AUSTRALIAN NATIONAL ANTI-DOPING POLICY

INTERPRETATION

This Anti-Doping Policy takes effect on 1 January 2021.

In this Anti-Doping Policy, references to the Sporting Administration Body are to be read as references to the Sporting Administration Body that has approved this policy as the anti-doping policy for their sport in accordance with the rules of their sport. Sporting Administration Body references in the policy to the International Federation are references to that Sporting Administration Body’s International Federation.¹

WARNING TO ATHLETES AND OTHER PERSONS

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

¹ Defined terms are in italics and capitalised. Other words will have either the definition provided for by the WADA Code, or if they are not defined they will have their plain English meaning.
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ARTICLE 1   APPLICATION OF ANTI-DOPING POLICY

1.1 Application of the Anti-Doping Policy

This Anti-Doping Policy shall apply to the Sporting Administration Body and all its member or affiliate organisations, as well as the board members, directors, officers, specified employees of the Sport Administration Body and its member or affiliate organisation, and Delegated Third Parties and their employees.

The Sporting Administration Body agrees to be bound by the Sporting Administration Body Rules as contained in clause 2.04 of the NAD scheme as in force from time to time.

1.2 Application to the Sporting Administration Body

1.2.1 As a condition of receiving financial and/or other assistance from the Australian Government and/or the Australian Olympic Committee, the Sporting Administration Body shall accept and abide by the spirit and terms of SIA’s Anti-Doping Program and this Anti-Doping Policy, and shall adopt this Anti-Doping Policy into their governing documents, constitution and/or rules as part of the rules of sport that bind their members, Participants and Non-participants.

1.2.2 Under this Anti-Doping Policy the Sporting Administration Body recognises the authority and responsibility of SIA under this Anti-Doping Policy and the SIA Act and SIA Regulations (including carrying out Testing and Investigations). The Sporting Administration Body shall also recognise, abide by and give effect to the decisions made pursuant to this Anti-Doping Policy, including the decisions of hearing panels imposing sanctions on individuals under their jurisdiction.

1.2.3 Where relevant the Sporting Administration Body agrees to be knowledgeable of, comply with, and be bound by the Australian Olympic Committee Anti-Doping By-Law, as in force from time to time and as applicable.2

1.2.4 Where relevant in addition to its Education obligations under Article 17 of this Anti-Doping Policy, the Sporting Administration Body agrees, in collaboration with the Australian Olympic Committee, to inform and educate the Persons listed in Articles 1.3.1.1 to 1.3.1.5 as applicable, of their obligations under the Australian

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2 Australian Olympic Committee Anti-Doping By-Law is posted on the Australian Olympic Committee website (www.olympics.com.au under “Reports and Documents” and under “Anti-Doping”). This By-Law applies to any Sporting Administration Body, Athlete or Other Person who falls under the authority of the Australian Olympic Committee.
Olympic Committee Anti-Doping By-Law, as in force from time to time, and of their rights foregone, in return for the privilege to participate in an Olympic sport.

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

1.3 Application to Persons

1.3.1 This Anti-Doping Policy shall apply to the following Persons (including Minors), in each case, whether or not such Person is a citizen of or (temporary or permanent) resident in Australia:

1.3.1.1 all Athletes and Athlete Support Personnel who are members of the Sporting Administration Body or of any member or affiliate organisation (including any clubs, teams, associations or leagues);

1.3.1.2 all Athletes and Other Persons who participate in such capacity in Events, Competitions and other activities organised, convened, authorised or recognised by the Sporting Administration Body or any member or affiliate organisation (including any clubs, teams, associations or leagues), wherever held;

1.3.1.3 any other Athlete or Other Person who, by virtue of an accreditation, a licence or other contractual arrangement, or otherwise, is subject to the jurisdiction of the Sporting Administration Body or of any member or affiliate organisation (including any clubs, teams, associations or leagues), for the purposes of anti-doping;

1.3.1.4 all Athletes who do not fall within one of these provisions of this Article 1.3.1 but who wish to be eligible to participate in International Events or National Events must be available for Testing under this Anti-Doping Policy. 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 the relevant sport. Athletes wishing to be eligible to participate in National Events must be available for Testing under this Anti-Doping Policy for at least six (6) months before they will be eligible for such Events; and
1.3.1.5 *Recreational Athletes*, i.e. any Person who engages or participates in sport or fitness activities for recreational purposes but who would not otherwise compete in Competitions or Events organised, recognised, or hosted by the Sporting Administration Body, or by any affiliated or non-affiliated association, organisation, club, team, or league and who, within the five (5) years prior to committing any anti-doping rule violation, has not been an *International-Level Athlete* (as defined by each International Federation consistent with the International Standard for Testing and Investigations) or *National-Level Athlete* (as defined by SIA or other National Anti-Doping Organisation consistent with the International Standard for Testing and Investigations); has not represented Australia or any other country in an International Event in an open category; or has not been included within any Registered Testing Pool or other whereabouts information pool maintained by any International Federation, SIA or other National Anti-Doping Organisation.

1.3.1.6 any Athlete or Other Person shall be deemed to have agreed to be bound by and comply with this Anti-Doping Policy for a period of six (6) months following the last time the Athlete or Other Person participated in or was scheduled to participate in any capacity recognised under this Anti-Doping Policy. For clarity, Athletes shall remain subject to Results Management and unless an Athlete has retired, Athletes shall remain subject to Testing for that six-month period and be subject to any subsequent Results Management in accordance with Article 16. The continuation of the application of this Anti-Doping Policy prevails regardless of contract termination, or any other cessation of arrangement with the Sporting Administration Body.

1.3.2 This Anti-Doping Policy shall also apply to all Other Persons over whom the Code, SIA Act, SIA Regulations and NAD scheme give SIA jurisdiction in respect of compliance with the anti-doping rules as defined in the SIA Act, including all

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*Comment to Recreational Athlete:* The term ‘open category’ is meant to exclude competition that is limited to junior or age group categories.
**Athletes** who are nationals of or resident in Australia, and all **Athletes** who are present in Australia, whether to compete or to train or otherwise.

1.3.3 **Persons** falling within the scope of Articles 1.3.1 or 1.3.2 are deemed to have accepted and to have agreed to be bound by this Anti-Doping Policy, and to have submitted to the authority of SIA and other **Anti-Doping Organisations** under this Anti-Doping Policy and to the jurisdiction of the hearing panels specified in Article 8 and Article 13 to hear and determine cases and appeals brought under this Anti-Doping Policy, as a condition of their membership, accreditation and/or participation in the relevant sport.

1.3.4 Where relevant the **Persons** listed in Articles 1.3.1.1 to 1.3.1.4 agree to be knowledgeable of, comply with, and be bound by the Australian Olympic Committee Anti-Doping By-Law, as in force from time to time and as applicable.\(^4\)

1.4 **Interaction between this Policy and the Sporting Administration Body’s Disciplinary Rules or Policies**

The **Sporting Administration Body** has its own disciplinary rules or policies regulating the conduct of its members, which apply to all **Athletes** or **Other Persons**. These rules or policies cover conduct that either does not constitute an anti-doping rule violation, or conduct that is, or is related to, behaviour that does constitute a possible anti-doping rule violation. Breaches of these rules or policies are managed separately by the **Sporting Administration Body**, including public disclosure, suspension or termination of contracts, and consequential sanctions.

The **Sporting Administration Body**’s disciplinary rules or policies shall not limit or change the effect of this Anti-Doping Policy. Where there is any ambiguity or conflict, this Anti-Doping Policy prevails.

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\(^4\) The Australian Olympic Committee Anti-Doping By-Law is posted on the Australian Olympic Committee website ([www.olympics.com.au](http://www.olympics.com.au) under “The Australian Olympic Committee” and “Athlete Guidelines”). This By-Law applies to any **Sporting Administration Body**, **Athlete** or **Other Person** who falls under the authority of the Australian Olympic Committee.
ARTICLE 2     DEFINITION OF DOPING - ANTI-DOPING RULE VIOLATIONS

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

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

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

The following constitute anti-doping rule violations:

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

2.1.1 It is the Athlete’s personal duty to ensure that no Prohibited Substance enters his or her body. Athletes are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary that intent, Fault, Negligence or knowing Use on the Athlete’s part be demonstrated in order to establish an anti-doping rule violation under Article 2.1.5

2.1.2 Sufficient proof of an anti-doping rule violation under 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 A or B Sample is split into two (2) parts and the analysis of the confirmation part of the split Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the first part of the Sample.

5 Comment to Article 2.1.1: An anti-doping rule violation is committed under this Article without regard to an Athlete’s Fault. This rule has been referred to in various CAS decisions as ‘Strict Liability’. An Athlete’s Fault is taken into consideration in determining the Consequences of this anti-doping rule violation under Article 10. This principle has consistently been upheld by CAS.
split Sample or the Athlete waives analysis of the confirmation part of the split Sample.\textsuperscript{6}

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

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

2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method\textsuperscript{7}

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

2.2.2 The success or failure of the Use or Attempted Use of a Prohibited Substance or Prohibited Method is not material. It is sufficient that the Prohibited Substance or Prohibited Method was Used or Attempted to be Used for an anti-doping rule violation to be committed.\textsuperscript{8}

\textsuperscript{6} Comment to Article 2.1.2: The Anti-Doping Organisation with Results Management responsibility may, at its discretion, choose to have the B Sample analysed even if the Athlete does not request the analysis of the B Sample.

\textsuperscript{7} Comment to Article 2.2: It has always been the case that Use or Attempted Use of a Prohibited Substance or Prohibited Method may be established by any reliable means. As noted in the Comment to Article 3.2, unlike the proof required to establish an anti-doping rule violation under Article 2.1, Use or Attempted Use may also be established by other reliable means such as admissions by the Athlete, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, including data collected as part of the Athlete Biological Passport, or other analytical information which does not otherwise satisfy all the requirements to establish ‘Presence’ of a Prohibited Substance under Article 2.1. For example, Use may be established based upon reliable analytical data from the analysis of an A Sample (without confirmation from an analysis of a B Sample) or from the analysis of a B Sample alone where the Anti-Doping Organisation provides a satisfactory explanation for the lack of confirmation in the other Sample.

