



**THE NATIONAL ANTI-DOPING POLICY  
OF**

**FOOTBALL FEDERATION AUSTRALIA  
LIMITED**

**AND  
OUR MEMBER & SUB-MEMBER  
ORGANISATIONS**

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**IMPORTANT WARNING****YOU MUST FIND OUT WHICH DRUGS ARE PROHIBITED****IGNORANCE IS NO EXCUSE****YOU MUST BE AWARE OF THE RULES IN THIS ADP AND WHAT IS PROHIBITED****THIS ADP ADOPTS THE STRICT LIABILITY PRINCIPLE****ATHLETES ARE RESPONSIBLE FOR ANYTHING FOUND IN THEIR SYSTEM**

ADOPTED BY OUR SPORT FOR A COMMENCEMENT DATE OF

**1 JANUARY 2015**

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## **SOME IMPORTANT DETAILS OF OUR SPORT**

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

For the purposes of this ADP and the WADC our sport is a *Team Sport*. This has particular relevance for WADC 9 (see rule **182**) and WADC 11.2 (see rule **186**).

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

For the purposes of rule **34(3)**, as at the commencement date, we have declared (so far) only the A-League competition, the W-League competition and the National Youth League competition to be at elite level.

### **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-League, W-League, National Youth League, FFA 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).

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## PART 1 – INTRODUCTION & APPLICATION

### Adoption

1. This is the Anti-Doping Policy (**ADP**) of Football Federation Australia Limited (**FFA**) and our member and sub-member organisations and applies to our sport of football as played in Australia and New Zealand<sup>1</sup>.
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.)
3. We have adopted this ADP so as to be compliant with the *WADA Code* (**WADC** or **the Code**), and also to comply with the National Anti-Doping scheme (**NAD scheme**) administered by the Australian Sports Anti-Doping Authority (**ASADA**).
4. Where this ADP repeats any part of the *WADC* that is so as to expressly incorporate the article as a rule in this ADP.
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.
6. This ADP forms part of the FFA Statutes.

### Prohibited List

7. We adopt the *WADA List*, together with such alterations as may be permitted within the *WADA List* as are considered appropriate for our sport (any such alterations to be noted in some appropriate way), as our list of prohibited classes of drugs and doping methods (**the Prohibited List**). See also **Part 4 – The Prohibited List**.

### WADC articles and definitions

8. Where this ADP replicates an article of the *WADC* the prefix “*WADC*” appears. To facilitate consistency with the *WADC*, so far as practical, we have used the same defined terms as the *WADC* and they appear in italics with the first letter as a capital, eg *Athlete*. There is a definitions section towards the back of this ADP: see from page **68**.
9. So far as the context permits, this ADP is to be interpreted so as to be consistent with the *WADC* and the *NAD scheme*.

### Overview

10. This ADP binds all *Participants* in our sport and obliges *Athletes* in our sport to submit to *Testing*.
11. The anti-doping rule violations in this ADP are taken verbatim from the *WADC*. See **Part 2 – Anti-Doping Rule Violations**.
12. We are an Anti-Doping Organization for the purposes of this ADP.
13. The results management of any suspected ADRVs will be carried out by us and/or *ASADA* pursuant to its own powers and/or such delegation and authorisation as we may have given to *ASADA* from time to time.

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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

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14. The process to give all persons alleged to have committed an ADRV a fair hearing is set out in this ADP, is WADC compliant and has been approved by ASADA. In this regard see especially rules **135**, **163** and **169**.
15. The sanctions in respect of proven ADRVs are taken verbatim from the WADC. See **Part 9 - Sanctions**.

### **Delegation to ASADA**

16. We hereby delegate to ASADA the function of all notifications and reports that we would have to make under the WADC to WADA. See WADC 14.1 at page **56** below.
17. We may make further delegations to ASADA from time to time as we consider appropriate.

### **WADA**

18. The World Anti-Doping Agency (**WADA**) was established in November 1999 in Switzerland. On 5 March 2003 WADA adopted the 'World Anti-Doping Code' (**WADC** or **the Code**). The WADC was amended in November 2007 and again November 2013.
19. The WADC has been adopted by ASADA and ASADA is a signatory to the WADC.
20. The WADC states that the purposes of the WADC and the World Anti-Doping Program which supports it are:
  - (1) To protect the *Athletes'* fundamental right to participate in doping-free sport and thus promote health, fairness and equality for *Athletes* worldwide, and
  - (2) To ensure harmonized, coordinated and effective anti-doping programs at the international and national level with regard to detection, deterrence and prevention of doping.
21. The World Anti-Doping Program has three main elements:
  - (1) Level 1: The WADC itself.
  - (2) Level 2: International Standards.
  - (3) Level 3: Models of Best Practice and Guidelines.
22. Adherence to the *International Standards* is mandatory for compliance with the WADC. The most significant of the *International Standards* is the WADA List.

### **Fundamental rationale of the WADC**

23. The WADC states that the fundamental rationale of the WADC as follows:

"Anti-doping programs seek to preserve what is intrinsically valuable about sport. This intrinsic value is often referred to as "the spirit of sport".It is the essence of Olympism, the pursuit of human excellence through the dedicated perfection of each person's natural talents. It is how we play true. The spirit of sport is the celebration of the human spirit, body and mind, and is reflected in values we find in and through sport, including:

- Ethics, fair play and honesty
  - Health
  - Excellence in performance
  - Character and education
  - Fun and joy
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- Teamwork
- Dedication and commitment
- Respect for rules and laws
- Respect for self and other Participants
- Courage
- Community and solidarity

Doping is fundamentally contrary to the spirit of sport.”

### **WADC mandatory in substance**

24. The WADC is mandatory in substance. The WADC (at p16) states the position as follows:

“All provisions of the *Code* are mandatory in substance and must be followed as applicable by each *Anti-Doping Organization* and *Athlete or other Person*. The *Code* does not, however, replace or eliminate the need for comprehensive anti-doping rules adopted by each *Anti-Doping Organization*. While some provisions of the *Code* must be incorporated without substantive change by each *Anti-Doping Organization* in its own anti-doping rules, other provisions of the *Code* establish mandatory guiding principles that allow flexibility in the formulation of rules by each *Anti-Doping Organization* or establish requirements that must be followed by each *Anti-Doping Organization* but need not be repeated in its own anti-doping rules.”

### **Application**

25. This ADP applies to all *Participants* in our sport where 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) all *Athletes* who are:
  - (a) registered with us or one of our member or sub member organisations (including any clubs, teams, associations or leagues);
  - (b) in training for or compete from time to time in any *Competition* or *Event* in our sport; or
  - (c) registered with, compete, train or trial with any club, team, association or league involved in our sport;
- (2) all Athlete Support Personnel;
- (3) *Event* organisers;
- (4) clubs, teams, associations and leagues in our sport; and
- (5) others having access to our facilities and services for sporting purposes.

26. 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.

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27. *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.
28. 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 30 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 30 month period and be subject to results management (including hearings and appeals processes) in accordance with WADC Article 17. The continuation of the application of this ADP prevails regardless of retirement, contract termination, or any other cessation of arrangement with the Sporting Administration Body.
29. This ADP shall also apply to all other *Persons* over whom *the Code, ASADA Act, ASADA Regulations* and *NAD scheme* give ASADA jurisdiction in respect of compliance with the anti-doping rules as defined in the *ASADA 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.
30. *Persons* falling within the scope of rules 25 and 26 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 ASADA) and to the jurisdiction of the hearing panels specified in WADC Article 8 and WADC 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.

### **Application of the Australian Olympic Committee (AOC) Anti-Doping By-Law**

31. We and the *Persons* falling within the scope of rules **25** and **26** agree to be knowledgeable of, comply with, and be bound by the AOC Anti-Doping By-Law as applicable.<sup>2</sup>
32. In addition to its Education obligations under WADC Article 18, we agree, in collaboration with the AOC, to inform and educate the *Persons* falling within the scope of rules 25 and 26 as applicable, of their obligations under the AOC Anti-Doping By-Law, and of their rights foregone, in return for the privilege to participate in an Olympic sport.

### **Classification of Athletes**

33. The WADC permits differential classification of *Athletes* with the result that not all *Athletes* are subject to all aspects of the WADC.
34. In our sport we have determined the following classifications and with the stated application:
- (1) **International-Level Athletes:** Those *Athletes* designated by FIFA as being within FIFA's Registered Testing Pool.
- Application: All aspects of the WADC and this ADP apply and such *Athletes* must comply with the whereabouts requirements in the *International Standard for Testing*.
- (2) **National level Athletes:** Those *Athletes* in our sport designated by ASADA from time to time as being "National level *Athletes*", which includes, but is not necessarily limited to, the *Athletes* within ASADA's *Registered Testing Pool* for our sport.
- Application: All aspects of the WADC and this ADP apply, except that the whereabouts requirements in the *International Standard for Testing* may be as varied by ASADA.

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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").

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- (3) **Other elite level Athletes:** Those *Athletes* in our sport who compete in or train for *Competitions* and/or *Events* we declare from time to time as being at elite level. (see “**Item 2 – Our elite level Competitions and Events**” for those declared as at the commencement date).

Application: All aspects of the WADC and this ADP apply except that (a) the whereabouts requirements are only those applicable under this ADP (see rule **114**) and not those in the *International Standard for Testing* nor those of ASADA; and (b) the requirements of a TUE for any Specified Substance will be deemed to be met upon proof of prior written approval by the *Athlete’s* treating doctor. Such an approval will be deemed to be an approval granted by a TUEC in accordance with clause 4.02(2) of the NAD scheme. NAD scheme 1.06(4) does not apply to *Athletes* at this level.

- (4) **Non elite Athletes:** All other *Athletes* competing or training in our sport.

Application: All aspects of the WADC and this ADP apply except that (a) there are no whereabouts requirements applicable at all (although such *Athletes* are still subject to *Testing* on demand); and (b) the requirements of a TUE for any Specified Substance will be deemed to be met upon proof of prior written approval by the *Athlete’s* treating doctor. Such an approval will be deemed to be an approval granted by a TUEC in accordance with clause 4.02(2) of the NAD scheme. NAD scheme 1.06(4) does not apply to *Athletes* at this level.

Our note: The effect is that non elite *Athletes* will not have any whereabouts forms to worry about nor need to obtain a TUE if they have an existing and current prescription for use of a Specified Substance. They will still need a TUE for certain substances, eg anabolic steroids (albeit it is highly unlikely one would be granted for such a substance).

35. *International-Level Athletes* and National level *Athletes* have no excuse for not knowing their classification and acting accordingly. Other *Athletes* in any doubt as to their classification must ascertain their classification from time to time from us. In case of any ambiguity our determination of an *Athlete’s* classification is final.

This rule is relevant to WADC 2.4: see rules **50** and rule **114**.

### **Only Athletes Subject to Testing**

36. For the purposes of this ADP, *Athletes* are the only persons subject to *Testing*.

### **Amendment**

37. We may modify, update or generally amend this ADP from time to time.

### **Objects**

38. The objectives of this ADP are to:

- (1) Comply with the WADC and the NAD scheme;
  - (2) Implement a fair policy that operates to deter cheating by doping in our sport; and
  - (3) Promote the image and reputation of our sport.
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## PART 2 – ANTI-DOPING RULE VIOLATIONS

The Anti-Doping Rule Violations in this part are taken verbatim from the WADC.

### **WADC 1: Definition of Doping**

39. WADC 1: Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in WADC Article 2.1 through WADC Article 2.10 of this ADP.

### **WADC 2: Anti-Doping Rule Violations (ADRVs)**

40. WADC 2: The purpose of WADC 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.
41. *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:

### **WADC 2.1: The presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample**

42. WADC 2.1.1: 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 *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 violation under WADC Article 2.1.

*[Comment to WADC 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.]*

43. WADC 2.1.2: Sufficient proof of an anti-doping rule violation under WADC Article 2.1 is established by any of the following: 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, 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, where the Athlete's B Sample is split into two bottles and the analysis of the second bottle confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the first bottle.

*[Comment to Article 2.1.2: The Anti-Doping Organization 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.]*

44. WADC 2.1.3: Excepting those substances for which a quantitative threshold is specifically identified in the *Prohibited List*, the 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.
45. WADC 2.1.4: As an exception to the general rule of WADC Article 2.1, the *Prohibited List* or *International Standards* may establish special criteria for the evaluation of *Prohibited Substances* that can also be produced endogenously.
46. WADC 2.2: Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method.
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*[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 WADC 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 Organization provides a satisfactory explanation for the lack of confirmation in the other Sample.]*

47. WADC 2.2.1: It is each 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.
48. WADC 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.

*[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.)]*

### **WADC 2.3: Evading, Refusing or Failing to Submit to Sample Collection**

49. WADC 2.3: Evading Sample collection or, without compelling justification, refusing or failing to submit to Sample collection after notification as authorised in this ADP, the NAD scheme or other applicable anti-doping rules.

*[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.]*

### **WADC 2.4: Whereabouts Failures**

50. WADC 2.4: Any combination of three missed tests and/or filing failures, as defined in the International Standard for Testing and Investigations, within a twelve-month period by an Athlete in a Registered Testing Pool.

Our note: The applicable requirements depend on the classification of the Athlete: see rule **34**. The requirements in our sport for Athletes who are at elite level as declared in rule **34** are set out in rule **114**.

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**WADC 2.5: Tampering or Attempted Tampering with any part of Doping Control**

51. WADC 2.5: 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, intentionally interfering or attempting to interfere with a Doping Control official, providing fraudulent information to an Anti-Doping Organisation or intimidating or attempting to intimidate a potential witness.

*[Comment to Article 2.5: 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, or altering a Sample by the addition of a foreign substance. Offensive conduct towards a Doping Control official or other Person involved in Doping Control which does not otherwise constitute Tampering may be addressed in the code of conduct.]*

**WADC 2.6: Possession of Prohibited Substances and Methods**

52. WADC 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) granted in accordance with WADC Article 4.4 or other acceptable justification.
53. WADC 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 WADC Article 4.4 or other acceptable justification.

*[Comment to Article 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.]*

*[Comment to Article 2.6.2: Acceptable justification would include, for example, a team doctor carrying Prohibited Substances for dealing with acute and emergency situations.]*

54. **WADC 2.7: Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method.**
55. **WADC 2.8: Administration or Attempted administration 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 in Out-of-Competition**

**WADC 2.9: Complicity**

56. WADC 2.9: Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity involving an anti-doping rule violation, *Attempted* anti-doping rule violation or violation of WADC Article 10.12.1 by another *Person*.

**WADC 2.10: Prohibited Association**

57. WADC 2.10: 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:
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58. WADC 2.10.1: If subject to the authority of an Anti-Doping Organisation, is serving a period of Ineligibility; or
- (1) WADC 2.10.2: 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) WADC 2.10.3: Is serving as a front or intermediary for an individual described in WADC Articles 2.10.1 or 2.10.2.

In order for this provision to apply, it is necessary that the Athlete or other Person has previously been advised in writing by an Anti-Doping Organisation with jurisdiction over the Athlete or other Person, or by WADA, of the Athlete Support Person's disqualifying status and the potential Consequence of prohibited association and that the Athlete or other Person can reasonably avoid the association. The Anti-Doping Organisation shall also use reasonable efforts to advise the Athlete Support Person who is the subject of the notice to the Athlete or other Person that the Athlete Support Person may, within 15 days, come forward to the Anti-Doping Organisation to explain that the criteria described in WADC Articles 2.10.1 and 2.10.2 do not apply to him or her. (Notwithstanding WADC Article 17, this WADC Article applies even when the Athlete Support Person's disqualifying conduct occurred prior to the effective date provided in WADC Article 20.7.)

The burden shall be on the Athlete or other Person to establish that any association with Athlete Support Personnel described in WADC Articles 2.10.1 or 2.10.2 is not in a professional or sport-related capacity.

Anti-Doping Organisations that are aware of Athlete Support Personnel who meet the criteria described in WADC Articles 2.10.1, 2.10.2, or 2.10.3 shall submit that information to WADA.

### **Ignorance is No Excuse**

59. An ADRV occurs even if the *Athlete* does not know the *Prohibited Method* or *Prohibited Substance* is prohibited under this ADP. The onus is on the *Athlete* to check all substances and methods.

### **Awareness of this ADP**

60. All persons to whom this ADP applies shall be aware of this ADP, its implications, the sanctions that apply, the requirements necessary to comply with this ADP and must comply with any obligation imposed on them by this ADP.
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## PART 3 – PROOF OF DOPING

### WADC 3.1: Burdens and Standards of Proof

61. The *Anti-Doping Organization* shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether the *Anti-Doping Organization* has established an anti-doping rule violation 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, the standard of proof shall be by a balance of probability.

