



Australian Government

Australian Sports Commission

**AUSTRALIAN SPORTS COMMISSION
2004 ANTI-DOPING POLICY**

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INTRODUCTION

In 2004 the *Australian Sports Commission* became a signatory to the *World Anti-Doping Code* and takes pride that as a leader in the fight against drugs in sport, Australia's anti-doping programs have helped set the standard for the world sporting community. The *ASC* continues to have a zero tolerance policy in relation to doping in sport and is tough on drugs in sport.

This Policy must be adhered to and operates in conjunction with the *ASC Code of Conduct*¹ and the *AIS Athlete's Agreement* and as such is an important part of a comprehensive set of behavioural standards, responsibilities and practices. A particular obligation under the *Code of Conduct* is the obligation to "adhere to all other applicable *ASC* policies and procedures". This includes, but is not limited to, this *ASC Anti-Doping Policy*.

As outlined in the *ASC Code of Conduct*, it is part of an *employee's* responsibility to ensure familiarity with the requirements of all *ASC* policies and procedures applicable to their role and job responsibilities.

Regardless of any obligation under other *ASC* policies, any suspected breach of this *ASC Anti-Doping Policy* must be reported to the *ASC Executive Director* in accordance with Article 10.11 of this *Anti-Doping Policy*.

It is recognised that *employees* in certain professions, such as medicine or psychology, may be subject to legal obligations with respect to confidentiality and disclosure. Guidance on your obligation to act is available from the Manager, Human Resources and/or *ASC Executive Director*². In seeking this guidance appropriate confidentiality will be maintained.

Any *Person*, making allegations about a suspected breach of this *ASC Anti-Doping Policy* or involved in an investigation of such matters, has an obligation to act in a discreet and confidential manner. Matters related to allegations and investigations should only be discussed with people who have direct involvement in resolving the matter and/or those who have management responsibilities for the *Person* or *Persons* suspected of breaching this *Anti-Doping Policy*.

To report a suspected breach of this *ASC Anti-Doping Policy* refer to Article 10.11 of this *Anti-Doping Policy*.

An individual who is investigated under this *Anti-Doping Policy* may also be sanctioned under the *Code of Conduct* and/or *AIS Athlete's Agreement*.

Copies of all *WADA* documents can be found on the *WADA* website www.wada-ama.org. Copies of all *ASC* documents can be found on the *ASC* intranet <http://ascweb>

¹ From February 2004, the *ASC's* *Code of Conduct* was accessible on the *ASC's* intranet or by request from the *ASC's* Human Resources section.

² See also Clause 1.6 of the *ASC Code of Conduct*.

ARTICLE 1 - WHAT IS THE ASC's POSITION ON DOPING?

- 1.1 The *Australian Sports Commission (ASC)* condemns the *Use of Prohibited Substances and Methods* in sport. The *Use of Prohibited Substances and Methods* is contrary to the ethics of sport and potentially harmful to the health of *Athletes*.
- 1.2 The only legitimate *Use of Prohibited Substances and Methods* is under the supervision of a physician for a clinically justified purpose in accordance with Article 7.2 of this Policy.
- 1.3 The *ASC* aims to stop *Doping* practices in sport by:
 - a. educating and informing *Persons* about drugs in sport issues;
 - b. supporting the drug *testing* programs and education initiatives of *ASDA* and other *Anti-Doping Organisations*; and
 - c. imposing effective sanctions on *Persons* who breach this *ASC Anti-Doping Policy*.

ARTICLE 2 - WHO DOES THIS POLICY APPLY TO?

- 2.1 This *ASC Anti-Doping Policy* as amended from time to time applies to:
 - a. *AIS Athlete Scholarship Holders*;
 - b. *Employees, Board Members, Associates and Contractors* of the *ASC*;
 - c. *Persons* and bodies who receive financial or other assistance through the *ASC*, including *Athlete Support Personnel*;
 - d. *Persons* who have sport-related or commercial-related access to *ASC & AIS* facilities and services; and
 - e. any other *person* who has agreed to be bound by it.
- 2.2 Sanctions are applicable in the event of any *Anti-Doping Rule Violation* or other breach of this Policy.

ARTICLE 3 - OBLIGATIONS

- 3.1 The policies and minimum standards set forth in the *Code*³ and implemented in this *ASC Anti-Doping Policy* represent the consensus of a broad spectrum of stakeholders with an interest in fair sport. The *persons* identified in Article 2 are bound by this *ASC Anti-Doping Policy* as a condition of their participation, or involvement or connection with the *ASC*.

³ In May 2004, the World Anti-Doping Code was published on the internet through the web site of the World Anti-Doping Agency (www.wada-ama.org).

3.2 Roles and responsibilities – Athletes:

- 3.2.1 must be knowledgeable of and comply with all anti-doping policies and rules applicable to them;
- 3.2.2 must read and understand the *Prohibited List*⁴ as it relates to them;
- 3.2.3 must be available for *Sample* collection and provide appropriate whereabouts information⁵ for this purpose when included in a *Registered Testing Pool*;
- 3.2.4 must take full responsibility, in the context of anti-doping, for what they ingest and *Use*;
- 3.2.5 must inform medical personnel of their obligations not to *Use Prohibited Substances* and *Prohibited Methods* and to take responsibility to make sure that any medical treatment received does not violate anti-doping policies and rules applicable to them;
- 3.2.6 who are not regular⁶ *Members* of a *NSO* must be available for *Sample* collection and provide accurate and up-to-date whereabouts information on a regular basis if required by the conditions of eligibility established by the relevant *Sporting Organisation* or *Anti-Doping Organisation* having jurisdiction or as applicable; and
- 3.2.7 must cooperate with the *ASC* and other *Sporting Organisation* or *Anti-Doping Organisations* in relation to the conduct of any investigation or hearing into an alleged *Anti-Doping Rule Violation*.

3.3 Roles and responsibilities – in addition to Article 3.5.1 -3.5.7, Athlete Support Personnel must:

- 3.3.1 be knowledgeable of and comply with all anti-doping policies and rules applicable to them or the *Athletes* who they support;
- 3.3.2 support and assist *Anti-Doping Organisations*, including *ASDA* to conduct *Doping Control*; and

⁴ In May 2004, the 2004 WADA Prohibited List was published on the internet through the web site of the World Anti-Doping Agency (www.wada-ama.org).

⁵ Athlete whereabouts information is accurate current location information including, but not limited to, primary residential address and contact details, permanent training venue details (address, training days and times), temporary residential address/training venue details, and competition schedule (competition name/s, location/s, venue/s, and date/s).

⁶ This would include, for example, *Athletes* from professional leagues (WADA Code, 20.3.4 Comment, p. 55).

3.3.3 use their influence on *Athletes'* values and behaviour to foster anti-doping attitudes.