\textsuperscript{8} 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.)
2.3 Evading, Refusing or Failing to Submit to Sample Collection by an Athlete

Evading Sample collection; or refusing or failing to submit to Sample collection without compelling justification after notification by a duly authorised Person.⁹

2.4 Whereabouts Failures by an Athlete

Any combination of three (3) missed tests and/or filing failures, as defined in the International Standard for Results Management, within a twelve-month period by an Athlete in a Registered Testing Pool.

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

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

2.6.1 Possession by an Athlete In-Competition of any Prohibited Substance or any Prohibited Method, or Possession by an Athlete Out-of-Competition of any Prohibited Substance or any Prohibited Method which is prohibited Out-of-Competition unless the Athlete establishes that the Possession is consistent with a Therapeutic Use Exemption (TUE) granted in accordance with Article 4.4 or other acceptable justification.

2.6.2 Possession by an Athlete Support Person In-Competition of any Prohibited Substance or any Prohibited Method, or Possession by an Athlete Support Person Out-of-Competition of any Prohibited Substance or any Prohibited Method which is prohibited Out-of-Competition in connection with an Athlete, Competition or training, unless the Athlete Support Person establishes that the Possession is consistent with a TUE granted to an Athlete in accordance with Article 4.4 or other acceptable justification.¹⁰

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⁹ 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.

¹⁰ Comments to Articles 2.6.1 and 2.6.2: Acceptable justification would not include, for example, buying or Possessing a Prohibited Substance for purposes of giving it to a friend or relative, except under justifiable medical circumstances where that Person had a physician’s prescription, for example, buying Insulin for a diabetic child. Acceptable justification may include, for example, (a) an Athlete or a team doctor carrying Prohibited Substances or Prohibited Methods for dealing with acute and emergency situations (e.g. an epinephrine auto-injector), or (b) an Athlete Possessing a Prohibited Substance or Prohibited Method for therapeutic reasons shortly prior to applying for and receiving a determination on a TUE.
2.7 *Trafficking* or Attempted *Trafficking* in any *Prohibited Substance* or *Prohibited Method* by an *Athlete* or *Other Person*

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

2.9 Complicity or Attempted Complicity by an Athlete or Other Person

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity or Attempted complicity involving an anti-doping rule violation, Attempted anti-doping rule violation or violation of Article 10.14.1 by another Person.\(^\text{11}\)

2.10 Prohibited Association by an Athlete or Other Person

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

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

2.10.1.2 If not subject to the authority of an Anti-Doping Organisation, and where Ineligibility has not been addressed in a Results Management process pursuant to the Code, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if Code-compliant rules had been applicable to such Person. The disqualifying status of such Person shall be in force for the longer of six (6) years from the criminal, disciplinary or professional decision or the duration of the criminal, disciplinary or professional sanction imposed; or

2.10.1.3 Is serving as a front or intermediary for an individual described in Article 2.10.1.1 or 2.10.1.2.

2.10.2 To establish a violation of Article 2.10, an Anti-Doping Organisation must establish that the Athlete or Other Person knew of the Athlete Support Person’s disqualifying status.

The burden shall be on the Athlete or Other Person to establish that any association with an Athlete Support Person described in Article 2.10.1.1 or 2.10.1.2 is not in a

\(^{11}\) Comment to Article 2.9: Complicity or Attempted Complicity may include either physical or psychological assistance.
professional or sport-related capacity and/or that such association could not have been reasonably avoided.

Anti-Doping Organisations that are aware of Athlete Support Personnel who meet the criteria described in Article 2.10.1.1, 2.10.1.2, or 2.10.1.3 shall submit that information to WADA.\footnote{Comment to Article 2.10: Athletes and Other Persons must not work with coaches, trainers, physicians or other Athlete Support Personnel who are Ineligible on account of an anti-doping rule violation or who have been criminally convicted or professionally disciplined in relation to doping. This also prohibits association with any other Athlete who is acting as a coach or Athlete Support Person while serving a period of Ineligibility. Some examples of the types of association which are prohibited include: obtaining training, strategy, technique, nutrition or medical advice; obtaining therapy, treatment or prescriptions; providing any bodily products for analysis; or allowing the Athlete Support Person to serve as an agent or representative. Prohibited association need not involve any form of compensation.}

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

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

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

2.11.2 Retaliation against a Person who, in good faith, has provided evidence or information that relates to an alleged anti-doping rule violation or alleged non-compliance with the Code to WADA, an Anti-Doping Organisation, law enforcement, regulatory or professional disciplinary body, hearing body or Person conducting an investigation for WADA or an Anti-Doping Organisation.\footnote{Comment to Article 2.11.2: This Article is intended to protect Persons who make good faith reports, and does not protect Persons who knowingly make false reports.}

For purposes of Article 2.11, retaliation, threatening and intimidation include an act taken against such Person either because the act lacks a good faith basis or is a disproportionate response.\footnote{Comment to Article 2.11.2: Retaliation would include, for example, actions that threaten the physical or mental well-being or economic interests of the reporting Persons, their families or associates. Retaliation would not include an Anti-Doping Organisation asserting in good faith an anti-doping rule violation against the reporting Person. For purposes of Article 2.11, a report is not made in good faith where the Person making the report knows the report to be false.}
ARTICLE 3  PROOF OF DOPING

3.1 Burdens and Standards of Proof

The Anti-Doping Organisation shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether the Anti-Doping Organisation 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 Anti-Doping Policy places the burden of proof upon the Athlete or Other Person alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, except as provided in Articles 3.2.2 and 3.2.3, the standard of proof shall be by a balance of probability.\textsuperscript{15}

3.2 Methods of Establishing Facts and Presumptions

Facts related to anti-doping rule violations may be established by any reliable means, including admissions.\textsuperscript{16} The following rules of proof shall be applicable in doping cases:

3.2.1 Analytical methods or Decision Limits approved by WADA after consultation within the relevant scientific community or which have been the subject of peer review are presumed to be scientifically valid. Any Athlete or Other Person seeking to challenge whether the conditions for such presumption have been met or to rebut this presumption of scientific validity shall, as a condition precedent to any such challenge, first notify WADA of the challenge and the basis of the challenge. The initial hearing body, appellate body or CAS, on its own initiative, may also inform WADA of any such challenge. Within ten (10) days of WADA’s receipt of such notice and the case file related to such challenge, WADA shall also have the right to intervene as a party, appear as amicus curiae or otherwise provide evidence in such proceeding.\textsuperscript{17} In cases before CAS, at WADA’s request, the CAS panel shall

\textsuperscript{15} Comment to Article 3.1: This standard of proof required to be met by the Anti-Doping Organisation is comparable to the standard which is applied in most countries to cases involving professional misconduct.

\textsuperscript{16} Comment to Article 3.2: For example, an Anti-Doping Organisation may establish an anti-doping rule violation under Article 2.2 based on the Athlete’s admissions, the credible testimony of third Persons, reliable documentary evidence, reliable analytical data from either an A or B Sample as provided in the Comments to Article 2.2, or conclusions drawn from the profile of a series of the Athlete’s blood or urine Samples, such as data from the Athlete Biological Passport.

\textsuperscript{17} Comment to Article 3.2.1: For certain Prohibited Substances, WADA may instruct WADA-accredited laboratories not to report Samples as an Adverse Analytical Finding if the estimated concentration of the Prohibited Substance or its Metabolites or Markers is below a Minimum Reporting Level. WADA’s decision in determining that Minimum Reporting Level or in determining which Prohibited Substances should be subject to Minimum Reporting Levels shall not be subject to challenge. Further, the laboratory’s estimated concentration of such Prohibited Substance in a Sample may only be an estimate. In no event shall the possibility that the exact concentration of the Prohibited Substance in the Sample may be below the Minimum Reporting Level constitute a defence to an anti-doping rule violation based on the presence of that Prohibited Substance in the Sample.
appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge.

3.2.2 WADA-accredited laboratories, and other laboratories approved by WADA, are presumed to have conducted Sample analysis and custodial procedures in accordance with the International Standard for Laboratories. The Athlete or Other Person may rebut this presumption by establishing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the Adverse Analytical Finding. If the Athlete or Other Person rebuts the preceding presumption by showing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the Adverse Analytical Finding, then the Anti-Doping Organisation shall have the burden to establish that such departure did not cause the Adverse Analytical Finding.18

3.2.3 Departures from any other International Standard or other anti-doping rule or policy set forth in the Code or in this Anti-Doping Policy shall not invalidate analytical results or other evidence of an anti-doping rule violations, and shall not constitute a defence to an anti-doping rule violation;19 provided, however, if the Athlete or Other Person establishes that a departure from one of the specific International Standard provisions listed below could reasonably have caused an anti-doping rule violation based on an Adverse Analytical Finding or whereabouts failure, then the Anti-Doping Organisation shall have the burden to establish that such departure did not cause the Adverse Analytical Finding or the whereabouts failure:

(i) a departure from the International Standard for Testing and Investigations related to Sample collection or Sample handling which could reasonably have caused an anti-doping rule violation based on an Adverse Analytical Finding, in which case the Anti-

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

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

(ii) a departure from the International Standard for Results Management or International Standard for Testing and Investigations related to an Adverse Passport Finding which could reasonably have caused an anti-doping rule violation, in which case the Anti-Doping Organisation shall have the burden to establish that such departure did not cause the anti-doping rule violation;

(iii) a departure from the International Standard for Results Management related to the requirement to provide notice to the Athlete of the B Sample opening which could reasonably have caused an anti-doping rule violation based on an Adverse Analytical Finding, in which case the Anti-Doping Organisation shall have the burden to establish that such departure did not cause the Adverse Analytical Finding;\(^\text{20}\)

(iv) a departure from the International Standard for Results Management related to Athlete notification which could reasonably have caused an anti-doping rule violation based on a whereabouts failure, in which case the Anti-Doping Organisation shall have the burden to establish that such departure did not cause the whereabouts failure.