*[Comment to Article 3.1: This standard of proof required to be met by the Anti-Doping Organization is comparable to the standard which is applied in most countries to cases involving professional misconduct.]*

### WADC 3.2: Methods of Establishing Facts and Presumptions

62. WADC 3.2: 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:

*[Comment to Article 3.2: For example, an Anti-Doping Organization 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.]*

63. WADC 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. CAS, on its own initiative, may also inform WADA of any such challenge. At WADA's request, the CAS panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge. Within 10 days of WADA's receipt of such notice, and WADA's receipt of the CAS file, WADA shall also have the right to intervene as a party, appear amicus curiae, or otherwise provide evidence in such proceeding.
64. WADC 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 the *Anti-Doping Organization* shall have the burden to establish that such departure did not cause the Adverse Analytical Finding.

*[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. If the Athlete or other Person does so, the burden shifts to the Anti-Doping Organization to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the Adverse Analytical Finding.]*

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65. WADC: 3.2.3: Departures from any other *International Standard* or other anti-doping rule or policy set forth in the WADC or Anti-Doping Organization rules which did not cause an *Adverse Analytical Finding* or other anti-doping rule violation shall not invalidate such results. If the *Athlete* or other *Person* establishes that a departure from another *International Standard* or other anti-doping rule or policy which could reasonably have caused the *Adverse Analytical Finding* or other anti-doping rule violation occurred, then the *Anti-Doping Organization* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding* or the factual basis for the anti-doping rule violation. WADC 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 of natural justice.
66. WADC 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 the *Anti-Doping Organization* asserting the anti-doping rule violation.

### **Documentary Proof**

67. Where a document:
- (1) which is of, or has been created by:
    - (a) the chief medical officer of our sport;
    - (b) a Drug Testing Authority or any other official medical authority; or
    - (c) any state or federal government body or law enforcement agency (including without limitation the Therapeutic Goods Administration, the Australian Customs and Border Protection Services and the Federal, State and Territory police services); and
  - (2) is sought to be used as evidence in a hearing in the Tribunal and a copy of the document has been made available to other relevant parties a reasonable time prior to the hearing,

the document *shall* be admitted as evidence of its contents (without the need to call the maker of the document) and given such weight as the Tribunal considers appropriate in all circumstances. This rule does not limit the circumstances in which the Tribunal *may* admit other documents into evidence.

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## **PART 4 – THE PROHIBITED LIST & THERAPEUTIC USE EXEMPTIONS**

### **WADC 4.1: Incorporation, Publication and Revision of the *Prohibited List*.**

68. WADC 4.1: This ADP incorporates the *Prohibited List* which is published and revised by WADA as described in WADC Article 4.1 as in force from time to time. Unless provided otherwise in the *Prohibited List* and/or a revision, the *Prohibited List* and revisions shall go into effect under this ADP three months after publication of the *Prohibited List* by WADA without requiring any further action by us. 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.

*[Comment to Article 4.1: For the sake of predictability, a new Prohibited List will be published every year whether or not changes have been made. WADA will always have the most current Prohibited List published on its website. The current Prohibited List is available on WADA's website at [www.wada-ama.org](http://www.wada-ama.org).]*

### **WADC 4.2: Prohibited Substances and Prohibited Methods Identified on the Prohibited List**

69. WADC 4.2.1: 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.
70. WADC 4.2.2: Specified Substances

For purposes of the application of WADC Article 10, all *Prohibited Substances* shall be *Specified Substances* except substances in the classes of anabolic agents and hormones and those stimulants and hormone antagonists and modulators so identified on the *Prohibited List*. The category of *Specified Substances* shall not include *Prohibited Methods*.

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

### **WADC 4.3: WADA's determination of the Prohibited List**

71. WADC 4.3: 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*, and the classification of a substance as prohibited at all times or *In-Competition* only, is final and shall not be subject to challenge by an *Athlete* or other *Person*.

### **WADC 4.4: Therapeutic Use Exemptions (TUEs)**

72. WADC 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
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violation if it is consistent with the provisions of a TUE granted in accordance with the International Standard for Therapeutic Use Exemptions.

73. WADC 4.4.2: The *TUE Committee* for Australia is the Australian Sports Drug Medical Advisory Committee (ASDMAC). 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 WADC Article 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.asdmac.gov.au](http://www.asdmac.gov.au) with assistance from their doctor. ASDMAC will consider applications for the grant or recognition 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 its website at <http://www.asdmac.gov.au>. ASDMAC's decision shall be final (except as outlined in WADC 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.

*[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.]*

74. WADC 4.4.5: 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 WADC 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.
75. WADC 4.4.3: A TUE granted by ASDMAC is valid at national level only. An *Athlete* who is or becomes an *International-Level Athlete* should do the following:
- (1) WADC 4.4.3.1: Where the *Athlete* already has a TUE granted by ASDMAC for the substance or method in question, the *Athlete* may apply to the International federation to recognise that TUE, in accordance with WADC Article 7 of the *International Standard for Therapeutic Use Exemptions*. If that TUE meets the criteria set out in the *International Standard for Therapeutic Use Exemptions*, then the international federation shall recognise it for purposes of *International-Level Competition* as well. If the international federation considers that the TUE granted by ASDMAC does not meet those criteria and so refuses to recognise it, the international federation shall notify the *International-Level Athlete* and ASDMAC promptly with reasons. The *International-Level 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 WADC 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, the TUE becomes invalid for any purpose when the 21-day review deadline expires.

*[Comment to Article 4.4.3.1: Further to Articles 5.6 and 7.1(a) of the International Standard for Therapeutic Use Exemptions, an international federation may publish notice on its website that it will automatically recognise TUE decisions (or categories of such*

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*decisions, for example., as to particular substances or methods) made by National Anti-Doping Organisations. If an Athlete's TUE falls into a category of automatically recognised TUEs, then he/she does not need to apply to his/her international federation for recognition of that TUE.*

*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.]*

- (2) WADC 4.4.3.2: 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. 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.

*[Comment to Article 4.4.3.2: The international federation and ASDMAC may agree that ASDMAC will consider TUE applications on behalf of the international federation.]*

#### **WADC 4.4.5 Expiration, cancellation, withdrawal or reversal of a TUE**

76. WADC 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) may be cancelled if the Athlete does not promptly comply with any requirements or conditions imposed by the TUE Committee upon grant of the TUE; (c) may be withdrawn by the TUE Committee 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.
77. WADC 4.4.5.2: In such event, the Athlete shall not be subject to any Consequences based on his/her 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, cancellation, withdrawal or reversal of the TUE. The review pursuant to WADC Article 7.2 of any subsequent Adverse Analytical Finding 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.

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

78. WADC 4.4.6.1: If ASDMAC denies an application for a TUE, the Athlete may appeal exclusively to the national-level appeal body, the Therapeutic Use Exemption Review Committee (TUERC) described in WADC Articles 13.2.2 and 13.2.3.).
79. WADC 4.4.6.2: WADA shall review any decision by the International Federation not to recognise a TUE granted by ASDMAC that is referred to WADA by the Athlete or ASDMAC. In
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addition, WADA shall review any decision by the international federation 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.

80. WADC 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 WADC Article 13.

*[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.]*

81. WADC 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 WADC Article 13.
82. WADC 4.4.6.5: A failure to take action within a reasonable time on a properly submitted application for grant recognition of a TUE or for review of a TUE decision shall be considered a denial of the application.
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## **PART 5 – TESTING & INVESTIGATIONS**

### **Who conducts Testing**

83. The collection of *Samples* and the carrying out of *Testing of Athletes* in our sport is only to be undertaken by ASADA or another Drug Testing Authority. Several different *Anti-Doping Organisations* may also have jurisdiction to test *Athletes* who are subject to this ADP. We recognise such *Testing* and may bring proceedings against an *Athlete* pursuant to this ADP for an ADRV detected by such *Testing*.

### **Athletes are liable to be Tested**

84. All *Athletes* are liable to be selected for *Testing* by a Drug Testing Authority and, if selected, are obliged to provide *Samples*. This ADP constitutes an “anti-doping arrangement” with ASADA for the purposes of clause 1.06(2)(f) of the NAD scheme.

### **Testing may take place anywhere and at any time**

85. *Testing* may take place anywhere at any time. This includes after competing, at training, at home and at any other suitable facility. *Athletes* are liable to be selected for any number of drug tests; there is no maximum number.

### **WADC 5.1: Purpose of Testing and Investigations**

86. *WADC 5.1: Testing* and investigations shall only be undertaken for anti-doping purposes. They shall be conducted in conformity with the provisions of the *International Standard for Testing and Investigations* and (where relevant) the requirements of the *ASADA Act*, *ASADA Regulations* and *NAD scheme*, including the Australian Government Investigations Standards.

87. *WADC 5.1.1*: All *Athletes* must comply with any request for *Testing* by an *Anti-Doping Organisation* with *Testing* jurisdiction, including ASADA. *Testing* shall be undertaken to obtain analytical evidence as to the *Athlete’s* compliance (or non-compliance) with the strict *Code* prohibition on the presence/*Use of a Prohibited Substance or Prohibited Method*.

88. *WADC 5.1.2*: Investigations shall be undertaken:

(a) in relation to *Atypical Findings*, *Atypical Passport Findings* and *Adverse Passport Findings*, in accordance with *WADC Articles 7.4 and 7.5* respectively, gathering intelligence or evidence (including, in particular, analytical evidence) in order to determine whether an anti-doping rule violation has occurred under *WADC Article 2.1* and/or *WADC Article 2.2*; and

(b) in relation to other indications of potential anti-doping rule violations, in accordance with *WADC Articles 7.6 and 7.7*, gathering intelligence or evidence (including, in particular, non-analytical evidence) in order to determine whether an anti-doping rule violation has occurred under any of *WADC Articles 2.2 to 2.10*.

89. ASADA 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).

90. We will refer all information and intelligence relating to all instances of possible anti-doping rule violations under this ADP to ASADA and cooperate with any investigation by ASADA as required.

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**WADC 5.2: Scope of Testing**

91. WADC 5.2: 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 WADC Article 5.3:
92. WADC 5.2.1: ASADA shall have *In-Competition* and *Out-of-Competition Testing* authority over all of the *Athletes* falling within the scope of rules 25 and 26.
93. WADC 5.2.2: 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 license holders of the International Federation or the Sporting Administration Body, or their member organisations or affiliates.
94. WADC 5.2.4: WADA shall have *In-Competition* and *Out-of-Competition Testing* authority as set out in WADC Article 20.
95. WADC 5.2.5: *Anti-Doping Organisations* may test any *Athlete* over whom they have *Testing* authority who has not retired, including *Athletes* serving a period of *Ineligibility*.
96. WADC 5.2.6: If the international federation or *Major Event Organisation* delegates or contracts any part of *Testing* to a *National Anti-Doping Organisation* (directly or through a *National Federation*), that *National Anti-Doping Organisation* may collect additional *Samples* or direct the laboratory to perform additional types of analysis at the *National Anti-Doping Organisation's* expense. If additional *Samples* are collected or additional types of analysis are performed, the international federation or *Major Event Organisation* shall be notified.
97. Where another *Anti-Doping Organisation* with *Testing* authority over an *Athlete* who is subject to this ADP conducts *Testing* on that *Athlete*, we and the *Athlete's National Federation* shall recognise such *Testing* in accordance with WADC Article 15, and (where agreed with that other *Anti-Doping Organisation* or otherwise provided in WADC Article 7 of *the Code*) we may bring proceedings against the *Athlete* pursuant to this ADP for any anti-doping rule violation(s) arising in relation to such *Testing*.

*[Comment to Article 5.2: Unless the Athlete has identified a 60-minute time-slot for Testing between the hours of 11pm and 6am, or has otherwise consented to Testing during that period, the Anti-Doping Organisation 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 the Anti-Doping Organisation had sufficient suspicion for Testing in that period shall not be a defence to an anti-doping rule violation based on such test or attempted test.]*

**Incorporation of the International Standard for Testing<sup>3</sup>**

98. This ADP adopts and incorporates the *WADA International Standard for Testing and Investigation*, as amended from time to time. All persons shall be deemed to accept that *International Standard* and any amendments thereto as binding upon them without further formality. Any *Testing* carried out must substantially comply with the procedures for the making of a request for and collection of a *Sample* mentioned in the *WADA International Standard for Testing*.

**WADC 5.3: Event Testing**

99. WADC 5.3.1: Except as provided in WADC Article 5.3, only a single organisation should be responsible for initiating and directing *Testing* at *Event Venues* during an *Event Period*. At

<sup>3</sup> See WADC 5.5, WADA model rule 5.3 and NAD scheme 3.13

*International Events*, the collection of *Samples* shall be initiated and directed by the International Federation (or any other international organisation which is the ruling body for the *Event*). At *National Events*, the collection of *Samples* shall be initiated and directed by us and/or ASADA. At the request of the ruling body for an *Event*, any *Testing* during the *Event Period* outside of the *Event Venues* shall be coordinated with that ruling body.

100. WADC 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 ask WADA for permission to conduct *Testing* and to determine how to coordinate such *Testing*, in accordance with the procedures set out in the *International Standard for Testing and Investigations*. 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*. For the avoidance of doubt, where the *Anti-Doping Organisation* initiating the test is the *Sporting Administration Body*, WADC Article 7.1.1 shall apply.

### **Selection of Athletes**

101. *Athletes* may be chosen for *Testing* by a Drug Testing Authority. Selection for *Testing* may be random but need not be random. A Drug Testing Authority may select an *Athlete* or a group of *Athletes* for *Testing* on any basis or without justification and in selecting *Athletes* for *Testing* may act on requests made by our Anti-Doping Co-ordinator. *Target Testing* is fully acceptable.
102. In order to preserve the ability to conduct *No Advance Notice Testing*, those who become aware of the selection of an *Athlete* for *Testing* shall only disclose such information on a strictly need-to-know basis. Any failure to comply with this requirement may result in the bringing of disciplinary charges for misconduct against those involved pursuant to the disciplinary rules of our sport.

### **WADC 5.6: Athlete whereabouts information**

103. All *Athletes* identified for inclusion in a *Registered Testing Pool* must provide accurate whereabouts information to the relevant *Anti-Doping Organisation/s* in accordance with the *Code* and *International Standards*, the *NAD scheme*, the International Federation's Anti-Doping Policy, this ADP, and any ASADA *Athlete* whereabouts policy approved from time to time, and to keep this information updated at all times.

### **ASADA's Registered Testing Pool**

104. Where the *Athlete* is in ASADA's *Registered Testing Pool*, the *Athlete* must provide whereabouts information in accordance with the requirements in the *Code*, *International Standard for Testing and Investigation*, *NAD scheme* and any *Athlete* whereabouts policy approved by ASADA from time to time.
105. ASADA shall make available, through ADAMS or another system approved by WADA, a list which identifies those *Athletes* included in its *Registered Testing Pool* by name. ASADA shall
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coordinate with the International Federation the identification of such *Athletes* and the collection of their whereabouts information. Where an *Athlete* is included in an international *Registered Testing Pool* by the International Federation and in a national *Registered Testing Pool* by ASADA, ASADA 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. ASADA shall review and update as necessary its criteria for including *Athletes* in its *Registered Testing Pool*, and shall revise the membership of its *Registered Testing Pool* from time to time as appropriate in accordance with those criteria. *Athletes* shall be notified before they are included in a *Registered Testing Pool* and when they are removed from that pool.

106. For purposes of WADC Article 2.4, an *Athlete's* failure to comply with the requirements of the *International Standard for Testing and Investigations* or any *Athlete* whereabouts policy approved by ASADA from time to time shall be deemed a filing failure or a missed test (as defined in the *International Standard for Testing and Investigations* or any *Athlete* whereabouts policy approved by ASADA from time to time) where the conditions set forth in the *International Standard for Testing and Investigations* (or any *Athlete* whereabouts policy approved by ASADA from time to time) 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.
  107. An *Athlete* who has been designated for inclusion in ASADA's *Registered Testing Pool* will continue to be subject to the requirements set out in the *International Standard for Testing and Investigations* or any *Athlete* whereabouts policy approved by ASADA from time to time unless and until:
    - (1) he or she retires from *Competition* in accordance with rule **108**;
    - (2) he or she has been given written notice by ASADA that they are no longer in ASADA's *Registered Testing Pool*.
  108. An *Athlete* who is in ASADA's *Registered Testing Pool* who wants to retire from *Competition* must do so by submitting to ASADA a completed 'RETIREMENT NOTIFICATION FORM' available at [www.asada.gov.au](http://www.asada.gov.au). An *Athlete's* retirement date will be the date on which ASADA receives the fully completed form.
  109. Upon receipt of a notification in accordance with rule **108**, ASADA will, as soon as reasonably practicable, provide the *Athlete* and the *sporting administration body* with a written confirmation of the *Athlete's* retirement.
  110. Retirement does not:
    - (1) 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;
    - (2) excuse the *Athlete* from assisting, cooperating and liaising with ASADA and other *Anti-Doping Organisations* in relation to the conduct of any investigation or hearing into an alleged anti-doping rule violation;
    - (3) prevent the analysis of a *Sample* given by the *Athlete* on or before their retirement date;
    - (4) affect the results of *Testing* under rules **110(1)** or **110(2)**; or
    - (5) affect the operation of rule **28**.
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111. An *Athlete* who wants to retire from the *Registered Testing Pool* of the International Federation must follow the International Federation's retirement procedures.
112. Whereabouts information relating to an *Athlete* shall be shared with WADA and other *Anti-Doping Organisations* having authority to test that *Athlete*, shall be maintained in strict confidence at all times, shall be used exclusively for the purposes set out in WADC Article 5.6, 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.