3.4 Roles and responsibilities – Australian Sports Commission:

3.4.1 should adopt and implement anti-doping rules and policies that conform with the *Code*, this Anti-Doping Policy; and the Australian Government's anti-doping policies and strategies;

3.4.2 should cooperate with other relevant national organisations and other *Anti-Doping Organisations*;

3.4.3 should promote anti-doping research;

3.4.4 should require as a condition of funding or recognition that *NSOs'* anti-doping policies and rules are in compliance with the ASC's terms and conditions of funding;

3.4.5 should withhold some or all funding to its funded *NSOs* or stakeholders that are not in compliance with the ASC's terms and conditions of funding;

3.4.6 should withdraw funding and support to *Persons* who are sanctioned for anti-doping rule violations;

3.4.7 should use its best efforts to assist *Athletes* and *Athlete Support Personnel* to fulfil their responsibilities under this Anti-Doping Policy, including providing accurate *Athlete* whereabouts information;

3.4.8 should support and assist *Anti-Doping Organisations*, including *ASDA* to conduct *Doping Control*;

3.4.9 should make reasonable efforts to make this Policy available to *AIS Athlete Scholarship Holders, Employees, Board Members, Associates* and *Contractors* of the ASC, *Persons* and bodies who receive financial or other assistance through the ASC, including *Athlete Support Personnel* and *Persons* who have sport-related or commercial-related access to ASC and *AIS* facilities;

3.4.10 should develop and implement, in consultation with *Sporting Organisations* or *ASDA*, drug education and information programs for *AIS Athletes* and *Athlete Support Personnel*;

3.4.11 should support the initiatives of *Sporting Organisations* or *Anti-Doping Organisations* to stop *Doping* in sport;

3.4.12 should cooperate with other *Anti-Doping Organisations* and stakeholders in relation to the conduct of any investigation or hearing into an alleged *Anti-Doping Rule Violation*;

- 3.4.13 should require all *Athletes* and *Athlete Support Personnel* within its jurisdiction to recognise and be bound by anti-doping rules in conformance with the *Code, Sporting Organisations, Anti-Doping Organisations* and this ASC Anti-Doping Policy;
- 3.4.14 should require *Athletes* who are not regular *Members* of an *NSO* or one of its *Member* organisations to be available for *Sample* collection and provide accurate and up-to-date whereabouts information if required by the conditions for eligibility established by the relevant *Sporting Organisations* or *Anti-Doping Organisations* having jurisdiction; and
- 3.4.15 the ASC will not, without the consent of the *Person* concerned, disclose or use any information about a *Person* who is alleged to have or has breached this ASC Anti-Doping Policy until the matter is finalised, except (for a purpose under these rules or as otherwise authorised by law) to the relevant *Sporting Organisations* and relevant *Anti-Doping Organisations* having jurisdiction.

3.5 Roles and responsibilities – *Employees, Board Members, Associates and Contractors* of the ASC must:

- 3.5.1 be knowledgeable of and comply with this policy as it applies to them;
- 3.5.2 support the initiatives of *Sporting Organisations* or *Anti-Doping Organisations* to stop *Doping* in sport;
- 3.5.3 cooperate with the ASC and other *Sporting Organisations* or *Anti-Doping Organisations* in relation to the conduct of any investigation or hearing into an alleged *Anti-Doping Rule Violation*;
- 3.5.4 in accordance with Article 10.11, immediately report suspected breaches of this ASC Anti-Doping Policy to the *Executive Director*;
- 3.5.5 act in a discreet and confidential manner in discharging their obligations under this ASC Anti-Doping Policy; and
- 3.5.6 not act in a frivolous or vexatious manner when reporting suspected *Anti-Doping Rule Violations*.
- 3.5.7 The ASC will not, without the consent of the *Person* concerned, disclose or use any information about a *Person* who is alleged to have or has breached this ASC Anti-Doping Policy until the matter is finalised, except (for a purpose under these rules or as otherwise authorised by law) to the relevant *Sporting Organisations* and relevant *Anti-Doping Organisations* having jurisdiction.

ARTICLE 4 - DEFINITION OF DOPING

Doping is defined as the occurrence of one or more of the *Anti-Doping Rule Violations* set forth in Article 5.1 through Article 5.8 of this ASC Anti-Doping Policy.

ARTICLE 5 - ANTI-DOPING RULE VIOLATIONS

The following constitute *Anti-Doping Rule Violations*;

5.1 The presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's bodily Specimen.

5.1.1 It is each *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 bodily *Specimens*. 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 violation under Article 5.1.

5.1.2 Excepting those substances for which a quantitative reporting threshold is specifically identified in the *Prohibited List*, the detected presence of any quantity of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample* shall constitute an *Anti-Doping Rule Violation*.

5.1.3 As an exception to the general rule of Article 5.1, the *Prohibited List* may establish special criteria for the evaluation of *Prohibited Substances* that can also be produced *endogenously*.

5.2 Use or Attempted Use of a Prohibited Substance or a Prohibited Method.

5.2.1 The success or failure of the *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.

5.3 Refusing, or failing without compelling justification, to submit to Sample collection after notification as authorised in this ASC Anti-Doping Policy, or otherwise evading Sample collection.⁷

5.4 Violation of the requirements regarding *Athlete* availability for *Out-of-Competition Testing* including failure to provide required whereabouts

⁷ 'Failure or refusal to submit to Sample collection after notification is prohibited in almost all existing anti-doping rules. This Article expands the typical rule to include "otherwise evading Sample collection" as prohibited conduct. Thus, for example, it would be an anti-doping rule violation if it were established that an Athlete was hiding from a Doping Control Official who was attempting to conduct a test. A violation of "refusing or failing to submit to Sample collection" may be based on either intentional or negligent conduct of the Athlete, while "evading" Sample collection contemplates intentional conduct by the Athlete.' (WADA Code, 2.3 Comment, p.10).

information set forth in Article 8.3 (*Athlete whereabouts requirements*) and missed tests which are declared based on reasonable rules.⁸

5.5 *Tampering, or Attempting to tamper, with any part of Doping Control.*

5.6 **Possession of Prohibited Substances and Methods.**

5.6.1 *Possession* by an *Athlete* at any time or place of a substance that is prohibited in *Out-of-Competition Testing* or a *Prohibited Method* unless the *Athlete* establishes that the *Possession* is pursuant to a *Therapeutic Use Exemption* granted in accordance with Article 7.2 (Therapeutic Use) or other acceptable justification.

5.6.2 *Possession* of a *Prohibited Substance* that is prohibited in *Out-of-Competition Testing* or a *Prohibited Method* by *Athlete Support Personnel* in connection with an *Athlete, Event* or training, unless the *Athlete Support Personnel* establishes that the *Possession* is pursuant to a *Therapeutic Use Exemption* granted to an *Athlete* in accordance with Article 7.2 (Therapeutic Use) or other acceptable justification.

5.7 **Trafficking in any Prohibited Substance or Prohibited Method.**

5.8 **Administration or Attempted administration of a Prohibited Substance or Prohibited Method to any Athlete, or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an Anti-Doping Rule Violation or any Attempted violation.**

ARTICLE 6 - PROOF OF DOPING

6.1 **Burdens and Standards of Proof.**

The ASC shall have the burden of establishing that an *Anti-Doping Rule Violation* has occurred. The standard of proof shall be whether the ASC has established an *Anti-Doping Rule Violation* to the comfortable satisfaction of the *Hearing Body* 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

⁸ 'Unannounced Out-of-Competition Testing is at the core of effective Doping Control. Without accurate Athlete location information such Testing is inefficient and sometimes impossible. This Article, which is not typically found in most anti-doping rules, requires Athletes who have been identified for Out-of-Competition Testing to be responsible for providing and updating information on their whereabouts so that they can be located for No Advance Notice Out-of-Competition Testing. The "requirements" are set by the Athlete's International Federation and National Anti-Doping Organisation. A violation of this Article may be based on either intentional or negligent conduct by the Athlete.' (WADA Code, 2.4 Comment, p. 11).

reasonable doubt.⁹ Where this ASC Anti-Doping Policy 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, the standard of proof shall be by a balance of probability.

6.2 Methods of Establishing Facts and Presumptions.

Facts related to *Anti-Doping Rule Violations* may be established by any reliable means, including admissions. The following rules of proof shall be applicable in *Doping* cases:

6.2.1 WADA-accredited laboratories are presumed to have conducted *Sample* analysis and custodial procedures in accordance with the *International Standard for Laboratory Analysis*¹⁰. The *Athlete* may rebut this presumption by establishing that a departure from the *International Standard* occurred.

If the *Athlete* rebuts the preceding presumption by showing that a departure from the *International Standard* occurred, then the ASC, or relevant *Sporting Organisation* or relevant *Anti-Doping Organisation* having jurisdiction shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.