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

3.2.5 The hearing panel in a hearing on an anti-doping rule violation may draw an inference adverse to the Athlete or Other Person who is asserted to have committed an anti-doping rule violation based on the Athlete’s or Other Person’s refusal, after a request made in a reasonable time in advance of the hearing, to

\(^{20}\) Comment to Article 3.2.3 (iii): the Anti-Doping Organisation would meet its burden to establish that such departure did not cause the Adverse Analytical Finding by showing that, for example, the B Sample opening and analysis were observed by an independent witness and no irregularities were observed.
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 Organisation asserting the anti-doping rule violation.
ARTICLE 4  THE PROHIBITED LIST

4.1 Incorporation of the Prohibited List

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

Unless provided otherwise in the Prohibited List and/or a revision, the Prohibited List and revisions shall go into effect under this Anti-Doping Policy three (3) months after publication by WADA without requiring any further action by the Anti-Doping Organisation. 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.21

4.2 Prohibited Substances and Prohibited Methods Identified on the Prohibited List

4.2.1 Prohibited Substances and Prohibited Methods

The Prohibited List shall identify those Prohibited Substances and Prohibited Methods which are prohibited as doping at all times (both In-Competition and Out-of-Competition) because of their potential to enhance performance in future Competitions or their masking potential, and those substances and methods which are prohibited In-Competition only. The Prohibited List may be expanded by WADA for a particular sport. Prohibited Substances and Prohibited Methods may be included in the Prohibited List by general category (for example, anabolic agents) or by specific reference to a particular substance or method.22

4.2.2 Specified Substances or Specified Methods

For purposes of the application of Article 10, all Prohibited Substances shall be Specified Substances except as identified on the Prohibited List. No Prohibited

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

22 Comment to Article 4.2.1: Out-of-Competition Use of a substance which is only prohibited In-Competition is not an anti-doping rule violation unless an Adverse Analytical Finding for the substance or its Metabolites or Markers is reported for a Sample collected In-Competition.
Method shall be a Specified Method unless it is specifically identified as a Specified Method on the Prohibited List.23

4.2.3 Substances of Abuse

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

4.3 WADA’s Determination of the Prohibited List

WADA’s determination of the Prohibited Substances and Prohibited Methods that will be included on the Prohibited List, the classification of substances into categories on the Prohibited List, the classification of a substance as prohibited at all times or In-Competition only, the classification of a substance or method as a Specified Substance, Specified Method or Substance of Abuse is final and shall not be subject to challenge by an Athlete or Other Person including, but not limited to, any challenge based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a health risk or violate the spirit of sport.

4.4 Therapeutic Use Exemptions (TUEs)

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

4.4.2 The TUE Committee for Australia is the Australian Sports Drug Medical Advisory Committee (ASDMAC), the membership and operation of which is described in the SIA Act and SIA Regulations. Unless otherwise specified by ASDMAC in a notice posted on its website, any National-Level Athlete who needs to Use a Prohibited Substance or Prohibited Method for therapeutic purposes should apply to ASDMAC for a TUE as soon as the need arises and in any event (or where Articles 4.1 or 4.3 of the International Standard for Therapeutic Use Exemptions applies in regard to retroactive TUEs) at least 30 days before the Athlete’s next Competition, by completing the form at www.sportintegrity.gov.au with assistance

23 Comment to Article 4.2.2: The Specified Substances and Specified Methods identified in Article 4.2.2 should not in any way be considered less important or less dangerous than other doping substances or methods. Rather, they are simply substances and methods which are more likely to have been consumed or used by an Athlete for a purpose other than the enhancement of sport performance.
from their doctor. ASDMAC will consider applications for the grant of TUEs. ASDMAC shall promptly evaluate and decide upon the application in accordance with the relevant provisions of the International Standard for Therapeutic Use Exemptions and the specific ASDMAC protocols posted on the TUE section of www.sportintegrity.gov.au. ASDMAC’s decision shall be final (except as outlined in Article 4.4.6) and where ASDMAC has granted a TUE, the decision shall be reported to WADA and other relevant Anti-Doping Organisations in accordance with the International Standard for Therapeutic Use Exemptions. ASDMAC will consider applications for the grant of TUEs. ASDMAC shall promptly evaluate and decide upon the application in accordance with the relevant provisions of the International Standard for Therapeutic Use Exemptions and the specific ASDMAC protocols posted on the TUE section of www.sportintegrity.gov.au. ASDMAC’s decision shall be final (except as outlined in Article 4.4.6) and where ASDMAC has granted a TUE, the decision shall be reported to WADA and other relevant Anti-Doping Organisations in accordance with the International Standard for Therapeutic Use Exemptions.

4.4.3 Retroactive TUE Applications

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

4.4.4 TUE Recognition

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

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

25 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 of Administration of a Prohibited Substance or Prohibited Method before an application has been granted is entirely at the Athlete’s own risk.
However, it is not automatically valid if the Athlete becomes an International-Level Athlete or competes in an International Event, unless it is recognised by the relevant International Federation or Major Event Organisation in accordance with the International Standard for Therapeutic Use Exemptions as follows:

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

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

International Federations

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

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

If the matter is not referred to WADA for review, ASDMAC must determine whether the original TUE that it granted should nevertheless remain valid for national-level Competition and Out-of-Competition Testing (provided that the Athlete ceases to be an International-Level Athlete and does not participate in international-level Competition). Pending ASDMAC’s decision, the TUE remains valid for national-level Competition and Out-of-
Competition Testing (but is not valid for international-level Competition).26

Major Event Organisations

A decision by a Major Event Organisation not to recognise or not to grant a TUE may be appealed by the Athlete exclusively to an independent body established or appointed by the Major Event Organisation for that purpose. If the Athlete does not appeal (or the appeal is unsuccessful), the Athlete may not Use the substance or method in question in connection with the Event, but any TUE granted by the Athlete’s National Anti-Doping Organisation or International Federation for that substance or method remains valid outside of that Event.

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

If the International Federation grants the Athlete’s application, it shall notify the Athlete and ASDMAC. If ASDMAC considers that the TUE granted by the International Federation does not meet the criteria set out in the International Standard for Therapeutic Use Exemptions, it has twenty one (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-

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

In accordance with the requirements of the International Standard for Therapeutic Use Exemptions, ASDMAC will help Athletes determine when they need to submit TUEs granted by ASDMAC to an International Federation or Major Event Organisation for recognition and will guide and support those Athletes through the recognition process. If an International Federation refuses to recognise a TUE granted by ASDMAC only because medical records or other information are missing that are needed to demonstrate satisfaction of the criteria in the International Standard for Therapeutic Use Exemptions, the matter should not be referred to WADA. Instead, the file should be completed and re-submitted to the International Federation.
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 twenty one (21) day review deadline expires.\(^{27}\)

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

#### 4.4.5.1 A TUE granted pursuant to this Anti-Doping Policy:

(a) shall expire automatically at the end of any term for which it was granted, without the need for any further notice or other formality; (b) will be withdrawn if the Athlete does not promptly comply with any requirements or conditions imposed by ASDMAC upon grant of the TUE; (c) may be withdrawn by ASDMAC if it is subsequently determined that the criteria for grant of a TUE are not in fact met; or (d) may be reversed on review by WADA or on appeal.

#### 4.4.5.2 In such event, the Athlete shall not be subject to any Consequences based on their *Use* or *Possession* or *Administration* of the Prohibited Substance or Prohibited Method in question in accordance with the TUE prior to the effective date of expiry, withdrawal or reversal of the TUE. The review pursuant to Article 5.1.1.1 of the *International Standard for Results Management of an Adverse Analytical Finding*, reported shortly after the TUE expiry, withdrawal, or reversal, shall include consideration of whether such finding is consistent with *Use* of the Prohibited Substance or Prohibited Method prior to that date, in which event no anti-doping rule violation shall be asserted.

### 4.4.6 Reviews and appeals of TUE decisions

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

\(^{27}\) Comment to Article 4.4.4.2: The International Federation and ASDMAC may agree that ASDMAC will consider TUE applications on behalf of the International Federation.
4.4.6.2 WADA shall review any decision by an International Federation not to recognise a TUE granted by ASDMAC that is referred to WADA by the Athlete or ASDMAC. In addition, WADA must review an International Federation’s decision to grant a TUE that is referred to WADA by ASDMAC. WADA may review any other TUE decisions at any time, whether upon request by those affected or on its own initiative. If the TUE decision being reviewed meets the criteria set out in the International Standard for Therapeutic Use Exemptions, WADA will not interfere with it. If the TUE decision does not meet those criteria, WADA will reverse it.\(^{28}\)

4.4.6.3 Any TUE decision by an International Federation (or by ASDMAC where it has agreed to consider the application on behalf of an International Federation) that is not reviewed by WADA, or that is reviewed by WADA but is not reversed upon review, may be appealed by the Athlete or ASDMAC exclusively to CAS, in accordance with Article 13.\(^{29}\)

4.4.6.4 A decision by WADA to reverse a TUE decision may be appealed by the Athlete, ASDMAC and/or the International Federation affected exclusively to CAS, in accordance with Article 13.

4.4.6.5 A failure to render a decision within a reasonable time on a properly submitted application for the grant or recognition of a TUE or for review of a TUE decision shall be considered a denial of the application thus triggering the applicable rights of review or appeal.

\(^{28}\) Comment to Article 4.4.6.2: WADA shall be entitled to charge a fee to cover the costs of: (a) any review it is required to conduct in accordance with Article 4.4.6; and (b) any review it chooses to conduct, where the decision being reviewed is reversed.

\(^{29}\) 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.
ARTICLE 5  TESTING AND INVESTIGATIONS

5.1  Purpose of Testing and Investigations

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

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

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

5.1.3  The Sporting Administration Body will refer all information and intelligence relating to all instances of possible anti-doping rule violations under this Anti-Doping Policy to SIA and cooperate with any investigation by SIA as required.

5.2  Authority to Test

5.2.1  Any Athlete may be required to provide a Sample at any time and at any place by any Anti-Doping Organisation with Testing Authority over him or her. Subject to the jurisdictional limitations for Event Testing set out in Article 5.3 of the Code, SIA shall have In-Competition and Out-of-Competition Testing Authority over all of the Athletes falling within the scope of Article 1.3.

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

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30 Comment to Article 5.1: Where Testing is conducted for anti-doping purposes, the analytical results and data may be used for other legitimate purposes under the Anti-Doping Organisation’s rules. See example in comment to Article 23.2.2 of the Code (at footnote 115).
of the International Federation or the Sporting Administration Body, or their member organisations or affiliates.