### Other Elite Level Athletes

113. The following rule **114** only applies to *Athletes* at elite level. *International-Level Athletes* and National level *Athletes* have more onerous obligations which are referred to in rule **34**.
114. *Athletes* who are at elite level as declared under rule **34** must:

- (1) provide to us a "Whereabouts Form" in accordance with **Appendix 3 – Whereabouts Form** (or where the *Athlete* is a member of a team with an Anti-Doping Officer, to the team's Anti-Doping Officer or where the *Athlete* is a member of a team which does not have an Anti-Doping Officer, to the team manager) which contains information that continues to be up to date and which provides a current telephone number of the *Athlete*;

Our note: It is not acceptable to provide a telephone number that is just for the purposes of the "Whereabouts 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 "Whereabouts Form".

- (2) not deliberately or recklessly provide incorrect information on a "Whereabouts Form";
- (3) not fail on more than one occasion to update the whereabouts information within 10 days of the information contained in a "Whereabouts Form" previously lodged becoming out of date;
- (4) not refuse to update the whereabouts information contained in a "Whereabouts Form" previously lodged within 3 days of being requested to do so; and
- (5) not be unavailable for *Out-of-Competition Testing* on a total of three (or more) occasions during any 18 month period.

**Note 1:** An *Athlete* is unavailable for *Out-of-Competition Testing* if and only if the *Athlete* for a period of 24 hours is not at any of the places specified on the most recently lodged "Whereabouts Form" and does not answer the telephone when called on the current telephone number included in the "Whereabouts Form".

**Note 2:** An *Athlete* cannot be regarded as having been unavailable for a 2<sup>nd</sup> or subsequent occasion unless the *Athlete* player has received, more than 7 days earlier, written notice of the 1<sup>st</sup> (or 2<sup>nd</sup> as the case may be) occasion the *Athlete* was unavailable and has not provided an explanation, which is satisfactory to us, as to the circumstances of the 1<sup>st</sup> (or 2<sup>nd</sup> as the case may be) occasion.

### WADC 5.7 Retired Athletes Returning to Competition

115. WADC 5.7.1: If an *International-* or *National-Level Athlete* in a *Registered 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, *where applicable*, FFA and ASADA. WADA or us, in consultation with the International Federation, us and ASADA, may grant an exemption to the six (6) month written notice rule where the strict application of that rule would be manifestly unfair to an *Athlete*. This decision may be appealed under WADC Article 13. Any competitive results obtained in violation of this WADC Article 5.7.1 shall be *Disqualified*.

116. WADC 5.7.2: If an *Athlete* retires from sport while subject to a period of *Ineligibility* the *Athlete* shall not resume competing in *International Events* or *National Events* until the *Athlete* has given 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 months) to FFA, ASADA and to the international federation, *where applicable* of his/her intent to resume competing and has made him/herself available for *Testing* for that notice period, including (if requested) complying with the whereabouts requirements of Annex I to the *International Standard for Testing and Investigations*.
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**WADC ARTICLE 6 ANALYSIS OF SAMPLES**

117. WADC 6: *Samples* shall be analysed in accordance with the following principles:

**WADC 6.1: Use of Approved Laboratories**

118. WADC 6.1: For purposes of WADC Article 2.1, *Samples* shall be analysed only in WADA-accredited laboratories or as otherwise approved by WADA. The choice of the WADA-accredited laboratory used for the *Sample* analysis shall be determined exclusively by the *Anti-Doping Organization* responsible for results management.

*[Comment to Article 6.1: Violations of Article 2.1 may be established only by Sample analysis performed by a laboratory accredited Or otherwise approved by WADA. Violations of other Articles may be established using analytical results from other laboratories so long as the results are reliable.]*

**WADC 6.2: Purpose of analysis of Samples**

119. WADC 6.2.1: *Samples* shall be analysed to detect *Prohibited Substances* and *Prohibited Methods* and other substances as may be directed by WADA pursuant to the monitoring program described in WADC Article 4.5 (Monitoring Program), or to assist in profiling relevant parameters in an *Athlete's* urine, blood or other matrix, including DNA or genomic profiling, for anti-doping purposes. *Samples* may be collected and stored for future analysis.

120. WADC 6.2.2: An *Anti-Doping Organisation* shall ask laboratories to analyse *Samples* in conformity with WADC Article 6.4 and WADC Article 4.7 of the *International Standard for Testing and Investigations*.

*[Comment to Article 6.2: For example, relevant profile information could be used to direct Target Testing or to support an anti-doping rule violation proceeding under Article 2.2, or both.]*

**WADC 6.3: Research on Samples**

121. WADC 6.3: No *Sample* may be used for research without the *Athlete's* written consent. *Samples* used for purposes other than WADC Article 6.2 shall have any means of identification removed such that they cannot be traced back to a particular *Athlete*.

**WADC 6.4: Standards for Sample Analysis and Reporting**

122. WADC 6.4: Laboratories shall analyse *Samples* and report results in conformity with the *International Standard for Laboratories*. To ensure effective Testing, the Technical Document referenced at WADC Article 5.4.1 will establish risk assessment-based Sample analysis menus appropriate for particular sports and sport disciplines, and laboratories shall analyse *Samples* in conformity with those menus, except as follows:

123. WADC 6.4.1: An *Anti-Doping Organisation* may request that laboratories analyse its *Samples* using more extensive menus than those described in the *Technical Document*.

124. WADC 6.4.2: *Anti-Doping Organisations* may request that laboratories analyse its *Samples* using less extensive menus than those described in the *Technical Document* only if they have satisfied WADA that, because of the particular circumstances of its country or of the sport in question, as set out in their test distribution plan, less extensive analysis would be appropriate.

125. WADC 6.4.3: As provided in the *International Standard for Laboratories*, laboratories at their own initiative and expense may analyse *Samples* for *Prohibited Substances* or *Prohibited Methods* not included on the *Sample* analysis menu described in the *Technical Document* or

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specified by the *Testing* authority. Results from any such analysis shall be reported and have the same validity and consequence as any other analytical result.

*[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.]*

### **WADC 6.5: Further Analysis of Samples**

126. WADC 6.5: Any Sample may be subject to further analysis by the Anti-Doping Organisation responsible for results management at any time before both the A and B Sample analytical results (or A Sample result where B Sample analysis has been waived or will not be performed) have been communicated by the Anti-Doping Organisation to the Athlete as the asserted basis for an WADC Article 2.1 anti-doping rule violation.
127. Samples may be stored and subjected to further analyses for the purpose of WADC Article 6.2 at any time exclusively at the direction of the Anti-Doping Organisation that initiated and directed Sample collection or WADA. (Any Sample storage or further analysis initiated by WADA shall be at WADA's expense.) Further analysis of Samples shall conform with the requirements of the International Standard for Laboratories and the International Standard for Testing and Investigations.

### **Investigations**

128. We, ASADA or another Drug Testing Authority may carry out investigations in relation to whether *Participants* have committed an ADRV.
129. *Participants* are required to cooperate with an investigation by us, ASADA or another Drug Testing Authority (provided all reasonable expenses or costs (excluding legal costs) of a *Participant* are fully met).
130. All *Persons* bound by this ADP and *the sporting administration body* must assist, cooperate, and liaise with us, ASADA or another Drug Testing Authority in relation to any investigation into a potential *anti-doping rule violation*. Specifically, all *Persons* must cooperate with and assist us, ASADA or another Drug Testing Authority, including by:
- (1) attending an interview to fully and truthfully answer questions;
  - (2) giving information; and
  - (3) producing documents or things,
- in an investigation being conducted by us, ASADA or another Drug Testing Authority.
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## **PART 6 – ACTION ON ALLEGED ADRVS & OTHER BREACHES**

### **Results management in relation to *Samples***

131. Results management in relation to *Samples* must be carried out in accordance with processes that respect the principles in WADC 7.1 to 7.7. Notifications may be made orally, especially when there are aspects which may be urgent.

### **Results management other than in relation to *Samples***

132. Results management other than in relation to *Samples* may be carried out by us, ASADA or another Drug Testing Authority in accordance with the rules below.

### **Where we must act**

133. We must investigate upon:

- (1) notification by a Drug Testing Authority of any matter which could reasonably be regarded as giving rise to an ADRV;
- (2) notification by a NADO of evidence which the NADO believes establishes an ADRV in respect of an *Athlete* or some other person bound by this ADP;
- (3) receipt of a statutory declaration implicating an *Athlete* or some other person bound by this ADP in a matter which could reasonably be regarded as giving rise to an ADRV; or
- (4) receipt of reasonably reliable information indicating an *Athlete* used a *Prohibited Substance* or a *Prohibited Method*.

### **Where we may act**

134. We may investigate an allegation of an ADRV or other breach of this ADP on our own volition if our Anti-Doping Co-ordinator so chooses.

### **Notice of an alleged ADRV or other breach of this ADP<sup>4</sup>**

135. On notification by a Drug Testing Authority of an *Adverse Analytical Finding* in respect of an *Athlete* bound by this ADP, or upon notification by a NADO of evidence which satisfies us that an ADRV has occurred by an *Athlete* or some other person bound by this ADP or where we otherwise propose to allege that an ADRV or other breach of this ADP has occurred, we shall deliver to the person concerned a notice of an alleged ADRV or other breach of this ADP which must:

- (1) be in writing;
- (2) set out the nature and particulars of the alleged ADRV or other breach of this ADP;
- (3) state the intention to convene the Tribunal to conduct a hearing and
  - (a) nominate a date on which the Tribunal will conduct the hearing to determine whether an ADRV or other breach of this ADP has occurred, or
  - (b) state that a such a date will be nominated in due course,  
being a date not less than ten (10) days from the date of nomination, unless the parties agree to a reduced notice period;

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<sup>4</sup> See WADC 7.4

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- (4) state that the person must respond in one of the ways specified in rule **138** and that failure to do may result in a default decision rule **140**; and
- (5) enclose a copy of this ADP.

**Note:** Delivery to the last known address is sufficient in circumstances where the current whereabouts of the person concerned are not known.

Where there is a current delegation to ASADA, the matters in this rule may be carried out by ASADA and shall be deemed to be as effective as if we had carried them out.

136. Other *Anti-Doping Organizations* shall be notified as provided in WADC Article 14.1.2.

### **Irregularities shall not invalidate any notice of an alleged ADRV or other breach**

137. Any irregularity in a notice of an alleged ADRV (or other breach) shall not invalidate the notice unless the Tribunal determines that the irregularity is such as to give rise to genuine unfairness. If that occurs, a fresh notice may be issued.

### **Response to a notice of an alleged ADRV (or other breach)**

138. A person receiving a notice of an alleged ADRV (or other breach), within the period provided for in the notice, may:

- (1) make contact with our Anti-Doping Co-ordinator and indicate his/her intention to attend the hearing; or
- (2) plead guilty or no contest or the like, waive his/her right to a hearing and submit to such sanction as our Anti-Doping Co-ordinator may impose, after consultation with ASADA, in his/her absolute discretion, being a sanction which does not exceed that which the Tribunal could impose.

**Note:** The purpose of this rule is to require a response to the notice of alleged ADRV. Failure to respond at all can lead to the imposition of a sanction without there being a hearing – see rule **139**

139. Where the person elects under rule **138(2)**, our Anti-Doping Co-ordinator, after consultation with ASADA, may exercise the discretion to impose a sanction which does not exceed that which the Tribunal could impose. In doing so there must be provided written reasons for the sanction imposed. For all purposes (including appeals) a sanction so imposed is to be treated in the same way as a sanction imposed by the Tribunal. Also see rule **173** relating to WADC 8.3.

140. Where the person fails to respond to the notice of alleged ADRV in one or other of the ways specified in rule **138** the following applies:

- (1) Our Anti-Doping Co-ordinator, after consultation with ASADA, may cause a default decision to be delivered to the person concerned which may exercise the discretion to impose a sanction which does not exceed that which the Tribunal could impose. In doing so there must be provided written reasons for the sanction imposed.
- (2) The default decision should also state:

If having seen this default decision you now wish to notify our Anti-Doping Co-ordinator that you wish to attend a hearing you must do so before [INSERT DATE]

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If you fail to respond to the default decision (before the date specified [INSERT DATE]) stating you wish to attend a hearing at such date as may be nominated by our Anti-Doping Co-ordinator this default decision becomes operative on the date specified.

- (3) If the person does respond before the date specified by the default decision stating he/she wishes to attend a hearing at such date as may be nominated by our Anti-Doping Co-ordinator then the default decision lapses and a hearing shall be convened.
- (4) If the person fails to respond to the default decision before the date specified in the default decision stating that he/she wishes to attend a hearing at such a date as may be nominated by our Anti-Doping Co-ordinator the default decision becomes operative on the date specified. For all purposes (including appeals) the default decision and any sanction so imposed is to be treated in the same way as decision and sanction imposed by the Tribunal.

**Note:** Also see rules **172** and **173**

### **Privacy not required by this ADP**

141. Once the name of a person appears on the ASADA Register, nothing in this ADP requires the name of the person or the details appearing on the Register to be kept confidential.

**Note:** There may be reasons apart from this ADP which require the name and details to be kept confidential.

142. Once a Provisional Suspension notice or a notice of an alleged ADRV (or other breach) has been issued we may publish the name of the person and the details appearing in the notice.

**Note:** In order to allow greater transparency and recognising that criminal charges are not kept confidential by the criminal law, this ADP does not mandate confidentiality. We note that the WADC does not require confidentiality after the issue of a Provisional Suspension notice or a notice of an alleged ADRV (or other breach).

Although this rule gives us power to publish it does not mean we are obliged to do so.

### **Rights Pending Hearing**

143. Subject to the rules below as to *Provisional Suspensions*, a person alleged to have committed an ADRV may continue to compete, train, coach or hold office until a hearing before the Tribunal is held, and pending any sanction which may be imposed by the Tribunal.

### **WADC 7.9: Principles Applicable to Provisional Suspensions**

144. WADC 7.9.1 requires there to be a mandatory *Provisional Suspension* after an *Adverse Analytical Finding*. When notification of an *A Sample Adverse Analytical Finding* is received by us for a *Prohibited Substance* or a *Prohibited Method*, other than a *Specified Substance*, a *Provisional Suspension* shall be imposed promptly after the review and notification described in WADC Articles 7.2, 7.3 and 7.5.
  145. WADC 7.9.2 also permits *Provisional Suspension* based on *A Sample Adverse Analytical Finding* for *Specified Substances*, *Contaminated Products* or other anti-doping rule violations. In the case of an *Adverse Analytical Finding* for a *Specified Substance*, or in the case of any other anti-doping rule violations not covered by Article 7.9.1, *the sporting administration body* may impose a *Provisional Suspension* on the *Athlete* or other *Person* against whom the anti-doping rule violation is asserted at any time after the review and notification described in Articles 7.2 to 7.7 and prior to the final hearing as described in Article 8.
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146. Where a *Provisional Suspension* is imposed pursuant to WADC Article 7.9.1 or Article 7.9.2, the *Athlete* or other *Person* shall be given either:
- (a) an opportunity for a *Provisional Hearing* either before imposition of the *Provisional Suspension* or on a timely basis after imposition of the *Provisional Suspension*; or
  - (b) an opportunity for an expedited hearing in accordance with WADC Article 8 on a timely basis after imposition of a *Provisional Suspension*.

Furthermore, the *Athlete* or other *Person* has a right to appeal the *Provisional Suspension* in accordance with Article 13.2 (except as set out in rule 147).

