>22</sup> Comment to Article 4.4.2: The submission of false or misleading information in support of a TUE application (including but not limited to the failure to advise of the unsuccessful outcome of a prior application to another *Anti-Doping Organisation* for such a TUE) may result in a charge of *Tampering* or *Attempted Tampering* under Article 2.5. An *Athlete* should not assume that his/her application for grant or recognition of a TUE (or for renewal of a TUE) will be granted. Any Use or Possession or Administration of a *Prohibited Substance* or *Prohibited Method* before an application has been granted is entirely at the *Athlete's* own risk.



#### 4.4.4 TUE Recognition

A TUE granted by ASDMAC is valid at any national level in any country and does not need to be formally recognised by any other National Anti-Doping Organisation.

However, it is not automatically valid if the Athlete becomes an International-Level Athlete or competes in an International Event, unless it is recognised by the relevant International Federation or Major Event Organisation in accordance with the International Standard for Therapeutic Use Exemptions as follows:

4.4.4.1 Where the Athlete already has a TUE granted by ASDMAC for the substance or method in question unless their TUE will be automatically recognised by the International Federation or Major Event Organisation, the Athlete shall apply to the International Federation or to the Major Event Organisation to recognise that TUE. If that TUE meets the criteria set out in the *International Standard for Therapeutic Use Exemptions*, then the International Federation or Major Event Organisation must recognise it.

If the International Federation or *Major Event Organisation* considers that the TUE granted by ASDMAC does not meet those criteria and so refuses to recognise it, the International Federation or *Major Event Organisation* shall promptly notify the International-Level Athlete and ASDMAC with reasons.

##### *International Federations*

Where the International Federation has refused to recognise the TUE granted by ASDMAC, the Athlete and ASDMAC shall have 21 days from such notification to refer the matter to WADA for review.

If the matter is referred to WADA for review in accordance with Article 4.4.6, the TUE granted by ASDMAC remains valid for national-level Competition and Out of-Competition Testing (but is not valid for International-Level Competition) pending WADA's decision.

If the matter is not referred to WADA for review, ASDMAC must determine whether the original TUE that it granted should nevertheless remain valid for national-level Competition and Out-of-Competition Testing (provided that the Athlete ceases to be an International-Level Athlete and does not participate in international-level Competition). Pending ASDMAC's decision, the TUE remains valid for national-level Competition and Out-of-Competition Testing (but is not valid for international-level Competition).<sup>23</sup>

##### *Major Event Organisations*

A decision by a Major Event Organisation not to recognise or not to grant a TUE may be appealed by the Athlete exclusively to an independent body

<sup>23</sup> Comment to Article 4.4.4.1: Further to Articles 5.6 and 7.1(a) of the *International Standard for Therapeutic Use Exemptions*, an International Federation must publish and keep updated a notice on its website that sets out clearly (1) which Athletes under its authority are required to apply to it for a TUE, (2) which TUE decisions of other Anti-Doping Organisations it will automatically recognise in lieu of such application and (3) which TUE decisions of other Anti-Doping Organisations will have to be submitted to it for recognition. If an Athlete's TUE falls into a category of automatically recognised TUEs, then he/she does not need to apply to his or her International Federation for recognition of that TUE.

In accordance with the requirements of the *International Standard for Therapeutic Use Exemptions*, ASDMAC will help Athletes determine when they need to submit TUEs granted by ASDMAC to an International Federation or Major Event Organisation for recognition and will guide and support those Athletes through the recognition process.

If an International Federation refuses to recognise a TUE granted by ASDMAC only because medical records or other information are missing that are needed to demonstrate satisfaction of the criteria in the *International Standard for Therapeutic Use Exemptions*, the matter should not be referred to WADA. Instead, the file should be completed and re-submitted to the International Federation.

established or appointed by the Major Event Organisation for that purpose. If the Athlete does not appeal (or the appeal is unsuccessful), the Athlete may not Use the substance or method in question in connection with the Event, but any TUE granted by the Athlete's National Anti-Doping Organisation or International Federation for that substance or method remains valid outside of that Event.

- 4.4.4.2 If the Athlete does not already have a TUE granted by ASDMAC for the substance or method in question, the Athlete must apply directly to the International Federation for a TUE in accordance with the process set out in the *International Standard for Therapeutic Use Exemptions* as soon as the need arises. If the International Federation denies the Athlete's application, it shall notify the Athlete promptly, with reasons.

If the International Federation grants the Athlete's application, it shall notify the Athlete and ASDMAC. If ASDMAC considers that the TUE granted by the international federation does not meet the criteria set out in the *International Standard for Therapeutic Use Exemptions*, it has 21 days from such notification to refer the matter to WADA for review.

If ASDMAC refers the matter to WADA for review, the TUE granted by the international federation remains valid for International-Level Competition and Out-of-Competition Testing (but is not valid for national-level Competition) pending WADA's decision.

If ASDMAC does not refer the matter to WADA for review, the TUE granted by the international federation becomes valid for national-level Competition as well when the 21-day review deadline expires<sup>24</sup>.

#### 4.4.5 *Expiration, Withdrawal or Reversal of TUE*

- 4.4.5.1 A TUE granted pursuant to this ADP: (a) shall expire automatically at the end of any term for which it was granted, without the need for any further notice or other formality; (b) will be withdrawn if the Athlete does not promptly comply with any requirements or conditions imposed by ASDMAC upon grant of the TUE; (c) may be withdrawn by ASDMAC if it is subsequently determined that the criteria for grant of a TUE are not in fact met; or (d) may be reversed on review by WADA or on appeal.
- 4.4.5.2 In such event, the Athlete shall not be subject to any Consequences based on their Use or Possession or Administration of the Prohibited Substance or Prohibited Method in question in accordance with the TUE prior to the effective date of expiry, withdrawal or reversal of the TUE. The review pursuant to Article 5.1.1.1 of the *International Standard for Results Management* of an Adverse Analytical Finding, reported shortly after the TUE expiry, withdrawal, or reversal, shall include consideration of whether such finding is consistent with Use of the Prohibited Substance or Prohibited Method prior to that date, in which event no anti-doping rule violation shall be asserted.

#### 4.4.6 *Reviews and appeals of TUE decisions*

- 4.4.6.1 If ASDMAC denies an application for a TUE, the Athlete may appeal exclusively to the ASDMAC review members, as described in the *SIA Act* and *SIA Regulations*.

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<sup>24</sup> Comment to Article 4.4.4.2: The International Federation and ASDMAC may agree that ASDMAC will consider TUE applications on behalf of the International Federation

- 4.4.6.2 *WADA* shall review any decision by an International Federation not to recognise a *TUE* granted by *ASDMAC* that is referred to *WADA* by the *Athlete* or *ASDMAC*. In addition, *WADA* must review an International Federation's decision to grant a *TUE* that is referred to *WADA* by *ASDMAC*. *WADA* may review any other *TUE* decisions at any time, whether upon request by those affected or on its own initiative. If the *TUE* decision being reviewed meets the criteria set out in the *International Standard for Therapeutic Use Exemptions*, *WADA* will not interfere with it. If the *TUE* decision does not meet those criteria, *WADA* will reverse it.<sup>25</sup>
- 4.4.6.3 Any *TUE* decision by an International Federation (or by *ASDMAC* where it has agreed to consider the application on behalf of an International Federation) that is not reviewed by *WADA*, or that is reviewed by *WADA* but is not reversed upon review, may be appealed by the *Athlete* or *ASDMAC* exclusively to *CAS*, in accordance with Article 13.<sup>26</sup>
- 4.4.6.4 A decision by *WADA* to reverse a *TUE* decision may be appealed by the *Athlete*, *ASDMAC* and/or the International Federation affected exclusively to *CAS*, in accordance with Article 13.
- 4.4.6.5 A failure to render a decision within a reasonable time on a properly submitted application for the grant or recognition of a *TUE* or for review of a *TUE* decision shall be considered a denial of the application thus triggering the applicable rights of review or appeal.

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<sup>25</sup> Comment to Article 4.4.6.2: *WADA* shall be entitled to charge a fee to cover the costs of: (a) any review it is required to conduct in accordance with Article 4.4.6; and (b) any review it chooses to conduct, where the decision being reviewed is reversed.

<sup>26</sup> Comment to Article 4.4.6.3: In such cases, the decision being appealed is the International Federation's *TUE* decision, not *WADA*'s decision not to review the *TUE* decision or (having reviewed it) not to reverse the *TUE* decision. However, the time to appeal the *TUE* decision does not begin to run until the date that *WADA* communicates its decision. In any event, whether the decision has been reviewed by *WADA* or not, *WADA* shall be given notice of the appeal so that it may participate if it sees fit.

## 5 Testing and Investigations

### 5.1 Purpose of Testing and Investigations

*Testing* and investigations may be undertaken for any anti-doping purpose. They shall be conducted in conformity with the provisions of the *International Standard for Testing and Investigations* and (where relevant) the requirements of the *SIA Act*, *SIA Regulations* and *NAD scheme*, including the Australian Government Investigations Standards.

5.1.1 All *Athletes* must comply with any request for *Testing* by an *Anti-Doping Organisation* with *Testing* jurisdiction, including *SIA*. *Testing* shall be undertaken to obtain analytical evidence as to whether the *Athlete* has violated Article 2.1 (*Presence of a Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample*) or Article 2.2 (*Use or Attempted Use* by an *Athlete* of a *Prohibited Substance* or a *Prohibited Method*).

5.1.2 *SIA* may obtain, assess and process anti-doping intelligence from all available sources, to inform the development of an effective, intelligent and proportionate test distribution plan, to plan *Target Testing*, and/or to form the basis of an investigation into a possible anti-doping rule violation(s).

5.1.3 We will refer all information and intelligence relevant to a possible anti-doping rule violation under this ADP to *SIA* and cooperate with any investigation by *SIA* as required.

### 5.2 Authority to Test

5.2.1 Any *Athlete* may be required to provide a *Sample* at any time and at any place by any *Anti-Doping Organisation* with *Testing Authority* over him or her. Subject to the jurisdictional limitations for *Event Testing* set out in Article 5.3 of this ADP, *SIA* shall have *In-Competition* and *Out-of-Competition Testing Authority* over all of the *Athletes* falling within the scope of Article 1.2.

5.2.1.1 The International Federation shall have *In-Competition* and *Out-of-Competition Testing Authority* over all *Athletes* who are subject to its rules, including those who participate in *International Events* or who participate in *Events* governed by the rules of the International Federation, or who are members or licence holders of the International Federation or us, or their member organisations or affiliates.

5.2.2 For the avoidance of doubt, *SIA* may require any *Athlete* over whom it has *Testing Authority* (including any *Athlete* serving a period of *Ineligibility*) to provide a *Sample* at any time and at any place.<sup>27</sup>

5.2.3 *WADA* shall have *In-Competition* and *Out-of-Competition Testing Authority* as set out in Article 20.7.10 of the *Code*.

5.2.4 If the International Federation or *Major Event Organisation* delegates or contracts any part of *Testing* to *SIA* (directly or through a *National Federation*), *SIA* may collect additional *Samples* or direct the laboratory to perform additional types of analysis at *SIA's* expense. If additional *Samples* are collected or additional types of analysis are performed, the International Federation or *Major Event Organisation* shall be notified.

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<sup>27</sup> Comment to Article 5.2.2: *SIA* may obtain additional authority to conduct *Testing* by means of bilateral or multilateral agreements with other *Signatories*. Unless the *Athlete* has identified a sixty-minute *Testing* window between the hours of 11:00 p.m. and 6:00 a.m., or has otherwise consented to *Testing* during that period, *SIA* will not test an *Athlete* during that period unless it has a serious and specific suspicion that the *Athlete* may be engaged in doping. A challenge to whether *SIA* had sufficient suspicion for *Testing* during this time period shall not be a defence to an anti-doping rule violation based on such test or attempted test.

5.2.5 Where another *Anti-Doping Organisation* with *Testing Authority* over an *Athlete* who is subject to this ADP conducts *Testing* on that *Athlete*, then, where agreed with that other *Anti-Doping Organisation* or otherwise provided in Article 7 of *the Code*, *SIA* may bring proceedings against the *Athlete* pursuant to this ADP for any anti-doping rule violation(s) arising in relation to such *Testing*.

### 5.3 Event Testing

5.3.1 Except as provided below, only a single organisation shall have authority to conduct *Testing* at *Event Venues* during an *Event Period*. At *International Events* held in Australia, the international organisation which is the ruling body for the *Event* shall have authority to conduct *Testing*. At *National Events* held in Australia, *SIA* shall have authority to conduct *Testing*. At the request of the ruling body for an *Event*, any *Testing* conducted during the *Event Period* outside of the *Event Venues* shall be coordinated with that ruling body.

5.3.2 If an *Anti-Doping Organisation* which would otherwise have *Testing Authority* but is not responsible for initiating and directing *Testing* at an *Event* desires to conduct *Testing* of *Athletes* at the *Event Venues* during the *Event Period*, the *Anti-Doping Organisation* shall first confer with the ruling body of the *Event* to obtain permission to conduct and coordinate such *Testing*. If the *Anti-Doping Organisation* is not satisfied with the response from the ruling body of the *Event*, the *Anti-Doping Organisation* may, in accordance with the procedures set out in the *International Standard for Testing and Investigations*, ask *WADA* for permission to conduct *Testing* and to determine how to coordinate such *Testing*. *WADA* shall not grant approval for such *Testing* before consulting with and informing the ruling body for the *Event*. *WADA*'s decision shall be final and not subject to appeal. Unless otherwise provided in the authorisation to conduct *Testing*, such tests shall be considered *Out-of-Competition* tests. *Results Management* for any such test shall be the responsibility of the *Anti-Doping Organisation* initiating the test unless provided otherwise in the rules of the ruling body of the *Event*.<sup>28</sup> For the avoidance of doubt, where the *Anti-Doping Organisation* initiating the test is *SIA*, Article 7.1.1 shall apply.

### 5.4 Testing Requirements

5.4.1 *SIA* shall conduct test distribution planning and *Testing* as required by the *International Standard for Testing and Investigations*.

5.4.2 Where reasonably feasible, *SIA* will coordinate *Testing* through *ADAMS* in order to maximise the effectiveness of the combined *Testing* effort and to avoid unnecessary repetitive *Testing*.

### 5.5 Athlete Whereabouts Information

#### **Registered Testing Pool**

5.5.1 *SIA* has established a *Registered Testing Pool* of those *Athletes* who are required to provide whereabouts information in the manner specified in the *International Standard for Testing and Investigations* and who shall be subject to *Consequences* for Article 2.4 violations as provided in Article 10.3.2. *SIA* shall coordinate with the International Federation the identification of such *Athletes* and the collection of their whereabouts

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<sup>28</sup> Comment to Article 5.3.2: Before giving approval to *SIA* to initiate and conduct *Testing* at an *International Event*, *WADA* shall consult with the international organisation which is the ruling body for the event. Before giving approval to an International Federation to initiate and conduct *Testing* at a *National Event*, *WADA* shall consult with *SIA*. The *Anti-Doping Organisation* "initiating and directing *Testing*" may, if it chooses, enter into agreements with a *Delegated Third Party* to which it delegates responsibility for *Sample* collection or other aspects of the *Doping Control* process.

information.

- 5.5.1.1 Where the *Athlete* is in *SIA's Registered Testing Pool*, the *Athlete* must provide whereabouts information in accordance with the requirements in the *Code, International Standard for Testing and Investigations* and the *NAD scheme*.
- 5.5.2 *SIA* shall make available, through ADAMS, a list which identifies those *Athletes* included in its *Registered Testing Pool* by name. *SIA* shall regularly review and update as necessary its criteria for including *Athletes* in its *Registered Testing Pool*, and shall periodically (but not less than quarterly) review the list of *Athletes* in its *Registered Testing Pool* to ensure that each listed *Athlete* continues to meet the relevant criteria. *Athletes* shall be notified before they are included in *SIA's Registered Testing Pool* and when they are removed from that pool. The notification shall contain the information set out in the *International Standard for Testing and Investigations*.
- 5.5.3 Where an *Athlete* is included in an international *Registered Testing Pool* by the International Federation and in *SIA's Registered Testing Pool*, *SIA* and the International Federation shall agree between themselves which of them shall accept that *Athlete's* whereabouts filings; in no case shall an *Athlete* be required to make whereabouts filings to more than one of them.
- 5.5.4 In accordance with the requirements in the *Code, International Standard for Testing and Investigations* and *NAD scheme*, each *Athlete* in *SIA's Registered Testing Pool* shall do the following: (a) advise *SIA* of his or her whereabouts on a quarterly basis; (b) update that information as necessary so that it remains accurate and complete at all times; and (c) make himself or herself available for *Testing* at such whereabouts filing.
- 5.5.5 For the purposes of Article 2.4 above, an *Athlete's* failure to comply with the requirements of the *International Standard for Testing and Investigations* shall be deemed a filing failure or a missed test, as defined in Annex B of the *International Standard for Results Management*, where the conditions set forth in Annex B for declaring a filing failure or missed test are met. Three of these filing failures in a 12-month period will constitute a possible anti-doping rule violation.
- 5.5.6 An *Athlete* who has been designated for inclusion in *SIA's Registered Testing Pool* or *SIA's National Testing Pool* will continue to be subject to the obligation to comply with the whereabouts requirements set out in this Article, the *International Standard for Testing and Investigations* unless and until:
- (a) the *Athlete* gives written notice to *SIA* in accordance with this Article that he or she has retired from *Competition*; or
  - (b) *SIA* has given written notice to the *Athlete* that they no longer satisfy the criteria for inclusion in *SIA's Registered Testing Pool* or *SIA's National Testing Pool*.

An *Athlete* who is in *SIA's Registered Testing Pool* or *SIA's National Testing Pool* who wants to retire must do so by submitting to *SIA* a completed 'RETIREMENT NOTIFICATION FORM' available at [www.sportintegrity.gov.au](http://www.sportintegrity.gov.au). An *Athlete's* retirement date will be the date on which *SIA* receives the fully completed form.

Upon receipt of a notification in accordance with this Article, *SIA* will, as soon as reasonably practicable, provide the *Athlete* and us with a written confirmation of the *Athlete's* retirement.

5.5.7 Retirement does not:

- (a) excuse the *Athlete* from giving a *Sample* requested on or before their

retirement date, or a *Sample* required as part of an investigation commenced prior to their retirement date;

- (b) excuse the *Athlete* from assisting, cooperating and liaising with *SIA*, other *Anti-Doping Organisations* and us in relation to the conduct of any investigation or hearing into an alleged anti-doping rule violation;
- (c) prevent the analysis of a *Sample* given by the *Athlete* on or before their retirement date;
- (d) affect the results of *Testing* referred to in (a) or (b).

5.5.8 An *Athlete* who wants to retire from the *Registered Testing Pool* of the International Federation must follow the International Federation's retirement procedures.

### ***National Testing Pool***

5.5.9 In accordance with the *International Standard for Testing and Investigations*, *SIA* has established the *National Testing Pool*, comprising *Athletes* who are subject to less stringent requirements than *Athletes* included in *SIA's Registered Testing Pool*.

5.5.10 *SIA* shall notify *Athletes* before they are included in the *National Testing Pool* and when they are removed. The notification to the *Athlete* will include the whereabouts requirements, and the consequences that may apply in the event of non-compliance, as set out in Articles 5.5.11 and 5.5.12.

5.5.11 An *Athlete* who is included in the *National Testing Pool* is required to provide *SIA* with the following whereabouts information so that they may be located for *Testing*:

- (a) complete contact details, including: home address, telephone number(s), and email address;
- (b) the *Athlete's* date of birth, and other details as required by *SIA* to enable the *Athlete's* identity to be verified;
- (c) an overnight address for each day in the quarter;
- (d) a *Competition/Event* schedule for the quarter;
- (e) details of the *Athlete's* regular training or other activity<sup>29</sup> schedule for the quarter, and the location of the training or other activity; and
- (f) any other information that *SIA* considers is reasonably necessary to assist it to locate the *Athlete*.

The *Athlete* is to provide the information to *SIA* through *ADAMS* on or before the date and time required by *SIA*.<sup>30</sup> The *Athlete* is also required to keep the information up to date at all times.

5.5.12 A failure by the *Athlete* to provide the information on or before the date and time required by *SIA* or to keep the information updated may result in *SIA*, in its absolute discretion:

- (a) issuing a warning letter to the *Athlete*;
- (b) including the *Athlete* in *SIA's Registered Testing Pool*.

<sup>29</sup> This is any activity that is part of the *Athlete's* regular routine: for example, a rehabilitation routine, employment schedule, or education timetable.

<sup>30</sup> The notification to the *Athlete* will provide information on how to use *ADAMS*.

### ***Domestic Testing Pool***

5.5.13 *SIA* also maintains a *Domestic Testing Pool*. An *Athlete* who is included in *SIA*'s *Domestic Testing Pool* is required to provide the following information to us and to ensure that it is kept up to date:

- (a) complete contact details, including: home address, telephone number(s), and email address;
- (b) the *Athlete*'s date of birth, and other details as required by *SIA* to enable the *Athlete*'s identity to be verified.

5.5.14 Whereabouts information provided by an *Athlete* while in *SIA*'s *Registered Testing Pool* or *National Testing Pool* will be accessible through *ADAMS* to *WADA* and to other *Anti-Doping Organisations* having authority to test that *Athlete* as provided in Article 5.2 above, shall be maintained in strict confidence at all times; it shall be used exclusively for purposes of planning, coordinating or conducting *Doping Control*, providing information relevant to the *Athlete Biological Passport* or other analytical results, to support an investigation into a potential anti-doping rule violation, or to support proceedings alleging an anti-doping rule violation, and shall be destroyed in accordance with the *International Standard for the Protection of Privacy and Personal Information*, the *Australian Privacy Principles* and the *Archives Act 1983 (Cth)* once it is no longer relevant for these purposes.