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

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

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

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

5.3 Event Testing

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

5.3.2 If an Anti-Doping Organisation which would otherwise have Testing Authority but is not responsible for initiating and directing Testing at an Event desires to...
conduct Testing of Athletes at the Event Venues during the Event Period, the Anti-Doping Organisation shall first confer with the ruling body of the Event to obtain permission to conduct and coordinate such Testing. If the Anti-Doping Organisation is not satisfied with the response from the ruling body of the Event, the Anti-Doping Organisation may, in accordance with the procedures set out in the International Standard for Testing and Investigations, ask WADA for permission to conduct Testing and to determine how to coordinate such Testing. WADA shall not grant approval for such Testing before consulting with and informing the ruling body for the Event. WADA’s decision shall be final and not subject to appeal. Unless otherwise provided in the authorisation to conduct Testing, such tests shall be considered Out-of-Competition tests. Results Management for any such test shall be the responsibility of the Anti-Doping Organisation initiating the test unless provided otherwise in the rules of the ruling body of the Event.\footnote{Comment to Article 5.3.2: Before giving approval to SIA to initiate and conduct Testing at an International Event, WADA shall consult with the international organisation which is the ruling body for the event. Before giving approval to an International Federation to initiate and conduct Testing at a National Event, WADA shall consult with SIA. The Anti-Doping Organisation “initiating and directing Testing” may, if it chooses, enter into agreements with a Delegated Third Party to which it delegates responsibility for Sample collection or other aspects of the Doping Control process.} For the avoidance of doubt, where the Anti-Doping Organisation initiating the test is SIA, Article 7.1.1 shall apply.

5.4 Testing Requirements

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

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

5.5 Athlete Whereabouts Information

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

5.5.1.1 Where the Athlete is in SIA’s Registered Testing Pool, the Athlete must provide whereabouts information in accordance with the

5.5.2 SIA shall make available, through ADAMS, a list which identifies those Athletes included in its Registered Testing Pool by name. SIA shall regularly review and update as necessary its criteria for including Athletes in its Registered Testing Pool, and shall periodically (but not less than quarterly) review the list of Athletes in its Registered Testing Pool to ensure that each listed Athlete continues to meet the relevant criteria. Athletes shall be notified before they are included in SIA’s Registered Testing Pool and when they are removed from that pool. The notification shall contain the information set out in the International Standard for Testing and Investigations.

5.5.3 Where an Athlete is included in an international Registered Testing Pool by the International Federation and in SIA’s Registered Testing Pool, SIA and the International Federation shall agree between themselves which of them shall accept that Athlete’s whereabouts filings; in no case shall an Athlete be required to make whereabouts filings to more than one of them.

5.5.4 In accordance with the requirements in the Code, International Standard for Testing and Investigations and NAD scheme, each Athlete in SIA’s Registered Testing Pool shall do the following: (a) advise SIA of his or her whereabouts on a quarterly basis; (b) update that information as necessary so that it remains accurate and complete at all times; and (c) make himself or herself available for Testing at such whereabouts filing.

5.5.5 For the purposes of Article 2.4 above, an Athlete’s failure to comply with the requirements of the International Standard for Testing and Investigations shall be deemed a filing failure or a missed test, as defined in Annex B of the International Standard for Results Management, where the conditions set forth in Annex B for declaring a filing failure or missed test are met. Three of these filing failures in a 12 month period will constitute a possible anti-doping rule violation.

5.5.6 An Athlete who has been designated for inclusion in SIA’s Registered Testing Pool or SIA’s National Testing Pool will continue to be subject to the obligation to comply with the whereabouts requirements set out in this Article, the International Standard for Testing and Investigations unless and until:

(a) the Athlete gives written notice to SIA in accordance with this Article that he or she has retired from Competition; or
(b) SIA has given written notice to the Athlete that they no longer satisfy the criteria for inclusion in SIA’s Registered Testing Pool or SIA’s National Testing Pool.

An Athlete who is in SIA’s Registered Testing Pool or SIA’s National Testing Pool who wants to retire must do so by submitting to SIA a completed ‘RETIREMENT NOTIFICATION FORM’ available at www.sportintegrity.gov.au. An Athlete’s retirement date will be the date on which SIA receives the fully completed form.

Upon receipt of a notification in accordance with this Article, SIA will, as soon as reasonably practicable, provide the Athlete and the Sporting Administration Body with a written confirmation of the Athlete’s retirement.

5.5.7 Retirement does not:

(a) excuse the Athlete from giving a Sample requested on or before their retirement date, or a Sample required as part of an investigation commenced prior to their retirement date;

(b) excuse the Athlete from assisting, cooperating and liaising with SIA and other Anti-Doping Organisations in relation to the conduct of any investigation or hearing into an alleged anti-doping rule violation;

(c) prevent the analysis of a Sample given by the Athlete on or before their retirement date;

(d) affect the results of Testing referred to in (a) or (b).

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

National Testing Pool

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

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

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

(a) complete contact details, including: home address, telephone number(s), and email address;

(b) the Athlete’s date of birth, and other details as required by SIA to enable the Athlete’s identity to be verified;

(c) an overnight address for each day in the quarter;

(d) a Competition/Event schedule for the quarter;

(e) details of the Athlete’s regular training or other activity\(^{33}\) schedule for the quarter, and the location of the training or other activity; and

(f) any other information that SIA considers is reasonably necessary to assist it to locate the Athlete.

The Athlete is to provide the information to SIA through ADAMS on or before the date and time required by SIA.\(^{34}\) The Athlete is also required to keep the information up to date at all times.

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

(a) issuing a warning letter to the Athlete;

(b) including the Athlete in SIA’s Registered Testing Pool.

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\(^{33}\) This is any activity that is part of the Athlete’s regular routine: for example, a rehabilitation routine, employment schedule, or education timetable.

\(^{34}\) The notification to the Athlete will provide information on how to use ADAMS.
**Domestic Testing Pool**

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

(a) complete contact details, including: home address, telephone number(s), and email address;

(b) the Athlete’s date of birth, and other details as required by SIA to enable the Athlete’s identity to be verified.

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

5.6 Retired Athletes Returning to Competition

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

WADA, in consultation with the International Federation and SIA, or SIA alone for Athletes in SIA’s National Testing Pool may grant an exemption to the six-month written notice rule where the strict application of that rule would be unfair to the Athlete. This decision may be appealed under Article 13.35

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35 WADA has developed a protocol and exemption application form that Athletes must use to make such requests, and a decision template that the International Federation must use to provide its decision. Both template documents are available on WADA’s website at: www.wada-ama.org.
Any competitive results obtained in violation of this Article 5.6.1 shall be Disqualified unless the Athlete can establish that he or she could not have reasonably known that this was an International Event or a National Event.

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

Samples shall be analysed in accordance with the following principles.

6.1 Use of Accredited and Approved Laboratories

6.1.1 For purposes of directly establishing an Adverse Analytical Finding under Article 2.1, Samples shall be analysed only in WADA-accredited laboratories or laboratories otherwise approved by WADA. The choice of the WADA-accredited or WADA-approved laboratory used for the Sample analysis shall be determined exclusively by SIA. 36

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

6.2 Purpose of Analysis of Samples and Data

Samples and related analytical data or Doping Control information shall be analysed to detect Prohibited Substances and Prohibited Methods identified on the Prohibited List and other substances as may be directed by WADA pursuant to the monitoring program described in Article 4.5 of the Code, or to assist SIA in profiling relevant parameters in an Athlete’s urine, blood or other matrix, including for DNA or genomic profiling, or for any other legitimate anti-doping purpose. 37

6.3 Research on Samples and Data

Samples, related analytical data and Doping Control information may be used for anti-doping research purposes, although no Sample may be used for research without the Athlete’s written consent. Samples and related analytical data or Doping Control information used for research purposes shall first be processed in such a manner as to prevent Samples and related analytical data or Doping Control information being traced back to a particular Athlete. Any research

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

37 Comment to Article 6.2: For example, relevant Doping Control-related information could be used to direct Target Testing or to support an anti-doping rule violation proceeding under Article 2.2, or both.
involving Samples and related analytical data or Doping Control information shall adhere to the principles set out in Article 19 of the Code.\textsuperscript{38}

6.4 Standards for Sample Analysis and Reporting

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

Laboratories at their own initiative and expense may analyse Samples for Prohibited Substances or Prohibited Methods not included on the standard Sample analysis menu, or as requested by SIA. Results from any such analysis shall be reported to SIA and have the same validity and Consequences as any other analytical result.\textsuperscript{39}

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

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

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

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

\textsuperscript{38}Comment to Article 6.3: As is the case in most medical or scientific contexts, use of Samples and related information for quality assurance, quality improvement, method improvement and development or to establish reference populations is not considered research. Samples and related information used for such permitted non-research purposes must also first be processed in such a manner as to prevent them from being traced back to the particular Athlete, having due regard to the principles set out in Article 19 of the Code, as well as the requirements of the International Standard for Laboratories and International Standard for the Protection of Privacy and Personal Information.

\textsuperscript{39}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.
be at WADA’s or that organisation’s expense. Further analysis of Samples shall conform with the requirements of the International Standard for Laboratories.

6.7 Split of A or B Sample

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

6.8 WADA’s Right to Take Possession of Samples and Data

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

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

41 Comment to Article 6.8: WADA would not, of course, unilaterally take possession of Samples or analytical data without good cause related to a potential anti-doping rule violation, non-compliance by a Signatory or doping activities by another Person. However, the decision as to whether good cause exists is for WADA to make in its discretion and shall not be subject to challenge. In particular, whether there is good cause or not shall not be a defence against an anti-doping rule violation or its Consequences.
ARTICLE 6A  NON-ANALYTICAL INVESTIGATION PROCESS

6A.1  Obligation on Persons

When the Sporting Administration Body or any Person bound by this Anti-Doping Policy has information relevant to a possible anti-doping rule violation, that Person must immediately pass such information to SIA.

6A.1.1  The Sporting Administration Body or the Person must act in a discreet and confidential manner in discharging their obligations under this Anti-Doping Policy. The deliberate or wilful withholding of information relevant to a potential anti-doping rule violation by an Athlete or Other Person may constitute an anti-doping rule violation or a breach to be dealt with under the Sporting Administration Body’s disciplinary rules or policies.

6A.2  Roles and Responsibilities of Other Parties

Where an investigation is required to determine whether an anti-doping rule violation may have occurred under this Anti-Doping Policy, unless otherwise agreed between SIA and the Sporting Administration Body, SIA will conduct the investigation.