147. The *Provisional Suspension* may be lifted if the *Athlete* demonstrates to the hearing panel that the violation is likely to have involved a *Contaminated Product*. A hearing panel's decision not to lift a mandatory *Provisional Suspension* on account of the *Athlete's* assertion regarding a *Contaminated Product* shall not be appealable.
148. The *Provisional Suspension* shall be imposed (or shall not be lifted) unless the *Athlete* or other *Person* establishes at a *Provisional Hearing* that:
- (1) the assertion of an anti-doping rule violation has no reasonable prospect of being upheld, for example, because of a patent flaw in the case against the *Athlete* or other *Person*;
  - (2) the *Athlete* or other *Person* has a strong arguable case that he/she bears *No Fault or Negligence* for the anti-doping rule violation(s) asserted, so that any period of *Ineligibility* that might otherwise be imposed for such a violation is likely to be completely eliminated by application of Article 10.4; or
  - (3) some other facts exist that make it clearly unfair, in all of the circumstances, to impose a *Provisional Suspension* prior to a final hearing in accordance with Article 8. This ground is to be construed narrowly, and applied only in truly exceptional circumstances. For example, the fact that the *Provisional Suspension* would prevent the *Athlete* or other *Person* participating in a particular *Competition* or *Event* shall not qualify as exceptional circumstances for these purposes.
149. 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 *Anti-Doping Organization*) 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 WADC Article 2.1.
150. In circumstances where the *Athlete* (or the *Athlete's* team as may be provided in the rules of the applicable International Federation) has been removed from a *Competition* or *Event* based on a violation of WADC Article 2.1 and the subsequent B *Sample* analysis does not confirm the A *Sample* finding, if, without otherwise affecting the *Competition* or *Event*, it is still possible for the *Athlete* or team to be reinserted, the *Athlete* or team may continue to take part in the *Competition* or *Event*.

*[Comment to WADC Article 7.9: Before a Provisional Suspension can be unilaterally imposed by an Anti-Doping Organization, the internal review specified in the Code must first be completed. In addition, a Signatory imposing a Provisional Suspension is required to give the Athlete an opportunity for a Provisional Hearing either before or promptly after the imposition of the Provisional Suspension, or an expedited final hearing under Article 8 promptly after imposition of the Provisional Suspension. The Athlete has a right to appeal under Article 13.2.3.]*

*In the rare circumstance where the B Sample analysis does not confirm the A Sample finding, the Athlete who had been provisionally suspended will be allowed, where circumstances permit, to participate in subsequent Competitions during the Event.*

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*Similarly, depending upon the relevant rules of the International Federation in a Team Sport, if the team is still in Competition, the Athlete may be able to take part in future Competitions.*

*Athletes shall receive credit for a Provisional Suspension against any period of Ineligibility which is ultimately imposed as provided in Article 10.11.3 or 10.11.4.]*

**WADC 7.11: Retirement from Sport**

151. WADC 7.11: If an *Athlete* or other *Person* retires while a results management process is underway, the *Anti-Doping Organization* conducting the results management process retains jurisdiction to complete its results management process. If an *Athlete* or other *Person* retires before any results management process has begun, the *Anti-Doping Organization* which would have had results management jurisdiction over the *Athlete* or other *Person* at the time the *Athlete* or other *Person* committed an anti-doping rule violation, has jurisdiction to conduct results management.

*[Comment to Article 7.11: Conduct by an Athlete or other Person before the Athlete or other Person was subject to the jurisdiction of any Anti-Doping Organization 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 organization.]*

## **PART 7 – THE ANTI-DOPING TRIBUNAL**

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

152. A tribunal has been or is hereby established to hear allegations of ADRVs against *Athletes* or other persons bound by this ADP, to determine whether an ADRV 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 under rule **161** or there is an appeal to CAS authorised by this ADP.
153. The Anti-Doping Tribunal (differently constituted) will also hear appeals and applications for review of sanctions, as set out in **Part 10 – Appeals and review of sanctions**, save where an appeal must be to CAS.

### **Composition**

154. The Anti-Doping Tribunal shall be constituted from time to time by individuals we appoint.
155. The Anti-Doping Tribunal must comprise:
- (1) a person qualified as a barrister or solicitor, who shall be the chairperson;
  - (2) a fully qualified medical practitioner or a 2nd person qualified as a barrister or solicitor;
  - (3) 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.

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

156. The members of the Anti-Doping Tribunal, the Chairman of the FFA Disciplinary Committee, 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.

### **Conflict of Interest**

157. 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.

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

158. 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).

### **Counsel Assisting**

159. The Anti-Doping Tribunal may appoint a counsel assisting. ASADA may provide information it considers relevant to counsel assisting.
160. The functions of counsel appointed by the Anti-Doping Tribunal to assist it include, at his/her discretion, the following:
- (1) liaising with us and/or ASADA to identify what allegations are to be made;
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- (2) liaising with us and/or ASADA on the content of any notice of an alleged ADRV (or other breach) before such notice of an alleged ADRV (or other breach) is issued under rule **135**;
- (3) liaising with us and/or ASADA in relation to the collection of evidence and requesting us and/or ASADA 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;
- (4) liaising with any representative of the person alleged to have committed an ADRV;
- (5) 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;
- (6) providing legal advice to the Anti-Doping Tribunal if it so desires;
- (7) calling such evidence as counsel considers appropriate;
- (8) examining or cross-examining witnesses at any hearing; and
- (9) 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.

### **Referral to CAS**

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

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**PART 8 – HEARINGS**

This Part applies to original hearings and appeals, as the case may be, held in the Anti-Doping Tribunal and in CAS.

**Right to a Hearing<sup>5</sup>**

162. A person alleged to have committed an ADRV has a right to a hearing.

**WADC 8.1: Fair Hearings**

163. WADC 8.1: 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 appropriate *Consequences*. All hearings conducted pursuant to this WADC Article 8 shall respect the following principles:

- (1) a timely hearing;
- (2) fair and impartial hearing panel;
- (3) the right to be represented by counsel at the *Person's* own expense;
- (4) the right to be informed in a fair and timely manner of the asserted anti-doping rule violation;
- (5) 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 panel's discretion to accept testimony by telephone or written submission);
- (6) the *Person's* right to an interpreter at the hearing, with the hearing panel to determine the identity, and responsibility for the cost, of the interpreter; and
- (7) a timely, written, reasoned decision, specifically including an explanation of the reason(s) for any period of *Ineligibility*.

*[Comment to Article 8.1: This Article requires that at some point in the results management process, the Athlete or other Person shall be provided the opportunity for a timely, fair and impartial hearing. These principles are also found in Article 6.1 of the Convention for the Protection of Human Rights and Fundamental Freedoms and are principles generally accepted in international law. This Article is not intended to supplant each Anti-Doping Organization's own rules for hearings but rather to ensure that each Anti-Doping Organization provides a hearing process consistent with these principles.].]*

**Parties to a hearing**

164. Apart from us, the parties to a hearing shall include:

- (1) the person(s) alleged to have committed an ADRV;
- (2) any other person(s) or entities against whom a sanction is sought to be imposed; and
- (3) any other person whose legal rights would be (or it is probable would be) adversely affected by the outcome of the hearing.

165. It is not necessary to join any other person whose legal rights would be (or it is probable would be) affected favourably by the outcome of the hearing. Specifically it is not necessary to join any other person or entity whose result, place or points in any *Competition* or *Event* might be improved by the outcome of the hearing. Any such person or entity the subject of

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<sup>5</sup> Implicit in WADC 8.1

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this rule has no right to be joined as a party to a hearing and has no right to be heard at a hearing.

### **Conduct of hearings**

166. Hearings may be in person or conducted by conference facility.

167. Hearings shall be conducted in English unless all parties agree on some other language.

### **Hearings to be informal**

168. Hearings shall be conducted with as little formality and technicality as proper consideration of the matter before the Tribunal permits. The Tribunal shall not be bound by judicial rules governing the admissibility of evidence. Instead, facts relating to an alleged ADRV (or other breach) may be established (or defended) by any reliable means, including admissions.

### **Procedure**

169. To ensure that the principles for a fair hearing apply, at all Tribunal hearings:

- (1) All parties and the Tribunal may call, examine and cross-examine witnesses; and
- (2) 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.

170. 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.

### **Hearings in private**

171. All hearings in the Tribunal will be held in private save to the extent that the Tribunal rules otherwise or where the person the subject of the alleged ADRV (or other breach) consents. However, following such hearing details of the hearing may be published.

### **Hearings in the absence of the person the subject of the alleged ADRV (or other breach)**

172. Where the person the subject of the alleged ADRV (or other breach) does not attend the Tribunal hearing within 1 hour of the time specified, the Tribunal may proceed and shall consider the evidence before it when making a decision.

### **WADC 8.3: Waiver of Hearing**

173. WADC 8.3: The right to a hearing may be waived either expressly or by the *Athlete's* or other *Person's* failure to challenge an *Anti-Doping Organization's* assertion that an anti-doping rule violation has occurred within the specific time period provided in the *Anti-Doping Organization's* rules.

**Note:** No hearing need take place where rule **139** or **140** apply.

### **Reasons to be provided and published**

174. The 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 Tribunal to state its decision orally and to supplement such oral statement in its later written reasons.

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175. Following a hearing, all sanctions imposed and all reasons for decisions of the Tribunal must be published within 20 days of being delivered. For hearings in CAS, R43 of the CAS Code of Sports Related Arbitration does not apply. Awards are public and may be published in full.
176. Evidence given at a hearing and other matters occurring during a hearing may be made public.

### **Decision Final**

177. The decision of the Tribunal is final, subject only to the rights of appeal and the right to make an application for review of the sanction, which are provided in **Part 10 – Appeals and review of sanctions** of this ADP.

### **Expedited hearing procedures in connection with *Events*<sup>6</sup>**

178. WADC 8.2 permits us to make rules for expedited hearings in connection with *Events*.

We have made the rule below:

179. Alleged/suspected ADRVs by an *Athlete* or other person bound by this ADP in or in connection with or in the lead up to certain *Events* designated by the Anti-Doping Co-ordinator may be dealt with on an expedited basis:

- (1) in accordance with a protocol issued by the Anti-Doping Co-ordinator (and in the absence of an issued protocol, as decided from time to time by the Anti-Doping Co-ordinator on an ad hoc basis), and
- (2) at least in the case of an *Athlete*, such that permits the hearing to be concluded prior to the next occasion the *Athlete* or the *Athlete's* team/club is scheduled to play.

This rule allows all time periods in this ADP applicable to such *Athlete* or other person to be abridged at the discretion of the Anti-Doping Co-ordinator. Those *Events* need not be designated prior to the Anti-Doping Co-ordinator becoming aware of the alleged/suspected ADRV.

### **Costs**

180. Costs of all hearings in our sport 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.

### **WADC 8.5: Single Hearing Before CAS**

181. WADC 8.5: Anti-doping rule violations asserted against *International-Level Athletes* or *National-Level Athletes* may, with the consent of the *Athlete*, the *Anti-Doping Organization* with results management responsibility, *WADA*, and any other *Anti-Doping Organization* that would have had a right to appeal a first instance hearing decision to *CAS*, be heard directly at *CAS*, with no requirement for a prior hearing.

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<sup>6</sup> See WADC 8.2

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**PART 9 - SANCTIONS**

The rules in this part are taken verbatim from the WADC.

**WADC ARTICLE 9: AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS**

182. WADC 9: An anti-doping rule violation in *Individual Sports* in connection with an *In-Competition* test automatically leads to *Disqualification* of the result obtained in that *Competition* with all resulting *Consequences*, including forfeiture of any medals, points and prizes.

*[Comment to Article 9: For Team Sports, any awards received by individual players will be Disqualified. However, Disqualification of the team will be as provided in Article 11. In sports which are not Team Sports but where awards are given to teams, Disqualification or other disciplinary action against the team when one or more team members have committed an anti-doping rule violation shall be as provided in the applicable rules of the international federation.]*

**Our note:** Our sport is classified as a *Team Sport*: see “**Item 1 – Individual Sport or Team Sport**”.

**WADC ARTICLE 10: SANCTIONS ON INDIVIDUALS**

183. WADC 10.1: *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* may, upon the decision of the ruling body<sup>7</sup> 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 WADC 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*.

*[Comment to Article 10.1: Whereas Article 9 Disqualifies the result in a single Competition in which the Athlete tested positive (e.g., the 100 meter backstroke), this Article may lead to Disqualification of all results in all races during the Event (e.g., the FINA World Championships).*

184. WADC 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.

**WADC 10.2: Ineligibility for Presence, Use or Attempted Use, or Possession of Prohibited Substances and Prohibited Methods**

185. WADC 10.2: The period of Ineligibility imposed for a violation of WADC Articles 2.1, 2.2 and 2.6 shall be as follows, subject to potential reduction or suspension pursuant to WADC Articles 10.4, 10.5 or 10.6:

186. WADC 10.2.1: The period of Ineligibility shall be four years where:

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<sup>7</sup> This means us or one of our member or sub-member organisations.

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187. WADC 10.2.1.1: The anti-doping rule violation does not involve a *Specified Substance*, unless the *Athlete* or other *Person* can establish that the anti-doping rule violation was not intentional.
188. WADC 10.2.1.2: The anti-doping rule violation involves a *Specified Substance* and the *Anti-Doping Organisation* can establish that the anti-doping rule violation was intentional.
189. WADC 10.2.2: If WADC Article 10.2.1 does not apply, the period of *Ineligibility* shall be two years.
190. WADC 10.2.3: As used in WADC Articles 10.2 and 10.3, the term "intentional" is meant to identify those Athletes who cheat. The term, therefore, requires that the *Athlete* or other *Person* engaged in conduct which he or she 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. 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.

### **WADC 10.3: Ineligibility for Other Anti-Doping Rule Violations**

191. WADC 10.3: The period of *Ineligibility* for anti-doping rule violations other than as provided in WADC Article 10.2 shall be as follows, unless WADC Article 10.5 and 10.6 are applicable:
192. WADC 10.3.1: For violations of WADC Article 2.3 or WADC Article 2.5, the *Ineligibility* period shall be four (4) years unless, in the case of failing to submit to Sample collection, the Athlete can establish that the commission of the anti-doping rule violation was not intentional (as defined in WADC Article 10.2.3), in which case the period of *Ineligibility* shall be two years.
193. WADC 10.3.2: For violations of WADC Article 2.4, the period of *Ineligibility* shall be two years, subject to reduction down to a minimum of one year, depending on the *Athlete's* degree of *Fault*. The flexibility between two years and one year of *Ineligibility* in this WADC 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*.
194. WADC 10.3.3: For violations of WADC Articles 2.7 or 2.8, the period of *Ineligibility* imposed shall be a minimum of four (4) years up to lifetime *Ineligibility*, depending on the seriousness of the violation. An WADC Article 2.7 or 2.8 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 WADC Article 4.2.2, shall result in lifetime *Ineligibility* for such *Athlete Support Personnel*. In addition, significant violations of WADC Articles 2.7 or 2.8 which also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.

*[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 organizations is generally limited to Ineligibility for credentials, membership and other sport benefits, reporting Athlete Support Personnel to competent authorities is an important step in the deterrence of doping.]*

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195. WADC 10.3.4: For violations of WADC Article 2.9, the period of *Ineligibility* imposed shall be a minimum two (2) years, up to four (4) years, depending on the seriousness of the violation.
196. WADC 10.3.5: For violations of WADC Article 2.10, the period of *Ineligibility* shall be two years, subject to reduction down to a minimum of one year, depending on the *Athlete* or other *Person's* degree of *Fault* and other circumstances of the case.

**WADC 10.4: Elimination or Reduction of the Period of *Ineligibility* where there is No Fault or Negligence**

197. WADC 10.4: 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.

*[Comment to Article 10.4: This Article and Article 10.5.2 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 mislabeled or contaminated vitamin or nutritional supplement (Athletes are responsible for what they ingest (Article 2.1.1) 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 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 10.5 based on No Significant Fault or Negligence.]*

**WADC 10.5: Reduction of Period of *Ineligibility* Based on No Significant Fault or Negligence.**

**WADC 10.5.1: Reduction of Sanctions for *Specified Substances* or *Contaminated Products* for Violations of Article 2.1, 2.2 or 2.6**

**WADC 10.5.1.1: Specified Substances**

198. WADC 10.5.1.1: Where the anti-doping rule violation involves a *Specified Substance*, 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 years of *Ineligibility*, depending on the *Athlete's* or other *Person's* degree of *Fault*.

**WADC 10.5.1.2: Contaminated Products**

199. WADC 10.5.1.2: In cases where the *Athlete* or other *Person* can establish *No Significant Fault or Negligence* and that the detected *Prohibited Substance* 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 years *Ineligibility*, depending on the *Athlete's* or other *Person's* degree of *Fault*.

*[Comment to Article 10.5.1.2: In assessing that Athlete's degree of Fault, it would, for example, be favorable for the Athlete if the Athlete had declared the*

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product which was subsequently determined to be contaminated on his or her Doping Control form.]

### **WADC 10.5.2: Application of No Significant Fault or Negligence beyond the Application of Article 10.5.1**

200. If an *Athlete* or other *Person* establishes in an individual case where Article 10.5.1 is not applicable, that he or she bears *No Significant Fault or Negligence*, then, subject to further reduction or elimination as provided in WADC Article 10.6, 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 of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this WADC Article may be no less than eight years.