6.2.2 Departures from the *International Standard for Testing*¹¹ which did not cause an *Adverse Analytical Finding* or other *Anti-Doping Rule Violation* shall not invalidate such results. If the *Athlete* establishes that departures from the *International Standard* occurred during *Testing* then the ASC, or relevant *Sporting Organisation* or relevant *Anti-Doping Organisation* having jurisdiction shall have the burden to establish that such departures did not cause the *Adverse Analytical Finding* or the factual basis for the *Anti-Doping Rule Violation*.

ARTICLE 7 - THE PROHIBITED LIST

7.1 Incorporation of the Prohibited List

7.1.1 Subject to 7.1.2 this ASC Anti-Doping Policy incorporates the *Prohibited List* as amended from time to time which is published and revised by WADA as described in Article 4 of the *Code* and is published on WADA's website at www.wada-ama.org.

⁹ '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. It has also been widely applied by courts and tribunals in doping cases. See, for example, the CAS decision in N.,J., Y., W. v. FINA, CAS 98/208, 22 December 1998.' (WADA Code, 3.1 Comment, p. 12).

¹⁰ In May 2004, the International Standard for Laboratory Analysis was published on the internet through the web site of the World Anti-Doping Agency (www.wada-ama.org).

¹¹ In May 2004, the International Standard for Testing was published on the internet through the web site of the World Anti-Doping Agency (www.wada-ama.org).

7.1.2 Where a *person* who is subject to this ASC Anti-Doping Policy is also subject to an Anti-Doping Policy of an *IF* or *Sporting Organisation*, to the extent that there is any inconsistency between the *Prohibited List* and the list of banned substances and methods of the *IF* or *Sporting Organisation* ('the Alternative List'), the *Prohibited List* will be varied for that *Person* so that it accords with the Alternative List.

7.2 Prohibited Substances and Prohibited Methods Identified on the Prohibited List.

Unless provided otherwise in the *Prohibited List* and/or a revision, any changes to the *Prohibited List* shall go into effect under this ASC Anti-Doping Policy three months after publication of the revised *Prohibited List* by WADA without requiring any further action by the ASC.

7.3 Therapeutic Use.

Athletes with a documented medical condition requiring the *Use* of a *Prohibited Substance* or a *Prohibited Method* must first obtain a *Therapeutic Use Exemption* (TUE) in accordance with the *WADA International TUE Standard*¹² and the rules of the relevant *Sporting Organisations* or relevant *Anti-Doping Organisations* having jurisdiction.

ARTICLE 8 - TESTING

8.1 Authority to Test.

All *Athletes* subject to *this Anti-Doping Policy* agree to submit to *In-Competition Testing* and *Out-of-Competition Testing* (at any time or place, with or without advance notice) by an *Anti-Doping Organisation*.

8.2 Testing Standards.

All *Testing* shall be conducted in conformity with the *WADA International Standard for Testing* in force at the time of *Testing*.

8.3 Athlete Whereabouts Requirements.

8.3.1 *Athletes* must provide accurate whereabouts information to the relevant authority and keep this information updated at all times in accordance with the rules of the relevant *Sporting Organisations* or relevant *Anti-Doping Organisations* having jurisdiction.

¹² In May 2004, the WADA International Therapeutic Use Exemption Standard was published on the internet through the web site of the World Anti-Doping Agency (www.wada-ama.org).

8.3.2 The ultimate responsibility for providing whereabouts information rests with each *Athlete*; however, it shall be the responsibility of the ASC to use its best efforts to assist the relevant *Anti-Doping Organisation*, including *ASDA*, in obtaining whereabouts information as requested by an *Anti-Doping Organisation*, including *ASDA*.

8.4 Retirement and Return to Competition.

Retirement and return to *competition* shall be in accordance with the rules of the *Sporting Organisations* or relevant *Anti-Doping Organisations* having jurisdiction.

8.5 Selection of Athletes for Testing

8.5.1 *Athletes* shall be selected for *Testing In-Competition* in accordance with the rules of the relevant *Sporting Organisations* or relevant *Anti-Doping Organisations* having jurisdiction.

8.5.2 *Athletes* shall be selected for *Out-of-Competition Testing* in accordance with the rules of the *Sporting Organisations* or *Anti-Doping Organisations* having jurisdiction.

8.5.3 The *Testing* shall comply with the *International Standard for Testing* in force at the time of selection.

ARTICLE 9 - ANALYSIS OF SAMPLES

Doping Control Samples collected in accordance with the rules of this ASC Anti-Doping Policy shall be analysed in accordance with the following principles:

9.1 Use of Approved Laboratories.

Doping Control Samples collected under this Anti-Doping Policy must be analysed by WADA-accredited laboratories or as otherwise approved by WADA.

9.2 Substances Subject to Detection.

9.2.1 *Doping Control Samples* shall be analysed to detect *Prohibited Substances* and *Prohibited Methods* identified on the *Prohibited List*.

9.2.2 Laboratories shall report results in accordance with the relevant WADA *International Standard/s*.

ARTICLE 10 - RESULTS MANAGEMENT

- 10.1 Results shall be managed in accordance with Article 7 of the *Code*, the *WADA International Testing Standards* and the (proposed) *WADA Test Result Management Guidelines*.
- 10.2 The ASC will recognise the results of laboratory analysis of *Testing* by *Anti-Doping Organisations* including *ASDA* conducted in accordance with the *WADA International Standard for Testing*.
- 10.3 For apparent *Anti-Doping Rule Violations* that do not involve *Adverse Analytical Findings*, the *ASC* shall conduct any necessary follow-up investigation, if required, and shall then promptly notify the *persons* subject to this *ASC Anti-Doping Policy* in accordance with Article 2 of the anti-doping rule which appears to have been violated, and the basis of the violation. The *Executive Director* may consult affected/interested parties about their participation in any investigation and/or hearing.
- 10.4 Subject to Articles 10.5, 10.6 and 10.7, the *Executive Director* will refer the matter to a hearing in accordance with Article 11 if the *Executive Director*:
- a. reasonably believes that a *Person* may have committed an *Anti-Doping Rule Violation*,
 - b. receives a notice from an *Anti-Doping Organisations* or the *Australian Customs Service* or *ASDA* that a *Person* has committed an *Anti-Doping Rule Violation*,
 - c. considers that a sanction applied by a *Sporting Organisation* to a *Person* who has committed an *Anti-Doping Rule Violation* may not be appropriate (in this case the hearing will be on sanction only).
- 10.5 The *Executive Director* may await the outcome of the hearing on behalf of a *Sporting Organisation* before deciding whether to refer the matter to a hearing. The *Executive Director* may then decide not to refer the matter to a hearing.
- 10.6 The *Executive Director* may decide not to refer the matter to hearing if the *Person* in writing:
- a. acknowledges they have committed the *Anti-Doping Rule Violation*; and
 - b. waives the right to hearing in relation to:
 - i. whether the *Person* committed an *Anti-Doping Rule Violation*; and
 - ii. what sanction will apply.
- The *ASC* will then apply the sanction as set out in Article 13.
- 10.7 The *Executive Director* may decide not refer the matter to hearing if there is insufficient evidence to conclude that the *Person* committed an *Anti-Doping Rule Violation*.

- 10.8 If the *Executive Director* decides to refer the matter to hearing, the ASC shall then, within 10 days of the *Executive Director's* decision, send the *Person* a letter ('infraction notice') via registered mail with a confirmation receipt which:
- a. notifies the *Person* of the anti-doping rule/s which appear/s to have been violated and the basis of the violation/s;
 - b. encloses a copy of this Policy;
 - c. states that the *Executive Director* will refer the matter to hearing within 14 days of the date of the infraction notice (unless the *Person* gives a written waiver under Article 10.6);
 - d. states that if the *Person* does not respond within 14 days, as per c) above, a hearing can be held in absentia; and
 - e. states that the *Executive Director* considers that the sanction applied by the *Sporting Organisation* may not be appropriate (where Article 10.4 (c) applies).