6A.2.1  Where SIA believes it is appropriate to do so, SIA may, in its discretion, advise the Sporting Administration Body of an SIA investigation. SIA may also consult affected or interested parties about their participation in any investigation.

6A.2.2  Where SIA does agree to the Sporting Administration Body commencing its own investigation, the Sporting Administration Body must do so in coordination with any investigation being undertaken by SIA. The Sporting Administration Body must also seek SIA’s input into such investigation undertaken by the Sporting Administration Body;

6A.2.3  All Persons bound by this Anti-Doping Policy, and the Sporting Administration Body, must assist, cooperate, and liaise with SIA in relation to any investigation into a potential anti-doping rule violation. Where the Sporting Administration Body has approval by SIA to conduct its own investigation or be involved in an SIA investigation, the same obligations apply. Specifically, all Persons must cooperate with and assist SIA or the Sporting Administration Body (where relevant), including by:
(a) attending an interview to fully and truthfully answer questions;
(b) giving information; and
(c) producing documents or things, in an investigation being conducted by SIA or the Sporting Administration Body (where relevant), even if to do so might tend to incriminate them or expose them to a penalty, sanction or other disciplinary measure.

For the avoidance of doubt, the common law privileges against self-incrimination and self-exposure to a penalty are abrogated by this Article.
ARTICLE 7  **RESULTS MANAGEMENT: RESPONSIBILITY, INITIAL REVIEW, NOTICE AND PROVISIONAL SUSPENSIONS**

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

7.1  **Responsibility for Conducting Results Management**

7.1.1  Subject to Article 1.2.5, SIA shall take responsibility for Results Management of all potential anti-doping rule violations under this Anti-Doping Policy in accordance with Article 7 of the Code, the SIA Act, the SIA Regulations, and the NAD scheme as in force from time to time. This includes any matters:

(a) referred to the Sporting Administration Body by other Anti-Doping Organisations for Results Management, where SIA agrees to take responsibility for Results Management;

(b) where SIA is the Testing Authority.

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

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

7.1.4  For Results Management relating to a Sample initiated and taken during an Event conducted by a Major Event Organisation, or an anti-doping rule violation occurring during such Event, the Major Event Organisation for that Event shall assume Results Management responsibility to at least the limited extent of conducting a hearing to determine whether an anti-doping rule violation was
committed and, if so, the applicable Disqualifications under Articles 9 and 10.1, any forfeiture of any medals, points, or prizes from that Event, and any recovery of costs applicable to the anti-doping rule violation. In the event the Major Event Organisation assumes only limited Results Management responsibility, the case shall be referred by the Major Event Organisation to the International Federation for completion of Results Management.42

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

7.2 Review and Notification regarding Potential Anti-Doping Rule Violations
SIA shall carry out the review and notification with respect to any potential anti-doping rule violation in accordance with the International Standard for Results Management and the NAD scheme.

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

7.4 Provisional Suspensions43

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

42 Comment to Article 7.1.4: The International Federation may refer the matter to the Sporting Administration Body to conduct Results Management under this Anti-Doping Policy.

43 Comment to Article 7.4: Before a Provisional Suspension can be unilaterally imposed by the Sporting Administration Body, the internal review specified in this Anti-Doping Policy and the International Standard for Results Management must first be completed.
If the Sporting Administration Body receives an Adverse Analytical Finding or an Adverse Passport Finding (upon completion of the Adverse Passport Finding review process) for a Prohibited Substance or a Prohibited Method that is not a Specified Substance or a Specified Method, it shall impose a Provisional Suspension on the Athlete promptly upon or after the review and notification required by Article 7.2 above.

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

The decision of the National Sports Tribunal not to eliminate a mandatory Provisional Suspension on account of the Athlete’s assertion regarding a Contaminated Product shall not be appealable.

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

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

An optional Provisional Suspension may be lifted at the discretion of the Sporting Administration Body at any time prior to the decision of the National Sports Tribunal under Article 8, unless provided otherwise in the International Standard for Results Management.

7.4.3 Opportunity for a Hearing or Appeal

Notwithstanding Articles 7.4.1 and 7.4.2 above, a Provisional Suspension may not be imposed unless the Athlete or Other Person is given: (a) an opportunity for a Provisional Hearing, either before or on a timely basis after the imposition of the Provisional Suspension; or (b) an opportunity for an expedited hearing in accordance with Article 8 on a timely basis after the imposition of the Provisional Suspension.
The imposition of a Provisional Suspension, or the decision not to impose a Provisional Suspension, may be appealed in an expedited process in accordance with Article 13.2 below.

7.4.4 Voluntary acceptance of Provisional Suspension

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

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

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

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

7.5 Results Management Decisions

Results Management decisions or adjudications by SIA or the Sporting Administration Body must not purport to be limited to a particular geographic area and shall be consistent with the NAD scheme (where SIA is the Results Management Authority), the International Standard for Results Management, and the terms of this Anti-Doping Policy. Such decisions are to address and determine, without limitation, the following issues (as relevant to the type of decision or adjudication): whether an anti-doping rule violation was committed or asserted to have been
committed, whether a Provisional Suspension should be imposed, the specific Articles that have been violated or asserted to have been violated, and the factual basis for any determination. In addition, decisions and adjudications are to set out all Consequences flowing from the anti-doping rule violation(s), including applicable Disqualifications under Articles 9 and 10.10 below, any forfeiture of medals or prizes, any period of Ineligibility (and the date it begins to run) and any Financial Consequences. 44

7.6 Notification of Results Management Decisions

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

7.7 Retirement from Sport 45

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

7.8 Letter of Charge

Once the SIA CEO makes an assertion of an anti-doping rule violation in accordance with the SIA Act, NAD scheme, and the International Standard for Results Management, then unless otherwise agreed in writing between SIA and the Sporting Administration Body, SIA will:

(a) notify the Athlete or Other Person, the Sporting Administration Body, the International Federation, WADA, relevant government sports agencies, and relevant Anti-Doping Organisations of the assertion, and

44 Comment to Article 7.5: Each decision should address whether an anti-doping rule violation was committed and all Consequences flowing from the violation, including any Disqualifications other than Disqualification under Article 10.1 (which is left to the ruling body for an Event). Pursuant to Article 15, such decision and its imposition of Consequences shall have automatic effect in every sport in every country. For example, for a determination that an Athlete committed an anti-doping rule violation based on an Adverse Analytical Finding for a Sample taken In-Competition, the Athlete’s results obtained in the Competition would be Disqualified under Article 9 and all other competitive results obtained by the Athlete from the date the Sample was collected through the duration of the period of Ineligibility are also Disqualified under Article 10.10; if the Adverse Analytical Finding resulted from Testing at an Event, it would be the Major Event Organisation’s responsibility to decide whether the Athlete’s other individual results in the Event prior to Sample collection are also Disqualified under Article 10.1.

45 Comment to Article 7.7: Conduct by an Athlete or Other Person before the Athlete or Other Person was subject to the authority of any Anti-Doping Organisation would not constitute an anti-doping rule violation but could be a legitimate basis for denying the Athlete or Other Person membership in a sports organisation.
issue the Athlete or Other Person with a Letter of Charge under this Article and in accordance with the International Standard for Results Management.

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

7.9 Lower-Level Athletes

7.9.1 In the case where the SIA CEO decides, under the NAD scheme, that a possible non-presence anti-doping rule violation (except a violation of Article 2.3 or Article 2.5) by a Lower-Level Athlete does not warrant action, the SIA CEO may give written notification to the Sporting Administration Body so it can consider whether disciplinary or other action should be taken against the Lower-Level Athlete.

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

7.10 Resolution without a Hearing

7.10.1 An Athlete or Other Person against whom an anti-doping rule violation is asserted may admit that violation at any time, waive a hearing, and accept the Consequences that are mandated by this Anti-Doping Policy or (where some discretion as to Consequences exists under this Anti-Doping Policy) that have been offered by SIA or the Sporting Administration Body.

7.10.2 Alternatively, if the Athlete or Other Person against whom an anti-doping rule violation is asserted fails to dispute that assertion within the deadline specified in the Letter of Charge asserting the violation, then he or she shall be deemed to have admitted the violation, to have waived their right to a hearing, and to have accepted the Consequences that are mandated by this Anti-Doping Policy or (where some discretion as to Consequences exists under this Anti-Doping Policy) that have been offered by SIA or the Sporting Administration Body.

7.10.3 In cases where Article 7.10.1 or Article 7.10.2 applies, a hearing before a hearing panel shall not be required. Instead the Sporting Administration Body, in
consultation with SIA, shall promptly issue a written decision confirming the commission of the anti-doping rule violation(s) and the Consequences imposed as a result, and setting out the reasons for any period of Ineligibility imposed, including (if applicable) a justification for why the maximum potential period of Ineligibility was not imposed. The Sporting Administration Body shall send copies of that decision to other Anti-Doping Organisations with a right to appeal under Article 13.2.3, and shall Publicly Disclose that decision in accordance with Article 14.3.2.
ARTICLE 8   RIGHT TO A FAIR HEARING

8.1 Fair Hearings

Any Person who is asserted to have committed an anti-doping rule violation under this Anti-Doping Policy 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 Article 8 will respect the following principles:

(a) a timely hearing;

(b) a fair, impartial and Operationally Independent hearing body;

(c) the right to representation at the Person’s own expense;

(d) a timely, written, reasoned decision.

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

8.2 Event Hearings

Hearings held in connection with Events may be conducted by an expedited process as permitted by the rules of the relevant Anti-Doping Organisation and the NST, or other relevant hearing body recognised or approved by the SIA CEO.

8.3 Waiver of Hearing

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

8.4 Establishment of Hearings

8.4.1 The Article 8 hearing body for the purposes of this Anti-Doping Policy at first instance is the NST. Subject to Article 13.2, any appeal from a first-instance decision will be heard initially by the Appeals Division of the NST. Any appeal from the Appeals Division of the NST will be heard by the Appeals Division of CAS in accordance with the provisions applicable before such court.
8.4.2 Should a Person elect to have a hearing in accordance with Article 8 or Article 7.4.3, the Person will be responsible for filing their application for a hearing with the NST and paying any applicable fees.