*[Comment to Article 10.5.2: Article 10.5.2 may be applied to any anti-doping rule violation except those Articles where intent is an element of the anti-doping rule violation (e.g., Article 2.5, 2.7, 2.8 or 2.9) or an element of a particular sanction (e.g., 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.]*

### **WADC 10.6: Elimination, Reduction, or Suspension of Period of Ineligibility or other Consequences for Reasons Other than Fault**

#### **WADC 10.6.1: Substantial Assistance in Discovering or Establishing Anti-Doping Rule Violations**

201. WADC 10.6.1.1 An *Anti-Doping Organisation* with results management responsibility for an anti-doping rule violation may, prior to a final appellate decision under WADC Article 13 or the expiration of the time to appeal, suspend a part of the period of *Ineligibility* imposed in an individual case in which it has results management authority where the *Athlete* or other *Person* has provided *Substantial Assistance* to an *Anti-Doping Organization*, criminal authority or professional disciplinary body which results in: (i) the *Anti-Doping Organization* 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 offense 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*. After a final appellate decision under WADC Article 13 or the expiration of time to appeal, the *Anti-Doping Organisation* may only suspend a part of the otherwise applicable period of *Ineligibility* with the approval of *WADA* and the applicable *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. 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 WADC Article must be no less than eight years. 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 *Ineligibility* was based, the *Anti-Doping Organisation* shall reinstate the original period of *Ineligibility*. If the *Anti-Doping Organisation* decides to reinstate a suspended period of *Ineligibility* or decides not to reinstate a suspended period of *Ineligibility*, that decision may be appealed by any *Person* entitled to appeal under WADC Article 13.

202. WADC 10.6.1.2: To further encourage *Athletes* and other *Persons* to provide *Substantial Assistance* to *Anti-Doping Organizations*, at the request of the *Anti-Doping Organisation* or at the request of the *Athlete* or other *Person* who has, or has been asserted to have, committed

an anti-doping rule violation, WADA may agree at any stage of the results management process, including after a final appellate decision under WADC 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 WADC Article, or even no period of *Ineligibility*, and/or no return of prize money or payment of fines or costs. WADA's approval shall be subject to reinstatement of sanction, as otherwise provided in this WADC Article. Notwithstanding WADC Article 13, WADA's decisions in the context of this WADC Article may not be appealed by any other *Anti-Doping Organization*.

203. WADC 10.6.1.3: If 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 Organizations with a right to appeal under WADC Article 13.2.3 as provided in WADC Article 14.2. In unique circumstances where WADA determines that it would be in the best interest of anti-doping, WADA may authorize the 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.

*[Comment to Article 10.6.1: The cooperation of Athletes, Athlete Support Personnel and 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 authorized.]*

#### **WADC 10.6.2: Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence**

204. WADC 10.6.2: 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 WADC Article 2.1, before receiving first notice of the admitted violation pursuant to WADC 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.

*[Comment to Article 10.6.2: 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 Organization 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/she not come forward voluntarily.]*

#### **WADC 10.6.3: Prompt Admission of an Anti-Doping Rule Violation after being Confronted with a Violation Sanctionable under WADC Article 10.2.1 or WADC Article 10.3.1**

205. WADC 10.6.3: An *Athlete* or other *Person* potentially subject to a four-year sanction under WADC Article 10.2.1 or 10.3.1 (for evading or refusing *Sample Collection* or *Tampering with Sample Collection*), by promptly admitting the asserted anti-doping rule violation after being confronted by the Anti-Doping Organisation, and also upon the approval and at the discretion of both WADA and the Anti-Doping Organisation, may receive a reduction in the period of *Ineligibility* down to a minimum of two years, depending on the seriousness of the violation and the *Athlete* or other *Person's* degree of *Fault*.
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**WADC 10.6.4: Application of Multiple Grounds for Reduction of a Sanction**

206. WADC 10.6.4: Where an *Athlete* or other *Person* establishes entitlement to reduction in sanction under more than one provision of WADC Articles 10.4, 10.5 or 10.6, before applying any reduction or suspension under WADC Article 10.6, the otherwise applicable period of *Ineligibility* shall be determined in accordance with WADC Articles 10.2, 10.3, 10.4, and 10.5. If the *Athlete* or other *Person* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under WADC Article 10.6, then the period of *Ineligibility* may be reduced or suspended, but not below one-fourth of the otherwise applicable period of *Ineligibility*.

*[Comment to Article 10.6.4: The appropriate sanction is determined in a sequence of four steps. First, the hearing panel determines which of the basic sanctions (Articles 10.2, 10.3, 10.4, or 10.5) apply to the particular anti-doping rule violation. Second, if the basic sanction provides for a range of sanctions, the hearing panel must determine the applicable sanction within that range according to the Athlete or other Person's degree of Fault. In a third step, the hearing panel establishes whether there is a basis for elimination, suspension, or reduction of the sanction (Article 10.6). Finally, the hearing panel decides on the commencement of the period of Ineligibility under Article 10.11. Several examples of how Article 10 is to be applied are found in Appendix 2.]*

**WADC 10.7: Multiple Violations**

207. WADC 10.7.1: For an *Athlete* or other *Person's* second anti-doping rule violation, the period of *Ineligibility* shall be the greater of:

- (a) six months;
- (b) one-half of the period of *Ineligibility* imposed for the first anti-doping rule violation without taking into account any reduction under WADC Article 10.6; or
- (c) twice the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, without taking into account any reduction under WADC Article 10.6.

The period of *Ineligibility* established above may then be further reduced by the application of WADC Article 10.6.

208. WADC 10.7.2: 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 WADC Articles 10.4 or 10.5 or involves a violation of WADC Article 2.4. In these particular cases, the period of *Ineligibility* shall be from eight years to lifetime ineligibility.

209. WADC 10.7.3: An anti-doping rule violation for which an *Athlete* or other *Person* has established *No Fault or Negligence* shall not be considered a prior violation for purposes of this WADC Article.

**WADC 10.7.4: Additional Rules for Certain Potential Multiple Violations.**

210. WADC 10.7.4.1: For purposes of imposing sanctions under WADC Article 10.7, an anti-doping rule violation will only be considered a second violation if the Anti-Doping Organisation can establish that the *Athlete* or other *Person* committed the second anti-doping rule violation after the *Athlete* or other *Person* received notice pursuant to WADC Article 7, or after the Anti-Doping Organisation made reasonable efforts to give notice, of the first anti-doping rule

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violation. If the Anti-Doping Organisation cannot establish this, 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.

211. WADC 10.7.4.2: If, after the imposition of a sanction for a first anti-doping rule violation, the Anti-Doping Organisation discovers facts involving an anti-doping rule violation by the *Athlete* or other *Person* which occurred prior to notification regarding the first violation, then the Anti-Doping Organisation shall impose an additional sanction based on the sanction that could have been imposed if the two violations had been adjudicated at the same time. Results in all *Competitions* dating back to the earlier anti-doping rule violation will be *Disqualified* as provided in WADC Article 10.8.

#### **WADC 10.7.5: Multiple Anti-Doping Rule Violations During Ten-Year Period.**

212. WADC 10.7.5: For purposes of WADC Article 10.7, each anti-doping rule violation must take place within the same ten (10) year period in order to be considered multiple violations.

#### **WADC 10.8: Disqualification of Results in Competitions Subsequent to Sample collection or commission of an anti-doping rule violation**

213. WADC 10.8: In addition to the automatic *Disqualification* of the results in the *Competition* which produced the positive *Sample* under WADC Article 9, all other competitive results 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.

*[Comment to Article 10.8: Nothing in this Anti-Doping Policy 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.]*

Our note: As to when fairness may require otherwise see eg the CAS decisions in relation to *Lund ats WADA CAS OG 06.001 10.2.06* (no results *Disqualified*) and *Karapetyn ats WADA CAS 2007.A.1283 15.11.7* (only one result *Disqualified*).

#### **WADC 10.9: Allocation of CAS Cost Awards and Forfeited Prize Money**

214. WADC 10.9: The priority for repayment of CAS cost awards and forfeited prize money shall be: first, payment of costs awarded by CAS; second, reallocation of forfeited prize money to other Athletes if provided for in the rules of the international federation; and third, reimbursement of the expenses of ASADA (or any other Anti-Doping Organisation) that conducted results management in the case.

#### **WADC 10.10: Financial Consequences**

215. WADC 10.10 allows us to make rules that provide for proportionate recovery of costs or financial sanctions on account of anti-doping rule violations. However, 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.
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216. Any such rules we have made or may make will be available from the Anti-Doping Coordinator and only affect an *Athlete* or other person bound by this ADP if made prior to the conduct that constitutes the ADRV.

**WADC 10.11: Commencement of *Ineligibility* Period**

217. WADC 10.11: 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.

*[Comment to Article 10.11: Article 10.11 makes clear that delays not attributable to the Athlete, timely admission by the Athlete and Provisional Suspension are the only justifications for starting the period of Ineligibility earlier than the date of the final hearing decision.]*

218. WADC 10.11.1: 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* 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*.

*[Comment to Article 10.11.1: In cases of anti-doping rule violations other than under Article 2.1, the time required for an 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.]*

219. WADC 10.11.2: Timely Admission.

Where the *Athlete* or other *Person* promptly (which, in all events, means before the *Athlete* competes again) admits the anti-doping rule violation after being confronted with the anti-doping rule violation by the *Anti-Doping Organization*, 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 where this WADC Article is applied, the *Athlete* or other *Person* shall serve at least one-half of the period of *Ineligibility* going forward from the date the *Athlete* or other *Person* accepted the imposition of a sanction or the date of a hearing decision imposing a sanction, or the date the sanction is otherwise imposed. This WADC Article shall not apply where the period of *Ineligibility* already has been reduced under WADC Article 10.6.3.

220. **WADC 10.11.3** Credit for *Provisional Suspension* or period of *Ineligibility* served

221. WADC 10.11.3.1: If a *Provisional Suspension* is imposed and respected by the *Athlete*, then the *Athlete* shall receive a credit for such period of *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. 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.

222. WADC 10.11.2: If an *Athlete* or other *Person* voluntarily accepts a *Provisional Suspension* in writing from an *Anti-Doping Organization* with results management authority and thereafter refrains from competing, 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

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imposed. A copy of the *Athlete's* or other Person voluntary acceptance of a *Provisional Suspension* shall be provided promptly to each party entitled to receive notice of a potential anti-doping rule violation under WADC Article 14.1.

*[Comment to Article 10.9.4: An Athlete's voluntary acceptance of a Provisional Suspension is not an admission by the Athlete and shall not be used in any way as to draw an adverse inference against the Athlete.]*

223. WADC 10.11.3: 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.

224. WADC 10.11.3.4: 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.

*[Comment to Article 10.11: Article 10.11 makes clear that delays not attributable to the Athlete, timely admission by the Athlete and Provisional Suspension are the only justifications for starting the period of Ineligibility earlier than the date of the final hearing decision.]*

### **No upward readjustment of results of an opponent**

225. We are under no obligation whatsoever to make any adjustment of results, medals, points, prizes or other consequences for the opponent of an *Athlete* (or the *Athlete's* team/club) found to have committed an ADRV.

Our note: This rule means that there is no right to a reallocation of results even when the winner is disqualified and the opponent should have no such expectation. It does not prevent us doing so at our discretion.

### **WADC 10.12: Status During *Ineligibility***

226. WADC 10.12.1 Prohibition Against Participation During *Ineligibility*.

- (1) No *Athlete* or other *Person* who has been declared *Ineligible* may, during the period of *Ineligibility*, participate in any capacity in a *Competition* or activity (other than authorized anti-doping education or rehabilitation programs) authorized or organized any *Signatory*, *Signatory's* member organization, or a club or other member organization of a *Signatory's* member organization, or in *Competitions* authorized or organized by any professional league or any international or national level *Event* organization or any elite or national-level sporting activity funded by a governmental agency.
  - (2) An *Athlete* or other *Person* subject to a period of *Ineligibility* longer than four years may, after completing four years of the period of *Ineligibility*, participate as an *Athlete* in local sport events not sanctioned or otherwise under the jurisdiction 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 *Minors*.
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- (3) An *Athlete* or other *Person* subject to a period of *Ineligibility* shall remain subject to *Testing*.

*[Comment to Article 10.12.1: For example, subject to Article 10.12.2 below, an Ineligible Athlete cannot participate in a training camp, exhibition or practice organized by his or her National Federation or a club which is a member of that National Federation or which is funded by a governmental agency. Further, an Ineligible Athlete may not compete in a non-Signatory professional league (e.g., the National Hockey League, the National Basketball Association, etc.), Events organized by a non-Signatory International Event organization or a non-Signatory national-level event organization without triggering the Consequences set forth in Article 10.12.3. The term "activity" also includes, for example, administrative activities, such as serving as an official, director, officer, employee, or volunteer of the organization described in this Article. Ineligibility imposed in one sport shall also be recognized by other sports (see Article 15.1, Mutual Recognition).]*

Our note: This rule has been interpreted in a manner such as to prohibit training with a team/club during the period of *Ineligibility*: see Lazaridis decision of FFA in August 2007.

227. WADC 10.12.2: As an exception to Article 10.12.1, an *Athlete* may return to train with a team or to use the facilities of a club or other member organization of the Anti-Doping Organisation's member organization during the shorter of: (1) the last two months of the *Athlete's* period of *Ineligibility*, or (2) the last one-quarter of the period of *Ineligibility* imposed.

*[Comment to Article 10.12.2: In many Team Sports and some individual sports (e.g., 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 in Article 10.12.1 other than training.]*

228. WADC 10.12.3: Violation of the Prohibition of Participation During *Ineligibility*.
- (1) Where an *Athlete* or other *Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in WADC Article 10.12.1, 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* 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 Organization* whose results management led to the imposition of the initial period of *Ineligibility*. This decision may be appealed under WADC Article 13.
  - (2) Where an *Athlete Support Person* or other *Person* assists a *Person* in violating the prohibition against participation during *Ineligibility*, the Anti-Doping Organisation shall impose sanctions for a violation of WADC Article 2.9 for such assistance.

229. WADC 10.12.4: Withholding of Financial Support during *Ineligibility*.

In addition, for any anti-doping rule violation not involving a reduced sanction for Specified Substances as described in WADC Article 10.4 or 10.5, some or all sport-related financial support or other sport-related benefits received by such *Person* will be withheld by *Signatories*, *Signatories'* member organizations and governments.

### **WADC 10.13: Automatic Publication of Sanction**

230. WADC 10.13: A mandatory part of each sanction shall include automatic publication, as provided in WADC Article 14.3.

*[Comment to Article 10: Harmonization of sanctions has been one of the most discussed and debated areas of anti-doping. Harmonization means that the same rules and criteria are applied to assess the unique facts of each case. Arguments against requiring harmonization 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 favor of harmonization 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 organizations to be more lenient with dopers. The lack of harmonization of sanctions has also frequently been the source of jurisdictional conflicts between International Federations and National Anti-Doping Organizations.]*

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**WADC ARTICLE 11: CONSEQUENCES TO TEAMS**231. WADC 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 WADC 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*.

232. WADC 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 (e.g., 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.

233. WADC 11.3: *Event Ruling Body may Establish Stricter Consequences for Team Sports*

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

- (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.
- (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>8</sup> to impose a sanction on the team, which sanction may include:
  - (a) loss of competition points in respect that particular *Competition* if that particular *Competition* was in the equivalent of a round robin phase, or
  - (b) cancellation of the result of that particular *Competition*, if that particular *Competition* was during a knock-out phase (eg quarter final).
- (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>9</sup> to impose a sanction on the team, which sanction may include:
  - (a) 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>10</sup>, and
  - (b) in a most extreme case, *Disqualification* from the *Event*.
- (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).

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<sup>8</sup> We would have regard to relevant factors such as whether the *Athletes* played only a minimal part in the *Competition*

<sup>9</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>10</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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- (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:
- (a) afford the team a hearing that accords with the principles in WADC 8 (see rule **163**), 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;
  - (b) afford the team a right of appeal; and
  - (c) comply with any appropriate procedural rules of our sport relating to team sanctions.
  - (d) In the absence of existing procedural rules the procedural rules of the Tribunal (and failing that CAS) shall be deemed as *mutatis mutandis*.
- (6) In this rule '**More Serious ADRV**' – means an ADRV where the period of *Ineligibility* actually imposed was longer than one year.

### **Sanction where no sanction elsewhere stipulated**

234. Where an ADRV or other breach of this ADP is found to have occurred but this ADP does not elsewhere stipulate a sanction, the Tribunal may apply such sanction as it sees fit in the reasonable exercise of discretion.

### **Special orders**

235. In addition to the sanctions outlined above, the Tribunal may, at its discretion, require an *Athlete* to be available for *Testing* at intervals as determined by the Tribunal and/or refer the *Athlete* involved to a drug rehabilitation program.

### **Outcome of hearing to be notified to the Athlete or other person**

236. The Anti-Doping Co-ordinator shall provide formal notification, in writing, of the outcome of the hearing and any sanction imposed, to the person concerned, and will include the following:

- (1) the decision of the Tribunal and a copy of the reasons for its decision;
- (2) the details of the sanction imposed; and
- (3) a statement that there are rights of appeal and review in **Part 10 – Appeals and review of sanctions** of this ADP.