10.9 The *Executive Director* may assist in any investigation or hearing on behalf of any *Sporting Organisation* and agree with one or more of those *Sporting Organisations* to refer the matter jointly to a hearing in accordance with Article 11.

- 10.10 The ASC will not, without the consent of the *Person* concerned, disclose information about a *person* who is alleged to have, or has, committed an *Anti-Doping Rule Violation* or a breach of this ASC Anti-Doping Policy except for a purpose under this policy or as otherwise authorised by law to:
- a. the *Sporting Organisation* of which the *Person* is a *Member* and the relevant *IF*; and
 - b. the relevant *Anti-Doping Organisations* having jurisdiction,

until after the *Hearing Body* has made a determination or the *Executive Director* has decided not to refer the matter to a hearing.

10.11 Reporting Suspected Anti-Doping Rule Violations – AIS Scholarship Holders, Employees, Board Members, Associates and Contractors

Any suspected breach of this Policy must be reported immediately in accordance with the following procedures;

10.11.1 *AIS Scholarship Holders, Employees, Board Members, Associates and Contractors* of the ASC must immediately report suspected breaches of this Policy to the *Executive Director*.

10.11.1.1 It is recognised that *Employees, Associates and Contractors* in certain professions may be subject to legal obligations with respect to confidentiality and disclosure. Guidance on obligations to act must be sought from the Manager, ASC Human Resources and/or ASC *Executive Director*. In seeking this guidance appropriate confidentiality will be maintained.

- 10.11.2 A confidential memo must be immediately forwarded to the *Executive Director* stating the facts of the matter.
- 10.11.3 The *Executive Director* will, where necessary, seek the advice of relevant officers in discharging the ASC's responsibilities in accordance with this ASC Anti-Doping Policy. In seeking this advice appropriate confidentiality will be maintained.
- 10.11.4 The *Executive Director* will, where necessary, seek the advice of relevant *Sporting Organisations* or relevant *Anti-Doping Organisations* or relevant agencies having jurisdiction in discharging the ASC's responsibilities in accordance with this ASC Anti-Doping Policy. In seeking this advice appropriate confidentiality will be maintained.

10.12 Provisional Suspensions.

- 10.12.1 The ASC may impose a *Provisional Suspension* on any *Person* whose *Sample* is the subject of an *Adverse Analytical Finding* or who is issued with an infraction notice or who is subject to an investigation.
- 10.12.2 The ASC may impose the following *Provisional Suspension*:
- a. suspend financial or other assistance to the *Person*;
 - b. suspend the *Person* from *Competition in Events* and *Competitions* conducted by or under the auspices of the ASC;
 - c. suspend financial and other assistance under the *Person's* AIS Athlete Scholarship Agreement; and
 - d. suspend related financial support or related benefits.
- 10.12.3 The ASC may apply the *Provisional Suspension*:
- a. From the date of the infraction notice;
 - b. Following the 14 day submission period; or
 - c. As deemed appropriate by the ASC,
- until the determination of the hearing.
- 10.12.4 A *Person* must be given an opportunity for a *Provisional Hearing* before imposition of the *Provisional Suspension*. The hearing can be held in-absentia.
- 10.12.5 If a *Provisional Suspension* is imposed, the hearing in accordance with Article 11 shall be advanced to a date which avoids substantial prejudice to the *Person*.

10.13 Independent Audit

Where the *Executive Director* considers that the ASC may in a particular case have a potential conflict of interest in the performance of its obligations under this ASC Anti-Doping Policy, the *Executive Director* will engage a body independent of

sport to undertake an independent audit of the performance of the ASC in the case, including consideration of whether the ASC complied with its obligations under this ASC Anti-Doping Policy and whether its actions were proper and appropriate. The independent report will be provided to the ASC Board and the portfolio Department for transparency purposes.

ARTICLE 11 - RIGHT TO A FAIR HEARING

When it appears, following the results management process described in Article 10, that this ASC Anti-Doping Policy has been violated, the *Athlete* or other *Person* involved shall be brought before a *Hearing Body* for a hearing to adjudicate whether a violation of this ASC Anti-Doping Policy occurred and if so what Sanction, in accordance with Article 13, should be imposed. Such hearing process shall respect the following principles:

11.1 Principles of a Fair Hearing

- a timely hearing;
- a fair and impartial *Hearing Body*;
- the right to be represented at the *Person's* own expense;
- the right to be fairly and timely informed of the asserted *Anti-Doping Rule Violation*;
- the right to respond to the asserted *Anti-Doping Rule Violation* and resulting consequences;
- the right of each party to present evidence, including the right to call and question witnesses (subject to the *Hearing Body's* discretion to accept testimony by telephone or written submission);
- the *Person's* right to an interpreter at the hearing, with the *Hearing Body* to determine the identity of, and bear responsibility for the cost of the interpreter; and
- 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 issue permits.

11.2 The *Executive Director* will wait 14 days (or a shorter period agreed between the *Executive Director* and the *Person*) after sending a letter ('infraction notice') under Article 10.8 and will then appoint a *Hearing Body* to conduct the hearing: The Chair of the *Hearing Body* must be or have been a legal practitioner. The *Executive Director* may withdraw the referral to a hearing under Article 11.2 at any time until the hearing commences if the *Person* gives a written waiver under Article 10.6.

11.3 The *Hearing Body* will give the *Executive Director* a written statement of its determination as to whether an *Anti-Doping Rule Violation* has occurred and, if so, the sanction to be imposed.

- 11.4 Results of all *Anti-Doping Rule Violations* shall be reported to the relevant organisations within 14 days of the determination pursuant to Article 11.
- 11.5 Hearings pursuant to this Article shall be completed expeditiously and in all cases, unless there are exceptional circumstances, within three months of the date of the infraction notice described in Article 10.4. Hearings held in connection with *Events* may be conducted by an expedited process.
- 11.6 The relevant *Sporting Organisation/s* or relevant *Anti-Doping Organisation/s* having jurisdiction shall have the right to attend hearings as an observer or interested party.
- 11.7 Hearing decisions shall not be subject to further administrative review at the national level except as provided in Article 15 or required by applicable national law.
- 11.8 Hearing decisions, whether as the result of a hearing or the *Athlete* or other *Person's* acceptance of Sanctions, may be appealed as provided in Article 16.

ARTICLE 12 - AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS

A violation of this ASC Anti-Doping Policy in connection with an *In-Competition* test automatically leads to *Disqualification* of the individual result obtained in that *Competition* if the *Competition* is authorised or organised by the ASC, with all resulting consequences, including forfeiture of any medals, points and prizes.

ARTICLE 13 – SANCTIONS ON INDIVIDUALS

13.1 Disqualification of Results in Event During which an Anti-Doping Rule Violation Occurs.

An *Anti-Doping Rule Violation* occurring during or in connection with an *Event* authorised or organised by the ASC may 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 13.1.1.

- 13.1.1 If the *Athlete* establishes that he or she bears *No Fault or Negligence* for the violation, the *Athlete's* individual results in 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*.

13.2 Imposition of Ineligibility for Prohibited Substances and Prohibited Methods.

Except for the specified substances identified in Article 13.3, the period of *Ineligibility* imposed for a violation of Article 5.1 (presence of *Prohibited Substance* or its *Metabolites* or *Markers*), Article 5.2 (*Use* or *Attempted Use* of

Prohibited Substance or Prohibited Method) and Article 5.6 (*Possession of Prohibited Substances and Methods*) shall be:

First violation: Two (2) years *Ineligibility*.

Second violation: Lifetime *Ineligibility*.

However, the *Athlete* or other *Person* shall have the opportunity in each case, before a period of *Ineligibility* is imposed, to establish the basis for eliminating or reducing this sanction as provided in Article 13.6.