8.4.3 SIA and the Sporting Administration Body are both entitled to present evidence, file submissions, cross-examine witnesses and do any other thing necessary for the enforcement of this Anti-Doping Policy at any hearing under this Article. Unless otherwise agreed in writing between SIA and the Sporting Administration Body, SIA will take the lead in presenting the matter in any hearing.

8.5 Right to attend Hearings

The International Federation, WADA and, where applicable, Sport Australia (the Australian Sports Commission), the Australian Olympic Committee, Paralympics Australia (the Australian Paralympic Committee), Commonwealth Games Australia, and relevant State Institutes of Sport/State Academies of Sport shall have the right to attend hearings as an observer or an interested or affected party.

The process for informing those relevant parties of such right to attend as an observer or interested/affected party as applicable is set out in the NST CEO’s determination as to the practice and procedure of the NST in arbitration, made under section 41 of the NST Act, as in force from time to time.

8.6 NST Determination

8.6.1 The NST will determine:

a) if the Person has committed a violation of this Anti-Doping Policy;

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

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

8.6.2 Consequences will be in accordance with Article 10.

8.7 Public Disclosure of Hearing Outcomes

SIA and the Sporting Administration Body shall report the outcome of all anti-doping rule violations in accordance with the Code, the SIA Act and the NAD scheme, and this Anti-Doping Policy, as in force from time to time.
8.8 Appeals and Review

Decisions by the NST at first instance may be appealed as provided in Article 13.

8.9 Use of Information arising during Hearings

If, during a hearing, a party to the hearing process implicates a third party in a potential anti-doping rule violation, then SIA (or any other Anti-Doping Organisation) may use any such information that arises as a result of that hearing process without having to first seek the permission of the relevant hearing body or the parties. In the case of CAS, this clause overrides R43 and R59 of the CAS Code of Sports-related Arbitration to the extent of any inconsistency. In the case of the NST, this clause operates subject to any relevant confidentiality direction made by an NST member. 46

8.10 Single Hearing Before CAS

Anti-doping rule violations asserted against International-Level Athletes, National-Level Athletes or Other Persons may, with the consent of the Athlete or Other Person, SIA (where it has Results Management responsibility in accordance with Article 7), the Sporting Administration Body and WADA, be heard in a single hearing directly at CAS. 47

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

47 Comment to Article 8.10: In some cases, the combined cost of holding a hearing in the first instance at the international or national level, then rehearing the case de novo before CAS can be very substantial. Where all of the parties identified in this Article are satisfied that their interests will be adequately protected in a single hearing, there is no need for the Athlete or Anti-Doping Organisations to incur the extra expense of two (2) hearings. An Anti-Doping Organisation may participate in the CAS hearing as an observer. Nothing set out in Article 8.4 precludes the Athlete or Other Person and SIA (where it has Results Management responsibility) and the Sporting Administration Body to waive their right to appeal by agreement. Such waiver, however, only binds the parties to such agreement and not any other entity with a right of appeal under the Code.
ARTICLE 9 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS

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.
ARTICLE 10  SANCTIONS ON INDIVIDUALS

10.1 Disqualification of Results in the 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 of the Event, lead to Disqualification of all of the Athlete’s individual results obtained in that Event with all Consequences, including forfeiture of all medals, points and prizes, except as provided in Article 10.1.1.

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

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

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

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

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

10.2.1.1 The anti-doping rule violation does not involve a Specified Substance or a Specified Method, unless the Athlete or Other

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

Comment to Article 10.1: Whereas Article 9 Disqualifies the result in a single Competition in which the Athlete tested positive (for example the 100 metre backstroke), this Article may lead to Disqualification of all results in all races during the Event (for example the FINA World Championships).
Person can establish that the anti-doping rule violation was not intentional.51

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

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

10.2.3 As used in Article 10.2, the term ‘intentional’ is meant to identify those Athletes or Other Persons who engage in conduct which they knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk.52 An anti-doping rule violation resulting from an Adverse Analytical Finding for a substance which is only prohibited In-Competition shall be rebuttably presumed to be not ‘intentional’ if the substance is a Specified Substance and the Athlete can establish that the Prohibited Substance was Used Out-of-Competition. An anti-doping rule violation resulting from an Adverse Analytical Finding for a substance which is only prohibited In-Competition shall not be considered ‘intentional’ if the substance is not a Specified Substance and the Athlete can establish that the Prohibited Substance was Used Out-of-Competition in a context unrelated to sport performance.

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

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

In addition, the period of Ineligibility calculated under this Article 10.2.4.1 may be reduced to one (1) month if the Athlete or Other Person satisfactorily completes a Substance of Abuse treatment program approved by SIA. The period of Ineligibility

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

52 Comment to Article 10.2.3: Article 10.2.3 provides a special definition of “intentional” which is to be applied solely for purposes of Article 10.2.
established in this Article 10.2.4.1 is not subject to any reduction based on any provision in Article 10.6.\textsuperscript{53}

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

\section*{10.3 Ineligibility for Other Anti-Doping Rule Violations}

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

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

\textbf{10.3.2} For violations of Article 2.4, the period of \textit{Ineligibility} shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on the \textit{Athlete}'s degree of \textit{Fault}. The flexibility between two (2) years and one (1) year of \textit{Ineligibility} in this Article is not available to \textit{Athletes} where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the \textit{Athlete} was trying to avoid being available for \textit{Testing}.

\textsuperscript{53}Comment to Article 10.2.4.1: The determinations as to whether the treatment program is approved and whether the \textit{Athlete} or \textit{Other Person} has satisfactorily completed the program shall be made in the sole discretion of SIA. This Article is intended to give SIA the leeway to apply their own judgment to identify and approve legitimate and reputable, as opposed to “sham”, treatment programs. It is anticipated, however, that the characteristics of legitimate treatment programs may vary widely and change over time such that it would not be practical for WADA to develop mandatory criteria for acceptable treatment programs.
10.3.3 For violations of Article 2.7 or 2.8, the period of *Ineligibility* shall be a minimum of four (4) years up to lifetime *Ineligibility*, depending on the seriousness of the violation. An Article 2.7 or Article 2.8 violation involving a *Protected Person* shall be considered a particularly serious violation and, if committed by *Athlete Support Personnel* for violations other than for *Specified Substances*, shall result in lifetime *Ineligibility* for *Athlete Support Personnel*. In addition, significant violations of Article 2.7 or 2.8 which may also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.  

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

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

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

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

If SIA establishes in an individual case involving an anti-doping rule violation other than violations under Article 2.7 (Trafficiking or Attempted Trafficking), 2.8 (Administration or Attempted Administration), 2.9 (Complicity or Attempted Complicity) or 2.11 (Acts by an *Athlete* or *Other Person* to Discourage or Retaliate Against Reporting) that **Aggravating Circumstances** are present which justify the imposition of a period of *Ineligibility* greater than the standard sanction, then the period of *Ineligibility* otherwise applicable shall be increased by an additional period of *Ineligibility* of up to two (2) years depending on the seriousness of the violation and the nature of the violation.

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

55 Comment to Article 10.3.5: Where the ‘*Other Person*’ referenced in Article 2.10 is an entity and not an individual, that entity may be disciplined as provided in Article 12.

56 Comment to Article 10.3.6: Conduct that is found to violate both Article 2.5 (Tampering) and Article 2.11 (Acts by an *Athlete* or *Other Person* to Discourage or Retaliate against Reporting to Authorities) shall be sanctioned based on the violation that carries the more severe sanction.
Aggravating Circumstances, unless the Athlete or Other Person can establish that he or she did not knowingly commit the anti-doping rule violation.\(^{57}\)

10.5 Elimination of the Period of Ineligibility where there is No Fault or Negligence\(^{58}\)

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

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

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

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

10.6.1.1 Specified Substances or Specified Methods

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

10.6.1.2 Contaminated Products

In cases where the Athlete or Other Person can establish both No Significant Fault or Negligence and that the detected Prohibited Substance (other than a Substance of Abuse) came from a

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\(^{57}\) Comment to Article 10.4: Violations under Articles 2.7 (Trafficking or Attempted Trafficking), 2.8 (Administration or Attempted Administration), 2.9 (Complicity or Attempted Complicity) and 2.11 (Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting to Authorities) are not included in the application of Article 10.4 because the sanctions for these violations already build in sufficient discretion up to a lifetime ban to allow consideration of any Aggravating Circumstance.

\(^{58}\) Comment to Article 10.5: This Article and Article 10.6.2 apply only to the imposition of sanctions; they are not applicable to the determination of whether an anti-doping rule violation has occurred. They will only apply in exceptional circumstances, for example where an Athlete could prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, No Fault or Negligence would not apply in the following circumstances: (a) a positive test resulting from a mislabelled or contaminated vitamin or nutritional supplement (Athletes are responsible for what they ingest (Article 2.1.) and have been warned against the possibility of supplement contamination); (b) the Administration of a Prohibited Substance by the Athlete’s Personal physician or trainer without disclosure to the Athlete (Athletes are responsible for their choice of medical Personnel and for advising medical Personnel that they cannot be given any Prohibited Substance); and (c) sabotage of the Athlete’s food or drink by a spouse, coach or Other Person within the Athlete’s circle of associates (Athletes are responsible for what they ingest and for the conduct of those Persons to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction under Article 10.6 based on No Significant Fault or Negligence.
Contaminated Product, then the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two (2) years Ineligibility, depending on the Athlete’s or Other Person’s degree of Fault.  

10.6.1.3 Protected Persons or Recreational Athletes

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

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

If an Athlete or Other Person establishes in an individual case where Article 10.6.1 is not applicable that he or she bears No Significant Fault or Negligence, then, subject to further reduction or elimination as provided in Article 10.7, the otherwise applicable period of Ineligibility may be reduced based on the Athlete or Other Person’s degree of Fault, but the reduced period of Ineligibility may not be less than one-half of the period of Ineligibility otherwise applicable. If the otherwise applicable period of Ineligibility is a lifetime, the reduced period under this Article may be no less than eight (8) years.