If there is an available appeal then notwithstanding any other rule or provision to the contrary, the commencement of the time period in which to file an appeal does not start until 2 business days after the formal notification under this rule is sent to the last known address of the person or is in fact communicated to the person.

### **Other notifications**

237. We:

- (1) will notify the relevant NADO (or other applicable Drug Testing Authority), FIFA and
- (2) may notify any other sporting organisation or body which we believe should be informed

of the decision of the Tribunal and any sanctions imposed, if any, and subsequently notify the outcome of any appeal or review of sanctions.

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**Media releases**

238. We have the right (via the Anti-Doping Co-ordinator or otherwise) to issue media releases regarding any final decisions of the Tribunal.

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**PART 10 – APPEALS AND REVIEW OF SANCTIONS****WADC ARTICLE 13: APPEALS****WADC 13.1: Decisions Subject to Appeal**

239. WADC 13.1: Decisions made under this ADP may be appealed as set forth below in WADC Articles 13.2 through 13.6 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. Before an appeal is commenced, any post-decision review provided in the *Anti-Doping Organization's* rules must be exhausted, provided that such review respects the principles set forth in WADC Article 13.2.2 below (except as provided in WADC Article 13.1.3).

240. WADC 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.

241. WADC 13.1.2: CAS shall not defer to the findings being appealed

In making its decision, CAS need not give deference to the discretion exercised by the body whose decision is being appealed.

*[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.]*

242. WADC 13.1.3: WADA is not required to exhaust internal remedies.

Where WADA has a right to appeal under WADC Article 13 and no other party has appealed a final decision within the *Anti-Doping Organisation's* process, WADA may appeal such decision directly to CAS without having to exhaust other remedies in the *Anti-Doping Organisation's* process.

*[Comment to Article 13.1.1: Where a decision has been rendered before the final stage of an Anti-Doping Organization's process (for example, a first hearing) and no party elects to appeal that decision to the next level of the Anti-Doping Organization's process (e.g., the Managing Board), then WADA may bypass the remaining steps in the Anti-Doping Organization's internal process and appeal directly to CAS.]*

**WADC 13.2: Appeals from Decisions Regarding Anti-Doping Rule Violations, Consequences, and Provisional Suspensions**

243. WADC 13.2: A decision that an anti-doping rule violation was committed, a decision imposing *Consequences* or not imposing *Consequences* for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision by WADA not to grant an exception to the six months' notice requirement for a retired *Athlete* to return to *Competition* under WADC Article 5.7.1; a decision by WADA assigning results management under WADC Article 7.1 of the *Code*; a decision by an *Anti-Doping Organisation* 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 under WADC Article 7.7; a decision to impose a *Provisional Suspension* as a result of a *Provisional Hearing*; the *Sporting Administration Body's* failure to

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comply with WADC Article 7.9; a decision that an *Anti-Doping Organisation, the Sporting Administration Body* lacks jurisdiction to rule on an alleged anti-doping rule violation or its *Consequences*; a decision to suspend, or not suspend, a period of *Ineligibility* or to reinstate, or not reinstate, a suspended period of *Ineligibility* under WADC Article 10.6.1; a decision under WADC Article 10.12.3; and a decision by an *Anti-Doping Organisation* not to recognise another *Anti-Doping Organisation's* decision under WADC Article 15, may be appealed exclusively as provided in WADC Articles 13.2 – 13.6.

244. WADC 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 decision may be appealed exclusively to CAS.

*[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.]*

245. WADC 13.2.2: Appeals Involving other Athletes or other Persons.

(1) In cases where WADC Article 13.2.1 is not applicable, the decision may be appealed to an independent and impartial body in accordance with rules established by the *National Anti-Doping Organization* (which in Australia is ASADA). The rules for such appeal shall respect the following principles:

- a timely hearing;
- fair, impartial and independent hearing panel;
- the right to be represented by counsel at the Person's own expense; and
- a timely, written, reasoned decision.

*[Comment to Article 13.2.2: An Anti-Doping Organization may elect to comply with this Article by giving its national-level Athletes the right to appeal directly to CAS.]*

(2) ASADA as the relevant *National Anti-Doping Organization* has established this rule for our sport: In cases involving national-level *Athletes*, as defined by each *National Anti-Doping Organization*, that do not have a right to appeal under WADC Article 13.2.1, the decision may be appealed exclusively to CAS in accordance with such of its own provisions as are not inconsistent with the provisions in **Part 8 – Hearings** and provided:

- (a) no person other than those identified in WADC 13.2.3 is entitled to appeal; and
- (b) such appeals are true appeals where the appellant must establish error by the first instance tribunal; they are not a rehearing.

The establishment of this rule was confirmed by ASADA's approval of this ADP.

246. WADC 13.2.3: Persons entitled to appeal.

(1) In cases under WADC 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;
- (b) the other party to the case in which the decision was rendered;
- (c) the International Federation;
- (d) ASADA and (if different) the *National Anti-Doping Organization* of the Person's country of residence or countries where the Person is a national or license holder;

- (e) 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
  - (f) WADA.
- (2) In cases under WADC 13.2.2, the parties having the right to appeal to the national-level reviewing body shall be as provided in the *National Anti-Doping Organization's* rules but, at a minimum, shall include the following parties:
- (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) the International Federation;
  - (d) ASADA and (if different) the *National Anti-Doping Organization* of the Person's country of residence;
  - (e) 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
  - (f) WADA.
- (3) For cases under WADC 13.2.2, WADA, ASADA and FIFA shall also have the right to appeal to CAS with respect to the decision of the national-level reviewing body.
- (4) Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the *Anti-Doping Organization* whose decision is being appealed and the information shall be provided if CAS so directs.
- (5) The filing deadline for an appeal or intervention filed by WADA shall be the later 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.
- (6) 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.

#### 247. WADC 13.2.3: Persons entitled to appeal

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 WADC Article 13 must file a cross appeal or subsequent appeal at the latest with the party's answer.

*[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.]*

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#### **WADC 13.3: Failure to Render a Timely Decision by an *Anti-Doping***

**Organization**

248. WADC 13.3: Where, in a particular case, an *Anti-Doping Organization* 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 the *Anti-Doping Organization* 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 attorneys fees in prosecuting the appeal shall be reimbursed to *WADA* by the *Anti-Doping Organization*.

*[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 Organization 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 Organization and give the Anti-Doping Organization an opportunity to explain why it has not yet rendered a decision. Nothing in this rule prohibits an International Federation from also having rules which authorize it to assume jurisdiction for matters in which the results management performed by one of its National Federations has been inappropriately delayed.]*

**WADC 13.4: Appeals relating to TUEs**

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

**WADC 13.5: Notification of appeal decisions**

250. 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 WADC Article 13.2.3 as provided under WADC Article 14.2.

*[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 organizations, including WADA, are then given the opportunity to appeal those decisions. Note that the definition of interested Persons and organizations with a right to appeal under Article 13 does not include Athletes, or their federations, who might benefit from having another competitor disqualified.]*

**The time limits to file an appeal**

251. 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.

252. Notwithstanding rule **251**, the following shall apply in connection with appeals filed by a party entitled to appeal but which was not a party to the proceedings having led to the decision subject to appeal:

- (1) Within fifteen (15) days from notice of the decision, such party/ies shall have the right to request a copy of the case file from the body having issued the decision a copy of the file on which such body relied;
- (2) If such a request is made within the ten-day period, then the party making such request shall have twenty-one (21) days from receipt of the file to file an appeal.

**Substances and methods removed from the *Prohibited List***

253. In the event that a substance or method is in the future removed from the *Prohibited List* during the period of a continuing sanction which has been imposed in respect of that substance or method, then the *Athlete* is entitled to have the Tribunal reconvened to review

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the sanction, insofar as it relates to that substance or method. If the Anti-Doping Tribunal is reconvened to review the continuation of a sanction, it has an unfettered power to so review its continuation and to impose such lesser sanction as it deems fit.

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**PART 11 – CONFIDENTIALITY, REPORTING & OTHER MATTERS****WADC ARTICLE 14: CONFIDENTIALITY AND REPORTING**

254. WADC 14: The principles of coordination of anti-doping results, public transparency and accountability and respect for the privacy interests of all *Athletes* or other *Persons* are as follows:

255. WADC 14.1: Information Concerning *Adverse Analytical Findings*, *Atypical Findings*, and other Asserted Anti-Doping Rule Violations

256. 14.1.1 Notice of Anti-Doping Rule Violations to *Athletes* and Other *Persons*.

An *Athlete* whose *Sample* is brought forward as an *Adverse Analytical Finding* after the initial review under WADC Article 7.1 or 7.3, or an *Athlete* or other *Person* who is alleged to have violated an anti-doping rule after the initial review under WADC Article 7.4, shall be notified by the *Anti-Doping Organization* with results management responsibility as provided in WADC Article 7 (Results Management).

Our note: In this ADP that is done by way of a notice of an alleged ADRV (or other breach) under rule **135**.

257. WADC 14.1.2: Notice to *National Anti-Doping Organizations*, International Federations and *WADA*.

The *Anti-Doping Organization* with results management responsibility shall also notify the *Athlete's National Anti-Doping Organization* (in our case ASADA), the International Federation (in our case FIFA) and *WADA* not later than the completion of the process described in WADC Articles 7.1 and 7.4.

Our note: We have delegated to ASADA the function of notification to *WADA*.

258. WADC 14.1.3: Content of Notification.

Notification shall include: the *Athlete'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 Testing and Investigations* (where applicable), or, for Anti-Doping Rule Violations other than under WADC Article 2.1, the rule violated and the basis of the asserted violation.

259. WADC 14.1.4: Status Reports.

Except with respect to investigations which have not resulted in notice of an anti-doping rule violation pursuant to WADC 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 WADC Articles 7, 8 or 13 and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

Our note: We have delegated to ASADA the function of providing status reports to *WADA*.

260. WADC 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*

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Olympic Committee, National Federation, and team in a Team Sport) until ASADA, the Sporting Administration Body or other Anti-Doping Organisation has made public disclosure or has failed to make Public Disclosure as required in WADC Article 14.3.

*[Comment to Article 14.1.5: Each Anti-Doping Organization shall provide, in its own anti-doping rules, procedures for the protection of confidential information and for investigating and disciplining improper disclosure of confidential information by any employee or agent of the Anti-Doping Organization.]*

#### **WADC 14.2: Notice of anti-doping rule violation decisions and request for files**

261. WADC 14.2.1: Anti-doping rule violation decisions rendered pursuant to WADC Articles 7.11, 8.6, 10.4, 10.5, 10.6, 10.12.3 or 13.5 shall include the full reasons for the decision, including, if applicable, a justification for why the greatest possible Consequences were not imposed. Where the decision is not in English or French, the *Anti-Doping Organisation* shall provide a short English or French summary of the decision and the supporting reasons.
262. WADC 14.2.2: An *Anti-Doping Organisation* having a right to appeal a decision received pursuant to WADC Article 14.2.1 may, within fifteen days of receipt, request a copy of the full case file pertaining to the decision.

#### **WADC 14.3: Public Disclosure**

263. WADC 14.3.1: The identity of any *Athlete* or other *Person* who is asserted by an *Anti-Doping Organisation* to have committed an anti-doping rule violation, may be *Publicly Disclosed* by the *Anti-Doping Organisation* with results management responsibility only after notice has been provided to the *Athlete* or other *Person* in accordance with WADC Article 7.3, 7.4, 7.5, 7.6 or 7.7 and simultaneously to WADA and the international federation in accordance with WADC Article 14.1.2.
264. WADC 14.3.2: No later than twenty days after it has been determined in a final appellate decision under WADC Article 13.2.1 or 13.2.2, or such appeal has been waived, or a hearing in accordance with WADC Article 8 has been waived, or the assertion of an anti-doping rule violation has not been timely challenged, the *Anti-Doping Organisation* with results management responsibility and the *Sporting Administration Body* must *Publicly Report* 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. The *Anti-Doping Organisation* and the *Sporting Administration Body* must also *Publicly Report* within twenty days the results of final appeal decisions concerning anti-doping rule violations, including the information described above.
265. WADC 14.3.3: 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 decision may be disclosed publicly only with the consent of the *Athlete* or other *Person* who is the subject of the decision. The *Anti-Doping Organization* with results management responsibility and the *Sporting Administration Body* shall use reasonable efforts to obtain such consent, and if consent is obtained, shall publicly disclose the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve.
266. WADC 14.3.4: Publication shall be accomplished at a minimum by placing the required information on the *Anti-Doping Organization's* website or publishing it through other means
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and leaving the information up for the longer of one month or the duration of any period of *Ineligibility*.

267. WADC 14.3.5: No *Anti-Doping Organization* or *WADA* accredited laboratory, or official of either, shall publicly comment on the specific facts of a pending case (as opposed to general description of process and science) except in response to public comments attributed to the *Athlete* or other *Person* against whom an anti-doping rule violation is asserted, or their representatives.
268. Where an *Athlete* or other *Person* or their representative comments about their matter the *Athlete* or other *Person* is taken to have consented to *ASADA* commenting in response to their matter for the purposes of the *ASADA Act*.
269. WADC 14.3.6: The mandatory *Public Reporting* required in WADC 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*. Any optional *Public Reporting* in a case involving a *Minor* shall be proportionate to the facts and circumstances of the case.

#### **WADC 14.6: Data Privacy**

270. WADC 14.6: *Anti-Doping Organizations* may collect, store, process or disclose personal information relating to *Athletes* and other *Persons* where necessary and appropriate to conduct their anti-doping activities under the Code and International Standards (including specifically the International Standard for the Protection of Privacy and Personal Information), and in compliance with applicable law.
271. *ASADA* may collect, store, process or disclose *personal* information relating to *Athletes* and other *Persons* where necessary to conduct their anti-doping activities under the *ASADA Act*, *ASADA 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*, the *Archives Act 1983 (Cth)*, and this ADP as in force from time to time.
272. Any *Participant* who submits information including *personal* data to any *Person* in accordance with this ADP shall be deemed to have agreed, pursuant to applicable data protection laws and otherwise, 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)*, *ASADA Act*, *ASADA Regulations*, the *NAD scheme* as in force from time to time, and otherwise as required to implement this ADP.
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**WADC 15: Application and recognition of decisions**

273. WADC 15.1: Subject to the right to appeal provided in WADC Article 13, *Testing*, hearing results or other final adjudications of any *Signatory* which are consistent with the *Code* and are within that *Signatory's* authority, shall be recognized and respected by all other *Signatories*.

*[Comment to Article 15.1: 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.]*

274. WADC 15.2: *Signatories* shall recognize the measures taken by other bodies which have not accepted the *Code* if the rules of those bodies are otherwise consistent with the *Code*.

*[Comment to Article 15.2: 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 his or her body but the period of Ineligibility applied is shorter than the period provided for in the Code, then all Signatories should recognize the finding of an anti-doping rule violation and the Athlete's National Anti-Doping Organization should conduct a hearing consistent with Article 8 to determine whether the longer period of Ineligibility provided in the Code should be imposed.]*

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**WADC ARTICLE 17: STATUTE OF LIMITATIONS**

275. WADC 17: 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 WADC Article 7, or notification has been reasonably attempted, within ten years from the date the violation is asserted to have occurred.

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**WADC ARTICLE 18: EDUCATION**

276. ASADA, in collaboration with *the Sporting Administration Body*, will support *the Sporting Administration Body* to plan, implement, evaluate and monitor anti-doping information, education and prevention programs on at least the issues listed at Article 18.2 of *the Code*, and shall support active participation by *Athletes* and *Athlete Support Personnel* in such programs.

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**PART 12 – OBLIGATIONS OF ATHLETES AND OTHERS PERSONS****WADC ARTICLE 21: ADDITIONAL ROLES AND RESPONSIBILITIES OF ATHLETES AND OTHER PERSONS****WADC 21.1: Roles and Responsibilities of Athletes**

277. WADC 21.1.1: To be knowledgeable of and comply with all applicable anti-doping policies and rules adopted pursuant to this ADP.

278. WADC 21.1.2: To be available for *Sample* collection at all times.

*[Comment to Article 20.1.2: 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.]*

279. WADC 21.1.3: To take responsibility, in the context of anti-doping, for what they ingest and Use.

280. WADC 21.1.4: 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.

281. WADC 21.1.5: To disclose to their National Anti-Doping Organisation and International Federation any decision by a non-*Signatory* finding that the *Athlete* committed an anti-doping rule violation within the previous ten years.