## **5.6 Retired Athletes Returning to Competition**

5.6.1 If an *International-Level* or *National-Level Athlete* in a *Registered Testing Pool* or *SIA*'s *National Testing Pool* retires and then wishes to return to active participation in sport, the *Athlete* shall not compete in *International Events* or *National Events* until the *Athlete* has made himself or herself available for *Testing*, by giving six (6) months prior written notice to the International Federation and *SIA* for *Athletes* in a *Registered Testing Pool* or *SIA* alone for *Athletes* in *SIA*'s *National Testing Pool*.

*WADA*, in consultation with the International Federation and *SIA*, or *SIA* alone for *Athletes* in *SIA*'s *National Testing Pool* may grant an exemption to the six-month written notice rule where the strict application of that rule would be unfair to the *Athlete*. This decision may be appealed under Article 13.<sup>31</sup>

Any competitive results obtained in violation of this Article 5.6.1 shall be *Disqualified* unless the *Athlete* can establish that he or she could not have reasonably known that this was an *International Event* or a *National Event*.

5.6.2 If an *Athlete* retires from sport while subject to a period of *Ineligibility*, the *Athlete* must notify *SIA* and us that imposed the period of *Ineligibility* in writing of such retirement. If the *Athlete* then wishes to return to active competition in sport, the *Athlete* shall not resume competing in *International Events* or *National Events* until the *Athlete* has made himself or herself available for *Testing* by giving six (6) months prior written notice (or notice equivalent to the period of *Ineligibility* remaining as of the date the *Athlete* retired, if that period was longer than six (6) months) to *SIA* and to their International Federation.

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<sup>31</sup> *WADA* has developed a protocol and exemption application form that *Athletes* must use to make such requests, and a decision template that the International Federation must use to provide its decision. Both template documents are available on *WADA*'s website at: [www.wada-ama.org](http://www.wada-ama.org).



## 5.7 Non-Analytical Investigation Process

5.7.1 When we have information relevant to a possible anti-doping rule violation, we will pass such information to *SIA*. We will act in a discreet and confidential manner in discharging this obligation under the ADP.

5.7.2 Where we or any Person bound by this ADP has information relevant to a possible anti-doping rule violation, we or that Person must immediately pass this information on to *SIA*. The deliberate or wilful withholding of information relevant to a potential anti-doping rule violation by an *Athlete* or *Other Person* may constitute an anti-doping rule violation or a breach to be dealt with under our disciplinary rules or policies.

### 5.7.3 *Roles and Responsibilities of Other Parties*

Where an investigation is required to determine whether an anti-doping rule violation may have occurred under this ADP, unless otherwise agreed between *SIA* and us, *SIA* will conduct the investigation.

5.7.3.1 *SIA*, must as soon as practicable, advise us of an *SIA* investigation. We will assist, cooperate, and liaise with any *SIA* investigation as is reasonably required by *SIA*. *SIA* may also consult affected or interested parties about their participation in any investigation.

5.7.3.2 Where *SIA* agrees to us commencing our own investigation, we will do so in coordination with any investigation being undertaken by *SIA*. We will seek *SIA*'s input into any such investigation it conducts.

5.7.3.3 We and all *Persons* bound by this ADP must assist, cooperate, and liaise with *SIA* in relation to any investigation into a potential anti-doping rule violation. Where *SIA* agrees to us conducting our own investigation or be involved in an *SIA* investigation, all *Persons* owe the same obligations to us. Specifically, we and all *Persons* must cooperate with and assist *SIA* or us (where relevant), including by:

- (a) attending an interview to fully and truthfully answer questions;
- (b) giving information; and
- (c) producing documents or things,

in an investigation being conducted, by *SIA* or us (where relevant), even if to do so might tend to incriminate them or expose them to a penalty, sanction or other disciplinary measure.

For the avoidance of doubt, the common law privileges against self-incrimination and self-exposure to a penalty are abrogated by this Article.

## 6 Analysis of Samples

*Samples* shall be analysed in accordance with the following principles.

### 6.1 Use of Accredited and Approved Laboratories

6.1.1 For purposes of directly establishing an Adverse Analytical Finding under Article 2.1, *Samples* shall be analysed only in *WADA*-accredited laboratories or laboratories otherwise approved by *WADA*. The choice of the *WADA*-accredited or *WADA*-approved laboratory used for the *Sample* analysis shall be determined exclusively by *SIA*.<sup>32</sup>

6.1.2 As provided in Article 3.2, facts related to anti-doping rule violations may be established by any reliable means. This would include, for example, reliable laboratory or other forensic testing conducted outside of *WADA*-accredited or approved laboratories.

### 6.2 Purpose of Analysis of Samples and Data

*Samples* and related analytical data or *Doping Control* information shall be analysed to detect *Prohibited Substances* and *Prohibited Methods* identified on the *Prohibited List* and other substances as may be directed by *WADA* pursuant to the monitoring program described in Article 4.5 of the *Code*, or to assist *SIA* in profiling relevant parameters in an *Athlete's* urine, blood or other matrix, including for DNA or genomic profiling, or for any other legitimate anti-doping purpose.<sup>33</sup>

### 6.3 Research on Samples and Data

*Samples*, related analytical data and *Doping Control* information may be used for anti-doping research purposes, although no *Sample* may be used for research without the *Athlete's* written consent. *Samples* and related analytical data or *Doping Control* information used for research purposes shall first be processed in such a manner as to prevent *Samples* and related analytical data or *Doping Control* information being traced back to a particular *Athlete*. Any research involving *Samples* and related analytical data or *Doping Control* information shall adhere to the principles set out in Article 19 of the *Code*.<sup>34</sup>

### 6.4 Standards for Sample Analysis and Reporting

In accordance with Article 6.4 of the *Code*, *Anti-Doping Organisations* shall ask laboratories to analyse *Samples* in conformity with the *International Standard for Laboratories* and the *International Standard for Testing and Investigations*.

Laboratories at their own initiative and expense may analyse *Samples* for *Prohibited Substances* or *Prohibited Methods* not included on the standard *Sample* analysis menu, or as requested by *SIA*. Results from any such analysis shall be reported to *SIA* and have the same validity and *Consequences* as any other analytical result.<sup>35</sup>

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<sup>32</sup> Comment to Article 6.1.1: Violations of Article 2.1 may be established only by *Sample* analysis performed by a *WADA*-accredited laboratory or another laboratory approved by *WADA*. Violations of other Articles may be established using analytical results from other laboratories so long as the results are reliable.

<sup>33</sup> Comment to Article 6.2: For example, relevant *Doping Control*-related information could be used to direct *Target Testing* or to support an anti-doping rule violation proceeding under Article 2.2, or both.

<sup>34</sup> Comment to Article 6.3: As is the case in most medical or scientific contexts, use of *Samples* and related information for quality assurance, quality improvement, method improvement and development or to establish reference populations is not considered research. *Samples* and related information used for such permitted non-research purposes must also first be processed in such a manner as to prevent them from being traced back to the particular *Athlete*, having due regard to the principles set out in Article 19 of the *Code*, as well as the requirements of the *International Standard for Laboratories* and *International Standard for the Protection of Privacy and Personal Information*.

#### 6.5 Further Analysis of a *Sample* Prior to or During Results Management

There shall be no limitation on the authority of a laboratory to conduct repeat or additional analysis on a *Sample* prior to the time *SIA* notifies an *Athlete* that the *Sample* is the basis for an Article 2.1 anti-doping rule violation charge. If after such notification *SIA* wishes to conduct additional analysis on that *Sample*, it may do so with the consent of the *Athlete* or approval from a hearing body.

#### 6.6 Further Analysis of a *Sample* After it has been Reported as Negative or has Otherwise not Resulted in an Anti-Doping Rule Violation Charge

After a laboratory has reported a *Sample* as negative, or the *Sample* has not otherwise resulted in an anti-doping rule violation charge, it may be stored and subjected to further analyses for the purpose of Article 6.2 above at any time exclusively at the direction of either the *Anti-Doping Organisation* that initiated and directed *Sample* collection or *WADA*. Any other *Anti-Doping Organisation* with authority to test the *Athlete* that wishes to conduct further analysis on a stored *Sample* may do so with the permission of the *Anti-Doping Organisation* that initiated and directed *Sample* collection or *WADA*, and shall be responsible for any follow-up *Results Management*. Any *Sample* storage or further analysis initiated by *WADA* or another *Anti-Doping Organisation* shall be at *WADA*'s or that organisation's expense. Further analysis of *Samples* shall conform with the requirements of the *International Standard* for Laboratories.

#### 6.7 Split of A or B *Sample*

Where *WADA*, an *Anti-Doping Organisation* with *Results Management Authority*, and/or a *WADA*-accredited laboratory (with approval from *WADA* or the *Anti-Doping Organisation* with *Results Management Authority*) wishes to split an A or B *Sample* for the purpose of using the first part of the split *Sample* for an A *Sample* analysis and the second part of the split *Sample* for confirmation, then the procedures set forth in the *International Standard* for Laboratories shall be followed.

#### 6.8 *WADA*'s Right to Take Possession of *Samples* and Data

*WADA* may, in its sole discretion at any time, with or without prior notice, take physical possession of any *Sample* and related analytical data or information in the possession of a laboratory or *Anti-Doping Organisation*. Upon request by *WADA*, the laboratory or *Anti-Doping Organisation* in possession of the *Sample* or data shall immediately grant access to and enable *WADA* to take physical possession of the *Sample* or data.<sup>36</sup> If *WADA* has not provided prior notice to the laboratory or *Anti-Doping Organisation* before taking possession of a *Sample* or data, it shall provide such notice to the laboratory and each *Anti-Doping Organisation* whose *Samples* or data have been taken by *WADA* within a reasonable time after taking possession. After analysis and any investigation of a seized *Sample* or data, *WADA* may direct another *Anti-Doping Organisation* with authority to test the *Athlete* to assume *Results Management* responsibility for the *Sample* or data if a potential anti-doping rule violation is discovered.<sup>37</sup>

<sup>35</sup> Comment to Article 6.4: The objective of this Article is to extend the principle of 'intelligent *Testing*' to the *Sample* analysis menu so as to most effectively and efficiently detect doping. It is recognised that the resources available to fight doping are limited and that increasing the *Sample* analysis menu may, in some sports and countries, reduce the number of *Samples* which can be analysed.

<sup>36</sup> Comment to Article 6.8: Resistance or refusal to *WADA* taking physical possession of *Samples* or data could constitute *Tampering*, *Complicity* or an act of non-compliance as provided in the *International Standard for Code Compliance by Signatories*, and could also constitute a violation of the *International Standard* for Laboratories. Where necessary, the laboratory and/or the *Anti-Doping Organisation* shall assist *WADA* in ensuring that the seized *Sample* or data are not delayed in exiting the applicable country.

<sup>37</sup> Comment to Article 6.8: *WADA* would not, of course, unilaterally take possession of *Samples* or analytical data without good cause related to a potential anti-doping rule violation, non-compliance by a *Signatory* or doping activities by another *Person*. However, the decision as to whether good cause exists is for *WADA* to make in its discretion and shall not be subject

## 7 Results Management: Responsibility, Initial Review, Notice and Provisional Suspension

*Results Management* under this ADP establishes a process designed to resolve anti-doping rule violation matters in a fair, expeditious and efficient manner.

### 7.1 Responsibility for Conducting *Results Management*

7.1.1 Subject to Article 7.1.7, and except where otherwise provided for in this ADP, *SIA* shall take responsibility for *Results Management* of all potential anti-doping rule violations under this ADP, which it will conduct in accordance with Article 7 of the *Code*, the *SIA Act*, the *SIA Regulations*, and the *NAD scheme* as in force from time to time. This includes any matters:

- (a) referred to us by other *Anti-Doping Organisations* for *Results Management*, where *SIA* agrees to take responsibility for *Results Management*;
- (b) where *SIA* is the *Testing Authority*.

7.1.2 Where *SIA* elects to collect additional *Samples* in the circumstances set out in Article 5.2.4 above, then it shall be considered the *Anti-Doping Organisation* that initiated and directed *Sample* collection and will have *Results Management* responsibility. However, where *SIA* only directs the laboratory to perform additional types of analysis at *SIA*'s expense then the International Federation or *Major Event Organisation* shall be considered the *Anti-Doping Organisation* that initiated and directed *Sample* collection and will have *Results Management* responsibility.

7.1.3 *Results Management* in relation to a potential whereabouts failure (a filing failure or a missed test) shall be administered by the *Anti-Doping Organisation* (i.e. the International Federation or *SIA*) with which the *Athlete* in question files whereabouts information. If *SIA* determines a filing failure or a missed test, it shall submit that information to *WADA* through *ADAMS*, where it will be made available to other relevant *Anti-Doping Organisations*.

7.1.4 For *Results Management* relating to a *Sample* initiated and taken during an *Event* conducted by a *Major Event Organisation*, or an anti-doping rule violation occurring during such *Event*, the *Major Event Organisation* for that *Event* shall assume *Results Management* responsibility to at least the limited extent of conducting a hearing to determine whether an anti-doping rule violation was committed and, if so, the applicable *Disqualifications* under Articles 9 and 10.1, any forfeiture of any medals, points, or prizes from that *Event*, and any recovery of costs applicable to the anti-doping rule violation. In the event the *Major Event Organisation* assumes only limited *Results Management* responsibility, the case shall be referred by the *Major Event Organisation* to the International Federation for completion of *Results Management*.<sup>38</sup>

7.1.5 *WADA* may direct an *Anti-Doping Organisation* to conduct *Results Management* in a particular case. If that *Anti-Doping Organisation* refuses to conduct *Results Management* within a reasonable deadline set by *WADA*, such refusal shall be considered an act of non-compliance, and *WADA* may direct another *Anti-Doping Organisation* with authority over the *Athlete* or *Other Person*, that is willing to do so, to take *Results Management* responsibility in place of the refusing *Anti-Doping Organisation* or, if there is no such *Anti-Doping Organisation*, any other *Anti-Doping*

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to challenge. In particular, whether there is good cause or not shall not be a defence against an anti-doping rule violation or its *Consequences*.

<sup>38</sup> Comment to Article 7.1.4: The International Federation may refer the matter to us to conduct *Results Management* under this ADP.

*Organisation* that is willing to do so. In such case, the refusing Anti-Doping Organisation shall reimburse the costs and attorney fees of conducting *Results Management* to the other *Anti-Doping Organisation* designated by *WADA*, and a failure to reimburse costs and attorney's fees shall be considered an act of non-compliance.

7.1.6 If the *SIA* CEO does not accept *Results Management* responsibility under the *NAD scheme* for a possible anti-doping rule violation, we will exercise *SIA's Results Management* functions under this Anti-Doping Policy in respect of that possible anti-doping rule violation.

## 7.2 Review and Notification regarding Potential Anti-Doping Rule Violations

*SIA* shall carry out the review and notification with respect to any potential anti-doping rule violation in accordance with the *International Standard for Results Management* and the *NAD scheme*.

## 7.3 Identification of Prior Anti-Doping Rule Violations

Before giving an *Athlete* or *Other Person* notice of a potential anti-doping rule violation, *SIA* shall refer to its own records and to *ADAMS*, and contact *WADA* and other relevant *Anti-Doping Organisations* to determine whether any prior anti-doping rule violation exists.

## 7.4 Provisional Suspensions<sup>39</sup>

### 7.4.1 Mandatory Provisional Suspension after an Adverse Analytical Finding or Adverse Passport Finding

If we receive notice of an *Adverse Analytical Finding* or an *Adverse Passport Finding* (upon completion of the *Adverse Passport Finding* review process) for a *Prohibited Substance* or a *Prohibited Method* that is not a *Specified Substance* or a *Specified Method*, we shall impose a *Provisional Suspension* on the *Athlete* promptly upon or after the review and notification required by Article 7.2 above.

A mandatory *Provisional Suspension* may be eliminated if: (i) the *Athlete* demonstrates to the Anti-Doping Tribunal that the violation is likely to have involved a *Contaminated Product*, or (ii) the violation involves a *Substance of Abuse* and the *Athlete* establishes entitlement to a reduced period of *Ineligibility* under Article 10.2.4.1.

The decision of the Anti-Doping Tribunal not to eliminate a mandatory *Provisional Suspension* on account of the *Athlete's* assertion regarding a *Contaminated Product* shall not be appealable.

### 7.4.2 Optional Provisional Suspension Based on an Adverse Analytical Finding for Specified Substances, Specified Methods, Contaminated Products, or Other Anti-Doping Rule Violations

We may impose a *Provisional Suspension* for anti-doping rule violations not covered by Article 7.4.1 prior to the analysis of the *Athlete's* B Sample or final hearing as described in Article 8.

An optional *Provisional Suspension* may be lifted at our discretion at any time prior to the decision of the Anti-Doping Tribunal under Article 8, unless provided otherwise in

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<sup>39</sup> Comment to Article 7.4: Before a *Provisional Suspension* can be unilaterally imposed by us, the internal review specified in this ADP and the *International Standard for Results Management* must first be completed.

the *International Standard for Results Management*.

#### 7.4.3 *Opportunity for a Hearing or Appeal*

Notwithstanding Articles 7.4.1 and 7.4.2 above, a *Provisional Suspension* may not be imposed unless the *Athlete* or *Other Person* is given: (a) an opportunity for a *Provisional Hearing*, either before or on a timely basis after the imposition of the *Provisional Suspension*; or (b) an opportunity for an expedited hearing in accordance with Article 8 on a timely basis after the imposition of the *Provisional Suspension*.

The imposition of a *Provisional Suspension*, or the decision not to impose a *Provisional Suspension*, may be appealed in an expedited process in accordance with Article 13.2 below.

#### 7.4.4 *Voluntary acceptance of Provisional Suspension*

An *Athlete* on their own initiative may voluntarily accept a *Provisional Suspension* if he or she does so prior to the later of: (i) the expiration of ten (10) days from the report of the *B Sample* (or waiver of the *B Sample*) or ten (10) days from the notice of any other anti-doping rule violation, or (ii) the date on which the *Athlete* first competes after such report or notice.

*Other Persons* on their own initiative may voluntarily accept a *Provisional Suspension* if done so within ten (10) days from the notice of the anti-doping rule violation.

Upon such voluntary acceptance, the *Provisional Suspension* shall have the full effect and be treated in the same manner as if the *Provisional Suspension* had been imposed under Article 7.4.1 or 7.4.2; provided, however, at any time after voluntarily accepting a *Provisional Suspension*, the *Athlete* or *Other Person* may withdraw such acceptance, in which event the *Athlete* or *Other Person* shall not receive any credit for time previously served during the *Provisional Suspension*.

7.4.5 *If a Provisional Suspension is imposed based on an A Sample Adverse Analytical Finding and a subsequent B Sample analysis (if requested by the Athlete or SIA) does not confirm the A Sample analysis, then the Athlete shall not be subject to any further Provisional Suspension on account of a violation of Article 2.1. In circumstances where the Athlete or the Athlete's team has been removed from an Event based on a violation of Article 2.1 and the subsequent B Sample analysis does not confirm the A Sample finding, then, if it is still possible for the Athlete or team to be reinserted, without otherwise affecting the Event, the Athlete or team may continue to take part in the Event.*

### 7.5 **Results Management Decisions**

*Results Management* decisions or adjudications by *SIA* or us must not purport to be limited to a particular geographic area and shall be consistent with the *NAD scheme* (where *SIA* is the *Results Management Authority*), the *International Standard for Results Management*, and the terms of this ADP. Such decisions are to address and determine, without limitation, the following issues (as relevant to the type of decision or adjudication): whether an anti-doping rule violation was committed or asserted to have been committed, whether a *Provisional Suspension* should be imposed, the specific Articles that have been violated or asserted to have been violated, and the factual basis for any determination. In addition, decisions and adjudications are to set out all *Consequences* flowing from the anti-doping rule violation(s), including applicable *Disqualifications* under Articles 9 and 10.10 below, any forfeiture of medals or prizes, any period of *Ineligibility* (and the date it begins to run) and any *Financial Consequences*.<sup>40</sup>

<sup>40</sup> Comment to Article 7.5: Each decision should address whether an anti-doping rule violation was committed and all *Consequences* flowing from the violation, including any *Disqualifications* other than *Disqualification* under Article 10.1 (which is left to the ruling body for an *Event*). Pursuant to Article 15, such decision and its imposition of *Consequences* shall have

## 7.6 Notification of Results Management Decisions

SIA shall notify *Athletes*, *Other Persons*, *Signatories* and *WADA* of *Results Management* decisions as provided in Article 14, below and in the *International Standard for Results Management*, and any other parties in accordance with clause 4.17 of the *NAD Scheme*.

## 7.7 Retirement from Sport<sup>41</sup>

If an *Athlete* or *Other Person* retires while *SIA* (or another *Anti-Doping Organisation*) is conducting the *Results Management* process, *SIA* (or the other *Anti-Doping Organisation*) retains jurisdiction to complete its *Results Management* process. If an *Athlete* or *Other Person* retires before any *Results Management* process has begun, and *SIA* or another *Anti-Doping Organisation* would have had *Results Management* authority over the *Athlete* or *Other Person* at the time the *Athlete* or *Other Person* committed an anti-doping rule violation, *SIA* or the other *Anti-Doping Organisation* has authority to conduct *Results Management* in respect of that anti-doping rule violation.