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

60 Comment to Article 10.6.2: Article 10.6.2 may be applied to any anti-doping rule violation except those Articles where intent is an element of the anti-doping rule violation (for example Article 2.5, 2.7, 2.8 or 2.9 or 2.11) or an element of a particular sanction (for example Article 10.2.1) or a range of Ineligibility is already provided in an Article based on the Athlete or Other Person’s degree of Fault.
10.7 Elimination, Reduction, or Suspension of Period of Ineligibility or Other Consequences for Reasons other than Fault

10.7.1 Substantial Assistance in discovering or establishing Code violations.\textsuperscript{61}

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

(i) the Anti-Doping Organisation discovering or bringing forward an anti-doping rule violation by another Person; or

(ii) which results in a criminal or disciplinary body discovering or bringing forward a criminal offence or the breach of professional rules committed by another Person and the information provided by the Person providing Substantial Assistance is made available to the Anti-Doping Organisation with Results Management responsibility; or

(iii) which results in WADA initiating a proceeding against a Signatory. WADA-accredited laboratory or Athlete passport management unit (as defined in the International Standard for Laboratories) for non-compliance with the Code, International Standard or Technical Document; or

(iv) with the approval by WADA, which results in a criminal or disciplinary body bringing forward a criminal offence or the breach of professional or sport rules arising out of a sport integrity violation other than doping.

After an appellate decision under Article 13 or the expiration of time to appeal, an Anti-Doping Organisation may only suspend a

\textsuperscript{61} Comment to Article 10.7.1: The cooperation of Athletes, Athlete Support Personnel or Other Persons who acknowledge their mistakes and are willing to bring other anti-doping rule violations to light is important to clean sport. This is the only circumstance under the Code where the suspension of an otherwise applicable period of Ineligibility is authorised.
part of the otherwise applicable Consequences with the approval of WADA and the International Federation.

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

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

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

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

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

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

Where an Athlete or Other Person voluntarily admits the commission of an anti-doping rule violation before having received notice of a Sample collection which could establish an anti-doping rule violation (or, in the case of an anti-doping rule violation other than Article 2.1, before receiving first notice of the admitted violation pursuant to Article 7) and that admission is the only reliable evidence of the violation at the time of admission, then the period of Ineligibility may be reduced, but not below one-half of the period of Ineligibility otherwise applicable.\(^\text{62}\)

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\(^{62}\) Comment to Article 10.7.2: This Article is intended to apply when an Athlete or Other Person comes forward and admits to an anti-doping rule violation in circumstances where no Anti-Doping Organisation is aware that an anti-doping rule violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the Athlete or Other Person believes he or
10.7.3 Application of Multiple Grounds for Reduction of a Sanction

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

10.7.4 Lower-Level Athletes

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

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

10.8 Results Management Agreements

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

Where an Athlete or Other Person, after being notified by SIA or the Sporting Administration Body of a potential anti-doping rule violation that carries an asserted period of Ineligibility of four (4) or more years (including any period of Ineligibility asserted under Article 10.4), admits the violation and accepts the asserted period of Ineligibility no later than twenty (20) days after receiving notice of an anti-doping rule violation charge, the Athlete or Other Person may receive a one-year reduction in the period of Ineligibility asserted by SIA or the...
10.8.2 Case Resolution Agreement

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

In each case, however, where this Article is applied, the Athlete or Other Person shall serve at least one-half of the agreed-upon period of Ineligibility going forward from the earlier of the date the Athlete or Other Person accepted the imposition of a sanction or a Provisional Suspension which was subsequently respected by the Athlete or Other Person. The decision by WADA, SIA and the Sporting Administration Body to enter or not enter into a case resolution agreement, and the amount of the reduction to and the starting date of the period of Ineligibility are not matters for determination or review by a hearing body and are not subject to appeal under Article 13.

If so requested by an Athlete or Other Person who seeks to enter into a case resolution agreement under this Article, SIA and the Sporting Administration Body shall allow the Athlete or Other Person to discuss an admission of the anti-doping rule violation with it subject to a Without Prejudice Agreement.64

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

64 Comment to Article 10.8.2: Any mitigating or aggravating factors set forth in this Article 10 shall be considered in arriving at the Consequences set forth in the case resolution agreement, and shall not be applicable beyond the terms of that agreement.
10.9 Multiple Violations

10.9.1 Second or Third Anti-Doping Rule Violation

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

(a) A six month period of Ineligibility; or

(b) A period of Ineligibility in the range between:

(i) the sum of the period of Ineligibility imposed for the first anti-doping rule violation plus the period of Ineligibility otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, and

(ii) twice the period of Ineligibility otherwise applicable to the second anti-doping rule violation treated as if it were a first violation.

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

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

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

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

10.9.3.1 For purposes of imposing sanctions under Article 10.9, except as provided in Articles 10.9.3.2 and 10.9.3.3, an anti-doping rule violation will only be considered a second violation if the Anti-Doping Organisation can establish that the Athlete or Other Person committed the additional anti-doping rule violation after the Athlete or Other Person received notice pursuant to Article 7, or after the Anti-Doping Organisation made reasonable efforts to give notice of the first anti-doping rule violation. If 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, including the application of Aggravating Circumstances. Results in all Competitions dating back to the earlier anti-doping rule violation will be Disqualified as provided in Article 10.10.65

10.9.3.2 If the Anti-Doping Organisation establishes that an Athlete or Other Person committed an additional anti-doping rule violation prior to notification, and that the additional violation occurred twelve (12) months or more before or after the first-noticed violation, then the period of Ineligibility for the additional violation shall be calculated as if the additional violation were a stand-alone first violation and this period of Ineligibility is served consecutively, rather than concurrently, with the period of Ineligibility imposed for the earlier-noticed violation. Where this Article 10.9.3.2 applies, the violations taken together shall constitute a single violation for purposes of Article 10.9.1.

10.9.3.3 If the Anti-Doping Organisation establishes that an Athlete or Other Person committed a violation of Article 2.5 in connection with the Doping Control process for an underlying asserted anti-doping rule violation, the violation of Article 2.5 shall be treated as

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65 Comment to Article 10.9.3.1: The same rule applies where, after the imposition of a sanction, the Anti-Doping Organisation discovers facts involving an anti-doping rule violation that occurred prior to notification for a first anti-doping rule violation – e.g., the Anti-Doping Organisation shall impose a sanction based on the sanction that could have been imposed if the two (2) violations had been adjudicated at the same time, including the application of Aggravating Circumstances.
a stand-alone first violation and the period of Ineligibility for such violation shall be served consecutively, rather than concurrently, with the period of Ineligibility, if any, imposed for the underlying anti-doping rule violation. Where this Article 10.9.3.3 is applied, the violations taken together shall constitute a single violation for purposes of Article 10.9.1.

10.9.3.4 If the Anti-Doping Organisation establishes that an Athlete or Other Person has committed a second or third anti-doping rule violation during a period of Ineligibility, the periods of Ineligibility for the multiple violations shall run consecutively, rather than concurrently.

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

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

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

In addition to the automatic Disqualification of the results in the Competition which produced the positive Sample under Article 9, all other competitive results of the Athlete obtained from the date a positive Sample was collected (whether In-Competition or Out-of-Competition), or other anti-doping rule violation occurred, through the commencement of any Provisional Suspension or Ineligibility period, shall, unless fairness requires otherwise, be Disqualified with all of the resulting Consequences, including forfeiture of any medals, points and prizes.66

10.11 Forfeited Prize Money

If the Sporting Administration Body recovers prize money forfeited as a result of an anti-doping rule violation, it shall take reasonable measures to allocate and distribute this prize money to the Athletes who would have been entitled to it had the forfeiting Athlete not competed.67

66 Comment to Article 10.10: 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.

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

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

10.13 Commencement of Ineligibility Period

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

10.13.1 Delays Not Attributable to the Athlete or Other Person

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

10.13.2 Credit for Provisional Suspension or Period of Ineligibility Served

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

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

**10.13.2.2** If an *Athlete* or *Other Person* voluntarily accepts a *Provisional Suspension* in writing from the *Sporting Administration Body* and thereafter respects the *Provisional Suspension*, the *Athlete* or *Other Person* shall receive a credit for such period of voluntary *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. A copy of the *Athlete* or *Other Person*’s voluntary acceptance of a *Provisional Suspension* shall be provided promptly to each party entitled to receive notice of an asserted anti-doping rule violation under Article 14.1.69

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

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

**10.14 Status during *Ineligibility* or *Provisional Suspension***

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

No *Athlete* or *Other Person* who has been declared *Ineligible* or is subject to a *Provisional Suspension* may, during a period of *Ineligibility* or

69 Comment to Article 10.13.2.2: 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*. 
Provisional Suspension, participate in any capacity in a Competition or activity (other than authorised anti-doping Education or rehabilitation programs) authorised or organised by any Signatory, Signatory’s member organisation, or a club or other member organisation of a Signatory’s member organisation, or in Competitions authorised or organised by any professional league or any international- or national-level Event organisation or any elite or national-level sporting activity funded by a governmental agency.

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

An Athlete or Other Person subject to a period of Ineligibility shall remain subject to Testing and any requirement by SIA or the Sporting Administration Body to provide whereabouts information.70

10.14.2 Return to Training

As an exception to Article 10.14.1, an Athlete may return to train with a team or to use the facilities of a club or other member organisation of the Sporting Administration Body or a Signatory’s member organisation during the shorter of: (1) the last two months of the Athlete’s period of Ineligibility imposed in one sport shall also be recognised by other sports (see Article 15.1, Automatic Binding Effect of Decisions).

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

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

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

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

10.14.4 Withholding of Financial Support during Ineligibility

In addition, for any anti-doping rule violation not involving a reduced sanction as described in Article 10.5 or 10.6, some or all sport-related financial support or other sport-related benefits received by such Person

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71 Comment to Article 10.14.2: In many Team Sports and some individual sports (for example, ski jumping and gymnastics), an Athlete cannot effectively train on his/her own so as to be ready to compete at the end of the Athlete’s period of Ineligibility. During the training period described in this Article, an Ineligible Athlete may not compete or engage in any activity described in Article 10.14.1 other than training.
will be withheld by Signatories, Signatories' member organisations and governments.