13.3 Specified Substances.

The *Prohibited List* may identify specified substances which are particularly susceptible to unintentional *Anti-Doping Rules Violations* because of their general availability in medicinal products or which are less likely to be successfully abused as *Doping* agents. Where an *Athlete* can establish that the *Use* of such a specified substance was not intended to enhance sport performance, the period of *Ineligibility* found in Article 13.2 shall be replaced with the following:

First violation: At a minimum, a warning and reprimand and no period of *Ineligibility* from future *Events*, and at a maximum, one (1) year *Ineligibility*.

Second violation: Two (2) years *Ineligibility*.

Third violation: Lifetime *Ineligibility*.

However, the *Athlete* or other *Person* shall have the opportunity in each case, before a period of *Ineligibility* is imposed, to establish the basis for eliminating or reducing (in the case of a second or third violation) this sanction as provided in Article 13.6.

13.4 Counselling

A *Hearing Body* may determine, in addition to applying the sanctions outlines in 13.1-13.3 that a *Person* who has committed an *Anti-Doping Rule Violation* is required to go to counselling for a specified period of time.

13.5 Ineligibility for Other Anti-Doping Rule Violations.

The period of *Ineligibility* for other violations of this Anti-Doping Policy shall be:

13.5.1 For violations of Article 5.3 (refusing or failing to submit to *Sample* collection) or Article 5.5 (*Tampering with Doping Control*), the *Ineligibility* periods set forth in Article 13.2 shall apply.

13.5.2 For violations of Article 5.7 (*Trafficking*) or Article 5.8 (administration of *Prohibited Substance* or *Prohibited Method*), the period of *Ineligibility* imposed shall be a minimum of four (4) years up to lifetime *Ineligibility*. An *Anti-Doping Rule Violation* involving a *Minor* shall be considered a particularly serious violation, and, if committed by *Athlete Support Personnel* for violations other than specified substances referenced in Article 13.3, shall result in lifetime *Ineligibility* for such *Athlete Support Personnel*. In addition, violations of such Articles that also violate non-sporting laws and regulations, may be reported to the competent administrative, professional or judicial authorities.

13.5.3 For violations of Article 5.4 (Whereabouts Violations or Missed Tests), the period of *Ineligibility* shall be:

First violation: Three (3) months to one (1) year *Ineligibility*.

Second and subsequent violations: Two (2) years *Ineligibility*.

13.6 Elimination or Reduction of Period of Ineligibility Based on Exceptional Circumstances.

13.6.1 If the *Athlete* establishes in an individual case involving an *Anti-Doping Rule Violation* under Article 5.1 (presence of *Prohibited Substance* or its *Metabolites* or *Markers*) or *Use* of a *Prohibited Substance* or *Prohibited Method* under Article 5.2 that he or she bears *No Fault or Negligence* for the violation, the otherwise applicable period of *Ineligibility* shall be eliminated. When a *Prohibited Substance* or its *Markers* or *Metabolites* is detected in an *Athlete's Specimen* in violation of Article 5.1 (presence of *Prohibited Substance*), the *Athlete* must also establish how the *Prohibited Substance* entered his or her system in order to have the period of *Ineligibility* eliminated. In the event this Article is applied and the period of *Ineligibility* otherwise applicable is eliminated, the *Anti-Doping Rule Violation* shall not be considered a violation for the limited purpose of determining the period of *Ineligibility* for subsequent violations under Article 13.2, 13.3 and 13.5 and multiple violations under Article 13.7.

13.6.2 This Article 13.6.2 applies only to *Anti-Doping Rule Violations* involving Article 5.1 (presence of *Prohibited Substance* or its *Metabolites* or *Markers*), *Use* of a *Prohibited Substance* or *Prohibited Method* under Article 5.2, failing to submit to *Sample* collection under Article 5.3, or administration of a *Prohibited Substance* or *Prohibited Method* under Article 5.8. If an *Athlete* establishes in an individual case involving such violations that he or she bears *No Significant Fault or Negligence*, then the period of *Ineligibility* may be reduced, but the reduced period of *Ineligibility* may not be less than one-half of the minimum period of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this section may be no

less than 8 years. When a *Prohibited Substance* or its *Markers* or *Metabolites* is detected in an *Athlete's Specimen* in violation of Article 5.1 (presence of *Prohibited Substance*), the *Athlete* must also establish how the *Prohibited Substance* entered his or her system in order to have the period of *Ineligibility* reduced.

- 13.6.3 The *Hearings Body* may also reduce the period of *Ineligibility* in an individual case where the *Athlete* has provided substantial assistance to the relevant *Sporting Organisations* or relevant *Anti-Doping Organisations* which results in *Sporting Organisations* or *Anti-Doping Organisations* discovering or establishing an *Anti-Doping Rule Violation* by another *Person* involving *Possession* under Article 5.6.2 (*Possession by Athlete Support Personnel*), Article 5.7 (*Trafficking*), or Article 5.8 (administration to an *Athlete*). The reduced period of *Ineligibility* may not, however, be less than one-half of the minimum period 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 8 years.

13.7 Rules for Certain Potential Multiple Violations

- 13.7.1 For purposes of imposing sanctions under Article 13.2, 13.3 and 13.5 a second *Anti-Doping Rule Violation* may be considered for purposes of imposing sanctions only if the ASC or the *Anti-Doping Organisations* having jurisdiction can establish that the *Athlete* or other *Person* committed the second *Anti-Doping Rule Violation* after the *Athlete* or other *Person* received notice, or after the ASC made a reasonable attempt to give notice, of the first *Anti-Doping Rule Violation*. If the ASC cannot establish this, the violations shall be considered as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction.
- 13.7.2 Where an *Athlete*, based on the same *Doping Control*, is found to have committed an *Anti-Doping Rule Violation* involving both a specified substance under Article 13.3 and another *Prohibited Substance* or *Prohibited Method*, the *Athlete* shall be considered to have committed a single *Anti-Doping Rule Violation*, but the sanction imposed shall be based on the *Prohibited Substance* or *Prohibited Method* that carries the most severe sanction.
- 13.7.3 Where an *Athlete* is found to have committed two separate *Anti-Doping Rule Violations*, one involving a specified substance governed by the sanctions set forth in Article 13.3 (specified substances) and the other involving a *Prohibited Substance* or *Prohibited Method* governed by the sanctions set forth in Article 13.2 or a violation governed by the sanctions in Article 13.5.1, the period of *Ineligibility* imposed for the second offence shall be at a minimum two (2) years *Ineligibility* and at a maximum three (3) years *Ineligibility*. Any *Athlete* found to have

committed a third *Anti-Doping Rule Violation* involving any combination of specified substances under Article 13.3 and any other *Anti-Doping Rule Violation* under Article 13.2 or 13.5.1 shall receive a sanction of lifetime *Ineligibility*.

13.8 Disqualification of Results in Competitions Subsequent to Sample Collection.

In addition to the automatic *Disqualification* of the results in the *ASC* authorised or organised *Competition* which produced the positive *Sample* under Article 12 (Automatic *Disqualification* of Individual Results), all other results obtained in *ASC* authorised or organised *Competition* from the date the positive *Sample* was collected (whether *In-Competition* or *Out-of-Competition*), or other *Doping* 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.

13.9 Commencement of Ineligibility Period.

The period of *Ineligibility* shall start on the date of the hearing decision providing for *Ineligibility* or, if the hearing is waived, on the date *Ineligibility* is accepted or otherwise imposed. Any period of *Provisional Suspension* (whether imposed or voluntarily accepted) shall be credited against the total period of *Ineligibility* to be served. Where required by fairness, such as delays in the hearing process or other aspects of *Doping Control* not attributable to the *Athlete*, the body imposing the sanction may start the period of *Ineligibility* at an earlier date commencing as early as the date of *Sample* collection.