## 7.8 Letter of Charge

Once the *SIA* CEO has made an assertion of an anti-doping rule violation in accordance with the *SIA Act*, *NAD Scheme*, and the *International Standard for Results Management* in respect of an *Athlete* or *Other Person* bound by this ADP, *SIA* will:

- (a) notify the *Athlete* or *Other Person*, us, the International Federation, *WADA*, relevant government sports agencies, and relevant *Anti-Doping Organisations* of the assertion; and
- (b) issue the *Athlete* or *Other Person* with a Letter of Charge under this Article and in accordance with the *International Standard for Results Management*.

Prior to issuing the Letter of Charge, *SIA* will provide us with a draft and give us an opportunity to propose any amendments that we consider should be made to the Letter of Charge, to which *SIA* will give good faith consideration.

Any irregularity in a notice of a Letter of Charge shall not invalidate the Letter unless the Anti-Doping Tribunal determines that the irregularity is such as to give rise to genuine unfairness. If that occurs, a fresh Letter of Charge may be issued.

**Note:** *Athletes* and *Other Persons* are responsible for keeping their contact details up to date with us. Delivery (including means of delivery listed in clause 6.01 of the *NAD scheme*) to the last known address is sufficient in circumstances where the current whereabouts of the *Person* are not known. In addition, our members should refer to Article 14.1.1 of the ADP.

## 7.9 Lower-Level Athletes

7.9.1 In the case where the *SIA* CEO decides, under the *NAD scheme*, that a possible non-presence anti-doping rule violation (except a violation of Article 2.3 or Article 2.5) by a *Lower-Level Athlete* does not warrant action, the *SIA* CEO may give written notification

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automatic effect in every sport in every country. For example, for a determination that an *Athlete* committed an anti-doping rule violation based on an *Adverse Analytical Finding* for a *Sample* taken *In-Competition*, the *Athlete's* results obtained in the *Competition* would be *Disqualified* under Article 9 and all other competitive results obtained by the *Athlete* from the date the *Sample* was collected through the duration of the period of *Ineligibility* are also *Disqualified* under Article 10.10; if the *Adverse Analytical Finding* resulted from *Testing* at an *Event*, it would be the *Major Event Organisation's* responsibility to decide whether the *Athlete's* other individual results in the *Event* prior to *Sample* collection are also *Disqualified* under Article 10.1.

<sup>41</sup> Comment to Article 7.7: Conduct by an *Athlete* or *Other Person* before the *Athlete* or *Other Person* was subject to the authority of any *Anti-Doping Organisation* would not constitute an anti-doping rule violation but could be a legitimate basis for denying the *Athlete* or *Other Person* membership in a sports organisation.

to us so it can consider whether disciplinary or other action should be taken against the *Lower-Level Athlete*.

The CEO's written notification may recommend that we take certain action against the *Lower-Level Athlete*, including, but not limited to: requiring the *Lower-Level Athlete* to undertake anti-doping *Education*; taking disciplinary action against the *Lower-Level Athlete* under our disciplinary rules or policies.

#### 7.10 Resolution without a Hearing

- 7.10.1 An *Athlete* or *Other Person* against whom an anti-doping rule violation is asserted may admit that violation at any time, waive a hearing, and accept the *Consequences* that are mandated by this ADP or (where some discretion as to *Consequences* exists under this ADP) that have been offered by *SIA* or us.
- 7.10.2 Alternatively, if the *Athlete* or *Other Person* against whom an anti-doping rule violation is asserted fails to dispute that assertion within the deadline specified in the Letter of Charge asserting the violation, then he or she shall be deemed to have admitted the violation, to have waived their right to a hearing, and to have accepted the *Consequences* that are mandated by this ADP or (where some discretion as to *Consequences* exists under this ADP) that have been offered by *SIA* or us.
- 7.10.3 In cases where Article 7.10.1 or Article 7.10.2 applies, a hearing before a hearing panel shall not be required. Instead we, in consultation with *SIA*, shall promptly issue a written decision confirming the commission of the anti-doping rule violation(s) and the *Consequences* imposed as a result, and setting out the reasons for any period of *Ineligibility* imposed, including (if applicable) a justification for why the maximum potential period of *Ineligibility* was not imposed. We shall send copies of that decision to other *Anti-Doping Organisations* with a right to appeal under Article 13.2.3, and shall *Publicly Disclose* that decision in accordance with Article 14.3.2.



## 8 Hearings

### 8.1 Fair Hearings

Any *Person* who is asserted to have committed an anti-doping rule violation under this ADP is entitled to a hearing process. Such hearing process shall address whether an anti-doping rule violation was committed and, if so, the *Consequences* to be imposed. All hearings conducted pursuant to this Article 8 will respect the following principles:

- (a) a timely hearing;
- (b) a fair, impartial and Operationally Independent hearing body;
- (c) the right to representation at the Person's own expense;
- (d) a timely, written, reasoned decision.

Subject to these principles, the hearing will be conducted in the manner that the hearing body determines is appropriate, with as little formality and technicality, and as quickly as proper consideration of the issues permit, and conducted in accordance with the *Code, International Standard for Results Management*, the rules of the Anti-Doping Tribunal and (where the hearing body is the *NST*) the *NST Act*.

### 8.2 The Anti-Doping Tribunal

#### 8.2.1 *Establishment and function of the Anti-Doping Tribunal*

A tribunal has been established to hear allegations of anti-doping rule violations or other breach of this ADP against *Athletes* or other persons bound by this ADP, to determine whether an anti-doping rule violation has occurred, to impose appropriate sanctions and do all other things required by this ADP to be done by the Anti-Doping Tribunal. In this ADP that tribunal will be referred to as the 'Anti-Doping Tribunal'. All hearings shall be in the Anti-Doping Tribunal unless there is a referral to CAS or the *NST* under Article 8.2.7 or there is an appeal to the CAS authorised by this ADP.

#### 8.2.2 *Composition*

The Anti-Doping Tribunal shall be constituted from time to time by individuals we appoint.

The Anti-Doping Tribunal must comprise:

- (a) a person qualified as a barrister or solicitor, who shall be the chairperson;
- (b) a fully qualified medical practitioner or a 2nd person qualified as a barrister or solicitor;
- (c) a prominent citizen (which includes a former representative Athlete who has succeeded in a career following retirement) or a 3rd person qualified as a barrister or solicitor.

#### 8.2.3 *Anti-Doping Tribunal members have immunity*

The members of the Anti-Doping Tribunal and counsel assisting the Anti-Doping Tribunal are immune from suit and no person may institute or maintain any proceedings or bring any claim in respect of any act or omission in the lead up to a hearing, in connection with a hearing or the hearing itself, or any findings made, except in the event of fraud.

#### 8.2.4 *Conflict of Interest*

The Anti-Doping Tribunal members should have no conflict of interest in any case and are required to declare any possible conflict of interest. A member standing down from an Anti-Doping Tribunal hearing shall be replaced for the duration of the hearing with a person of similar qualifications. Such a person may be appointed by us.

#### 8.2.5 *Members not to hold office or be employed by us or any teams*

A member of the Anti-Doping Tribunal shall not hold any office with or be currently employed by us or our member or sub-member organisations nor any team/club which participates in any *Competition* or *Event* in our sport in any capacity (except as a member of a different tribunal).

#### 8.2.6 *Counsel Assisting*

The Anti-Doping Tribunal may appoint a counsel assisting. We and *SIA* may provide information it considers relevant to counsel assisting. The functions of counsel appointed by the Anti-Doping Tribunal to assist it include, at his/her discretion, the following:

- 8.2.6.1 liaising with us and/or *SIA* to identify what allegations are to be made;
- 8.2.6.2 liaising with us and/or *SIA* in relation to the collection of evidence and requesting us and/or *SIA* to obtain (or where practicable simply obtaining himself or herself) such evidence as counsel considers would be appropriate for the Anti-Doping Tribunal to have presented to it;
- 8.2.6.3 liaising with any representative of the person alleged to have committed an ADRV;
- 8.2.6.4 liaising with the chairman of the Anti-Doping Tribunal or any other members of the Anti-Doping Tribunal prior to and throughout the hearing in relation to matters of procedure and the topics of any particular evidence that the Anti-Doping Tribunal may wish to have called before it;
- 8.2.6.5 providing legal advice to the Anti-Doping Tribunal if it so desires;
- 8.2.6.6 calling such evidence as counsel considers appropriate;
- 8.2.6.7 examining or cross-examining witnesses at any hearing; and
- 8.2.6.8 carrying out any or all of the above functions and such other functions as counsel assisting considers appropriate,

provided that under no circumstances is counsel assisting to participate in the deliberations of the Anti-Doping Tribunal.

#### 8.2.7 *Referral to NST or CAS*

Any matter which is competent for the Anti-Doping Tribunal to hear or determine may be referred by our Anti-Doping Co-ordinator, or the Anti-Doping Tribunal of its own volition, to the NST or CAS for that body to determine in accordance with its own procedures.

### 8.3 **Waiver of Hearing**

The right to a hearing may be waived either expressly or by the *Athlete's* or *Other Person's* failure to challenge the assertion that an anti-doping rule violation (or other Breach) has occurred within the time period provided in the Letter of Charge issued under Article 7.8.

#### 8.4 Establishment and Conduct of Hearings

8.4.1 The Article 8 hearing body for the purposes of this ADP at first instance is the Anti-Doping Tribunal. Apart from SIA and us, the parties to a hearing are the person alleged to have committed the anti-doping rule violation and any other person against whom a sanction is sought to be imposed.

8.4.2 Should a *Person* elect to have a hearing of an appeal in accordance with Article 8 or Article 7.4.3, the *Person* will be responsible for filing their application for a hearing and paying any applicable fees.

##### 8.4.3 Procedure

8.4.3.1 Subject to article 8.4.3.2, we shall through Counsel Assisting present the case for hearing, pursuant to an approval of the SIA CEO under clause 4.13(2) of the NAD Scheme.

8.4.3.2 Where the SIA CEO wishes to present the assertion, he or she will firstly consult with us as to the reasons why he or she wishes to present the case and we both shall seek to reach good faith agreement as to who should present the case but, in the event, that agreement cannot be reached, the SIA CEO may present the case.

8.4.3.3 All parties may call, examine and cross-examine witnesses.

8.4.3.4 All parties and the Tribunal may appoint representatives including a solicitor or counsel to assist them and cross-examine witnesses, the cost of such representation to be borne by the party on whose behalf they appear.

8.4.3.5 The Tribunal may seek expert advice to interpret any technical matter from the chief medical officer of our sport, or any other expert medical or scientific authority.

8.4.4 Where the person the subject of the alleged anti-doping rule violation (or other breach) does not attend the hearing within 1 hour of the time specified, the hearing body may proceed and shall consider the evidence before it when making a decision.

#### 8.5 Right to attend Hearings

The International Federation, WADA and, where applicable, Sport Australia (the Australian Sports Commission), the Australian Olympic Committee and Paralympics Australia shall have the right to attend hearings as an observer or an interested or affected party. All hearings will otherwise be in private save to the extent that the Anti-Doping Tribunal rules otherwise in accordance with the *International Standard for Results Management*.

#### 8.6 Anti-Doping Tribunal Determination

8.6.1 The Anti-Doping Tribunal will determine:

a) if the *Person* has committed a violation of this ADP;

b) if so, what *Consequences* will apply (including the start date for any period of *Ineligibility*); and

c) any other issues such as, but not limited to, reimbursement of funding provided to the *Athlete* or *Other Person* by a sport organisation.

The Anti-Doping Tribunal shall in all cases provide brief written reasons for its decision, specifically including an explanation of the reason(s) for any period of *Ineligibility*. Before providing such written reasons it is permissible for the Anti-Doping Tribunal to state its decision orally and to supplement such oral statement in its later written reasons.

8.6.2 *Consequences* will be in accordance with Article 10.

8.6.3 Costs of all hearings before the Anti-Doping Tribunal are to be borne by each party respectively and under no circumstances may costs orders be made which would have the effect of ordering one party to pay the costs of another party save only where one party has caused another party to incur costs in circumstances that amount to a deliberate abuse.

## 8.7 Public Disclosure of Hearing Outcomes

We and SIA may report the outcome of all anti-doping rule violations in accordance with Article 14 of this ADP.

## 8.8 Appeals and Review

Decisions of the Anti-Doping Tribunal may be appealed as provided in Article 13.

## 8.9 Use of Information arising during Hearings

If, during a hearing, a party to the hearing process implicates a third party in a potential anti-doping rule violation, then SIA (or any other *Anti-Doping Organisation*) may use any such information that arises as a result of that hearing process without having to first seek the permission of the relevant hearing body or the parties. In the case of CAS, this clause overrides R43 and R59 of the CAS Code of Sports-related Arbitration to the extent of any inconsistency. In the case of the NST, this clause operates subject to any relevant confidentiality direction made by an NST member.<sup>42</sup>

## 8.10 Single Hearing Before CAS

Anti-doping rule violations asserted against *International-Level Athletes*, *National-Level Athletes* or *Other Persons* may, with the consent of the *Athlete* or *Other Person*, SIA (where it has *Results Management* responsibility in accordance with Article 7), us and WADA, be heard in a single hearing directly at CAS.<sup>43</sup>

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<sup>42</sup> Comment to Article 8.9: Section 41 of the *National Sports Tribunal (Practice and Procedure) Determination 2020* provides for an NST member to give directions for the confidentiality of information before the NST.

<sup>43</sup> Comment to Article 8.10: In some cases, the combined cost of holding a hearing in the first instance at the international or national level, then rehearing the case de novo before CAS can be very substantial. Where all of the parties identified in this Article are satisfied that their interests will be adequately protected in a single hearing, there is no need for the *Athlete* or *Anti-Doping Organisations* to incur the extra expense of two (2) hearings. An *Anti-Doping Organisation* may participate in the CAS hearing as an observer. Nothing set out in Article 8.4 precludes the *Athlete* or *Other Person* and SIA (where it has *Results Management* responsibility) and us to waive their right to appeal by agreement. Such waiver, however, only binds the parties to such agreement and not any other entity with a right of appeal under the *Code*.

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## **9 Automatic Disqualification of Individual Results**

Not applicable

## 10 Sanctions<sup>44</sup>

### 10.1 Disqualification of Results in the *Event* during which an Anti-Doping Rule Violation occurs<sup>45</sup>

An anti-doping rule violation occurring during or in connection with an *Event* may, upon the decision of the ruling body of the *Event*, lead to *Disqualification* of all of the *Athlete's* individual results obtained in that *Event* with all *Consequences*, including forfeiture of all medals, points and prizes, except as provided in Article 10.1.1.

Factors to be included in considering whether to *Disqualify* other results in an *Event* might include, for example, the seriousness of the *Athlete's* anti-doping rule violation and whether the *Athlete* tested negative in the other *Competitions*.

10.1.1 If the *Athlete* establishes that he or she bears *No Fault or Negligence* for the violation, the *Athlete's* individual results in the other *Competitions* shall not be *Disqualified*, unless the *Athlete's* results in *Competitions* other than the *Competition* in which the anti-doping rule violation occurred were likely to have been affected by the *Athlete's* anti-doping rule violation.

### 10.2 Ineligibility for Presence, Use or Attempted Use, or Possession of a Prohibited Substance or Prohibited Method

The period of *Ineligibility* for a violation of Articles 2.1, 2.2 or 2.6 shall be as follows, subject to potential elimination, reduction or suspension pursuant to Article 10.5, 10.6 or 10.7:

10.2.1 The period of *Ineligibility*, subject to Article 10.2.4, shall be four years where:

10.2.1.1 The anti-doping rule violation does not involve a *Specified Substance* or a *Specified Method*, unless the *Athlete* or *Other Person* can establish that the anti-doping rule violation was not intentional.<sup>46</sup>

10.2.1.2 The anti-doping rule violation involves a *Specified Substance* or a *Specified Method* and *SIA* can establish that the anti-doping rule violation was intentional.

10.2.2 If Article 10.2.1 does not apply, subject to Article 10.2.4.1, the period of *Ineligibility* shall be two (2) years.

10.2.3 As used in Article 10.2, the term 'intentional' is meant to identify those *Athletes* or *Other*

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<sup>44</sup> Comment to Article 10: Harmonisation of sanctions has been one of the most discussed and debated areas of anti-doping. Harmonisation means that the same rules and criteria are applied to assess the unique facts of each case. Arguments against requiring harmonisation of sanctions are based on differences between sports including, for example, the following: in some sports the *Athletes* are professionals making a sizable income from the sport and in others the *Athletes* are true amateurs; in those sports where an *Athlete's* career is short, a standard period of *Ineligibility* has a much more significant effect on the *Athlete* than in sports where careers are traditionally much longer. A primary argument in favour of harmonisation is that it is simply not right that two *Athletes* from the same country who test positive for the same *Prohibited Substance* under similar circumstances should receive different sanctions only because they participate in different sports. In addition, flexibility in sanctioning has often been viewed as an unacceptable opportunity for some sporting organisations to be more lenient with dopers. The lack of harmonisation of sanctions has also frequently been the source of jurisdictional conflicts between *International Federations* and *National Anti-Doping Organisations*.

<sup>45</sup> Comment to Article 10.1: Whereas Article 9 *Disqualifies* the result in a single *Competition* in which the *Athlete* tested positive (for example the 100 metre backstroke), this Article may lead to *Disqualification* of all results in all races during the *Event* (for example the FINA World Championships).

<sup>46</sup> Comment to Article 10.2.1.1: While it is theoretically possible for an *Athlete* or *Other Person* to establish that the anti-doping rule violation was not intentional without showing how the *Prohibited Substance* entered one's system, it is highly unlikely that in a doping case under Article 2.1 an *Athlete* will be successful in proving that the *Athlete* acted unintentionally without establishing the source of the *Prohibited Substance*.

*Persons* who engage in conduct which they knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk.<sup>47</sup> An anti-doping rule violation resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* shall be rebuttably presumed to be not 'intentional' if the substance is a *Specified Substance* and the *Athlete* can establish that the *Prohibited Substance was Used Out-of-Competition*. An anti-doping rule violation resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* shall not be considered 'intentional' if the substance is not a *Specified Substance* and the *Athlete* can establish that the *Prohibited Substance was Used Out-of-Competition* in a context unrelated to sport performance.

10.2.4 Notwithstanding any other provision in Article 10.2, where the anti-doping rule violation involves a *Substance of Abuse*:

10.2.4.1 If the *Athlete* can establish that any ingestion or *Use* occurred *Out-of-Competition* and was unrelated to sport performance, then the period of *Ineligibility* shall be three (3) months *Ineligibility*.

In addition, the period of *Ineligibility* calculated under this Article 10.2.4.1 may be reduced to one (1) month if the *Athlete* or *Other Person* satisfactorily completes a *Substance of Abuse* treatment program approved by *SIA*. The period of *Ineligibility* established in this Article 10.2.4.1 is not subject to any reduction based on any provision in Article 10.6.<sup>48</sup>

10.2.4.2 If the ingestion, *Use* or *Possession* occurred *In-Competition*, and the *Athlete* can establish that the context of the ingestion, *Use* or *Possession* was unrelated to sport performance, then the ingestion, *Use* or *Possession* shall not be considered intentional for purposes of Article 10.2.1 and shall not provide a basis for a finding of *Aggravating Circumstances* under Article 10.4.

### 10.3 Ineligibility for Other Anti-Doping Rule Violations

The period of *Ineligibility* for anti-doping rule violations other than as provided in Article 10.2 shall be as follows, unless Articles 10.6 or 10.7 are applicable:

10.3.1 For violations of Article 2.3 or Article 2.5, the period of *Ineligibility* shall be four (4) years except: (i) in the case of failing to submit to *Sample* collection, if the *Athlete* can establish that the commission of the anti-doping rule violation was not intentional, in which case the period of *Ineligibility* shall be two (2) years; (ii) in all other cases, if the *Athlete* or *Other Person* can establish exceptional circumstances that justify a reduction of the period of *Ineligibility*, the period of *Ineligibility* shall be in a range from two (2) years to four (4) years depending on the *Athlete* or *Other Person's* degree of *Fault*; or (iii) in a case involving a *Protected Person* or *Recreational Athlete*, the period of *Ineligibility* shall be in a range between a maximum of two (2) years and, at a minimum, a reprimand and no period of *Ineligibility*, depending on the *Protected Person* or *Recreational Athlete's* degree of *Fault*.

10.3.2 For violations of Article 2.4, the period of *Ineligibility* shall be two (2) years, subject to

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<sup>47</sup> Comment to Article 10.2.3: Article 10.2.3 provides a special definition of "intentional" which is to be applied solely for purposes of Article 10.2.

<sup>48</sup> Comment to Article 10.2.4.1: The determinations as to whether the treatment program is approved and whether the *Athlete* or *Other Person* has satisfactorily completed the program shall be made in the sole discretion of *SIA*. This Article is intended to give *SIA* the leeway to apply their own judgment to identify and approve legitimate and reputable, as opposed to "sham", treatment programs. It is anticipated, however, that the characteristics of legitimate treatment programs may vary widely and change over time such that it would not be practical for *WADA* to develop mandatory criteria for acceptable treatment programs.

reduction down to a minimum of one (1) year, depending on the *Athlete's* degree of *Fault*. The flexibility between two (2) years and one (1) year of *Ineligibility* in this Article is not available to *Athletes* where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the *Athlete* was trying to avoid being available for *Testing*.