282. WADC 21.1.6: To cooperate with *Anti-Doping Organisations* investigating anti-doping rule violations.

*[Comment to Article 21.1.6: Failure to cooperate is not an anti-doping rule violation under the Code, but it may be the basis for disciplinary action under a stakeholder's rules.]*

**Further obligations of Athletes**

283. All *Athletes* to whom this ADP applies:

- (1) must not use any Prohibited Substances or any Prohibited Methods;
  - (2) must be available for and submit to *Sample* collection at any time both *In-Competition* and *Out-of-Competition* and be liable to any number of drug tests in any year;
  - (3) must make themselves aware of the procedures for ASADA and Drug Testing Authorities' Sampling and *Testing* procedures, and their rights during the *Sample* collection and *Testing* process;
  - (4) must cooperate with Drug Testing Authorities in relation to the provision of a *Sample*;
  - (5) must set a responsible example on the issue of doping in sport to members of the public especially children interested in our sport;
  - (6) must attend all drug education programs conducted by ASADA and other Drug Testing Authorities;
  - (7) must obtain, keep and be familiar with the latest publications of ASADA affecting *Athletes*;
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- (8) submit to authority of WADA, ASADA and us, to apply, police and enforce this ADP;
- (9) provide all reasonable assistance to WADA, ASADA 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;
- (10) must if requested by ASADA 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;
- (11) must if requested by ASADA 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;
- (12) must if requested by ASADA or us provide ASADA 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, 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;
- (13) must not other than to their legal representative disclose any information provided by them to ASADA or by ASADA to them during any investigation being conducted pursuant to this ADP in relation to any suspected ADRV;
- (14) agree to their private data being disseminated as required or authorised by the WADC, the NAD scheme and this ADP;<sup>11</sup>
- (15) submit to the jurisdiction of any Tribunal convened under this ADP to hear and determine allegations and appeals brought pursuant to this ADP;
- (16) submit to the jurisdiction of CAS to hear allegations and appeals where applicable under this ADP; and
- (17) must comply with all sanctions which may be imposed under this ADP in the event an ADRV is found to have occurred.

### **WADC 21.2: Roles and Responsibilities of Athlete Support Personnel**

- 284. WADC 21.2.1: To be knowledgeable of and comply with all anti-doping policies and rules adopted pursuant to the *Code* and which are applicable to them or the *Athletes* whom they support.
- 285. WADC 21.2.2: To cooperate with the *Athlete Testing* program.
- 286. WADC 21.2.3: To use their influence on *Athlete* values and behaviour to foster anti-doping attitudes.
- 287. WADC 21.2.4: To disclose to the international federation and to ASADA any decision by a non-*Signatory* finding that he or she committed an anti-doping rule violation within the previous ten years.
- 288. WADC 21.2.5: To cooperate with *Anti-Doping Organisations* investigating anti-doping rule violations.

### **Obligations of clubs/teams in the A-League, W-League and A-League**

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<sup>11</sup> See WADC last paragraph of 'Introduction'.

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**National Youth League**

289. Each club/team in the A-League, W-League and A-League National Youth League shall comply with this ADP and in addition specifically shall:

- (1) appoint an anti-doping officer;
- (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>12</sup>;
- (3) upon our request advise the Anti-Doping Co-ordinator in writing of the steps taken:
  - (a) 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,
  - (b) to educate its *Athletes* in respect of the dangers and consequences of the use of prohibited drugs and doping methods;
- (4) support and participate in drug education programs conducted by ASADA and other Drug *Testing* Authorities and record the attendance of its *Athletes* at such programs;
- (5) give all reasonable assistance to drug *Testing* personnel to enable them to carry out their *Testing* duties efficiently and effectively;
- (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;
- (7) ensure that appropriate travel arrangements are made to allow sufficient time for *Testing* personnel to carry out their *Testing* duties following a *Competition*;
- (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;
- (9) provide all reasonable assistance to WADA, ASADA 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;
- (10) must if requested by ASADA 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;
- (11) must if requested by ASADA or us provide ASADA 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, 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;
- (12) must not other than to their legal representative disclose any information provided by them to ASADA or by ASADA to them during any investigation being conducted pursuant to this ADP in relation to any suspected ADRV;
- (13) arrange for team officials and other relevant staff to attend meetings arranged by us, ASADA or other Drug *Testing* Authorities to discuss any problems in relation to drug *Testing*;

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<sup>12</sup> This ADP is posted on the FFA website ([www.footballaustralia.com.au](http://www.footballaustralia.com.au) under "Statutes and Regulations").

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- (14) take all reasonably available steps to ensure that sanctions are enforced;
- (15) treat people who are not or have not been bound by this ADP as follows:
- (a) Subject to (b), 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:
    - (i) if the person is an *Athlete*, prevent that person from competing with them;
    - (ii) if the person is not an *Athlete*, prevent that person (so far as reasonably possible) from having any involvement with them; and
    - (iii) not employ, engage or register that person;for two (2) years from the date the conduct is alleged to have been committed.
  - (b) Sub-paragraph (a) does not apply if the person:
    - (i) agrees to be bound by this ADP as if always bound by the rules,
    - (ii) submits to a hearing, and
    - (iii) agrees to abide by any sanction imposed as a result of such hearing.

### **Responsibilities of anti-doping officers and team managers**

290. The anti-doping officer of each club/team in the A-League, W-League and A-League National Youth League shall:
- (1) be responsible for ensuring the team's compliance with this ADP and, in particular, rule **289**;
  - (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
  - (3) maintain accurate written records of the attendance of all *Athletes* at anti-doping education seminars conducted by ASADA and others.
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## PART 13 – INTERPRETATION & TRANSITIONAL PROVISIONS

### WADC ARTICLE 24: INTERPRETATION OF THE CODE

291. WADC 24.1: The official text of the *Code* shall be maintained by WADA and shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.
292. WADC 24.2: The comments annotating various provisions of the *Code* shall be used to interpret the *Code*.
293. WADC 24.3: The *Code* shall be interpreted as an independent and autonomous text and not by reference to the existing law or statutes of the *Signatories* or governments.
294. WADC 24.4: The headings used for the various Parts and Articles of the *Code* are for convenience only and shall not be deemed part of the substance of the *Code* or to affect in any way the language of the provisions to which they refer.
295. WADC 24.5: The *Code* shall not apply retrospectively 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 purposes of determining sanctions under WADC Article 10 for subsequent post-*Code* violations.
296. WADC 24.6: The Purpose, Scope and Organization of the World Anti-Doping Program and the *Code* and APPENDIX 1, Definitions, and Appendix 2, Examples of the Application of Article 10, shall be considered integral parts of the *Code*.
297. A reference to:
- (1) a rule is to a rule of this ADP;
  - (2) a law, the NAD Scheme or the WADC (or to any provision thereof) includes any modification, amendment, consolidation or re-enactment thereof or any provision substituted therefore and all statutory instruments issued thereunder; and
  - (3) any organisation or entity of any nature includes any subsequent organisation or entity that replaces the original organisation or entity.

### WADC ARTICLE 25: TRANSITIONAL PROVISIONS

298. WADC 25.1: General Application of 2015 *Code*

The 2015 *Code* shall apply in full after January 1, 2015 (the **Effective Date**).

299. WADC 25.2: Non-Retroactive except for WADC Articles 10.7.5 and 17 or Unless Principle of *Lex Mitior* Applies.

The retrospective periods in which prior violations can be considered for purposes of multiple violations under WADC Article 10.7.5 and the statute of limitations set forth in WADC Article 17 are procedural rules and should be applied retroactively; provided, however, that WADC Article 17 shall only be applied retroactively if the statute of limitation period has not already expired by the Effective Date. Otherwise, with respect to 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, the case shall be governed by the substantive anti-doping rules in effect at the time the alleged anti-doping rule violation occurred, unless the panel hearing the case

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determines the principle of 'lex mitior' appropriately applies under the circumstances of the case.

300. WADC 25.3: Application to Decisions Rendered Prior to the 2015 *Code*

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 Anti-Doping Policy. 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.

301. WADC 25.4: Multiple Violations Where the First Violation Occurs Prior to 1 January 2015

For purposes of assessing the period of *Ineligibility* for a second violation under WADC Article 10.7.1, 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.

*[Comment to Article 25.4: Other than the situation described in Article 25.4, where a final decision finding an anti-doping rule violation has been rendered prior to the Code or under the Code before the 2015 Code and the period of Ineligibility imposed has been completely served, the 2015 Code may not be used to re-characterize the prior violation.]*

302. WADC 25.5: Additional *Code* Amendments.

Any additional *Code* Amendments shall go into effect as provided in WADC Article 23.7.

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**APPENDIX 1 – DEFINITIONS**

303. In this ADP the following definitions shall apply (those in italics are from the WADC and those in bold we have added):

- (1) **AAT** – means the Administrative Appeals Tribunal established by the *Administrative Appeals Tribunal Act, 1975* (Cth);
  - (2) **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.
  - (3) **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.
  - (4) **ADRV** – is short for Anti-Doping Rule Violation.
  - (5) **ADRVP** – is the Anti-Doping Rule Violation Panel under the ASADA Act and NAD scheme.
  - (6) **Adverse Analytical Finding**: A report from a *WADA-accredited* laboratory or other *WADA-approved* laboratory that, consistent with the *International Standard for Laboratories* and related Technical Documents, identifies in a *Sample* 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*.
  - (7) **Adverse Passport Finding**: A report identified as an Adverse Passport Finding as described in the applicable International Standards.
  - (8) **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).
  - (9) **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*. For the purposes of this Anti-Doping Policy, ASADA is an *Anti-Doping Organisation*.
  - (10) **Anti-Doping Tribunal** - means the body established by **Part 7 – The Anti-Doping Tribunal**;
  - (11) **Archives Act 1983 (Cth)**: is the Commonwealth legislation that governs the retention and disposal of Commonwealth records. ASADA'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.
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- (12) **ASADA** - means the Australian Sports Anti-Doping Authority under the ASADA Act; ASADA is the *National Anti-Doping Organization* in Australia;
- (13) **ASDMAC** - means the Australian Sports Drug Agency Medical Advisory Committee referred to in the ASADA Act;
- (14) **ASADA Act** - means the Australian Sports Anti-Doping Authority Act 2006 as amended;
- (15) **ASADA Regulations** - means the Australian Sports Anti-Doping Authority Regulations 2006, as amended;
- (16) *Athlete*: Any *Person* who participates in our sport in one or other of the classifications in rule **34**. For purposes of WADC Articles 2.8 and 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 organization accepting the *Code* is an *Athlete*.;
- (17) *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.
- (18) *Athlete Support Person or 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*.
- (19) *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*.
- (20) *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*.
- (21) *Atypical Passport Finding*: A report described as an Atypical Passport Finding as described in the applicable International Standards.
- (22) **Australian Privacy Principles**: are contained in Schedule 1 of the Privacy Amendment (Enhancing Privacy Protection) Act 2013 (Cth) which amends the Privacy Act 1988 (Cth). ASADA is required to comply with this legislation.
- (23) CAS: The Court of Arbitration for Sport.
- (24) *Code*: The World Anti-Doping Code.
- (25) *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**"

- (26) *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:
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- (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 WADA Article 10.12.1;
  - (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* or *Public Reporting* 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*.
- (27) *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.
  - (28) *Disqualification*: See Consequences of Anti-Doping Rules Violations.
  - (29) **Doping** – has the meaning given to it by rule **39**;
  - (30) *Doping Control*: All steps and processes from test distribution planning through to ultimate disposition of any appeal including all steps and processes in between such as provision of whereabouts information, *Sample* collection and handling, laboratory analysis, *TUEs*, results management and hearings.
  - (31) **Drug Testing Authority** – means any organisation which conducts *Sampling* or *Testing* where the methods of *Sampling* and *Testing* are substantially in accordance with the WADC and *WADA* International Standards and includes each relevant NADO (eg for Australia = ASADA and for UK = UK Sport).
  - (32) **Drug Testing Form** - means the form used by a Drug Testing Authority be signed by an *Athlete* undergoing a drug test;
  - (33) **Endogenous** - refers to a substance which is capable of being produced by the body naturally;
  - (34) *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**"
- (35) *Event Period*: The time between the beginning and end of an *Event*, as established by the ruling body of the *Event*.
  - (36) *Event Venues*: Those venues so designed by the ruling body for the *Event*.
  - (37) *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 *Minor*, special considerations such
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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 10.5.1 or 10.5.2.

*[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 10.5.2, 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.]*

- (38) *Financial Consequences*: See Consequences of Anti-Doping Rule Violations.
- (39) *In-Competition*: Unless provided otherwise in the rules of an International Federation or the ruling body of the *Event* in question, "*In-Competition*" means the period commencing twelve hours 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*.<sup>13</sup>

*[Comment In-Competition: An International Federation or ruling body for an Event may establish an "In-Competition" period that is different than the Event Period.]*

- (40) *Individual Sport*: Any sport that is not a Team Sport.
- (41) *Ineligibility*: See Consequences of Anti-Doping Rules Violations.
- (42) *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*.
- (43) **International Federation**: In our sport this is specified in Schedule "**Item 5 – Our International Federation**".
- (44) *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.
- (45) *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*.

- (46) *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*.
- (47) *Marker*: A compound, group of compounds or biological variable(s) that indicates the *Use of a Prohibited Substance or Prohibited Method*.
- (48) *Metabolite*: Any substance produced by a biotransformation process.
- (49) *Minor*: A natural *Person* who has not reached the age of eighteen years.
- (50) **NAD scheme** – means the National Anti-Doping Scheme which is contained in Schedule 1 to the Australian Sports Anti-Doping Authority Regulations 2006 (Cth).
- (51) *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*, the management of test results, and the conduct of hearings 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. For Australia this is ASADA.
- (52) *National Event*: A sport Event or Competition involving International or National-Level Athletes that is not an International Event.
- (53) *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.
- (54) *National-Level Athlete*: Athletes who compete in sport at the national level as defined by each National Anti-Doping Organisation, consistent with the International Standard for Testing and Investigations. In Australia, National-Level Athletes are defined as set out in WADC Article 1.4.
- (55) *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.
- (56) *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 *Minor*, for any violation of WADC Article 2.1, the *Athlete* must also establish how the *Prohibited Substance* entered his or her system.
- (57) *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 *Minor*, for any violation of Article 2.1, the *Athlete* must also establish how the *Prohibited Substance* entered his or her system.

*[Comment to No Significant Fault or Negligence: For Cannabinoids, an Athlete may establish No Significant Fault or Negligence by clearly demonstrating that the context of Use was unrelated to sport performance.]*

- (58) *Out-of-Competition*: Any period which is not In-Competition.
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- (59) *Participant*: Any Athlete or Athlete Support Person.
- (60) *Person*: A natural *Person* or an organisation or other entity. For the avoidance of doubt, *Person* includes *Athletes* and *Athlete Support Personnel*.
- (61) *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.

*[Comment to Possession: Under this definition, 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 steroids and intended to have control over the steroids. Similarly, in the example of 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 steroids were in the cabinet and that the Athlete intended to exercise control over the steroids. 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.]*

- (62) *Prohibited List*: The WADA List identifying the *Prohibited Substances* and *Prohibited Methods*.
- (63) *Prohibited Method*: Any method so described on the *Prohibited List*.
- (64) *Prohibited Substance*: Any substance, or class or substances, so described on the *Prohibited List*.
- (65) *Provisional Hearing*: For purposes of WADC Article 7.9, an expedited abbreviated hearing occurring prior to a hearing under Article 8 (Right to a Fair Hearing) that provides the *Athlete* with notice and an opportunity to be heard in either written or oral form.

*[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 of the case. By contrast, an 'expedited hearing', as that term is used in Article 7.9, is a full hearing on the merits conducted on an expedited time schedule.]*

- (66) *Provisional Suspension*: See Consequences of Anti-Doping Rule Violations.
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- (67) Publicly Disclose or Publicly Report: See Consequences of Anti-Doping Rule Violations.
- (68) *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.
- (69) *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 Organisation's test distribution plan and therefore are required to provide whereabouts information as provided in Article 5.6 of the *Code* and the *International Standard for Testing and Investigations*.
- (70) *SAB*: Sporting Administration Body.
- (71) *Sample* or *Specimen*: Any biological material collected for the purposes of *Doping Control*.