13.10 Status During Ineligibility.

No *Person* who has been declared *Ineligible* may, during the period of *Ineligibility*, participate in any capacity in an *Event* or activity (other than authorised anti-doping education or rehabilitation programs) authorised or organised by the *ASC*. This would preclude, but not be limited to:

- a. practising/training with the *ASC* and *AIS*;
- b. acting as a coach or sport official with the *ASC* and *AIS*;
- c. selection in any *AIS* scholarship squad;
- d. competing in any *AIS Competition/Events*;
- e. receiving, directly or indirectly, funding or assistance from *ASC* and *AIS*;
- f. receiving sport related financial support or other sport related benefits;
- g. official use of *ASC* and *AIS* facilities;
- h. holding any position with the *ASC* and *AIS*.

If the *Person* is an *AIS scholarship holder* or a *DAS Athlete*, the *AIS* and the *ASC* will:

- a. terminate the *Athlete Scholarship Agreement* or the *DAS Agreement* from the date of commencement of the period of *Ineligibility*;

- b. withdraw all awards that the *ASC* and the *AIS* have previously awarded the *Person*; and
- c. require the *Person* to repay to the *ASC* and the *AIS* all financial assistance given to the *Person* by the *ASC* and the *AIS* including, without limitation, money paid to the *Person* as an allowance or a lump sum, the cost to the *ASC* or the *AIS* of residential accommodation provided to the *Person* by the *ASC* or the *AIS*, the value of all travel and accommodation provided to the *Person* by the *ASC* and the *AIS*, and the cost of medical services used by the *Person* that were provided by or paid for by the *ASC* and the *AIS*.

13.11 Reinstatement Testing.

As a condition to regaining eligibility at the end of a specified period of *Ineligibility*, an *Athlete* must, during any period of *Provisional Suspension* or *Ineligibility*, make him or herself available for *Out-of-Competition Testing* by the relevant *Sporting Organisations* or relevant *Anti-Doping Organisations* having *Testing* jurisdiction, and must provide current and accurate whereabouts information as provided in Article 8.3. If an *Athlete* subject to a period of *Ineligibility* retires from sport and is removed from *Registered Testing pools* and later seeks reinstatement, the *Athlete* shall not be eligible for reinstatement until the *Athlete* has notified the relevant *Sporting Organisations* or relevant *Anti-Doping Organisations* and has been subject to *Out-of-Competition Testing* for a period of time equal to the longer of the period set forth in Article 8.4 or the period of *Ineligibility* remaining as of the date the *Athlete* had retired.

ARTICLE 14 - CONSEQUENCES TO TEAMS

- 14.1 Where more than one team member in a *Team Sport* has been notified of a possible *Anti-Doping Rule Violation* under Article 10 during an *ASC* authorised or organised *Event*, the team shall be subject to *Target Testing* for the *Event*. If more than one team member in a *Team Sport* is found to have committed an *Anti-Doping Rule Violation* during an *ASC* authorised or organised *Event*, the team may be subject to *Disqualification* of other disciplinary action.
- 14.2 Subject to 14.3, if a *Member* of a team is found to have committed a violation of this *ASC* Anti-Doping Policy during an *ASC* authorised or organised *Event*, the team shall be *Disqualified* from the *Event*.
- 14.3 If a *Member* of a team is found to have committed a violation of this *ASC* Anti-Doping Policy during an *ASC* authorised or organised *Event* where a team ranking is based on the addition of individual results, the results of the *Athlete* committing the violation will be subtracted from the team result and replaced with the results of the next applicable team *Member*. If by removing the *Athlete's* results from the team results, the number of *Athletes* counting for the team is less than the required number, the team shall be eliminated from the ranking.

ARTICLE 15 - REVIEW OF A FINDING OF AN ANTI-DOPING RULE VIOLATION OR A SANCTION

- 15.1 A *Person* may make an application to the *Executive Director* for review of a finding of an *Anti-Doping Rule Violation* or a sanction where new and relevant information becomes available which was:
- not considered by the *Hearing Body* at the hearing; and
 - not available to the *Person* at the time of the hearing.
- 15.2 The application must:
- be in writing; and
 - set out the new and relevant information.
- 15.3 The *Executive Director* will consider the application and if he or she considers it more probable than not that the new information would have altered either the finding of an *Anti-Doping Rule Violation* or the sanction, will refer the application to the *Hearing Body* to:
- review the finding that the *Person* committed the *Anti Doping Rule Violation*; and
 - decide whether to reduce or withdraw the sanction.
- 15.4 Any review conducted pursuant to Article 15.3 will apply Articles 4, 5, 6, 7, 12, 13 and 16 of this ASC Anti-Doping Policy.
- 15.5 A sanction will remain in force during the review unless the *Hearing Body* decides otherwise.
- 15.6 The *Executive Director* must inform:
- the *Person*;
 - any relevant *Sporting Organisations* or relevant *Anti-Doping Organisations* having jurisdiction;
 - any *Person* or organisation informed of the original determination under clause 11.3,

of any change to the original determination as a result of the review. The *Executive Director* may then inform other *Persons* or organisations as the *Executive Director* thinks appropriate.

ARTICLE 16 - APPEALS

16.1 Decisions Subject to Appeal.

Decisions made under this ASC Anti-Doping Policy may be appealed as set forth below in Article 16.2 through 16.4. Such decisions shall remain in effect while under

appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review authorised in Article 11.7 must be exhausted.

16.2 Appeals from Decisions Regarding Anti-Doping Rule Violations, Consequences, and Provisional Suspensions.

A decision that an *Anti-Doping Rule Violation* was committed, a decision imposing *Consequences of an Anti-Doping Rule Violation*, a decision that no *Anti-Doping Rule Violation* was committed, a decision that the relevant *Sporting Organisations* or relevant *Anti-Doping Organisation* lacks jurisdiction to rule on an alleged *Anti-Doping Rule Violation* or its consequences, and a decision to impose a *Provisional Suspension* as a result of a *Provisional Hearing* or otherwise in violation of Article 10.12 may be appealed exclusively as provided in this Article 16.2. Notwithstanding any other provision herein, the only *Person* that may appeal from a *Provisional Suspension* is the *Athlete* or other *Person* upon whom the *Provisional Suspension* is imposed.

16.2.1 In cases arising from *Competition* in an *International Event* or in cases involving *International-Level Athletes*, the decision may be appealed exclusively to *CAS* in accordance with the provisions applicable before such court. Any such appeal will apply Articles 4, 5, 6, 7, 12 and 13 of this ASC Anti-Doping Policy.

16.2.2 In cases involving *Athletes* that do not have a right to appeal under Article 16.2.1, the sole right of appeal shall be to an *Appeals Body* which shall apply the following principles of natural justice: a timely hearing, a fair and impartial *Hearing Body*; the right to be represented at the *Person's* expense; and a timely, written, reasoned decision. Any such appeal will apply Articles 4, 5, 6, 7, 12 and 13 of this ASC Anti-Doping Policy.

16.2.2.1 The determination of an appeal under Article 16.2.1 or 16.2.2 will be final and binding on the parties to the appeal and no *Person* may institute or maintain proceedings in any court or tribunal other than the one that determined the appeal. In particular, and without restricting the generality of the foregoing and for further and better assurance, notwithstanding that such provisions have no applicability, neither party will have the right of appeal under Section 3 of the Commercial Arbitration Act of any of the Australian States or to apply for the determination of a question of law under Section 39(1) (a) of such Act.

16.2.2.2 The *Executive Director* must inform any *Person* or organisation informed of the original determination of any change to the original determination as a result of the appeal.

16.2.2.3 The *Executive Director* may then inform other *Persons* or organisations as the *Executive Director* thinks appropriate.

16.2.3 In cases under Article 16.2.1, 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;
- b. the other party to the case in which the decision was rendered;
- c. IF and any other Anti-Doping Organisation under whose rules a sanction could have been imposed;
- d. 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
- e. WADA.