10.3.3 For violations of Article 2.7 or 2.8, the period of *Ineligibility* shall be a minimum of four (4) years up to lifetime *Ineligibility*, depending on the seriousness of the violation. An Article 2.7 or Article 2.8 violation involving a *Protected Person* shall be considered a particularly serious violation and, if committed by *Athlete Support Personnel* for violations other than for *Specified Substances*, shall result in lifetime *Ineligibility* for *Athlete Support Personnel*. In addition, significant violations of Article 2.7 or 2.8 which may also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.<sup>49</sup>

10.3.4 For violations of Article 2.9, the period of *Ineligibility* imposed shall be a minimum of two (2) years, up to lifetime *Ineligibility*, depending on the seriousness of the violation.

10.3.5 For violations of Article 2.10, the period of *Ineligibility* shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on the *Athlete* or *Other Person's* degree of *Fault* and other circumstances of the case.

10.3.6 For violations of Article 2.11, the period of *Ineligibility* shall be a minimum of two (2) years, up to lifetime *Ineligibility*, depending on the seriousness of the violation by the *Athlete* or *Other Person*.<sup>50</sup>

#### 10.4 Aggravating Circumstances which may increase the Period of Ineligibility

If it is established in an individual case involving an anti-doping rule violation other than violations under Article 2.7 (*Trafficking* or *Attempted Trafficking*), 2.8 (*Administration* or *Attempted Administration*), 2.9 (*Complicity* or *Attempted Complicity*) or 2.11 (*Acts by an Athlete* or *Other Person* to Discourage or Retaliate Against Reporting) that *Aggravating Circumstances* are present which justify the imposition of a period of *Ineligibility* greater than the standard sanction, then the period of *Ineligibility* otherwise applicable shall be increased by an additional period of *Ineligibility* of up to two (2) years depending on the seriousness of the violation and the nature of the *Aggravating Circumstances*, unless the *Athlete* or *Other Person* can establish that he or she did not knowingly commit the anti-doping rule violation.<sup>51</sup>

#### 10.5 Elimination of the Period of Ineligibility where there is No Fault or Negligence<sup>52</sup>

<sup>49</sup> Comment to Article 10.3.3: Those who are involved in doping *Athletes* or covering up doping should be subject to sanctions which are more severe than the *Athletes* who test positive. Since the authority of sport organisations is generally limited to *Ineligibility* for accreditation, membership and other sport benefits, reporting *Athlete Support Personnel* to competent authorities is an important step in the deterrence of doping.

<sup>50</sup> Comment to Article 10.3.6: Conduct that is found to violate both Article 2.5 (*Tampering*) and Article 2.11 (*Acts by an Athlete* or *Other Person* to Discourage or Retaliate against Reporting to Authorities) shall be sanctioned based on the violation that carries the more severe sanction.

<sup>51</sup> Comment to Article 10.4: Violations under Articles 2.7 (*Trafficking* or *Attempted Trafficking*), 2.8 (*Administration* or *Attempted Administration*), 2.9 (*Complicity* or *Attempted Complicity*) and 2.11 (*Acts by an Athlete* or *Other Person* to Discourage or Retaliate Against Reporting to Authorities) are not included in the application of Article 10.4 because the sanctions for these violations already build in sufficient discretion up to a lifetime ban to allow consideration of any *Aggravating Circumstance*.

<sup>52</sup> Comment to Article 10.5: This Article and Article 10.6.2 apply only to the imposition of sanctions; they are not applicable to the determination of whether an anti-doping rule violation has occurred. They will only apply in exceptional circumstances, for example where an *Athlete* could prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, *No Fault or Negligence* would not apply in the following circumstances: (a) a positive test resulting from a mislabelled or contaminated vitamin or nutritional supplement (*Athletes* are responsible for what they ingest (Article 2.1.) and have been warned against the possibility of supplement contamination); (b) the *Administration* of a *Prohibited Substance* by the *Athlete's* Personal physician or trainer without disclosure to the *Athlete* (*Athletes* are responsible for their choice of medical Personnel and for advising medical Personnel that they cannot be given any *Prohibited Substance*); and (c) sabotage of the *Athlete's*



If an *Athlete* or *Other Person* establishes in an individual case that he or she bears *No Fault or Negligence*, then the otherwise applicable period of *Ineligibility* shall be eliminated.

## 10.6 Reduction of the Period of Ineligibility based on No Significant Fault or Negligence

### 10.6.1 Reduction of Sanctions in Particular Circumstances for Violations of Article 2.1, 2.2 or 2.6.

All reductions under Article 10.6.1 are mutually exclusive and not cumulative.

#### 10.6.1.1 Specified Substances or Specified Methods

Where the anti-doping rule violation involves a *Specified Substance* (other than a *Substance of Abuse*), or *Specified Method*, and the *Athlete* or *Other Person* can establish *No Significant Fault or Negligence*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility* and, at a maximum, two (2) years *Ineligibility*, depending on the *Athlete's* or *Other Person's* degree of *Fault*.

#### 10.6.1.2 Contaminated Products

In cases where the *Athlete* or *Other Person* can establish both *No Significant Fault or Negligence* and that the detected *Prohibited Substance* (other than a *Substance of Abuse*) came from a *Contaminated Product*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two (2) years *Ineligibility*, depending on the *Athlete's* or *Other Person's* degree of *Fault*.<sup>53</sup>

#### 10.6.1.3 Protected Persons or Recreational Athletes

Where the anti-doping rule violation not involving a *Substance of Abuse* is committed by a *Protected Person* or *Recreational Athlete*, and the *Protected Person* or *Recreational Athlete* can establish *No Significant Fault or Negligence*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two (2) years *Ineligibility*, depending on the *Protected Person* or *Recreational Athlete's* degree of *Fault*.

### 10.6.2 Application of No Significant Fault or Negligence beyond the application of Article 10.6.1

If an *Athlete* or *Other Person* establishes in an individual case where Article 10.6.1 is not applicable that he or she bears *No Significant Fault or Negligence*, then, subject to further reduction or elimination as provided in Article 10.7, the otherwise applicable period of *Ineligibility* may be reduced based on the *Athlete* or *Other Person's* degree of *Fault*, but the reduced period of *Ineligibility* may not be less than one-half of the period

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food or drink by a spouse, coach or *Other Person* within the *Athlete's* circle of associates (*Athletes* are responsible for what they ingest and for the conduct of those *Persons* to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction under Article 10.6 based on *No Significant Fault or Negligence*.

<sup>53</sup> Comment to Article 10.6.1.2: In order to receive the benefit of this Article, the *Athlete* or *Other Person* must establish not only that the detected *Prohibited Substance* came from a *Contaminated Product*, but must also separately establish *No Significant Fault or Negligence*. It should be further noted that *Athletes* are on notice that they take nutritional supplements at their own risk. The sanction reduction based on *No Significant Fault or Negligence* has rarely been applied in *Contaminated Product* cases unless the *Athlete* has exercised a high level of caution before taking the *Contaminated Product*. In assessing whether the *Athlete* can establish the source of the *Prohibited Substance*, it would, for example, be significant for purposes of establishing whether the *Athlete* actually *Used* the *Contaminated Product*, whether the *Athlete* had declared the product which was subsequently determined to be contaminated on the *Doping Control* form. This *Article* should not be extended beyond products that have gone through some process of manufacturing. Where an *Adverse Analytical Finding* results from environment contamination of a "non-product" such as tap water or lake water in circumstances where no reasonable person would expect any risk of an anti-doping rule violation, typically there would be *No Fault or Negligence* under Article 10.5.

of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this Article may be no less than eight (8) years.<sup>54</sup>

## 10.7 Elimination, Reduction, or Suspension of Period of *Ineligibility* or Other Consequences for Reasons other than *Fault*

### 10.7.1 *Substantial Assistance in discovering or establishing Code violations.*<sup>55</sup>

10.7.1.1 An *Anti-Doping Organisation* with *Results Management* responsibility for an anti-doping rule violation may, prior to an appellate decision under Article 13 below or the expiration of the time to appeal, suspend a part of the *Consequences* (other than *Disqualification* and mandatory *Public Disclosure*) imposed in an individual case where the *Athlete* or *Other Person* has provided *Substantial Assistance* to an *Anti-Doping Organisation*, criminal authority or professional disciplinary body which results in:

- (i) the *Anti-Doping Organisation* discovering or bringing forward an anti-doping rule violation by another *Person*; or
- (ii) which results in a criminal or disciplinary body discovering or bringing forward a criminal offence or the breach of professional rules committed by another *Person* and the information provided by the *Person* providing *Substantial Assistance* is made available to the *Anti-Doping Organisation* with *Results Management* responsibility; or
- (iii) which results in WADA initiating a proceeding against a Signatory. WADA-accredited laboratory or *Athlete* passport management unit (as defined in the *International Standard* for Laboratories) for non-compliance with the *Code*, *International Standard* or *Technical Document*; or
- (iv) with the approval by WADA, which results in a criminal or disciplinary body bringing forward a criminal offence or the breach of professional or sport rules arising out of a sport integrity violation other than doping.

After an appellate decision under Article 13 or the expiration of time to appeal, an *Anti-Doping Organisation* may only suspend a part of the otherwise applicable *Consequences* with the approval of WADA and the International Federation.

The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the *Athlete* or *Other Person* and the significance of the *Substantial Assistance* provided by the *Athlete* or *Other Person* to the effort to eliminate doping in sport, non-compliance with the *Code*, and/or sport integrity violations. No more than three-quarters of the otherwise applicable period of *Ineligibility* may be suspended. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this Article must be no less than eight (8) years. For purposes of this paragraph, the otherwise applicable period of *Ineligibility* shall not include any period of *Ineligibility* that could be added under Article 10.9.3.2.

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<sup>54</sup> Comment to Article 10.6.2: Article 10.6.2 may be applied to any anti-doping rule violation except those Articles where intent is an element of the anti-doping rule violation (for example Article 2.5, 2.7, 2.8 or 2.9 or 2.11) or an element of a particular sanction (for example Article 10.2.1) or a range of *Ineligibility* is already provided in an Article based on the *Athlete* or *Other Person's* degree of *Fault*.

<sup>55</sup> Comment to Article 10.7.1: The cooperation of *Athletes*, *Athlete Support Personnel* or *Other Persons* who acknowledge their mistakes and are willing to bring other anti-doping rule violations to light is important to clean sport. This is the only circumstance under the *Code* where the suspension of an otherwise applicable period of *Ineligibility* is authorised.

If so requested by an *Athlete* or *Other Person* who seeks to provide *Substantial Assistance*, the *Anti-Doping Organisation* with *Results Management* responsibility shall allow the *Athlete* or *Other Person* to provide the information to the *Anti-Doping Organisation* subject to a *Without Prejudice Agreement*.

If the *Athlete* or *Other Person* fails to continue to cooperate and to provide the complete and credible *Substantial Assistance* upon which a suspension of the period of *Consequences* was based, the *Anti-Doping Organisation* that suspended *Consequences* shall reinstate the original *Consequences*. If an *Anti-Doping Organisation* decides to reinstate suspended *Consequences* or decides not to reinstate suspended *Consequences*, that decision may be appealed by any *Person* entitled to appeal under Article 13.

10.7.1.2 To further encourage *Athletes* and *Other Persons* to provide *Substantial Assistance* to *Anti-Doping Organisations*, at the request of the *Anti-Doping Organisation* conducting *Results Management* or at the request of the *Athlete* or *Other Person* who has, or has been asserted to have, committed an anti-doping rule violation, or other violation of the *Code*, *WADA* may agree at any stage of the *Results Management* process, including after an appellate decision under Article 13, to what it considers to be an appropriate suspension of the otherwise-applicable period of *Ineligibility* and other *Consequences*. In exceptional circumstances, *WADA* may agree to suspensions of the period of *Ineligibility* and other *Consequences* for *Substantial Assistance* greater than those otherwise provided in this Article, or even no period of *Ineligibility*, no mandatory *Public Disclosure* and/or no return of prize money or payment of fines or costs. *WADA*'s approval shall be subject to reinstatement of *Consequences*, as otherwise provided in this Article. Notwithstanding Article 13, *WADA*'s decisions in the context of this Article 10.7.1.2 may not be appealed.

10.7.1.3 If an *Anti-Doping Organisation* suspends any part of an otherwise applicable sanction because of *Substantial Assistance*, then notice providing justification for the decision shall be provided to the other *Anti-Doping Organisations* with a right to appeal under Article 13.2.3 as provided in Article 14. In unique circumstances where *WADA* determines that it would be in the best interest of anti-doping, *WADA* may authorise an *Anti-Doping Organisation* to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the *Substantial Assistance* agreement or the nature of *Substantial Assistance* being provided.

#### 10.7.2 *Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence*

Where an *Athlete* or *Other Person* voluntarily admits the commission of an anti-doping rule violation before having received notice of a *Sample* collection which could establish an anti-doping rule violation (or, in the case of an anti-doping rule violation other than Article 2.1, before receiving first notice of the admitted violation pursuant to Article 7) and that admission is the only reliable evidence of the violation at the time of admission, then the period of *Ineligibility* may be reduced, but not below one-half of the period of *Ineligibility* otherwise applicable.<sup>56</sup>

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<sup>56</sup> Comment to Article 10.7.2: This Article is intended to apply when an *Athlete* or *Other Person* comes forward and admits to an anti-doping rule violation in circumstances where no *Anti-Doping Organisation* is aware that an anti-doping rule violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the *Athlete* or *Other Person* believes he or she is about to be caught. The amount by which *Ineligibility* is reduced should be based on the likelihood that the *Athlete* or *Other Person* would have been caught had he or she not come forward voluntarily.

### 10.7.3 *Application of Multiple Grounds for Reduction of a Sanction*

Where an *Athlete* or *Other Person* establishes entitlement to reduction in sanction under more than one provision of Article 10.5, 10.6 or 10.7, before applying any reduction or suspension under Article 10.7, the otherwise applicable period of *Ineligibility* shall be determined in accordance with Articles 10.2, 10.3, 10.5, and 10.6. If the *Athlete* or *Other Person* establishes an entitlement to a reduction or suspension of the period of *Ineligibility* under Article 10.7, then the period of *Ineligibility* may be reduced or suspended, but not to below one-fourth of the otherwise applicable period of *Ineligibility*.

### 10.7.4 *Lower-Level Athletes*

Where a *Lower-Level Athlete* commits an anti-doping rule violation (other than a violation of Articles 2.1, 2.3 and 2.5), the SIA CEO may, depending on the *Lower-Level Athlete's* degree of *Fault* and other circumstances of the case, recommend a sanction ranging from a reprimand and compulsory anti-doping education, through to the maximum period of ineligibility that may be imposed for the violation.

Where a Lower-Level Athlete commits a violation of one or more of Articles 2.1, 2.3 and 2.5, this ADP applies in the same way as it does to a *National-Level Athlete* or an *International-Level Athlete* who commits one of those violations.

## 10.8 Results Management Agreements

### 10.8.1 *One-Year Reduction for Certain Anti-Doping Rule Violations Based On Early Admission and Acceptance of Sanction*

Where an *Athlete* or *Other Person*, after being notified by SIA or us of a potential anti-doping rule violation that carries an asserted period of *Ineligibility* of four (4) or more years (including any period of *Ineligibility* asserted under Article 10.4), admits the violation and accepts the asserted period of *Ineligibility* no later than twenty (20) days after receiving notice of an anti-doping rule violation charge, the *Athlete* or *Other Person* may receive a one-year reduction in the period of *Ineligibility* asserted by SIA or us. Where the *Athlete* or *Other Person* receives the one-year reduction in the asserted period of *Ineligibility* under this Article 10.8.1, no further reduction in the asserted period of *Ineligibility* shall be allowed under any other Article.<sup>57</sup>

### 10.8.2 *Case Resolution Agreement*

Where the *Athlete* or *Other Person* admits an anti-doping rule violation after being confronted with the anti-doping rule violation by SIA and agrees to *Consequences* acceptable to SIA, us and WADA, at their sole discretion, then: (a) the *Athlete* or *Other Person* may receive a reduction in the period of *Ineligibility* based on an assessment by SIA, us and WADA of the application of Articles 10.1 through 10.7 to the asserted anti-doping rule violation, the seriousness of the violation, the *Athlete* or *Other Person's* degree of *Fault* and how promptly the *Athlete* or *Other Person* admitted the violation; and (b) the period of *Ineligibility* may start as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred.

In each case, however, where this Article is applied, the *Athlete* or *Other Person* shall serve at least one-half of the agreed-upon period of *Ineligibility* going forward

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<sup>57</sup> Comment to Article 10.8.1: For example, if SIA or we allege that an *Athlete* has violated Article 2.1 for Use of an anabolic steroid and asserts the applicable period of *Ineligibility* is four (4) years, then the *Athlete* may unilaterally reduce the period of *Ineligibility* to three (3) years by admitting the violation and accepting the three-year period of *Ineligibility* within the time specified in this Article, with no further reduction allowed. This resolves the case without any need for a hearing.

from the earlier of the date the *Athlete* or *Other Person* accepted the imposition of a sanction or a *Provisional Suspension* which was subsequently respected by the *Athlete* or *Other Person*. The decision by WADA, SIA and us to enter or not enter into a case resolution agreement, and the amount of the reduction to and the starting date of the period of *Ineligibility* are not matters for determination or review by a hearing body and are not subject to appeal under Article 13.

If so requested by an *Athlete* or *Other Person* who seeks to enter into a case resolution agreement under this Article, SIA and us shall allow the *Athlete* or *Other Person* to discuss an admission of the anti-doping rule violation with it subject to a *Without Prejudice Agreement*.<sup>58</sup>

## 10.9 Multiple Violations

### 10.9.1 Second or Third Anti-Doping Rule Violation

10.9.1.1 For an *Athlete* or *Other Person*'s second anti-doping rule violation, the period of *Ineligibility* shall be the greater of:

- (a) A six month period of *Ineligibility*; or
- (b) A period of *Ineligibility* in the range between:
  - (i) the sum of the period of *Ineligibility* imposed for the first anti-doping rule violation plus the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, and
  - (ii) twice the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation.

The period of *Ineligibility* within this range shall be determined based on the entirety of the circumstances and the *Athlete* or *Other Person*'s degree of *Fault* with respect to the second violation.

10.9.1.2 A third anti-doping rule violation will always result in a lifetime period of *Ineligibility*, except if the third violation fulfils the condition for elimination or reduction of the period of *Ineligibility* under Article 10.4 or 10.5, or involves a violation of Article 2.4. In these particular cases, the period of *Ineligibility* shall be from eight years to lifetime *Ineligibility*.

10.9.1.3 The period of *Ineligibility* established in Articles 10.9.1.1 and 10.9.1.2 may then be further reduced by the application of Article 10.7.

10.9.2 An anti-doping rule violation for which an *Athlete* or *Other Person* has established *No Fault or Negligence* shall not be considered a violation for purposes of Article 10.9. In addition, an anti-doping rule violation sanctioned under Article 10.2.4.1 shall not be considered a violation for purposes of Article 10.9.

### 10.9.3 Additional rules for Certain Potential Multiple Violations

10.9.3.1 For purposes of imposing sanctions under Article 10.9, except as provided in Articles 10.9.3.2 and 10.9.3.3, an anti-doping rule violation will only be considered a second violation if it is established that the *Athlete* or *Other*

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<sup>58</sup> Comment to Article 10.8.2: Any mitigating or aggravating factors set forth in this Article 10 shall be considered in arriving at the *Consequences* set forth in the case resolution agreement, and shall not be applicable beyond the terms of that agreement.

*Person* committed the additional anti-doping rule violation after the *Athlete* or *Other Person* received notice pursuant to Article 7, or after the *Anti-Doping Organisation* made reasonable efforts to give notice of the first anti-doping rule violation. If it is not established, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction, including the application of *Aggravating Circumstances*. Results in all *Competitions* dating back to the earlier anti-doping rule violation will be *Disqualified* as provided in Article 10.10.<sup>59</sup>

- 10.9.3.2 If it is established that an *Athlete* or *Other Person* committed an additional anti-doping rule violation prior to notification, and that the additional violation occurred twelve (12) months or more before or after the first-noticed violation, then the period of *Ineligibility* for the additional violation shall be calculated as if the additional violation were a stand-alone first violation and this period of *Ineligibility* is served consecutively, rather than concurrently, with the period of *Ineligibility* imposed for the earlier-noticed violation. Where this Article 10.9.3.2 applies, the violations taken together shall constitute a single violation for purposes of Article 10.9.1.
- 10.9.3.3 If it is established that an *Athlete* or *Other Person* committed a violation of Article 2.5 in connection with the *Doping Control* process for an underlying asserted anti-doping rule violation, the violation of Article 2.5 shall be treated as a stand-alone first violation and the period of *Ineligibility* for such violation shall be served consecutively, rather than concurrently, with the period of *Ineligibility*, if any, imposed for the underlying anti-doping rule violation. Where this Article 10.9.3.3 is applied, the violations taken together shall constitute a single violation for purposes of Article 10.9.1.
- 10.9.3.4 If it is established that an *Athlete* or *Other Person* has committed a second or third anti-doping rule violation during a period of *Ineligibility*, the periods of *Ineligibility* for the multiple violations shall run consecutively, rather than concurrently.

#### 10.9.4 Multiple Anti-Doping Rule Violations during Ten-Year period

For purposes of Article 10.9, each anti-doping rule violation must take place within the same ten-year period in order to be considered multiple violations.