[*Comment to Sample: 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.*]

- (72) *Sporting Administration Body*: A Sporting Administration Body as defined by the *ASADA Act*.
- (73) *Sporting Administration Body Rules*: The Sporting Administration Body Rules as contained in Appendix 3 to this Anti-Doping Policy, have been extracted from the *NAD scheme*. Definitions from the *NAD scheme* are to be used when interpreting the Sporting Administration Body Rules.
- (74) *Signatories*: Those entities signing the *Code* and agreeing to comply with the *Code*, as provided in Article 23 of the *Code*, including the International Olympic Committee, International Federations, International Paralympic Committee, *National Olympic Committees*, National Paralympic Committees, *Major Event Organizations*, *National Anti-Doping Organizations*, and *WADA*.
- (75) *Specified Substance*: See WADC Article 4.2.2.
- (76) *Sport*: the Sporting Administration Body who is party to this Anti-Doping Policy.
- (77) *Strict Liability*: The rule which provides that under WADC 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.
- (78) *Substantial Assistance*: For purposes of WADC 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
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- initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.
- (79) *Tampering*: Altering for an improper purpose or in an improper way; bringing improper influence to bear; interfering improperly; obstructing, misleading or engaging in any fraudulent conduct to alter results or prevent normal procedures from occurring.
- (80) *Target Testing*: Selection of specific Athletes for Testing based on criteria set forth in the International Standard for Testing and Investigations.
- (81) **team** - includes a club if the context permits.
- (82) *Team Sport*: A sport in which the substitution of players is permitted during a *Competition*.
- (83) *Testing*: The parts of the *Doping Control* process involving test distribution planning, *Sample* collection, *Sample* handling, and *Sample* transport to the laboratory.
- (84) *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.
- (85) **Tribunal** - means the hearing body established by **Part 7 – The Anti-Doping Tribunal** or CAS as the case may be. References in this ADP to a tribunal or the tribunal shall be taken to be to the Tribunal unless the context indicates otherwise.
- (86) **TUE** - means a Therapeutic Use Exemption referred to in **Part 4 – The Prohibited List**;
- (87) *TUE Committee* or **TUEC** - means a Therapeutic Use Exemption Committee that complies with the relevant *WADA* International Standard.
- (88) *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.
- (89) *Use*: The utilisation, application, ingestion, injection or consumption by any means whatsoever of any *Prohibited Substance* or *Prohibited Method*.
- (90) *WADA*: The World Anti-Doping Agency.
- (91) **WADA List** - means the "Prohibited List" promulgated by *WADA* from time to time.
- (92) **WADC** - means the World Anti-Doping Code promulgated by *WADA*.
- (93) **Whereabouts Form** - means the form set out in Appendix 3 – Whereabouts Form.
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**Word Usage**

304. Words in the singular include the plural and vice versa. Words in the masculine include the feminine and vice versa.

**WADC interpretation relevant**

305. This ADP recognises and has been adopted in accordance with the mandatory provisions of the WADC and shall be interpreted in a manner that is consistent with those provisions. The comments sections annotating various provisions of the WADC shall be used, where applicable, to assist in the understanding and interpretation of this ADP.<sup>14</sup>

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<sup>14</sup> See WADC 24.2.

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## Appendix 2 Examples Of The Application Of Article 10

### EXAMPLE 1

**Facts:** An Adverse Analytical Finding results from the presence of an anabolic steroid in an In-Competition test (Article 2.1); the Athlete promptly admits the anti-doping rule violation; the Athlete establishes No Significant Fault or Negligence; and the Athlete provides Substantial Assistance.

#### Application of Consequences:

1. The starting point would be Article 10.2. Because the *Athlete* is deemed to have *No Significant Fault* that would be sufficient corroborating evidence (Articles 10.2.1.1 and 10.2.3) that the anti-doping rule violation was not intentional, the period of *Ineligibility* would thus be two years, not four years (Article 10.2.2).
  2. In a second step, the panel would analyse whether the *Fault*-related reductions (Articles 10.4 and 10.5) apply. Based on *No Significant Fault or Negligence* (Article 10.5.2) since the anabolic steroid is not a *Specified Substance*, the applicable range of sanctions would be reduced to a range of two years to one year (minimum one-half of the two-year sanction). The panel would then determine the applicable period of *Ineligibility* within this range based on the *Athlete's* degree of *Fault*. (Assume for purposes of illustration in this example that the panel would otherwise impose a period of *Ineligibility* of 16 months.)
  3. In a third step, the panel would assess the possibility for suspension or reduction under Article 10.6 (reductions not related to *Fault*). In this case, only Article 10.6.1 (*Substantial Assistance*) applies. (Article 10.6.3, Prompt Admission, is not applicable because the period of *Ineligibility* is already below the two-year minimum set forth in Article 10.6.3.) Based on *Substantial Assistance*, the period of *Ineligibility* could be suspended by three-quarters of 16 months. The minimum period of *Ineligibility* would thus be four months. (Assume for purposes of illustration in this example that the panel suspends ten months and the period of *Ineligibility* would thus be six months.)
  4. Under Article 10.11, the period of *Ineligibility*, in principle, starts on the date of the final hearing decision. However, because the *Athlete* promptly admitted the anti-doping rule violation, the period of *Ineligibility* could start as early as the date of *Sample* collection, but in any event the *Athlete* would have to serve at least one-half of the *Ineligibility* period (that is, three months) after the date of the hearing decision (Article 10.11.2).
  5. Since the *Adverse Analytical Finding* was committed in a *Competition*, the panel would have to automatically *Disqualify* the result obtained in that *Competition* (Article 9).
  6. According to Article 10.8, all results obtained by the *Athlete* subsequent to the date of the *Sample* collection until the start of the period of *Ineligibility* would also be *Disqualified* unless fairness requires otherwise.
  7. The information referred to in Article 14.3.2 must be *Publicly Disclosed*, unless the *Athlete* is a *Minor*, since this is a mandatory part of each sanction (Article 10.13).
  8. The *Athlete* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Athlete's* period of *Ineligibility* (Article 10.12.1). However, the *Athlete* may return to train with a team or to use the facilities of a club or other member organisation of a *Signatory* or its affiliates during the shorter of:
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(a) the last two months of the *Athlete's* period of *Ineligibility*, or

(b) the last one-quarter of the period of *Ineligibility* imposed (Article 10.12.2). Thus, the *Athlete* would be allowed to return to training one and one-half months before the end of the period of *Ineligibility*.

## EXAMPLE 2

**Facts:** An *Adverse Analytical Finding* results from the presence of a stimulant which is a *Specified Substance* in an *In-Competition* test (Article 2.1); the *Anti-Doping Organisation* is able to establish that the *Athlete* committed the anti-doping rule violation intentionally; the *Athlete* is not able to establish that the *Prohibited Substance* was *Used Out-of-Competition* in a context unrelated to sport performance; the *Athlete* does not promptly admit the anti-doping rule violation as alleged; the *Athlete* does provide *Substantial Assistance*.

### **Application of Consequences:**

1. The starting point would be Article 10.2. Because the *Anti-Doping Organisation* can establish that the anti-doping rule violation was committed intentionally and the *Athlete* is unable to establish that the substance was permitted *Out-of-Competition* and the *Use* was unrelated to the *Athlete's* sport performance (Article 10.2.3), the period of *Ineligibility* would be four years (Article 10.2.1.2).
2. Because the violation was intentional, there is no room for a reduction based on *Fault* (no application of Articles 10.4 and 10.5). Based on *Substantial Assistance*, the sanction could be suspended by up to three-quarters of the four years. The minimum period of *Ineligibility* would thus be one year.
3. Under Article 10.11, the period of *Ineligibility* would start on the date of the final hearing decision.
4. Since the *Adverse Analytical Finding* was committed in a *Competition*, the panel would automatically *Disqualify* the result obtained in the *Competition*.
5. According to Article 10.8, all results obtained by the *Athlete* subsequent to the date of *Sample* collection until the start of the period of *Ineligibility* would also be *Disqualified* unless fairness requires otherwise.
6. The information referred to in Article 14.3.2 must be *Publicly Disclosed*, unless the *Athlete* is a *Minor*, since this is a mandatory part of each sanction (Article 10.13).
7. The *Athlete* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Athlete's* period of *Ineligibility* (Article 10.12.1). However, the *Athlete* may return to train with a team or to use the facilities of a club or other member organisation of a *Signatory* or its affiliates during the shorter of:
  - (a) the last two months of the *Athlete's* period of *Ineligibility*, or
  - (b) the last one-quarter of the period of *Ineligibility* imposed (Article 10.12.2). Thus, the *Athlete* would be allowed to return to training two months before the end of the period of *Ineligibility*.

## EXAMPLE 3

**Facts:** An *Adverse Analytical Finding* results from the presence of an anabolic steroid in an *Out-of-Competition* test (Article 2.1); the *Athlete* establishes *No Significant Fault or Negligence*; the *Athlete* also establishes that the *Adverse Analytical Finding* was caused by a *Contaminated Product*.

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**Application of Consequences:**

1. The starting point would be Article 10.2. Because the *Athlete* can establish through corroborating evidence that he did not commit the anti-doping rule violation intentionally, that is, he had *No Significant Fault in Using a Contaminated Product* (Articles 10.2.1.1 and 10.2.3), the period of *Ineligibility* would be two years (Article 10.2.2).
2. In a second step, the panel would analyse the *Fault*-related possibilities for reductions (Articles 10.4 and 10.5). Since the *Athlete* can establish that the anti-doping rule violation was caused by a *Contaminated Product* and that he acted with *No Significant Fault or Negligence* based on Article 10.5.1.2, the applicable range for the period of *Ineligibility* would be reduced to a range of two years to a reprimand. The panel would determine the period of *Ineligibility* within this range, based on the *Athlete's* degree of *Fault*. (Assume for purposes of illustration in this example that the panel would otherwise impose a period of *Ineligibility* of four months.)
3. According to Article 10.8, all results obtained by the *Athlete* subsequent to the date of *Sample* collection until the start of the period of *Ineligibility* would be *Disqualified* unless fairness requires otherwise.
4. The information referred to in Article 14.3.2 must be *Publicly Disclosed*, unless the *Athlete* is a *Minor*, since this is a mandatory part of each sanction (Article 10.13).
5. The *Athlete* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Athlete's* period of *Ineligibility* (Article 10.12.1). However, the *Athlete* may return to train with a team or to use the facilities of a club or other member organisation of a *Signatory* or its affiliates during the shorter of:
  - (a) the last two months of the *Athlete's* period of *Ineligibility*, or
  - (b) the last one-quarter of the period of *Ineligibility* imposed (Article 10.12.2).

Thus, the *Athlete* would be allowed to return to training one month before the end of the period of *Ineligibility*.

## EXAMPLE 4

**Facts:** An *Athlete* who has never had an *Adverse Analytical Finding* or been confronted with an anti-doping rule violation spontaneously admits that she *Used* an anabolic steroid to enhance her performance. The *Athlete* also provides *Substantial Assistance*.

**Application of Consequences:**

1. Since the violation was intentional, Article 10.2.1 would be applicable and the basic period of *Ineligibility* imposed would be four years.
  2. There is no room for *Fault*-related reductions of the period of *Ineligibility* (no application of Articles 10.4 and 10.5).
  3. Based on the *Athlete's* spontaneous admission (Article 10.6.2) alone, the period of *Ineligibility* could be reduced by up to one-half of the four years. Based on the *Athlete's* *Substantial Assistance* (Article 10.6.1) alone, the period of *Ineligibility* could be suspended up to three-quarters of the four years. Under Article 10.6.4, in considering the spontaneous admission and *Substantial Assistance* together, the most the sanction could be reduced or suspended would be up to three-quarters of the four years. The minimum period of *Ineligibility* would be one year.
  4. The period of *Ineligibility*, in principle, starts on the day of the final hearing decision (Article
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10.11). If the spontaneous admission is factored into the reduction of the period of *Ineligibility*, an early start of the period of *Ineligibility* under Article 10.11.2 would not be permitted. The provision seeks to prevent an *Athlete* from benefitting twice from the same set of circumstances. However, if the period of *Ineligibility* was suspended solely on the basis of *Substantial Assistance*, Article 10.11.2 may still be applied, and the period of *Ineligibility* started as early as the *Athlete's* last *Use* of the anabolic steroid.

5. According to Article 10.8, all results obtained by the *Athlete* subsequent to the date of the anti-doping rule violation until the start of the period of *Ineligibility* would be *Disqualified* unless fairness requires otherwise.
6. The information referred to in Article 14.3.2 must be *Publicly Disclosed*, unless the *Athlete* is a *Minor*, since this is a mandatory part of each sanction (Article 10.13).
7. The *Athlete* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Athlete's* period of *Ineligibility* (Article 10.12.1). However, the *Athlete* may return to train with a team or to use the facilities of a club or other member organisation of a *Signatory* or its affiliates during the shorter of:
  - (a) the last two months of the *Athlete's* period of *Ineligibility*, or
  - (b) the last one-quarter of the period of *Ineligibility* imposed (Article 10.12.2).

Thus, the *Athlete* would be allowed to return to training two months before the end of the period of *Ineligibility*.

#### EXAMPLE 5

**Facts:** An *Athlete Support Person* helps to circumvent a period of *Ineligibility* imposed on an *Athlete* by entering him into a *Competition* under a false name. The *Athlete Support Person* comes forward with this anti-doping rule violation (Article 2.9) spontaneously before being notified of an anti-doping rule violation by an *Anti-Doping Organisation*.

#### **Application of Consequences:**

1. According to Article 10.3.4, the period of *Ineligibility* would be from two up to four years, depending on the seriousness of the violation. (Assume for purposes of illustration in this example that the panel would otherwise impose a period of *Ineligibility* of three years.)
2. There is no room for *Fault*-related reductions since intent is an element of the anti-doping rule violation in Article 2.9 (see comment to Article 10.5.2).
3. According to Article 10.6.2, provided that the admission is the only reliable evidence, the period of *Ineligibility* may be reduced down to one-half. (Assume for purposes of illustration in this example that the panel would impose a period of *Ineligibility* of 18 months.)
4. The information referred to in Article 14.3.2 must be *Publicly Disclosed* unless the *Athlete Support Person* is a *Minor*, since this is a mandatory part of each sanction (Article 10.13).

#### EXAMPLE 6

**Facts:** An *Athlete* was sanctioned for a first anti-doping rule violation with a period of *Ineligibility* of 14 months, of which four months were suspended because of *Substantial Assistance*. Now, the *Athlete* commits a second anti-doping rule violation resulting from the presence of a stimulant which is not a *Specified Substance* in an *In-Competition* test (Article 2.1); the *Athlete* establishes *No Significant Fault or Negligence*; and the *Athlete* provided *Substantial Assistance*. If this were a first violation, the panel would sanction the *Athlete* with a period of *Ineligibility* of 16 months and suspend six months for *Substantial Assistance*.

**Application of Consequences:**

1. Article 10.7 is applicable to the second anti-doping rule violation because Article 10.7.4.1 and Article 10.7.5 apply.
2. Under Article 10.7.1, the period of *Ineligibility* would be the greater of:
  - (a) six months;
  - (b) one-half of the period of *Ineligibility* imposed for the first anti-doping rule violation without taking into account any reduction under Article 10.6 (in this example, that would equal one-half of 14 months, which is seven months); or
  - (c) twice the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, without taking into account any reduction under Article 10.6 (in this example, that would equal two times 16 months, which is 32 months).

Thus, the period of *Ineligibility* for the second violation would be the greater of (a), (b) and (c), which is a period of *Ineligibility* of 32 months.

3. In a next step, the panel would assess the possibility for suspension or reduction under Article 10.6 (non-*Fault*-related reductions). In the case of the second violation, only Article 10.6.1 (*Substantial Assistance*) applies. Based on *Substantial Assistance*, the period of *Ineligibility* could be suspended by three-quarters of 32 months<sup>15</sup>. The minimum period of *Ineligibility* would thus be eight months. (Assume for purposes of illustration in this example that the panel suspends eight months of the period of *Ineligibility* for *Substantial Assistance*, thus reducing the period of *Ineligibility* imposed to two years.)
4. Since the *Adverse Analytical Finding* was committed in a *Competition*, the panel would automatically Disqualify the result obtained in the *Competition*.
5. According to Article 10.8, all results obtained by the *Athlete* subsequent to the date of *Sample* collection until the start of the period of *Ineligibility* would also be *Disqualified* unless fairness requires otherwise.
6. The information referred to in Article 14.3.2 must be *Publicly Disclosed*, unless the *Athlete* is a *Minor*, since this is a mandatory part of each sanction (Article 10.13).
7. The *Athlete* is not allowed to participate in any capacity in a *Competition* or other sport-related activity under the authority of any *Signatory* or its affiliates during the *Athlete's* period of *Ineligibility* (Article 10.12.1). However, the *Athlete* may return to train with a team to use the facilities of a club or other member organisation of a *Signatory* or its affiliates during the shorter of:
  - (a) the last two months of the *Athlete's* period of *Ineligibility*, or
  - (b) the last one-quarter of the period of *Ineligibility* imposed (Article 10.12.2).

Thus, the *Athlete* would be allowed to return to training two months before the end of the period of *Ineligibility*

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<sup>15</sup> Comment: Upon the approval of WADA in exceptional circumstances, the maximum suspension of the period of *Ineligibility* for *Substantial Assistance* may be greater than three-quarters, and reporting and publication may be delayed.

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### APPENDIX 3 – WHEREABOUTS FORM

(Referred to in rule 114)

Notes when completing this form: **An Athlete must lodge this form duly completed with us unless:**

- 1) (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
- 2) (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 up dated 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: .....