In cases under Article 16.2.2, the following parties shall have the right to appeal to the *Appeals Body*:

- 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. relevant Sporting Organisations or relevant Anti-Doping Organisations having jurisdiction; and
- d. WADA.

16.2.4 An appeal will be a re-hearing of the matters appealed against and the provisions of Clause 11 will apply, mutatis mutandis to any appeal.

16.3 Appeals from Decisions Granting or Denying a Therapeutic Use Exemption.

Appeals from decisions granting or denying a therapeutic use exemption shall be conducted in accordance with the relevant *Sporting Organisations'* or relevant *Anti-Doping Organisations'* rules and the *WADA International Standard for Therapeutic Use Exemptions*.

16.4 Time for Filing Appeals.

The time to file an appeal to an *Appeals Body* shall be within twenty (20) days of the determination pursuant to Article 11.

ARTICLE 17 – PUBLIC DISCLOSURE

17.1 The *ASC* and any of its officers, *Employees*, Board Members, *Associates* or *Contractors* must not without the consent of the *Person* concerned publicly disclose the identity of a *Person* or information that could lead to the identity of a *person* being

disclosed who is suspected of an *Anti-Doping Rule Violation* until it has been determined in a hearing in accordance with Article 11 that an *Anti-Doping Rule Violation* has occurred, or such hearing has been waived, or the assertion of an *Anti-Doping Rule Violation* has not been timely challenged, and no appeal has been lodged against any determination made.

- 17.2 Once a violation of this ASC Anti-Doping Policy has been established, it shall be publicly reported within twenty (20) days.

ARTICLE 18 - RECOGNITION OF DECISIONS BY OTHER ORGANISATIONS

- 18.1 Subject to the right to appeal provided in Article 16, the *Testing, Therapeutic Use Exemptions, Anti-Doping Rule Violations*, hearing results or other final adjudications of any *Anti-Doping Organisation* or *Sporting Organisation* which are consistent with this ASC Anti-Doping Policy and are within the *Anti-Doping Organisation's* or *Sporting Organisation's* authority, shall be recognised and respected by the ASC. For the avoidance of doubt, the declaration that a *Person* is *Ineligible* by any *Anti-Doping Organisation* or *Sporting Organisation* under its Anti-Doping Policy will be treated by the ASC for the period of the *Ineligibility* as if it were a declaration of *Ineligibility* under this Anti-Doping Policy.
- 18.2 Upon being advised of a determination, the ASC will take all necessary action to render such effective.

ARTICLE 19 - STATUTE OF LIMITATIONS

No action may be commenced under this ASC Anti-Doping Policy against an *Athlete* or other *Person* for a violation of an Anti-Doping Rule contained in this ASC Anti-Doping Policy unless such action is commenced within eight years from the date the violation occurred.

ARTICLE 20 – EMPLOYEES, BOARD MEMBERS, ASSOCIATES AND CONTRACTORS OF THE ASC

- 20.1 *ASC Employees, Board Members, Associates* and *Contractors* must give due and proper consideration as to whether they also have a responsibility to act under the ASC Code of Conduct.
- 20.2 The sanctions that may be applied under this Policy focus on a *Person's* involvement in or connection with sport activities.
- 20.3 *ASC* employment aspects are covered by the Code of Conduct. An individual who is investigated under this Policy may also be investigated under the Code of Conduct. Where a breach of the Code of Conduct is identified sanctions may be applied. The process used will be as outlined in the Code of Conduct.

- 20.4 Investigations for an *Anti-Doping Rule Violation* may also serve as the investigation under the Code on Conduct.

ARTICLE 21 - AMENDMENT AND INTERPRETATION OF ANTI-DOPING POLICY

- 21.1 This ASC Anti-Doping Policy may be amended from time to time by the ASC subject to the *Executive Director's* approval.
- 21.2 Except as provided in Article 21.5, this ASC Anti-Doping Policy shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.
- 21.3 The headings used for the various Parts and Articles of this Anti-Doping Policy are for convenience only and shall not be deemed part of the substance of this Anti-Doping Policy or to affect in any way the language of the provisions to which they refer.
- 21.4 The INTRODUCTION and the APPENDIX 1 DEFINITIONS shall be considered integral parts of this Anti-Doping Policy.
- 21.5 This ASC Anti-Doping Policy has been adopted pursuant to the applicable provisions of the *Code* and shall be interpreted in a manner that is consistent with applicable provisions of the *Code*. The comments annotating various provisions of the *Code* may, where applicable, assist in the understanding and interpretation of this ASC Anti-Doping Policy.
- 21.6 This ASC Anti-Doping Policy shall not apply retrospectively to matters pending before the date this ASC Anti-Doping Policy came into effect.
- 21.7 Words in the singular include the plural and vice versa.
- 21.8 A *Person* includes a body corporate.
- 21.9 Words not defined in this policy have the meaning ascribed to them in the *Code* unless a contrary meaning appears from the context.
- 21.10 Reference to “including” and similar words are not words of limitation.

APPENDIX 1 - DEFINITIONS

Adverse Analytical Finding. A report from a laboratory or other approved *Testing* entity that identifies in a *Specimen* the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* (including elevated quantities of endogenous substances) or evidence of the *Use* of a *Prohibited Method*.

AIS Scholarship Holder. A person who has accepted an offer of a scholarship under an AIS sports program.

Analogue. A substance derived from the modification or alteration of the chemical structure of another substance while retaining a similar pharmacological effect.

Anti-Doping Organisation. 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*, *WADA*, *International Federations*, and *National Anti-Doping Organisations*.

Anti-Doping Rule Violation. As outlined in Article 5.

Appeals Body. Means a committee established in accordance with the rules of the *NSO*, *IF*, *the Court of Arbitration for Sport* or an appropriate body that deals with sports related disputes.

Associates. Means a general class of people who will be bound by the ASC Code of Conduct and the ASC Anti-Doping Policy, where those people are not actually employed by the ASC, but will use their facilities or offer support to *athletes*.

Athlete:

- (a) For purposes of *Doping Control*, any *Person* who:
- (i) participates in sport at the international level (as defined by each *International Federation*) or national level (as defined by each *National Anti-Doping Organisation*) and any additional *Person* designated by the *Person's* *National Anti-Doping Organisation*;
 - (ii) is registered with *Sporting Organisation* or one of its *Members*;
 - (iii) participates, or has in the previous five years participated, in any sporting activity conducted, authorised, recognised or controlled, either directly or indirectly, by *Sporting Organisation* or a body affiliated with *Sporting Organisation* ;or
 - (iv) is an *AIS Scholarship Holder* or a *Direct Athlete Support* recipient.

- (b) 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*; or

Athlete Support Personnel. Any coach, trainer, manager, agent, team staff, official, parent of a minor or guardian, medical or para-medical personnel working with or treating *Athletes* participating in or preparing for sports *Competition*.

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* enunciates the *Attempt* prior to it being discovered by a third party not involved in the *Attempt*.

Australian Customs Service. Means the *Australian Customs Service* established by the *Customs Administration Act 1985*.

Australian Institute of Sport (AIS). The Australian Institute of Sport established by the *Australian Sports Commission Act 1989*.

Australian Olympic Committee (AOC). Means the Australian Olympic Committee Inc.

Australian Paralympic Committee (APC). Means the Australian Paralympic Committee Inc.

Australian Sports Commission (ASC). Means the Australian Sports Commission established by the *Australian Sports Commission Act 1989*.

Australian Sports Drug Agency (ASDA). Means the Australian Sports Drug Agency established by the *Australian Sports Drug Agency Act 1990*.

Australian Sports Drug Medical Advisory Committee (ASDMAC). Means the Australian Sports Drug Medical Advisory Committee established by the *Australian Sports Drug Agency Act 1990*.

Code. The World Anti-Doping Code.