#### 10.10 **Disqualification of Results in Competitions subsequent to Sample Collection or Commission of an Anti-Doping Rule Violation**

In addition to the automatic *Disqualification* of the results in the *Competition* which produced the positive *Sample* in Individual Sports, all other competitive results of the *Athlete* obtained from the date a positive *Sample* was collected (whether *In-Competition* or *Out-of-Competition*), or other anti-doping rule violation occurred, through the commencement of any *Provisional Suspension* or *Ineligibility* period, shall, unless fairness requires otherwise, be *Disqualified* with all of the resulting *Consequences*, including forfeiture of any medals, points and prizes.<sup>60</sup>

#### 10.11 Forfeited Prize Money

<sup>59</sup> Comment to Article 10.9.3.1: The same rule applies where, after the imposition of a sanction, the *Anti-Doping Organisation* discovers facts involving an anti-doping rule violation that occurred prior to notification for a first anti-doping rule violation – e.g., the *Anti-Doping Organisation* shall impose a sanction based on the sanction that could have been imposed if the two (2) violations had been adjudicated at the same time, including the application of *Aggravating Circumstances*.

<sup>60</sup> Comment to Article 10.10: Nothing in this ADP precludes clean *Athletes* or *Other Persons* who have been damaged by the actions of a *Person* who has committed an anti-doping rule violation from pursuing any right which they would otherwise have to seek damages from such *Person*.

If we recover prize money forfeited as a result of an anti-doping rule violation, we shall take reasonable measures to allocate and distribute this prize money to the *Athletes* who would have been entitled to it had the forfeiting *Athlete* not competed.<sup>61</sup>

## 10.12 Financial Consequences

The imposition of a financial sanction (such as the recovery of funding by a sport organisation) shall not be considered a basis for reducing the *Ineligibility* or other sanction which would otherwise be applicable under this ADP or the *Code*.

## 10.13 Commencement of Ineligibility Period

Where an *Athlete* is already serving a period of *Ineligibility* for an anti-doping rule violation, any new period of *Ineligibility* shall commence on the first day after the current period of *Ineligibility* has been served. Otherwise, except as provided below, the period of *Ineligibility* shall start on the date of the final hearing decision providing for *Ineligibility* or, if the hearing is waived or there is no hearing, on the date *Ineligibility* is accepted or otherwise imposed.

### 10.13.1 Delays Not Attributable to the Athlete or Other Person

Where there have been substantial delays in the hearing process or other aspects of *Doping Control* and the *Athlete* or *Other Person* can establish that such delays are not attributable to the *Athlete* or *Other Person*, the body imposing the sanction may start the period of *Ineligibility* at an earlier date commencing as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. All competitive results achieved during the period of *Ineligibility*, including retroactive *Ineligibility*, shall be *Disqualified*.<sup>62</sup>

### 10.13.2 Credit for Provisional Suspension or Period of Ineligibility Served

10.13.2.1 If a *Provisional Suspension* is respected by the *Athlete* or *Other Person*, then the *Athlete* or *Other Person* shall receive a credit for such period of *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. If the *Athlete* or *Other Person* does not respect a *Provisional Suspension*, then the *Athlete* or *Other Person* shall receive no credit for any period of *Provisional Suspension* served. If a period of *Ineligibility* is served pursuant to a decision that is subsequently appealed, then the *Athlete* or *Other Person* shall receive a credit for such period of *Ineligibility* served against any period of *Ineligibility* which may ultimately be imposed on appeal.

10.13.2.2 If an *Athlete* or *Other Person* voluntarily accepts a *Provisional Suspension* in writing from us and thereafter respects the *Provisional Suspension*, the *Athlete* or *Other Person* shall receive a credit for such period of voluntary *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. A copy of the *Athlete* or *Other Person*'s voluntary acceptance of a *Provisional Suspension* shall be provided promptly to each party entitled to receive notice of an asserted anti-doping rule violation under Article 14.1.<sup>63</sup>

<sup>61</sup> Comment to Article 10.11: This Article is not intended to impose an affirmative duty on an *Anti-Doping Organisation* to take any action to collect forfeited prize money. If the *Anti-Doping Organisation* elects not to take any action to collect forfeited prize money, it may assign its right to recover such money to the *Athlete(s)* who should have otherwise received the money. "Reasonable measures to allocate and distribute this prize money" could include using collected forfeited prize money as agreed upon by the *Anti-Doping Organisation* and its *Athletes*.

<sup>62</sup> Comment to Article 10.13.1: In cases of anti-doping rule violations other than under Article 2.1, the time required for *SIA* (or another *Anti-Doping Organisation*) to discover and develop facts sufficient to establish an anti-doping rule violation may be lengthy, particularly where the *Athlete* or *Other Person* has taken affirmative action to avoid detection. In these circumstances, the flexibility provided in this Article to start the sanction at an earlier date should not be used.

<sup>63</sup> Comment to Article 10.13.2.2: An *Athlete*'s voluntary acceptance of a *Provisional Suspension* is not an admission by the

10.13.2.3 No credit against a period of *Ineligibility* shall be given for any time period before the effective date of the *Provisional Suspension* or voluntary *Provisional Suspension* regardless of whether the *Athlete* elected not to compete or was suspended by his or her team.

10.13.2.4 In *Team Sports*, where a period of *Ineligibility* is imposed upon a team, unless fairness requires otherwise, the period of *Ineligibility* shall start on the date of the final hearing decision providing for *Ineligibility* or, if the hearing is waived, on the date *Ineligibility* is accepted or otherwise imposed. Any period of team *Provisional Suspension* (whether imposed or voluntarily accepted) shall be credited against the total period of *Ineligibility* to be served.

## 10.14 Status during Ineligibility or Provisional Suspension

### 10.14.1 *Prohibition against Participation during Ineligibility or Provisional Suspension*

No *Athlete* or *Other Person* who has been declared *Ineligible* or is subject to a *Provisional Suspension* may, during a period of *Ineligibility* or *Provisional Suspension*, participate in any capacity in a *Competition* or activity (other than authorised anti-doping Education or rehabilitation programs) authorised or organised by any *Signatory*, *Signatory's* member organisation, or a club or other member organisation of a *Signatory's* member organisation, or in *Competitions* authorised or organised by any professional league or any international- or national-level *Event* organisation or any elite or national-level sporting activity funded by a governmental agency.

An *Athlete* or *Other Person* subject to a period of *Ineligibility* longer than four (4) years may, after completing four (4) years of the period of *Ineligibility*, participate as an *Athlete* in local sport events not sanctioned or otherwise under the authority of a *Code Signatory* or member of a *Code Signatory*, but only so long as the local sport event is not at a level that could otherwise qualify such *Athlete* or *Other Person* directly or indirectly to compete in (or accumulate points toward) a national championship or *International Event*, and does not involve the *Athlete* or *Other Person* working in any capacity with *Protected Persons*.

An *Athlete* or *Other Person* subject to a period of *Ineligibility* shall remain subject to *Testing* and any requirement by *SIA* or us to provide whereabouts information.<sup>64</sup>

### 10.14.2 *Return to Training*

As an exception to Article 10.14.1, an *Athlete* may return to train with a team or to use the facilities of a club or other member organisation of us or a *Signatory's* member organisation during the shorter of: (1) the last two months of the *Athlete's* period of *Ineligibility*, or (2) the last one-fourth of the period of *Ineligibility* imposed.<sup>65</sup>

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*Athlete* and shall not be used in any way as to draw an adverse inference against the *Athlete*.

<sup>64</sup> Comment to Article 10.14.1: For example, subject to Article 10.14.2, an *Ineligible Athlete* cannot participate in a training camp, exhibition or practice organised by us or a club which is a member of us or which is funded by a government agency. Further, an *Ineligible Athlete* may not compete in a non-*Signatory* professional league (for example, the National Hockey League, the National Basketball League). *Events* organised by a non-*Signatory International Event* organisation or a non-*Signatory* national-level event organisation without triggering the *Consequences* set forth in Article 10.14.3. The term 'activity' also includes, for example, administrative activities, such as serving as an official, director, officer, employee, or volunteer of the organisation described in this Article. *Ineligibility* imposed in one sport shall also be recognised by other sports (see Article 15.1, Automatic Binding Effect of Decisions). An *Athlete* or *Other Person* serving a period of *Ineligibility* is prohibited from coaching or serving as an *Athlete Support Person* in any other capacity at any time during the period of *Ineligibility*, and doing so could also result in a violation of Article 2.10 by another *Athlete*. Any performance standard accomplished during a period of *Ineligibility* shall not be recognised by *SIA*, us or other *National Federations* in Australia for any purpose.

<sup>65</sup> Comment to Article 10.14.2: In many *Team Sports* and some individual sports (for example, ski jumping and gymnastics), an *Athlete* cannot effectively train on his/her own so as to be ready to compete at the end of the *Athlete's* period of *Ineligibility*. During the training period described in this Article, an *Ineligible Athlete* may not compete or engage in any activity described



#### 10.14.3 *Violation of the Prohibition of Participation during Ineligibility or Provisional Suspension*

Where an *Athlete* or *Other Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in Article 10.14.1, the results of such participation shall be *Disqualified* and a new period of *Ineligibility* equal in length to the original period of *Ineligibility* shall be added to the end of the original period of *Ineligibility*. The new period of *Ineligibility*, including a reprimand and no period of *Ineligibility*, may be adjusted based on the *Athlete* or *Other Person's* degree of *Fault* and other circumstances of the case. The determination of whether an *Athlete* or *Other Person* has violated the prohibition against participation, and whether an adjustment is appropriate, shall be made by the Anti-Doping Organisation or us (in consultation with *SIA*) whose Results Management led to the imposition of the initial period of *Ineligibility*. This decision may be appealed under Article 13.

An *Athlete* or *Other Person* who violates the prohibition against participation during a *Provisional Suspension* described in Article 10.14.1 shall receive no credit for any period of *Provisional Suspension* served and the results of such participation shall be *Disqualified*.

Where an *Athlete Support Person* or *Other Person* assists a *Person* in violating the prohibition against participation during *Ineligibility* or a *Provisional Suspension*, an *Anti-Doping Organisation* with jurisdiction over such *Athlete Support Person* or *Other Person* shall impose sanctions for a violation of Article 2.9 for such assistance.

#### 10.14.4 *Withholding of Financial Support during Ineligibility*

In addition, for any anti-doping rule violation not involving a reduced sanction as described in Article 10.5 or 10.6, some or all sport-related financial support or other sport-related benefits received by such *Person* will be withheld by *Signatories*, *Signatories'* member organisations and governments.

### 10.15 **Automatic Publication of Sanction**

A mandatory part of each sanction shall include automatic publication, as provided in Article 14.3.

### 10.16 **Anti-Doping Education**

Prior to returning to sport after serving any period of *Ineligibility*, an *Athlete* or *Other Person* must have completed an anti-doping *Education* program sanctioned by *SIA*.

## 11 Consequences to Teams

### 11.1 Testing of Team Sports

Where more than one member of a team in a *Team Sport* has been notified of an anti-doping rule violation under Article 7 in connection with an *Event*, the ruling body for the *Event* shall conduct appropriate *Target Testing* of the team during the *Event Period*.

### 11.2 Consequences for Team Sports

If more than two members of a team in a *Team Sport* are found to have committed an anti-doping rule violation during an *Event Period*, the ruling body of the *Event* shall impose an appropriate sanction on the team (for example, loss of points, *Disqualification* from a *Competition* or *Event*, or other sanction) in addition to any *Consequences* imposed upon the individual *Athletes* committing the anti-doping rule violation.

### 11.3 Our Rules for Consequences for Team Sports

Article 11.3 of the Code allows us to make rules where we are the ruling body for an *Event*, which impose *Consequences* for *Team Sports* stricter than those in Article 11.2 of the Code for purposes of the *Event*. Where we are the ruling body of an *Event* the following shall apply:

11.3.1 If more than two *Athletes* in a team are found to have committed an Anti-Doping Rule Violation during an *Event*, the team may be subject to disqualification or other disciplinary action as set below.

11.3.2 If it is established that two or more *Athletes* in the same team have committed More Serious ADRVs in respect of the same *Competition* in the one *Event*, we have a discretion<sup>66</sup> to impose a sanction on the team, which sanction may include:

11.3.2.1 loss of competition points in respect that particular *Competition* if that particular *Competition* was in the equivalent of a round robin phase, or

11.3.2.2 cancellation of the result of that particular *Competition*, if that particular *Competition* was during a knock-out phase (eg quarter final).

11.3.3 If it is established that three or more *Athletes* in the same team have committed More Serious ADRVs in respect of the same *Event*, we have a discretion<sup>67</sup> to impose a sanction on the team, which sanction may include:

11.3.3.1 loss of competition points equal to what would be earned in a win in a single *Competition* in that *Event* multiplied by the number of *Athletes* exceeding two found to have committed More Serious ADRVs<sup>68</sup>, and

11.3.3.2

11.3.3.3 in a most extreme case, *Disqualification* from the *Event*.

11.3.4 In exercising the discretion, we may have regard to such factors as we consider appropriate but shall at least have regard to the total number of *Athletes* comprising the team. This is because it is necessary to consider the ramifications to innocent *Athletes* in the team of any sanction; thus a high proportion of innocent *Athletes* in the team will militate in favour of a lower team sanction (and vice versa).

<sup>66</sup> We would have regard to relevant factors such as whether the *Athletes* played only a minimal part in the *Competition*

<sup>67</sup> We would have regard to relevant factors such as whether in an *Event* (that takes place over a season made up of *Competitions* over many months) say 2 ADRVs were in the early *Competitions* and the 3<sup>rd</sup> ADRV was in the 'final' ie the last *Competition* of the *Event*.

<sup>68</sup> So if say 4 *Athletes* were involved and a win was worth 2 points there would be a loss of 2 points x (4-2) *Athletes* = 4 points.

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- 11.3.5 Before a sanction can be imposed on a team under the above rules, we must afford the team natural justice and at a minimum must:
- 11.3.5.1 afford the team a hearing that accords with the principles in Article 8, adapted to the extent necessary to accommodate the fact that it is a team sanction hearing and not a hearing of an ADRV against an individual;
  - 11.3.5.2 afford the team a right of appeal; and
  - 11.3.5.3 comply with any appropriate procedural rules of our sport relating to team sanctions.
- 11.3.6 In the absence of existing procedural rules the procedural rules of the Anti-Doping Tribunal (and failing that CAS) shall be deemed as *mutatis mutandis*.
- 11.3.7 In this rule '**More Serious ADRV**' – means an ADRV where the period of Ineligibility actually imposed was longer than one year.

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## **12 Sanction against Football Australia**

### **12.1 Withholding Funding For Non-Compliance**

*SIA* may request the Australian Sports Commission and any other relevant public authorities to withhold some or all funding or other non-financial support to FA, if FA fails to comply with, implement, uphold, or enforce this Anti-Doping Policy.

### **12.2 Disciplinary Action Against FA**

*SIA* may request the Australian Sports Commission, Australian Olympic Committee or Commonwealth Games Australia to take additional disciplinary action against FA with respect to recognition, the eligibility of its officials and *Athletes* to participate in *International Events*, and fines based on the following:

12.2.1 Four or more violations of this Anti-Doping Policy (other than violations involving Article 2.4) are committed by *Athletes* or *Other Persons* affiliated with FA within a 12-month period.

12.2.2 More than one *Athlete* or *Other Person* from FA commits an anti-doping rule violation during an *International Event*.

12.2.3 FA has failed to make diligent efforts to keep *SIA* informed about an *Athlete's* whereabouts after receiving a request for that information from *SIA*.

12.2.4 FA has failed to adopt or comply with its *Education Plan*.

## 13 Results Management: Appeals<sup>69</sup>

### 13.1 Decisions Subject to Appeal

Decisions made under this ADP may be appealed as set forth below in Articles 13.2 through 13.7 or as otherwise provided in this ADP, the *Code* or the *International Standards*. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise.

#### 13.1.1 Scope of Review not Limited

The scope of review on appeal includes all issues relevant to the matter and is expressly not limited to the issues or scope of review before the initial decision maker. Any party to the appeal may submit evidence, legal arguments and claims that were not raised in the first instance hearing so long as they arise from the same cause of action or same general facts or circumstances raised or addressed in the first instance hearing.<sup>70</sup>

#### 13.1.2 CAS shall not defer to the findings being appealed

In making its decision, CAS shall not give deference to the discretion exercised by the body whose decision is being appealed.<sup>71</sup>

#### 13.1.3 WADA is not required to exhaust internal remedies

Where WADA has a right to appeal under Article 13 and no other party has appealed a final decision within FA's process, WADA may appeal such decision directly to CAS without having to exhaust other remedies in FA's process.<sup>72</sup>

### 13.2 Appeals from Decisions Regarding Anti-Doping Rule Violations, Consequences, Provisional Suspensions, Implementation of Decisions and Authority

A decision:

- that an anti-doping rule violation was committed,
- imposing Consequences or not imposing Consequences for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed;
- that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription);

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<sup>69</sup> Comment to Article 13: The object of the *Code* is to have anti-doping matters resolved through fair and transparent internal processes with a final appeal. Anti-doping decisions by *Anti-Doping Organizations* are made transparent in Article 14. Specified *Persons* and organisations, including WADA, are then given the opportunity to appeal those decisions. Note that the definition of interested *Persons* and organisations with a right to appeal under Article 13 does not include *Athletes*, or their *National Federations*, who might benefit from having another competitor *Disqualified*.

<sup>70</sup> Comment to Article 13.1.1: The revised language is not intended to make a substantive change to the 2015 *Code*, but rather for clarification. For example, where an *Athlete* was charged in the first instance hearing only with *Tampering* but the same conduct could also constitute *Complicity*, an appealing party could pursue both *Tampering* and *Complicity* charges against the *Athlete* in the appeal.

<sup>71</sup> Comment to Article 13.1.2: CAS proceedings are de novo. Prior proceedings do not limit the evidence or carry weight in the hearing before CAS.

<sup>72</sup> Comment to Article 13.1.3: Where a decision has been rendered before the final stage of the *Anti-Doping Organisation's* process (for example, a first hearing before the *NST*) and no party elects to appeal that decision to the Appeals Division of the *NST*, then WADA may appeal directly to CAS.

- by WADA not to grant an exception to the six months' notice requirement for a retired Athlete to return to competition under Article 5.6.1;
- by WADA assigning Results Management under Article 7.1 of the Code;
- by SIA (or other Anti-Doping Organisation) or us not to bring forward an Adverse Analytical Finding or an Atypical Finding as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation in accordance with the *International Standard for Results Management*;
- to impose, or lift, a Provisional Suspension as a result of a Provisional Hearing;
- that SIA, (or another Anti-Doping Organisation) or us that we lack jurisdiction to rule on an alleged anti-doping rule violation or its Consequences;
- to suspend, or not suspend, Consequences or to reinstate, or not reinstate, Consequences under Article 10.7.1;
- under Article 10.14.3;
- by SIA (or another Anti-Doping Organisation) or us not to implement another Anti-Doping Organisation's decision under Article 15;
- under Article 27.3 of the Code,

may be appealed exclusively as provided in this Article 13.2.

The following may also be appealed exclusively as provided in Article 13.2:

- an Anti-Doping Organisation's failure to comply with Article 7.4;
- an Anti-Doping Organisation's failure to comply with Article 7.1.4 and 7.1.5;
- an Anti-Doping Organisation's failure to comply with Article 10.8.1

#### 13.2.1 *Appeals Involving International-Level Athletes or International Events*

In cases arising from participation in an *International Event* or in cases involving *International-Level Athletes*, the first instance decision may be appealed exclusively to CAS.<sup>73</sup>

#### 13.2.2 *Appeals Involving Other Athletes or Other Persons*

In cases where Article 13.2.1 is not applicable, the first instance decision may be appealed exclusively to CAS

#### 13.2.3 *Persons entitled to appeal*

##### 13.2.3.1 *Appeals Involving International-Level Athletes or International Events*

In cases under Article 13.2.1, the following parties shall have the right to appeal to CAS:

- (a) the *Athlete* or *Other Person* who is the subject of the decision being appealed;

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<sup>73</sup> Comment to Article 13.2.1: CAS decisions are final and binding except for any review required by law applicable to the annulment or enforcement of arbitral awards.

- (b) the other party to the case in which the decision was rendered;
- (c) us;
- (d) the relevant International Federation;
- (e) *SIA* and (if different) the *National Anti-Doping Organisation* of the *Person's* country of residence or countries where the *Person* is a national or licence holder or countries where the *Person* is a national or license holder;
- (f) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and
- (g) *WADA*.

#### 13.2.3.2 Appeals Involving Other *Athletes* or *Other Persons*

In cases under Article 13.2.2, the following parties, at a minimum, shall have the right to appeal to CAS:

- (a) the *Athlete* or *Other Person* who is the subject of the decision being appealed;
- (b) the other party to the case in which the decision was rendered;
- (c) us;
- (d) the relevant International Federation;
- (e) *SIA* and (if different) the *National Anti-Doping Organisation* of the *Person's* country of residence or countries where the *Person* is a national or license holder;
- (f) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and
- (g) *WADA*.

Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the *Anti-Doping Organisation* whose decision is being appealed and the information shall be provided if CAS so directs.

#### 13.2.3.3 Duty to Notify

All parties to any CAS appeal must ensure that *WADA* and all other parties with a right to appeal have been given timely notice of the appeal.

#### 13.2.3.4 Appeal from *Imposition* of *Provisional Suspension*

Notwithstanding any other provision herein, the only *Person* who may appeal

from the imposition of a *Provisional Suspension* is the *Athlete* or *Other Person* upon whom the *Provisional Suspension* is imposed.

#### 13.2.4 Cross Appeals and other Subsequent Appeals Allowed

Cross appeals and other subsequent appeals by any respondent named in cases brought to CAS under the *Code* are specifically permitted. Any party with a right to appeal under this Article 13 must file a cross appeal or subsequent appeal at the latest with the party's answer.<sup>74</sup>

### 13.3 Failure to Render a Timely Decision

Where, in a particular case, an *Anti-Doping Organisation* fails to render a decision with respect to whether an anti-doping rule violation was committed within a reasonable deadline set by WADA, WADA may elect to appeal directly to CAS as if an *Anti-Doping Organisation* had rendered a decision finding no anti-doping rule violation. If the CAS hearing panel determines that an anti-doping rule violation was committed and that WADA acted reasonably in electing to appeal directly to CAS, then WADA's costs and attorney fees in prosecuting the appeal shall be reimbursed to WADA by the *Anti-Doping Organisation*.<sup>75</sup>

### 13.4 Appeals relating to TUEs

TUE decisions may be appealed exclusively as provided in Article 4.4.

### 13.5 Notification of Appeal Decisions

Any *Anti-Doping Organisation* that is a party to an appeal shall promptly provide the appeal decision to the *Athlete* or *Other Person* and to the other *Anti-Doping Organisations* that would have been entitled to appeal under Article 13.2.3 as provided under Article 14.

### 13.6 Time for Filing Appeals

#### 13.6.1 Appeals to CAS

The time to file an appeal to CAS shall be twenty-one (21) days from the date of receipt of the decision by the appealing party. This notwithstanding, the following shall apply in connection with appeals filed by a party entitled to appeal but which was not a party to the proceedings that led to the decision being appealed:

- (a) Within fifteen (15) days from the notice of the decision, such party/ies shall have the right to request a copy of the full case file pertaining to the decision from the *Anti-Doping Organisation* that had *Results Management* authority;
- (b) If such a request is made within the fifteen (15) day period, then the party making the request shall have twenty-one (21) days from receipt of the file to file an appeal to CAS.

This notwithstanding, the filing deadline for an appeal filed by WADA shall be the later

<sup>74</sup> Comment to Article 13.2.4: This provision is necessary because since 2011, CAS rules no longer permit an *Athlete* the right to cross appeal when an *Anti-Doping Organisation* appeals a decision after the *Athlete's* time for appeal has expired. This provision permits a full hearing for all parties.

<sup>75</sup> Comment to Article 13.3: Given the different circumstances of each anti-doping rule violation investigation and *Results Management* process, it is not feasible to establish a fixed time period for an *Anti-Doping Organisation* to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with the *Anti-Doping Organisation* and give the *Anti-Doping Organisation* an opportunity to explain why it has not yet rendered a decision.



of:

- (a) Twenty-one (21) days after the last day on which any other party in the case could have appealed; or
- (b) Twenty-one (21) days after *WADA's* receipt of the complete file relating to the decision.

### 13.7 CAS Fees

In the case of any appeals before CAS each party shall bear the arbitration costs in accordance with CAS Code of Sports-related Arbitration. Should it be found that no anti-doping rule violation has been committed, *SIA* shall reimburse the *Athlete* or *Other Person* their application fee and their portion of the arbitration costs. Each party shall otherwise bear their own costs.

## 14 Confidentiality and Reporting

### 14.1 Information Concerning *Adverse Analytical Findings, Atypical Findings, and other Asserted Anti-Doping Rule Violations*

#### 14.1.1 *Notice of Anti-Doping Rule Violations to Athletes and Other Persons*

Notice to *Athletes* or *Other Persons* that an anti-doping rule violation is being asserted against them shall occur as provided under Articles 7 and 14 of this ADP. Notice to an *Athlete* or *Other Person* who is a member of FA may be put into effect by delivery of the notice to FA.

**Note:** For the avoidance of doubt, Notice to an *Athlete* or *Other Person* who is a member of FA will only be put into effect by delivery of the Notice to FA after all of the requirements for notifying the *Athlete* or *Other Person* that an anti-doping rule violation is being asserted against them, outlined under Articles 7.6, 7.8 and Article 14, have been exhausted.

If at any point during *Results Management* up until the anti-doping rule violation charge, the *Results Management Authority* decides not to move forward with a matter, it must notify the *Athlete* or *Other Person* (provided that the *Athlete* or *Other Person* had been already informed of the ongoing *Results Management*).

#### 14.1.2 *Notice of Anti-Doping Rule Violations to the International Federation and WADA*

Notice of the assertion of an anti-doping rule violation to the International Federation and WADA shall occur as provided under Articles 7 and 14 of this ADP, simultaneously with the notice to the *Athlete* or *Other Person*.

If at any point during *Results Management* up until the anti-doping rule violation charge under Article 7 of the *International Standard for Results Management*, the *Results Management Authority* decides not to move forward with a matter, it must give notice (with reasons) to the *Anti-Doping Organisations* with a right of appeal under Article 13.2.3.

#### 14.1.3 *Content of a notice alleging an anti-doping rule violation*

Notification of an anti-doping rule violation shall include: the *Athlete's* or *Other Person's* name, country, sport and discipline within the sport, the *Athlete's* competitive level, whether the test was *In-Competition* or *Out-of-Competition*, the date of *Sample* collection, the analytical result reported by the laboratory, and other information as required by the *International Standard for Results Management*.

Notification of anti-doping rule violations other than under Article 2.1 shall also include the rule violated and the basis of the asserted violation.

#### 14.1.4 *Status Reports*

Except with respect to investigations which have not resulted in notice of an anti-doping rule violation pursuant to Article 14.1.1, the International Federation and WADA shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Article 7, 8 or 13 and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

#### 14.1.5 *Confidentiality*

The recipient organisations shall not disclose this information beyond those *Persons* with a need to know (which would include the appropriate personnel at the applicable

*National Olympic Committee, National Federation, and team in a Team Sport) until SIA, we or other Anti-Doping Organisation has made Public Disclosure or has failed to make Public Disclosure as permitted by Article 14.3, or where the Athlete or Other Person consents to the disclosure.<sup>76</sup>*

#### 14.2 Notice of Anti-Doping Rule Violation or Violations of Ineligibility or Provisional Suspension Decisions and Request for Files

14.2.1 Anti-doping rule violation decisions or decisions related to violations of *Ineligibility* or *Provisional Suspension* rendered pursuant to Article 7.6, 8.6, 10.5, 10.6, 10.7 10.14.3 or 13.5 shall include the full reasons for the decision, including, if applicable, a justification for why the maximum potential sanction was not imposed. Where the decision is not in English or French, SIA or another *Anti-Doping Organisation* shall provide a short English or French summary of the decision and the supporting reasons.

14.2.2 An *Anti-Doping Organisation* having a right to appeal a decision received pursuant to Article 14.2.1 may, within fifteen (15) days of receipt, request a copy of the full case file pertaining to the decision.

#### 14.3 Public Disclosure

14.3.1 After notice has been provided to the *Athlete* or *Other Person* in accordance with the *International Standard for Results Management*, and to the applicable *Anti-Doping Organisations* in accordance with Article 14.1.2, the identity of any *Athlete* or *Other Person* who is notified of a potential anti-doping rule violation, the *Prohibited Substance* or *Prohibited Method* and the nature of the violation involved, and whether the *Athlete* or *Other Person* is subject to a *Provisional Suspension* may be *Publicly Disclosed* by SIA or us but only to the extent previously agreed by SIA.

SIA can agree to us disclosing some or all of the following in relation to a potential anti-doping rule violation: the identity of the *Athlete* or *Other Person*, the *Prohibited Substance* or *Prohibited Method*, the nature of the violation or violations, and whether a *Provisional Suspension* has been imposed or accepted.

For the avoidance of doubt, SIA can refuse to agree to us *Publicly Disclosing* any information under this Article 14.3.1 but will not unreasonably refuse to agree to us *Publicly Disclosing* information in accordance with this Article 14.3.1. SIA will agree to *Public Disclosure* where the *Athlete* or *Other Person* has provided prior written consent authorizing the *Public Disclosure*.

14.3.2 No later than twenty days after it has been determined in a final appellate decision under Article 13.2.1 or 13.2.2, or such appeal has been waived, or a hearing in accordance with Article 8 has been waived, or the assertion of an anti-doping rule violation has not been timely challenged, or the matter has been resolved under Article 10.8, or a new period of *Ineligibility*, or reprimand, has been imposed under Article 10.14.3, SIA and we must *Publicly Disclose* the disposition of the matter, including the sport, the anti-doping rule violated, the name of the *Athlete* or *Other Person* committing the violation, the *Prohibited Substance* or *Prohibited Method* involved (if any) and the *Consequences* imposed. SIA and we must also *Publicly Disclose* within twenty (20) days the results of final appeal decisions concerning anti-doping rule violations, including the information described above.

14.3.3 After an anti-doping rule violation has been determined to have been committed in an appellate decision under Article 13.2.1 or 13.2.2 or such appeal has been waived, or in a hearing in accordance with Article 8 or where such hearing has been waived, or the

<sup>76</sup> Comment to Article 14.1.5: Part 8 of the *SIA Act* contains criminal offences for the disclosure of information by 'entrusted persons' other than as permitted by the *SIA Act*. This is defined by s 69 of the *SIA Act* to include the SIA CEO and staff, and contractors and consultants engaged by SIA, among others. SIA is also subject to the *Privacy Act 1988*, and the Australian Privacy Principles made under that Act.

assertion of an anti-doping rule violation has not otherwise been timely challenged, or the matter has been resolved under Article 10.8, *SIA* and we may make public such determination or decision and may comment publicly on the matter.

14.3.4 In any case where it is determined, after a hearing or appeal, that the *Athlete* or *Other Person* did not commit an anti-doping rule violation, the fact that the decision has been appealed may be *Publicly Disclosed*. However, the decision itself and the underlying facts other than those that have been disclosed pursuant to Article 14.3.1, may not be *Publicly Disclosed* except with the consent of the *Athlete* or *Other Person* who is the subject of the decision. *SIA* and we shall use reasonable efforts to obtain such consent. If consent is obtained, *SIA* and we shall *Publicly Disclose* the decision in its entirety or in such redacted form as the *Athlete* or *Other Person* may approve.

14.3.5 Publication shall be accomplished at a minimum by placing the required information on *SIA*'s website and leaving the information up for the longer of one (1) month or the duration of any period of *Ineligibility*.

14.3.6 Except as provided in Articles 14.3.1 and 14.3.3, neither *SIA*, nor *WADA*-accredited laboratory, nor us, nor any official of either body, shall publicly comment on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed to, or based on information provided by, the *Athlete*, *Other Person* or their entourage or other representatives.

14.3.6(a) Where an *Athlete* or *Other Person* or their representative comments about their matter the *Athlete* or *Other Person* is taken to have consented to *SIA* and us commenting in response to their matter for the purposes of the *SIA Act*.

14.3.7 The mandatory *Public Disclosure* required in Article 14.3.2 shall not be required where the *Athlete* or *Other Person* who has been found to have committed an anti-doping rule violation is a *Minor*, *Protected Person*, or *Recreational Athlete*. Any optional *Public Disclosure* in a case involving a *Minor*, *Protected Person*, or *Recreational Athlete* shall be proportionate to the facts and circumstances of the case.

#### 14.4 Data Privacy

14.4.1 *SIA* may collect, store, process or disclose personal information relating to *Athletes* and *Other Persons* collected in accordance with this ADP for the purposes of conducting its activities under the *SIA Act*, *SIA Regulations*, the *NAD scheme*, *Code*, the *International Standards* (including specifically the *International Standard for the Protection of Privacy and Personal Information*), the *Australian Privacy Principles*, and this ADP as in force from time to time.<sup>77</sup>

14.4.2 Any *Participant* who submits personal information to any *Person* in accordance with this ADP shall be deemed to have agreed that such information may be collected, processed, disclosed and used by such *Person* for the purposes of the implementation of this ADP, in accordance with the *International Standard for the Protection of Privacy and Personal Information*, the *Australian Privacy Principles*, the *Archives Act 1983* (Cth), *SIA Act*, *SIA Regulations*, the *NAD scheme* as in force from time to time, and otherwise as required to implement this ADP.

<sup>77</sup> For further information, see *SIA*'s *Athlete Privacy Policy*: [www.sportintegrity.gov.au](http://www.sportintegrity.gov.au)

## 15 Implementation of Decisions

### 15.1 Automatic Binding Effect of Decisions by *Signatory Anti-Doping Organisations*

15.1.1A decision of an anti-doping rule violation made by a *Signatory Anti-Doping Organisation*, an appellate body (Article 13.2.2 of the *Code*) or CAS shall, after the parties to the proceeding are notified, automatically be binding beyond the parties to the proceeding upon SIA and us, as well as every *Signatory* in every sport with the effects described below:

15.1.1.1 A decision by any of the above-described bodies imposing a *Provisional Suspension* (after a *Provisional Hearing* has occurred or the *Athlete* or *Other Person* has either accepted the *Provisional Suspension* or has waived the right to a *Provisional Hearing*, expedited hearing or expedited appeal offered in accordance with Article 7.4.3) automatically prohibits the *Athlete* or *Other Person* from participation (as described in Article 10.14.1) in all sports within the authority of any *Signatory* during the *Provisional Suspension*.

15.1.1.2 A decision by any of the above-described bodies imposing a period of *Ineligibility* (after a hearing has occurred or been waived) automatically prohibits the *Athlete* or *Other Person* from participation (as described in Article 10.14.1) in all sports within the authority of any *Signatory* for the period of *Ineligibility*.

15.1.1.3 A decision by any of the above-described bodies accepting an anti-doping rule violation automatically binds all *Signatories*.

15.1.1.4 A decision by any of the above-described bodies to *Disqualify* results under Article 10.10 for a specified period automatically *Disqualifies* all results obtained within the authority of any *Signatory* during the specified period.

15.1.2 SIA and us shall recognise and implement a decision and its effects as required by Article 15.1.1, without any further action required, on the earlier of the date SIA receives actual notice of the decision or the date the decision is placed into ADAMS.

15.1.3A decision by an *Anti-Doping Organisation*, an appellate body or CAS to suspend, or lift, *Consequences* shall be binding upon SIA and us without any further action required, on the earlier of the date SIA receives actual notice of the decision or the date the decision is placed into ADAMS.

15.1.4 Notwithstanding any provision in Article 15.1.1, however, a decision of an anti-doping rule violation by a *Major Event Organisation* made in an expedited process during an *Event* shall not be binding on SIA or us unless the rules of the *Major Event Organisation* provide the *Athlete* or *Other Person* with an opportunity to an appeal under non-expedited procedures.<sup>78</sup>

### 15.2 Implementation of Other Decisions by *Anti-Doping Organisations*

SIA and we may decide to implement other anti-doping decisions rendered by *Anti-Doping Organisations* not described in Article 15.1.1 above, such as a *Provisional Suspension* prior to a *Provisional Hearing* or acceptance by the *Athlete* or *Other Person*.<sup>79</sup>

<sup>78</sup> Comment to Article 15.1.4: By way of example, where the rules of the *Major Event Organisation* give the *Athlete* or *Other Person* the option of choosing an expedited CAS appeal or a CAS appeal under normal CAS procedure, the final decision or adjudication by the *Major Event Organisation* is binding on other *Signatories* regardless of whether the *Athlete* or *Other Person* chooses the expedited appeal option.

<sup>79</sup> Comment to Articles 15.1 and 15.2: *Anti-Doping Organisation* decisions under Article 15.1 are implemented automatically by other *Signatories* without the requirement of any decision or further action on the *Signatories'* part. For example, when a

### 15.3 Implementation of Decisions by Body that is not a *Signatory*

An anti-doping decision by a body that is not a *Signatory* to the *Code* shall be implemented by *SIA* and us, if *SIA* finds that the decision purports to be within the authority of that body and the anti-doping rules of that body are otherwise consistent with the *Code*.<sup>80</sup>

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*Sporting Administration Body* decides to *Provisionally Suspend* an *Athlete*, that decision is given automatic effect at the *International Federation* level. To be clear, the "decision" is the one made by the *Sporting Administration Body*, there is not a separate decision to be made by the *International Federation*. Thus, any claim by the *Athlete* that the *Provisional Suspension* was improperly imposed can only be asserted against the *Sporting Administration Body*. Implementation of *Anti-Doping Organisations'* decisions under Article 15.2 is subject to each *Signatory's* discretion. A *Signatory's* implementation of a decision under Article 15.1 or Article 15.2 is not appealable separately from any appeal of the underlying decision. The extent of recognition of *TUE* decisions of other *Anti-Doping Organisations* shall be determined by Article 4.4 and the *International Standard for Therapeutic Use Exemptions*.

<sup>80</sup> Comment to Article 15.3: Where the decision of a body that has not accepted the *Code* is in some respects *Code* compliant and in other respects not *Code* compliant, *Signatories* should attempt to apply the decision in harmony with the principles of the *Code*. For example, if in a process consistent with the *Code* a non-*Signatory* has found an *Athlete* to have committed an anti-doping rule violation on account of the presence of a *Prohibited Substance* in the *Athlete's* body but the period of *Ineligibility* applied is shorter than the period provided for in the *Code*, then all *Signatories* should recognise the finding of an anti-doping rule violation and the *Athlete's Sporting Administration Body* should conduct a hearing consistent with Article 8 to determine whether the longer period of *Ineligibility* provided in the *Code* should be imposed. A *Signatory's* implementation of a decision or its decision not to implement a decision under Article 15.3 is appealable under Article 13.

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## 16 Statute of Limitations

No anti-doping rule violation proceeding may be commenced against an *Athlete* or *Other Person* unless he or she has been notified of the anti-doping rule violation as provided in Article 7, or notification has been reasonably attempted, within ten years from the date the violation is asserted to have occurred.

## 17 Education

*SIA* and ourselves shall plan, implement, evaluate and promote *Education* in line with the requirements of Article 18.2 of the *Code* and the *International Standard for Education*.

*SIA* will support us to plan and implement an anti-doping *Education* program in line with Article 18.2 of the *Code*, the *International Standard for Education* and our *SIA Education Plan*.

We shall support active participation by *Athletes* and *Other Persons* in such programs.

## 18 Additional Roles and Responsibilities of Athletes and Other Persons

### 18.1 Roles and Responsibilities of Athletes

- 18.1.1 To be knowledgeable of and comply with this ADP.
- 18.1.2 To be available for *Testing* at all times.<sup>81</sup>
- 18.1.3 To take responsibility, in the context of anti-doping, for what they ingest and *Use*.
- 18.1.4 To inform medical *personnel* of their obligation not to *Use Prohibited Substances* and *Prohibited Methods* and to take responsibility to make sure that any medical treatment received does not violate this ADP.
- 18.1.5 To disclose to us, their International Federation and to SIA any decision by a non-*Signatory* finding that the *Athlete* committed an anti-doping rule violation within the previous ten (10) years.
- 18.1.6 To cooperate with *Anti-Doping Organisations* and us investigating anti-doping rule violations.
- 18.1.7 To disclose the identity of their Athlete Support Personnel upon request by any Anti-Doping Organisation with authority over the Athlete.
- 18.1.8 To make themselves aware of the procedures for *Testing*, and their rights during the Testing process.
- 18.1.9 To cooperate with *Sample Collection Authorities* in relation to the provision of a Sample.
- 18.1.10 To set a responsible example on the issue of doping in sport to members of the public especially children interested in our sport.
- 18.1.11 To attend all drug education programs conducted by SIA, other *Testing Authorities*, us or their Club.
- 18.1.12 To provide all reasonable assistance to WADA, SIA and us, in the application, policing and enforcement of this ADP, including (without limitation) cooperating fully with any investigation or proceeding being conducted pursuant to this ADP in relation to any suspected ADRV.
- 18.1.13 To if requested by SIA or us produce documents related to any matter that is the subject of an investigation being conducted pursuant to this ADP in relation to any suspected ADRV.
- 18.1.14 To if requested by SIA or us provide a signed statement containing a full and detailed true account of their knowledge of matters that are the subject of an investigation being conducted pursuant to this ADP in relation to any suspected ADRV.
- 18.1.15 To if requested by SIA or us provide SIA and us with their mobile phone, other personal electronic device and computer, as well as access to any cloud based storage used in association with those devices, and all relevant passwords, so that it may be imaged and examined by forensic experts to assist with an investigation being conducted pursuant to this ADP in relation to any suspected ADRV.

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<sup>81</sup> Comment to Article 21.1.2: With due regard to an *Athlete's* human rights and privacy, legitimate anti-doping considerations sometimes require *Sample* collection late at night or early in the morning. For example, it is known that some *Athletes* use low doses of EPO during these hours so that it will be undetectable in the morning.



- 18.1.16 To not other than to their legal representative disclose any information provided by them to SIA or by SIA to them during any investigation being conducted pursuant to this ADP in relation to any suspected ADRV.
- 18.1.17 To agree to their private data being disseminated as required or authorised by the Code, the NAD scheme and this ADP.
- 18.1.18 To submit to the jurisdiction of any Tribunal convened under this ADP to hear and determine allegations and appeals brought pursuant to this ADP.
- 18.1.19 To submit to the jurisdiction of CAS to hear allegations and appeals where applicable under this ADP.
- 18.1.20 To comply with all sanctions which may be imposed under this ADP in the event an ADRV is found to have occurred.