Competition. A single race, match, game or singular athletic contest. For example, the finals of the Olympic 100-meter dash. For stage races and other athletic 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*.

Consequences of Anti-Doping Rules Violations. 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 for a specified period of time from participating in any *Competition* or other activity or funding as provided in Article 13;

and (c) *Provisional Suspension* means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* prior to the final decision at a hearing conducted under Article 11 (Right to a Fair Hearing).

Contractor. Means a *Person* that is performing services for the ASC as an independent contractor, under a consultancy or other fee for service arrangement and includes employees of those contractors.

Court of Arbitration for Sport (CAS). Means the *Court of Arbitration for Sport* (Oceania Registry).

DAS Agreement. Means an agreement between the ASC and a *Person* under which the ASC pays Direct Athlete Support to the *Person*.

DAS Athlete. Means a *Person* receiving Direct Athlete Support from the ASC under a *DAS Agreement*.

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

Doping. The occurrence of one or more of the *Anti-Doping Rule Violations* set forth in Article 5.1 through Article 5.8 of this Anti-Doping Policy.

Doping Control. The process including test distribution planning, *Sample* collection and handling, laboratory analysis, results management, hearings and appeals.

Employee. Means any person employed by the ASC in an employment agreement, including ongoing permanent employees, fixed term employees and casual employees.

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 (e.g., the Olympic Games, FINA World Championships, or Pan American Games).

Executive Director. The *Person* appointed by the ASC to manage the affairs of the ASC as provided for in Section 28 of the *Australian Sports Commission Act 1989*.

Exogenous. Refers to a substance which is not capable of being produced by the body naturally.

Hearing Body. Means a committee established in accordance with the rules of the *NSO*, the *Court of Arbitration for Sport* or an appropriate body that deals with sports related disputes.

In-Competition. For purposes of differentiating between *In-Competition* and *Out-of-Competition Testing*, unless provided otherwise in the rules of an *International Federation* or other relevant *Anti-Doping Organisation*, an *In-Competition* test is a test where an *Athlete* is selected for *Testing* in connection with a specific *Competition*.

Independent Observer Program. A team of observers, under the supervision of WADA, who observe the *Doping Control* process at certain *Events* and report on observations. If WADA is *Testing In-Competition* at an *Event*, the observers shall be supervised by an independent organisation.

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

International Event. An *Event* 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. Means an *International Federation* recognised by the IOC or General Assembly of International Sports Federations (GAISF) as the entity responsible for governing that sport internationally.

International-Level Athlete. *Athletes* designated by one or more *International Federations* as being within the *Registered Testing Pool* for an *International Federation*.

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.

Major Event Organisations. This term refers to 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 parameters that indicates the *Use of a Prohibited Substance* or *Prohibited Method*.

Member. A *Person* who, or a body which, is a *Member* of a *Sporting Organisation*; a *Person* who, or body which, is affiliated with a *Sporting Organisation*; or a *Person* who is a member of a body which is a *Member* of or affiliated with *Sporting Organisation*.

Metabolite. Any substance produced by a biotransformation process.

Mimetic. A substance with pharmacological effect similar to that of another substance, regardless of the fact that it has a different chemical structure.

Minor. A natural *Person* who has not reached the age of majority as established by the applicable laws of his or her country of residence.

National Anti-Doping Organisation.(NADO) 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*, the management of test results, and the conduct of hearings, all at the national level. If this designation has not been made by the competent public authority(ies), the entity shall be the country's *National Olympic Committee* or its designee.

National Event. A sport *Event* involving international or national-level *Athletes* that is not an *International Event*.

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.

National Sporting Organisation. A national or regional entity which is a *Member* of or is recognised by an *International Sporting Federation* as the entity governing that *International Federation's* sport in that nation or region or is recognised by the *ASC* as a *National Sporting Organisation*. This includes *National Sporting Organisations for Athletes with a Disability*.

No Advance Notice. A *Doping Control* which takes place with no advance warning to the *Athlete* and where the *Athlete* is continuously chaperoned from the moment of notification through *Sample* provision.

No Fault or Negligence. The *Athlete'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*.

No Significant Fault or Negligence. The *Athlete'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*.

Out-of-Competition. Any *Doping Control* which is not *In-Competition*.

Participant. Any *Athlete* or *Athlete Support Personnel*.

Person. A natural *Person* or an organisation or other entity, including an *Athlete*, *Athlete Support Personnel* and *Member*.

Possession. The actual, physical possession, or the constructive possession (which shall be found only if the *Person* has exclusive control over the *Prohibited Substance/Method* or the premises in which a *Prohibited Substance/Method* exists); provided, however, that if the *Person* does not have exclusive control over the *Prohibited Substance/Method* or the premises in which a *Prohibited Substance/Method* exists, constructive possession shall only be found if the *Person* knew about the presence of the

Prohibited Substance/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* no longer intends to have *Possession* and has renounced the *Person's* previous *Possession*.

Prohibited List. The WADA *Prohibited List* as amended from time to time which is published and revised by WADA as described in Article 4 of the *Code* and is available on WADA's website at www.wada-ama.org.

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

Prohibited Substance. Any substance so described on the *Prohibited List*.

Provisional Hearing. For purposes of Article 10.12.4 and 10.12.5, an expedited abbreviated hearing occurring prior to a hearing under Article 11 (Right to a Fair Hearing) that provides the *Athlete* with notice and an opportunity to be heard in either written or oral form.

[*Provisional Suspension*. See Consequences of an *Anti-Doping Rule Violation* above.]

Publicly Disclose or Publicly Report. To disseminate or distribute information to the general public or *Persons* beyond those *Persons* entitled to earlier notification in accordance with Article 10.

Recognised Medical Authority. ASDMAC or an authority recognised by the ASDMAC which may authorise the *Use* of a *Prohibited Substance* and/or *Prohibited Method* for a therapeutic purpose.

Registered Testing Pool. The pool of top level *Athletes* established separately by each International Federation and *National Anti-Doping Organisation* who are subject to both *In-Competition* and *Out-of-Competition Testing* as part of that International Federation's or National Anti-Doping Organisation's test distribution plan.

Sample/Specimen. Any biological material collected for the purposes of *Doping Control*.

Signatories. Those entities signing the *Code* and agreeing to comply with the *Code*, including the International Olympic Committee, International Federations, International Paralympic Committee, *National Olympic Committees*, National Paralympic Committees, *Major Event Organisations*, *National Anti-Doping Organisations*, and WADA.

Sporting Organisation. Means the *Australian Olympic Committee*, Australian Commonwealth Games Association, *Australian Paralympic Committee* and any organisation recognised, assisted or funded by the ASC and includes *National Sporting Organisations*, their *Members* and affiliated organisations.

Tampering. Altering for an improper purpose or in an improper way; bringing improper influence to bear; interfering improperly to alter results or prevent normal procedures from occurring.

Target Testing. Selection of *Athletes* for *Testing* where specific *Athletes* or groups of *Athletes* are selected on a non-random basis for *Testing* at a specified time.

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

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

Therapeutic Use Exemption (TUE). Means *Therapeutic Use Exemption* in accordance with the *WADA International Standard for Therapeutic Use Exemptions*.

Trafficking. To sell, give, administer, transport, send, deliver or distribute a *Prohibited Substance* or *Prohibited Method* to an *Athlete* either directly or through one or more third parties, but excluding the sale or distribution (by medical personnel or by *Persons* other than an *Athlete's Support Personnel*) of a *Prohibited Substance* for genuine and legal therapeutic purposes.

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

WADA. The World Anti-Doping Agency.

ACRONYMS

AOC	Australian Olympic Committee
APC	Australian Paralympic Committee
AIS	Australian Institute of Sport
ASC	Australian Sports Commission
ASDA	Australian Sports Drug Agency
CAS	Court of Arbitration for Sport
IF	International Federation
NSO	National Sporting Organisation
WADA	World Anti-Doping Agency