## 18.2 Roles and Responsibilities of Athlete Support Personnel

- 18.2.1 To be knowledgeable of and comply with this ADP.
- 18.2.2 To cooperate with the *Athlete Testing* program.
- 18.2.3 To use their influence on *Athlete* values and behaviour to foster anti-doping attitudes.
- 18.2.4 To disclose to us, the International Federation and to SIA any decision by a non-*Signatory* finding that they committed an anti-doping rule violation within the previous ten (10) years.
- 18.2.5 To cooperate with *Anti-Doping Organisations* and us investigating anti-doping rule violations.<sup>82</sup>
- 18.2.6 *Athlete Support Personnel* shall not Use or Possess any *Prohibited Substance* or *Prohibited Method* without valid justification.

**NOTE:** Coaches and other *Athlete Support Personnel* are often role models for *Athletes*. They should not be engaging in *personal* conduct which conflicts with their responsibility to encourage their *Athletes* not to dope. Use or Possession of a *Prohibited Substance* or *Prohibited Method* by an *Athlete Support Person* without valid justification is not an anti-doping rule violation under *the Code* but may be a breach under our disciplinary rules or policies.

## 18.3 Additional Roles and Responsibilities of Other Persons subject to this ADP

- 18.3.1 To be knowledgeable of and comply with this ADP.
- 18.3.2 To disclose to us, SIA and to the International Federation any decision by a non-*Signatory* finding that they committed an anti-doping rule violation within the previous ten (10) years.
- 18.3.3 To cooperate with *Anti-Doping Organisations* and us investigating anti-doping rule violations.

## 18.4 Additional Roles and Responsibilities of Clubs and Anti-Doping Officers

Each club/team in a competition in the A-Leagues shall comply with this ADP and in addition

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<sup>82</sup> Comment to Article 21.2.5: Failure to cooperate is not an anti-doping rule violation under the *Code*, but it may be the basis for disciplinary action under the rules of the *Sporting Administration Body*.

specifically shall:

- 18.4.1 appoint an anti-doping officer;
- 18.4.2 ensure that all Athletes in the team are informed of this ADP, have access to it and will be provided with a copy on request<sup>83</sup>;
- 18.4.3 upon our request advise the Anti-Doping Co-ordinator in writing of the steps taken:
  - 18.4.3.1 to make Athletes, relevant team officials and ancillary staff familiar with the content of this ADP, the Prohibited List and the sanctions which are applicable to ADRVs; and
  - 18.4.3.2 to educate its Athletes in respect of the dangers and consequences of the use of prohibited drugs and doping methods;
- 18.4.4 support and participate in drug education programs conducted by SIA, other *Testing Authorities* and us and record the attendance of its Athletes at such programs;
- 18.4.5 give all reasonable assistance to drug Testing personnel to enable them to carry out their Testing duties efficiently and effectively;
- 18.4.6 ensure that team coaches are aware that Athletes may be tested immediately following a Competition and that every assistance is to be given to Testing personnel in carrying out their duties;
- 18.4.7 ensure that appropriate travel arrangements are made to allow sufficient time for Testing personnel to carry out their Testing duties following a Competition;
- 18.4.8 upon request take reasonable steps to provide an adequate facility, available to the Testing personnel, to enable the Testing of Athletes to be undertaken in private;
- 18.4.9 provide all reasonable assistance to WADA, SIA and us, in the application and enforcement of this ADP, including (without limitation) cooperating fully with any investigation or proceeding being conducted pursuant to this ADP in relation to any suspected ADRV;
- 18.4.10 must if requested by SIA or us produce documents related to any matter that is the subject of an investigation being conducted pursuant to this ADP in relation to any suspected ADRV;
- 18.4.11 must if requested by SIA or us provide SIA and us with access to their premises, including to all electronic devices and computers, as well as access to any cloud-based storage used in association with those devices, and the relevant passwords required to access them, so that they may be imaged and examined by forensic experts to assist with an investigation being conducted pursuant to this ADP in relation to any suspected ADRV;
- 18.4.12 must not other than to their legal representative disclose any information provided by them to SIA or by SIA to them during any investigation being conducted pursuant to this ADP in relation to any suspected ADRV;
- 18.4.13 arrange for team officials and other relevant staff to attend meetings arranged by us, SIA or other Testing Authorities to discuss any problems in relation to drug Testing;
- 18.4.14 take all reasonably available steps to ensure that sanctions are enforced;

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<sup>83</sup> This ADP is posted on the FA website ([www.footballaustralia.com.au](http://www.footballaustralia.com.au) under "Statutes and Regulations").

18.4.15 treat people who are not or have not been bound by this ADP as follows:

(i) Subject to (ii), in relation to a person who is alleged to have committed conduct which would or allegedly would amount to a breach of this ADP if the person was bound by this ADP and the person has not been sanctioned under this ADP or at all by any tribunal because the person is not bound by any anti-doping policy, it will:

18.4.15.1 if the person is an *Athlete*, prevent that person from competing with them;

18.4.15.2 if the person is not an *Athlete*, prevent that person (so far as reasonably possible) from having any involvement with them; and

18.4.15.3 not employ, engage or register that person;

for two (2) years from the date the conduct is alleged to have been committed.

(ii) Sub-paragraph (i) does not apply if the person:

18.4.15.4 agrees to be bound by this ADP as if always bound by the rules;

18.4.15.5 submits to a hearing, and

18.4.15.6 agrees to abide by any sanction imposed as a result of such hearing.

18.4.16 The anti-doping officer of each club/team in a competition in the A-Leagues shall:

18.4.16.1 be responsible for ensuring the team's compliance with this ADP and, in particular, Article 18.4;

18.4.16.2 liaise with us and Drug Testing Authorities in relation to Testing, including providing Drug Testing Authorities with Athlete whereabouts information, training times and venues; and

18.4.16.3 maintain accurate written records of the attendance of all Athletes at anti-doping education seminars conducted by SIA and others.

## 19 Amendment, Interpretation & Transitional Provisions

- 19.1 This ADP may be amended from time to time by us subject to written approval of any substantive amendment by the SIA CEO under clause 2.04 of the NAD Scheme.
- 19.2 The comments annotating various provisions of this ADP and the Code shall be used to interpret this ADP.
- 19.3 This ADP shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes of the Signatories or governments.
- 19.4 The headings used for the various Parts and Articles of this ADP are for convenience only and shall not be deemed part of the substance of this ADP or to affect in any way the language of the provisions to which they refer.
- 19.5 Where the term “days” is used in this ADP, or in the Code or an International Standard, it shall mean calendar days unless otherwise specified.
- 19.6 This ADP has been adopted pursuant to the applicable provisions of the Code and the International Standards and shall be interpreted in a manner that is consistent with applicable provisions of the Code and the International Standards. The Code, including the Purpose, Scope and Organization of the World Anti-Doping Program (as outlined in the Code) and Appendix 1, Definitions, shall be considered integral parts of this ADP and shall prevail in the case of conflict.
- 19.7 The Code shall not apply retroactively to matters pending before the date the Code is accepted by a Signatory and implemented in its rules. However, pre-Code anti-doping rule violations would continue to count as ‘First violations’ or ‘Second violations’ for the purposes of determining sanctions under Article 10 of this ADP for subsequent post-Code violations.
- 19.8 This ADP shall come into effect on 6 July 2022 (the ‘Effective Date’), and supersedes any previous versions of this ADP. This ADP shall not apply retroactively to matters pending before the Effective Date; provided, however, that:
- 19.8.1 Anti-doping rule violations taking place prior to the Effective Date count as ‘first violations’ or ‘second violations’ for purposes of determining sanctions under Article 10 for violations taking place after the Effective Date.
- 19.8.2 Any anti-doping rule violation case which is pending as of the Effective Date and any anti-doping rule violation case brought after the Effective Date based on an anti-doping rule violation which occurred prior to the Effective Date, shall be governed by the substantive anti-doping rules in effect at the time the alleged anti-doping rule violation occurred, and not by the substantive anti-doping rules set out in these Anti-Doping Rules, unless the panel hearing the case determines the principle of “lex mitior” appropriately applies under the circumstances of the case.
- For these purposes, the retrospective periods in which prior violations can be considered for purposes of multiple violations under Article 10.9.4 and the statute of limitations set forth in Article 16 are procedural rules, not substantive rules, and should be applied retroactively along with all of the other procedural rules in these Anti-Doping Rules (provided, however, that Article 16 shall only be applied retroactively if the statute of limitations period has not already expired by the Effective Date).
- 19.8.3 Any Article 2.4 whereabouts failure (whether a filing failure or a missed test, as those terms are defined in the *International Standard for Results Management*) prior to the Effective Date shall be carried forward and may be relied upon, prior to expiry, in accordance with the *International Standard for Results Management*, but it shall be

deemed to have expired twelve (12) months after it occurred.

- 19.8.4 With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the *Athlete* or *Other Person* is still serving the period of *Ineligibility* as of the Effective Date, the *Athlete* or *Other Person* may apply to the *Anti-Doping Organisation* which had *Results Management* responsibility for the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of this ADP. Such application must be made before the period of *Ineligibility* has expired. The decision rendered may be appealed pursuant to Article 13.2. This ADP shall have no application to any case where a final decision finding an anti-doping rule violation has been rendered and the period of *Ineligibility* has expired.
- 19.8.5 For purposes of assessing the period of *Ineligibility* for a second violation under Article 10.9.1, where the sanction for the first violation was determined based on rules in force prior to the Effective Date, the period of *Ineligibility* which would have been assessed for that first violation had this ADP been applicable, shall be applied.<sup>84</sup>
- 19.8.6 Changes to the *Prohibited List* and *Technical Documents* relating to substances or methods on the *Prohibited List* shall not, unless they specifically provide otherwise, be applied retroactively. As an exception, however, when a *Prohibited Substance* or a *Prohibited Method* has been removed from the *Prohibited List*, an *Athlete* or *Other Person* currently serving a period of *Ineligibility* on account of the formerly *Prohibited Substance* or *Prohibited Method* may apply to the *Anti-Doping Organisation* which had *Results Management* responsibility for the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of the removal of the substance or method from the *Prohibited List*.

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<sup>84</sup> Comment to Article 20.8.5: Other than the situation described in Article 20.8.4, where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date and the period of *Ineligibility* imposed has been completely served, this ADP may not be used to re-characterise the prior violation.

## Appendix 1 – Definitions

In this ADP the following definitions shall apply:

**ADAMS:** The Anti-Doping Administration and Management System is a web-based database management tool for data entry, storage, sharing and reporting designed to assist stakeholders and WADA in their anti-doping operations in conjunction with data protection legislation.

**Administration:** Providing, supplying, supervising, facilitating, or otherwise participating in the *Use* or *Attempted Use* by another *Person* of a *Prohibited Substance* or *Prohibited Method*. However, this definition shall not include the actions of bona fide medical personnel involving a *Prohibited Substance* or *Prohibited Method Used* for genuine and legal therapeutic purposes or other acceptable justification and shall not include actions involving *Prohibited Substances* which are not prohibited in *Out-of-Competition Testing* unless the circumstances as a whole demonstrate that such *Prohibited Substances* are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

**Adverse Analytical Finding:** A report from a WADA-accredited laboratory or other WADA-approved laboratory that, consistent with the *International Standard* for Laboratories, establishes in a *Sample* the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* or evidence of the *Use* of a *Prohibited Method*.

**Adverse Passport Finding:** A report identified as an *Adverse Passport Finding* as described in the applicable *International Standards*.

**Aggravating Circumstances:** Circumstances involving, or actions by, an *Athlete* or *Other Person* which may justify the imposition of a period of *Ineligibility* greater than the standard sanction. Such circumstances and actions shall include, but are not limited to: the *Athlete* or *Other Person Used* or *Possessed* multiple *Prohibited Substances* or *Prohibited Methods*, *Used* or *Possessed* a *Prohibited Substance* or *Prohibited Method* on multiple occasions or committed multiple other anti-doping rule violations; a normal individual would be likely to enjoy the performance-enhancing effects of the anti-doping rule violation(s) beyond the otherwise applicable period of *Ineligibility*; the *Athlete* or *Person* engaged in deceptive or obstructive conduct to avoid the detection or adjudication of an anti-doping rule violation; or the *Athlete* or *Other Person* engaged in *Tampering* during *Results Management*. For the avoidance of doubt, the examples of circumstances and conduct described herein are not exclusive and other similar circumstances or conduct may also justify the imposition of a longer period of *Ineligibility*.

**Anti-Doping Activities:** Anti-doping *Education* and information, test distribution planning, maintenance of a *Registered Testing Pool*, managing *Athlete Biological Passports*, conducting *Testing*, organising analysis of *Samples*, gathering of intelligence and conduct of investigations, processing of *TUE* applications, *Results Management*, monitoring and enforcing compliance with any *Consequences* imposed, and all other activities related to anti-doping to be carried out by or on behalf of an *Anti-Doping Organisation*, as set out in the *Code* and/or the *International Standards*.

**Anti-Doping Co-ordinator** – means the person we appoint from time to time to hold that position and failing an express appointment will be our chief executive officer (and if no chief executive officer, our chairperson).

**Anti-Doping Organisation:** WADA or a Signatory that is responsible for adopting rules for initiating, implementing or enforcing any part of the *Doping Control* process. This includes, for example, the International Olympic Committee, the International Paralympic Committee, other *Major Event Organisations* that conduct *Testing* at their *Events*, International Federations, and *National Anti-Doping Organisations*. For the purposes of this ADP, *SIA* is an *Anti-Doping Organisation*.

**Anti-Doping Tribunal** - means the hearing body established by this ADP.

**Archives Act 1983 (Cth):** is the Commonwealth legislation that governs the retention and disposal

of Commonwealth records. SIA's Disposal Authority document is approved pursuant to that legislation, and it categorises types of records and classifies how long those records must be retained, and how they must be stored.

**ASDMAC** - means the Australian Sports Drug Agency Medical Advisory Committee referred to in the SIA Act.

**Athlete:** Any Person who participates in sport at the international level (as defined by each *International Federation*), or the national level (as defined by each *National Anti-Doping Organisation*). For the purposes of this ADP, *Athlete* includes any Person falling within the scope of Article 1.2. An *Anti-Doping Organisation* has discretion to apply anti-doping rules to an *Athlete* who is neither an *International-Level Athlete* nor a *National-Level Athlete*, and thus to bring them within the definition of '*Athlete*'.

In relation to *Athletes* who are neither *International-Level* nor *National-Level Athletes*, an *Anti-Doping Organisation* may elect to: conduct limited *Testing* or no *Testing* at all; analyse *Samples* for less than the full menu of *Prohibited Substances*; require limited or no whereabouts information; or not require advance *TUEs*. However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any *Athlete* over whom an *Anti-Doping Organisation* has elected to exercise its authority to test and who competes below the international or national level, then the *Consequences* set out in *the Code* must be applied.

For purposes of Article 2.8 and Article 2.9 and for purposes of anti-doping information and *Education*, any Person who participates in sport under the authority of any *Signatory*, government, or other sports organisation accepting *the Code* is an *Athlete*.<sup>85</sup>

**Athlete Biological Passport:** The program and methods of gathering and collating data as described in the *International Standard for Testing and Investigations* and *International Standard for Laboratories*.

**Athlete Support Personnel:** Any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent or any *other Person* working with, treating or assisting an *Athlete* participating in or preparing for sports *Competition* whether a member of us or not falling within the scope of Article 1.2.

**Attempt:** Purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of an anti-doping rule violation. Provided, however, there shall be no anti-doping rule violation based solely on an *Attempt* to commit a violation if the Person renounces the *Attempt* prior to it being discovered by a third party not involved in the *Attempt*.

**Atypical Finding:** A report from a WADA-accredited laboratory or other WADA-approved laboratory which requires further investigation as provided by the *International Standard for Laboratories* or related *Technical Documents* prior to the determination of an *Adverse Analytical Finding*.

**Atypical Passport Finding:** A report described as an *Atypical Passport Finding* as described in the applicable *International Standards*.

**Australian Privacy Principles:** are contained in Schedule 1 to the *Privacy Act 1988* (Cth). SIA is required to comply with this legislation.

**CAS:** The Court of Arbitration for Sport.

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<sup>85</sup> Comment to *Athlete*: Individuals who participate in sport may fall in one of five categories: 1) *International-Level Athlete*, 2) *National-Level Athlete*, 3) individuals who are not *International* or *National-Level Athletes* but over whom the International Federation or *National Anti-Doping Organisation* has chosen to exercise authority, 4) *Recreational Athlete*, and 5) individuals over whom no International Federation or *National Anti-Doping Organisation* has, or has chosen to, exercise authority. All *International-* or *National-Level Athletes* are subject to the anti-doping rules of the *Code*, with the precise definitions of international and national level sport to be set forth in the anti-doping rules of the International Federations and *National Anti-Doping Organisations*.

**Code:** The World Anti-Doping Code.

**Competition:** A single race, match, game or singular sport contest. For example, a basketball game or the finals of the Olympic 100-meter race in athletics. For stage races and other sport contests where prizes are awarded on a daily or other interim basis the distinction between a *Competition* and an *Event* will be as provided in the rules of the applicable International Federation.

Our note: See Schedule “**Item 3 – A typical Competition**”

**Consequences of Anti-Doping Rules Violations (“Consequences”):** An *Athlete’s* or *Other Person’s* violation of an anti-doping rule may result in one or more of the following:

- (a) *Disqualification* means the *Athlete’s* results in a particular *Competition* or *Event* are invalidated, with all resulting *Consequences* including forfeiture of any medals, points and prizes;
- (b) *Ineligibility* means the *Athlete* or other *Person* is barred on account of an anti-doping rule violation for a specified period of time from participating in any *Competition* or other activity or funding as provided in Article 10.14;
- (c) *Provisional Suspension* means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* or *activity* prior to the final decision at a hearing conducted under Article 8 (Right to a Fair Hearing); and
- (d) *Financial Consequences* means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and
- (e) *Public Disclosure* means the dissemination or distribution of information to the general public or *Persons* beyond those *Persons* entitled to earlier notification in accordance with Article 14. Teams in *Team Sports* may also be subject to *Consequences* as provided in Article 11 of the *Code*.

**Contaminated Product:** A product that contains a *Prohibited Substance* that is not disclosed on the product label or in information available in a reasonable internet search.

**Decision Limit:** The value of the result for a threshold substance in a *Sample*, above which an *Adverse Analytical Finding* shall be reported, as defined in the *International Standard* for Laboratories.

**Delegated Third Party:** Any *Person* to which *SIA* delegates any aspect of *Doping Control* or anti-doping *Education* programs including, but not limited to, third parties or other *Anti-Doping Organisations* that conduct *Sample* collection or other *Doping Control* services or anti-doping *Education* programs for *SIA*, or individuals serving as independent contractors who perform *Doping Control* services for *SIA* (e.g. non-employee *Doping Control* officers or chaperones). This definition does not include *CAS*.

**Disqualification:** See *Consequences of Anti-Doping Rules Violations*.

**Domestic Testing Pool:** Is the pool of *Athletes* designated as such by *SIA*, who are neither in *SIA’s Registered Testing Pool* nor *SIA’s National Testing Pool* and who are subject to *Testing* both *In-Competition* and *Out-of-Competition* as part of *SIA’s* test distribution plan.

**Doping Control:** All steps and processes from test distribution planning through to ultimate disposition of any appeal and the enforcement of *Consequences* including all steps and processes in between, including but not limited to, *Testing*, investigations, whereabouts, *TUEs*, *Sample*



collection and handling, laboratory analysis, Results Management and investigations or proceedings relating to violations of Article 10.14 (Status During *Ineligibility* or *Provisional Suspension*).

**Education:** The process of learning to instill values and develop behaviors that foster and protect the spirit of sport, and to prevent intentional and unintentional doping.

**Education Plan:** The plan that outlines the required and recommended *Education* interventions for all members of our sport across key integrity threats including doping.

**Endogenous** - refers to a substance which is capable of being produced by the body naturally;

**Event:** A series of individual *Competitions* conducted together under one ruling body (for example, the Olympic Games, FINA World Championships, or Pan American Games).  
Our note: See Schedule “**Item 4 – A typical Event**”

**Event Period:** The time between the beginning and end of an *Event*, as established by the ruling body of the *Event*.

**Event Venues:** Those venues so designed by the ruling body for the *Event*.

**Fault:** *Fault* is any breach of duty of care or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an *Athlete* or *Other Person's* degree of *Fault* include, for example, the *Athlete's* or *Other Person's* experience, whether the *Athlete* or *Other Person* is a *Protected Person*, special considerations such as impairment, the degree of risk that should have been perceived by the *Athlete* and the level of care and investigation exercised by the *Athlete* in relation to what should have been the perceived level or risk. In assessing the *Athlete's* or *Other Person's* degree of *Fault*, the circumstances must be specific and relevant to explain the *Athlete's* or *Other Person's* departure from the expected standard of behaviour. Thus, for example, the fact that an *Athlete* would lose the opportunity to earn large sums of money during a period of *Ineligibility*, or the fact that the *Athlete* only has a short time left in his or her career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of *Ineligibility* under Article 10.6.1 or 10.6.2.<sup>86</sup>

**Financial Consequences:** See *Consequences of Anti-Doping Rule Violations*.

**In-Competition:** The period commencing at 11:59 p.m. on the day before a *Competition* in which the *Athlete* is scheduled to participate through the end of such *Competition* and the *Sample* collection process related to such *Competition*. Provided, however, *WADA* may approve, for a particular sport, an alternative definition if an International Federation provides a compelling justification that a different definition is necessary for its sport; upon such approval by *WADA*, the alternative definition shall be followed by all *Major Event Organisations* for that particular sport.<sup>87</sup>

**Independent Observer Program:** A team of observers and/or auditors, under the supervision of *WADA*, who observe and provide guidance on the *Doping Control* process prior to or during certain *Events* and report on their observations as part of *WADA's* compliance monitoring program.

**Individual Sport:** Any sport that is not a *Team Sport*.

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<sup>86</sup> Comment to *Fault*: The criteria for assessing an *Athlete's* degree of *Fault* is the same under all Articles where *Fault* is to be considered. However, under Article 10.6.2, no reduction of sanction is appropriate unless, when the degree of *Fault* is assessed, the conclusion is that *No Significant Fault or Negligence* on the part of the *Athlete* or *Other Person* was involved.

<sup>87</sup> Comment to *In-Competition*: Having a universally accepted definition for *In-Competition* provides greater harmonisation among *Athletes* across all sports, eliminates or reduces confusion among *Athletes* about the relevant timeframe for *In-Competition Testing*, avoids inadvertent *Adverse Analytical Findings* in between *Competitions* during an *Event* and assists in preventing any potential performance enhancement benefits from Substances prohibited *Out-of-Competition* being carried over to the *Competition* period.

**Ineligibility:** See *Consequences of Anti-Doping Rules Violations*.

**Institutional Independence:** Hearing panels on appeal shall be fully independent institutionally from the *Anti-Doping Organisation* responsible for *Results Management*. They must therefore not in any way be administered by, connected or subject to the *Anti-Doping Organisation* responsible for *Results Management*.

**International Event:** An *Event* or *Competition* where the International Olympic Committee, the International Paralympic Committee, an International Federation, a *Major Event Organisation*, or another international sport organisation is the ruling body for the *Event* or appoints the technical officials for the *Event*.

**International Federation:** In our sport this is specified in Schedule “Item 5 – Our International Federation”.

**International-Level Athlete:** *Athletes* who compete in sport at the international level, as defined by each *International Federation*, consistent with the *International Standard for Testing and Investigations*.<sup>88</sup>

**International Standard:** A standard adopted by WADA in support of the *Code*. Compliance with an *International Standard* (as opposed to another alternative standard, practice or procedure) shall be sufficient to conclude that the procedures addressed by the *International Standard* were performed properly. *International Standards* shall include any *Technical Documents* issued pursuant to the *International Standard*.

**Lower-Level Athlete:** An *Athlete* who is neither a *National-Level Athlete* nor an *International-Level Athlete* nor a *Recreational Athlete*.

**Major Event Organisations:** The continental associations of *National Olympic Committees* and other international multi-sport organisations that function as the ruling body for any continental, regional or other *International Event*.

**Marker:** A compound, group of compounds or biological variable(s) that indicates the *Use of a Prohibited Substance* or *Prohibited Method*.

**Metabolite:** Any substance produced by a biotransformation process.

**Minimum Reporting Level:** The estimated concentration of a *Prohibited Substance* or its *Metabolite(s)* or *Marker(s)* in a *Sample* below which WADA-accredited laboratories should not report that *Sample* as an *Adverse Analytical Finding*.

**Minor:** A natural *Person* who has not reached the age of eighteen years.

**NAD scheme** – means the *National Anti-Doping Scheme* which is contained in Schedule 1 to the *Sports Integrity Australia Regulations 2020* (Cth).

**National Anti-Doping Organisation:** The entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of *Samples*, manage test results, and conduct *Results Management* at the national level. If this designation has not been made by the competent public authority(ies), the entity shall be the

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<sup>88</sup> Comment to *International-Level Athlete*: Consistent with the *International Standard for Testing and Investigations*, the International Federation is free to determine the criteria it will use to classify *Athletes* as *International-Level Athletes*, e.g., by ranking, by participation in particular *International Events*, by type of license, etc. However, it must publish those criteria in clear and concise form, so that *Athletes* are able to ascertain quickly and easily when they will become classified as *International-Level Athletes*. For example, if the criteria include participation in certain *International Events*, then the International Federation must publish a list of those *International Events*.

country's *National Olympic Committee* or its designee. In Australia, the *National Anti-Doping Organisation* is SIA.

**National Event:** A sport *Event* or *Competition* involving *International-Level* or *National-Level Athletes* that is not an *International Event*.

**National Federation:** A national or regional entity which is a member of or is recognised by an international federation as the entity governing the international federation's sport in that nation or region.

**National-Level Athlete:**

- (a) an *Athlete* in the SIA CEO's *Registered Testing Pool*, *National Testing Pool* or *Domestic Testing Pool*; or
- (b) an *Athlete* who participates in or prepares for a sporting event or sporting competition declared under clause 1.05A of the *NAD scheme* and published on the SIA website.

**National Olympic Committee:** The organisation recognised by the International Olympic Committee. The term *National Olympic Committee* shall also include the National Sport Confederation in those countries where the National *Sport Confederation* assumes typical *National Olympic Committee* responsibilities in the anti-doping area. In Australia, the *National Olympic Committee* is the Australian Olympic Committee.

**National Sports Tribunal (NST):** The Australian tribunal established by the *National Sports Tribunal Act 2019* (Cth).

**National Testing Pool:** is the pool of *Athletes* designated as such by SIA, who are neither in SIA's *Registered Testing Pool* nor SIA's *Domestic Testing Pool* and who are subject to testing both *In-Competition* and *Out-of-Competition* as part of SIA's test distribution plan and who may be asked for whereabouts information.

**No Fault or Negligence:** The *Athlete* or *Other Person's* establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had *Used* or been administered the *Prohibited Substance* or *Prohibited Method* or otherwise violated an anti-doping rule. Except in the case of a *Protected Person* or *Recreational Athlete*, for any violation of Article 2.1, the *Athlete* must also establish how the *Prohibited Substance* entered his or her system.

**No Significant Fault or Negligence:** The *Athlete* or *Other Person's* establishing that his or her *Fault* or *Negligence*, when viewed in the totality of the circumstances and taking into account the criteria for *No Fault or Negligence*, was not significant in relationship to the anti-doping rule violation. Except in the case of a *Protected Person* or *Recreational Athlete*, for any violation of Article 2.1, the *Athlete* must also establish how the *Prohibited Substance* entered his or her system.

**Non-participant:** A *Person* who is neither an *Athlete* nor an *Athlete Support Person*, and who is bound by this ADP.

**NST Act:** The *National Sports Tribunal Act 2019* (Cth).

**Operational Independence:** This means that (1) board members, staff members, commission members, consultants and officials of the *Anti-Doping Organisation* with responsibility for *Results Management* or its affiliates (e.g., member federation or confederation), as well as any *Person* involved in the investigation and pre-adjudication of the matter cannot be appointed as members and/or clerks (to the extent that such clerk is involved in the deliberation process and/or drafting of any decision) of hearing panels of that *Anti-Doping Organisation* with responsibility for *Results Management* and (2) hearing panels shall be in a position to conduct the hearing and decision-making process without interference from the *Anti-Doping Organisation* or any third party. The

objective is to ensure that members of the hearing panel or individuals otherwise involved in the decision of the hearing panel, are not involved in the investigation of, or decisions to proceed with, the case.

**Other Person:** Includes an *Athlete Support Person* or a *Non-participant*.

**Out-of-Competition:** Any period which is not *In-Competition*.

**Participant:** Any *Athlete* or *Athlete Support Person*.

**Person:** A natural Person or an organisation or other entity.

**Possession:** The actual, physical *Possession*, or the constructive *Possession* (which shall be found only if the *Person* has exclusive control or intends to exercise control over the *Prohibited Substance* or *Prohibited Method* or the premises in which a *Prohibited Substance* or *Prohibited Method* exists); provided, however, that if the *Person* does not have exclusive control over the *Prohibited Substance* or *Prohibited Method* or the premises in which a *Prohibited Substance* or *Prohibited Method* exists, constructive *Possession* shall only be found if the *Person* knew about the presence of the *Prohibited Substance* or *Prohibited Method* and intended to exercise control over it. Provided, however, there shall be no anti-doping rule violation based solely on *Possession* if, prior to receiving notification of any kind that the *Person* has committed an anti-doping rule violation, the *Person* has taken concrete action demonstrating that the *Person* never intended to have *Possession* and has renounced *Possession* by explicitly declaring it to an *Anti-Doping Organisation*. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a *Prohibited Substance* or *Prohibited Method* constitutes *Possession* by the *Person* who makes the purchase.<sup>89</sup>

**Prohibited List:** The WADA list identifying the *Prohibited Substances* and *Prohibited Methods*.

**Prohibited Method:** Any method so described on the *Prohibited List*.

**Prohibited Substance:** Any substance, or class or substances, so described on the *Prohibited List*.

**Protected Person:** An *Athlete* or other natural *Person* who at the time of the anti-doping rule violation: (i) has not reached the age of sixteen (16) years; (ii) has not reached the age of eighteen (18) years and is not included in any *Registered Testing Pool* and has never competed in any *International Event* in an open category; or (iii) for reasons other than age has been determined to lack legal capacity under applicable national legislation.<sup>90</sup>

**Provisional Hearing:** For purposes of Article 4.3, an expedited abbreviated hearing occurring prior to a hearing under Article 8 that provides the *Athlete* with notice and an opportunity to be heard in either written or oral form.<sup>91</sup>

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<sup>89</sup> Comment to *Possession*: Under this definition, anabolic steroids found in an *Athlete's* car would constitute a violation unless the *Athlete* establishes that someone else used the car; in that event, the *Anti-Doping Organisation* must establish that, even though the *Athlete* did not have exclusive control over the car, the *Athlete* knew about the anabolic steroids and intended to have control over them. Similarly, in the example of anabolic steroids found in a home medicine cabinet under the joint control of an *Athlete* and spouse, the *Anti-Doping Organisation* must establish that the *Athlete* knew the anabolic steroids were in the cabinet and that the *Athlete* intended to exercise control over them. The act of purchasing a *Prohibited Substance* alone constitutes *Possession*, even where, for example, the product does not arrive, is received by someone else, or is sent to a third party address.

<sup>90</sup> Comment to *Protected Person*: The *Code* treats *Protected Persons* differently than other *Athletes* or *Persons* in certain circumstances based on the understanding that, below a certain age or intellectual capacity, an *Athlete* or *Other Person* may not possess the mental capacity to understand and appreciate the prohibitions against conduct contained in the *Code*. This would include, for example, a Paralympic *Athlete* with a documented lack of legal capacity due to an intellectual impairment. The term "open category" is meant to exclude competition that is limited to junior or age group categories.

<sup>91</sup> Comment to *Provisional Hearing*: A *Provisional Hearing* is only a preliminary proceeding which may not involve a full review of the facts of the case. Following a *Provisional Hearing*, the *Athlete* remains entitled to a subsequent full hearing on the merits

**Provisional Suspension:** See *Consequences of Anti-Doping Rule Violations*.

**Publicly Disclose:** See *Consequences of Anti-Doping Rule Violations*.

**Recreational Athlete:** Any Person who engages or participates in sport or fitness activities for recreational purposes but who would not otherwise compete in *Competitions* or *Events* organised, recognised or hosted by us, and who, within the five (5) years prior to committing any anti-doping rule violation, has not been an *International-Level Athlete* (as defined by each International Federation consistent with the *International Standard for Testing and Investigations*), *National-Level Athlete* (as defined by SIA or other *National Anti-Doping Organisation* consistent with the *International Standard for Testing and Investigations*) or has not represented Australia or any other country in an *International Event* in an open category, or has not been included within any *Registered Testing Pool* or other whereabouts information pool maintained by any International Federation, SIA or other *National Anti-Doping Organisation*.

**Regional Anti-Doping Organisation:** A regional entity designated by member countries to coordinate and manage delegated areas of their national anti-doping programs, which may include the adoption and implementation of anti-doping rules, the planning and collection of *Samples*, the management of results, the review of *TUEs*, the conduct of hearings, and the conduct of *Educational* programs at a regional level.

**Registered Testing Pool:** The pool of highest-priority *Athletes* established separately at the international level by each International Federation and at the national level by *National Anti-Doping Organisations*, who are subject to focused *In-Competition* and *Out-of-Competition Testing* as part of that International Federation's or *National Anti-Doping Organisation's* test distribution plan and therefore are required to provide whereabouts information as provided in Article 5.5 of the *Code* and the *International Standard for Testing and Investigations*. In Australia, SIA's *Registered Testing Pool* is defined as set out in Article 5.5 of this ADP.

**Results Management:** The process encompassing the timeframe between notification as per Article 5 of the *International Standard for Results Management*, or in certain cases (e.g., Atypical Finding, Athlete Biological Passport, whereabouts failure), such pre-notification steps expressly provided for in Article 5 of the *International Standard for Results Management*, through the charge until the final resolution of the matter, including the end of the hearing process at first instance or on appeal (if an appeal was lodged).

**Results Management Authority:** The *Anti-Doping Organisation* responsible for conducting *Results Management* in a given case.

**Sample or Specimen:** Any biological material collected for the purposes of Doping Control.<sup>92</sup>

**SIA:** Sport Integrity Australia. SIA is the National Anti-Doping Organization in Australia;

**Sample Collection Authority:** The organization that is responsible for the collection of *Samples* in compliance with the requirements of the *International Standard for Testing and Investigations*, whether (1) the Testing Authority itself; or (2) a Delegated Third Party to whom the authority to conduct Testing has been granted or sub-contracted. The Testing Authority always remains ultimately responsible under the *Code* for compliance with the requirements of the *International Standard for Testing and Investigations* relating to collection of *Samples*.

**SIA Act:** The *Sport Integrity Australia Act 2020* (Cth).

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of the case. By contrast, an 'expedited hearing', as that term is used in Article 7.4.3, is a full hearing on the merits conducted on an expedited time schedule.

<sup>92</sup> Comment *Sample or Specimen*: It has sometimes been claimed that the collection of blood *Samples* violates the tenets of certain religious or cultural groups. It has been determined that there is no basis for any such claim.

**SIA Regulations:** *The Sport Integrity Australia Regulations 2020 (Cth)* (the *National Anti-Doping scheme* is contained in Schedule 1 to the Regulations).

**Signatories:** those entities accepting the *Code* and agreeing to implement the *Code*, as provided in Article 23 of the *Code*.

**Specified Method:** See Article 4.2.2.

**Specified Substance:** See Article 4.2.2.

**Sport:** Us.

**Sporting Administration Body:** A Sporting Administration Body as defined by the SIA Act.

**Strict Liability:** The rule which provides that under Articles 2.1 and Article 2.2, it is not necessary that intent, *Fault*, *Negligence*, or knowing *Use* on the *Athlete's* part be demonstrated by the *Anti-Doping Organisation* in order to establish an anti-doping rule violation.

**Substance of Abuse:** See Article 4.2.3.

**Substantial Assistance:** For purposes of Article 10.6.1, a *Person* providing *Substantial Assistance* must: (1) fully disclose in a signed written statement all information he or she possesses in relation to anti-doping rule violations, and (2) fully cooperate with the investigation and adjudication of any case related to that information, including, for example, presenting testimony at a hearing if requested to do so by an *Anti-Doping Organisation* or hearing panel. Further, the information provided must be credible and must comprise an important part of any case which is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.

**Tampering:** Intentional conduct which subverts the *Doping Control* process but which would not otherwise be included in the definition of *Prohibited Methods*. *Tampering* shall include, without limitation, offering or accepting a bribe to perform or fail to perform an act, preventing the collection of a *Sample*, affecting or making impossible the analysis of a *Sample*, falsifying documents submitted to an *Anti-Doping Organisation* or *TUE* committee or hearing panel, procuring false testimony from witnesses, committing any other fraudulent act upon the *Anti-Doping Organisation* or hearing body to affect *Results Management* or the imposition of *Consequences*, and any other similar intentional interference or *Attempted* interference with any aspect of *Doping Control*.<sup>93</sup>

**Target Testing:** Selection of specific *Athletes* for *Testing* based on criteria set forth in the *International Standard for Testing and Investigations*.

**Team** - includes a club if the context permits.

**Team Sport:** A sport in which the substitution of players is permitted during a *Competition*.

**Technical Document:** A document adopted and published by *WADA* from time to time containing mandatory technical requirements on specific anti-doping topics as set forth in an *International Standard*.

**Testing:** The parts of the *Doping Control* process involving test distribution planning, *Sample* collection, *Sample* handling, and *Sample* transport to the laboratory.

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<sup>93</sup> Comment to *Tampering*: For example, this Article would prohibit altering identification numbers on a *Doping Control* form during *Testing*, breaking the B bottle at the time of B *Sample* analysis, altering a *Sample* by the addition of a foreign substance, or intimidating or attempting to intimidate a potential witness or a witness who has provided testimony or information in the *Doping Control* process. *Tampering* includes misconduct which occurs during the *Results Management* process. See Article 10.9.3.3. However, actions taken as part of a *Person's* legitimate defense to an anti-doping rule violation charge shall not be considered *Tampering*. Offensive conduct towards a *Doping Control* official or other *Person* involved in *Doping Control* which does not otherwise constitute *Tampering* shall be addressed in the disciplinary rules of sport organisations.

**Testing Authority:** The *Anti-Doping Organisation* that authorises *Testing on Athletes* it has authority over. It may authorise a *Delegated Third Party* to conduct *Testing* pursuant to the authority of and in accordance with the rules of the *Anti-Doping Organisation*. Such authorisation shall be documented. The *Anti-Doping Organisation* authorising *Testing* remains the *Testing Authority* and ultimately responsible under the *Code* to ensure the *Delegated Third Party* conducting the *Testing* does so in compliance with the requirements of the *International Standard for Testing and Investigations*.

**Therapeutic Use Exemption (TUE):** A *Therapeutic Use Exemption* allows an *Athlete* with a medical condition to *Use* a *Prohibited Substance* or *Prohibited Method*, but only if the conditions set out in Article 4.4 and the *International Standard for Therapeutic Use Exemptions* are met.

**Trafficking:** Selling, giving, transporting, sending, delivering or distributing (or *Possessing* for any such purpose) a *Prohibited Substance* or *Prohibited Method* (either physically or by any electronic or other means) by an *Athlete*, *Athlete Support Person* or any *Other Person* subject to the jurisdiction of an *Anti-Doping Organisation* to any third party; provided, however, this definition shall not include the actions of bona fide medical personnel involving a *Prohibited Substance* used for genuine and legal therapeutic purposes or other acceptable justification, and shall not include actions involving *Prohibited Substances* which are not prohibited in *Out-of-Competition Testing* unless the circumstances as a whole demonstrate such *Prohibited Substances* are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

**Tribunal** – A hearing body that is compliant with Article 8 of the *Code*.

**TUE Committee or TUEC** – *Therapeutic Use Exemption Committee*. In Australia, this role is fulfilled by the *Australian Sports Drug Medical Advisory Committee*.

**UNESCO Convention:** The International Convention against Doping in Sport adopted by the 33<sup>rd</sup> session of the UNESCO General Conference on 19 October 2005 including any and all amendments adopted by the States Parties to the Convention and the Conference of Parties to the International Convention against Doping in Sport.

**Use:** The utilisation, application, ingestion, injection or consumption by any means whatsoever of any *Prohibited Substance* or *Prohibited Method*.

**WADA:** The World Anti-Doping Agency.

**Whereabouts Form** – means the form set out in Appendix 2 – Whereabouts Form.

**Without Prejudice Agreement:** For purposes of Articles 10.7.1.1 and 10.8.2, a written agreement between an *Anti-Doping Organisation* and an *Athlete* or *Other Person* that allows the *Athlete* or *Other Person* to provide information to the *Anti-Doping Organisation* in a defined time-limited setting with the understanding that, if an agreement for *Substantial Assistance* or a case resolution agreement is not finalised, the information provided by the *Athlete* or *Other Person* in this particular setting may not be used by the *Anti-Doping Organisation* against the *Athlete* or *Other Person* in any *Results Management* proceeding under the *Code*, and that the information provided by the *Anti-Doping Organisation* in this particular setting may not be used by the *Athlete* or *Other Person* against the *Anti-Doping Organisation* in any *Results Management* proceeding under the *Code*. Such an agreement shall not preclude the *Anti-Doping Organisation*, *Athlete* or *Other Person* from using any information or evidence gathered from any source other than during the specific time-limited setting described in the agreement.

## Appendix 2 – Whereabouts Form

### Notes when completing this form:

An Athlete must lodge this form duly completed with us unless:

(if the Athlete is a member of a team with an Anti-Doping Officer), it is lodged with the team's Anti-Doping Officer; or

(if the Athlete is a member of a team which does not have an Anti-Doping Officer), it is lodged with the team manager.

The information provided must be current and provide a current telephone number of the *Athlete*. It is not acceptable to provide a telephone number that is just for the purposes of the form. The current telephone number most frequently used by the *Athlete* to receive telephone calls is the telephone number which must be included in the form.

The information must be updated when details change.

### **Athlete's Contact Details**

*Athlete's* Name: .....

Team: .....

Address during the season/*International Event* (whichever is applicable):

.....  
.....  
.....

Telephone home: .....

Mobile telephone: .....

Email: .....

If I am or become a member of a team I hereby authorise my team manager to provide details of my whereabouts, including match/training venues, schedules and times, to all relevant Drug Testing Authorities.

*Athlete's* signature: .....

Date: .....