10.15 Automatic Publication of Sanction

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

10.16 Anti-Doping Education

Prior to returning to sport after serving any period of Ineligibility, an Athlete or Other Person must have completed an anti-doping Education program sanctioned by SIA.
ARTICLE 11  CONSEQUENCES TO TEAMS

11.1 Testing of Team Sports

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

11.2 Consequences for Team Sports

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

11.3 Event Ruling Body may establish stricter Consequences for Team Sports

The ruling body for an Event may elect to establish rules for the Event which impose Consequences for Team Sports stricter than those in Article 11.2 for purposes of the Event.\textsuperscript{72}

\textsuperscript{72} Comment to Article 11.3: For example, the International Olympic Committee could establish rules which would require Disqualification of a team from the Olympic Games based on a lesser number of anti-doping rule violations during the period of the Games.
ARTICLE 12  SANCTIONS AGAINST SPORTING BODIES

12.1 Withholding Funding for Non-Compliance

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

12.2 Disciplinary Action against a Sporting Administration Body

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

- **12.2.1** Four or more violations of this Anti-Doping Policy (other than violations involving Article 2.4) are committed by Athletes or Other Persons affiliated with the Sporting Administration Body within a 12-month period.
- **12.2.2** More than one Athlete or Other Person from the Sporting Administration Body commits an anti-doping rule violation during an International Event.
- **12.2.3** The Sporting Administration Body has failed to make diligent efforts to keep SIA informed about an Athlete's whereabouts after receiving a request for that information from SIA.
- **12.2.4** The Sporting Administration Body has failed to adopt or comply with its Education Plan.
ARTICLE 13

RESULTS MANAGEMENT: APPEALS

13.1 Decisions Subject to Appeal

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

13.1.1 Scope of Review not Limited

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

13.1.2 The NST or CAS shall not defer to the findings being appealed

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

13.1.3 WADA is not required to exhaust internal remedies

Where WADA has a right to appeal under Article 13 and no other party has appealed a final decision within the Anti-Doping Organisation’s

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73 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 Organisations are made transparent in Article 14. Specified Persons and organisations, including WADA, are then given the opportunity to appeal those decisions. Note that the definition of interested Persons and organisations with a right to appeal under Article 13 does not include Athletes, or their National Federations, who might benefit from having another competitor Disqualified.

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

75 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. In the NST, section 95 of the National Sports Tribunal (Practice and Procedure) Determination 2020 provides that the Tribunal is to conduct an appeal by way of a rehearing, unless the involved parties to the appeal agree that an appeal can be decided without a hearing, and the Tribunal is satisfied that it would be appropriate to determine the matter without a hearing. The Tribunal has the discretion to exclude evidence presented by the parties on appeal if it if it was available to them or could reasonably have been discovered by them before the determination or decision appealed against was made.
process, WADA may appeal such decision directly to CAS without having to exhaust other remedies in the Anti-Doping Organisation’s process.76

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

A decision:

- that an anti-doping rule violation was committed,
- imposing Consequences or not imposing Consequences for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed;
- that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription);
- by WADA not to grant an exception to the six months' notice requirement for a retired Athlete to return to competition under Article 5.6.1;
- by WADA assigning Results Management under Article 7.1 of the Code;
- by SIA (or other Anti-Doping Organisation) not to bring forward an Adverse Analytical Finding or an Atypical Finding as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation in accordance with the International Standard for Results Management;
- to impose, or lift, a Provisional Suspension as a result of a Provisional Hearing;
- that SIA, the Sporting Administration Body (or another Anti-Doping Organisation) lacks jurisdiction to rule on an alleged anti-doping rule violation or its Consequences;
- to suspend, or not suspend, Consequences or to reinstate, or not reinstate, Consequences under Article 10.7.1;
- under Article 10.14.3;
- by SIA (or another Anti-Doping Organisation) not to implement another Anti-Doping Organisation’s decision under Article 15;
- under Article 27.3

may be appealed exclusively as provided in this Article 13.2.

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

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

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76 Comment to Article 13.1.3: Where a decision has been rendered before the final stage of the Anti-Doping Organisation’s process (for example, a first hearing before the NST) and no party elects to appeal that decision to the Appeals Division of the NST, then WADA may appeal directly to CAS.
- an Anti-Doping Organisation’s failure to comply with Article 10.8.1;

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

In cases arising from participation in an International Event or in cases involving International-Level Athletes, the decision may be appealed exclusively to CAS.\(^77\)

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

In cases where Article 13.2.1 is not applicable, the decision may be appealed initially to the Appeals Division of the NST in accordance with the process set out in the NST Act and instruments made under it, as in force from time to time.\(^78\) Decisions from the Appeals Division of the NST may be appealed to the Appeals Division of CAS in accordance with the provisions applicable before such court.

**13.2.3** Persons entitled to appeal

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

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

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

(b) the other party to the case in which the decision was rendered;

(c) the relevant International Federation;

(d) SIA and (if different) the National Anti-Doping Organisation of the Person’s country of residence or countries where the Person is a national or licence holder or countries where the Person is a national or license holder;

\(^{77}\) 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.

\(^{78}\) These are the National Sports Tribunal Rule 2020 and the National Sports Tribunal (Practice and Procedure) Determination 2020.
(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.

13.2.3.2 Appeals Involving Other Athletes or Other Persons

In cases under Article 13.2.2, the following parties, at a minimum, shall have the right to appeal to the NST Appeals Division (and from there, to the CAS Appeals Division):

(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 relevant International Federation;

(d) SIA and (if different) the National Anti-Doping Organisation of the Person’s country of residence or countries where the Person is a national or license holder;

(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.

For cases under Article 13.2.2, WADA, the International Olympic Committee, the International Paralympic Committee, and the relevant International Federation shall also have the right to appeal to CAS from the decision of the NST Appeals Division.

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

13.2.3.3 Duty to Notify

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

13.2.3.4 Appeal from Imposition of Provisional Suspension

Notwithstanding any other provision herein, the only Person who may appeal from the imposition of a Provisional Suspension is the Athlete or Other Person upon whom the Provisional Suspension is imposed.

13.2.4 Cross Appeals and other Subsequent Appeals Allowed

Cross appeals and other subsequent appeals by any respondent named in cases brought to CAS under the Code are specifically permitted. Any party with a right to appeal under this Article 13 must file a cross appeal or subsequent appeal at the latest with the party’s answer.79

13.3 Failure to Render a Timely Decision

Where, in a particular case, an Anti-Doping Organisation fails to render a decision with respect to whether an anti-doping rule violation was committed within a reasonable deadline set by WADA, WADA may elect to appeal directly to CAS as if an Anti-Doping Organisation had rendered a decision finding no anti-doping rule violation. If the CAS hearing panel determines that an anti-doping rule violation was committed and that WADA acted reasonably in electing to appeal directly to CAS, then WADA’s costs and attorney fees in prosecuting the appeal shall be reimbursed to WADA by the Anti-Doping Organisation.80

13.4 Appeals relating to TUEs

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

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79 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.

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

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

13.6 Time for Filing Appeals

13.6.1 Appeals to CAS or to the Appeals Division of the NST

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

(a) Within fifteen (15) days from the notice of the decision, such party/ies shall have the right to request a copy of the full case file pertaining to the decision from the Anti-Doping Organisation that had Results Management authority;

(b) If such a request is made within the fifteen (15) day period, then the party making the request shall have twenty-one (21) days from receipt of the file to file an appeal to CAS or to the Appeals Division of the NST.

This notwithstanding, the filing deadline for an appeal 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.

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Paragraph 38(4)(a) of the NST Act provides that where the relevant anti-doping policy specifies a period within which an appeal may be made to the Appeals Division of the NST, the application must be made before the end of that period.
13.7 CAS Fees

In the case of any appeals before CAS each party shall bear the arbitration costs in accordance with CAS Code of Sports-related Arbitration. Should it be found that no anti-doping rule violation has been committed, SIA shall reimburse the Athlete or Other Person their application fee and their portion of the arbitration costs. Each party shall otherwise bear their own costs.
ARTICLE 14  CONFIDENTIALITY AND REPORTING

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

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

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

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

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

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

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

14.1.3  Content of an anti-doping rule violation Notice

Notification of an anti-doping rule violation shall include: the Athlete's or Other Person’s name, country, sport and discipline within the sport, the Athlete’s competitive level, whether the test was In-Competition or Out-of-Competition, the date of Sample collection, the analytical result reported by the laboratory, and other information as required by the International Standard for Results Management.
Notification of anti-doping rule violations other than under Article 2.1 shall also include the rule violated and the basis of the asserted violation.

14.1.4 Status Reports

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

14.1.5 Confidentiality

The recipient organisations shall not disclose this information beyond those Persons with a need to know (which would include the appropriate personnel at the applicable National Olympic Committee, National Federation, and team in a Team Sport) until SIA, the Sporting Administration Body or other Anti-Doping Organisation has made Public Disclosure or has failed to make Public Disclosure as permitted by Article 14.3.82

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

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

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

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82 Comment to Article 14.1.5: Part 8 of the SIA Act contains criminal offences for the disclosure of information by ‘entrenched persons’ other than as permitted by the SIA Act. This is defined by s 69 of the SIA Act to include the SIA CEO and staff, and contractors and consultants engaged by SIA, among others. SIA is also subject to the Privacy Act 1988, and the Australian Privacy Principles made under that Act.
14.3 Public Disclosure

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

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

For the avoidance of doubt, SIA can refuse to agree to the Sporting Administration Body Publicly Disclosing any information under this Article 14.3.1.

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

14.3.3 After an anti-doping rule violation has been determined to have been committed in an appellate decision under Article 13.2.1 or 13.2.2 or such appeal has been waived, or in a hearing in accordance with Article 8 or
where such hearing has been waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, or the matter has been resolved under Article 10.8, SIA and the Sporting Administration Body may make public such determination or decision and may comment publicly on the matter.

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

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

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

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

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

14.4 Data Privacy

14.4.1 SIA may collect, store, process or disclose personal information relating to Athletes and Other Persons collected in accordance with this Policy for the purposes of conducting its activities under the SIA Act, SIA Regulations, the NAD scheme, Code, the International Standards (including specifically the International Standard for the Protection of Privacy and Personal Information), the Australian Privacy Principles, and this Anti-Doping Policy as in force from time to time.83

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

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83 For further information, see SIA’s Athlete Privacy Policy: www.sportintegrity.gov.au
ARTICLE 15  IMPLEMENTATION OF DECISIONS

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

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

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

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

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

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

15.1.2  SIA and the Sporting Administration Body shall recognise and implement a decision and its effects as required by Article 15.1.1, without any further action required, on the earlier of the date SIA receives actual notice of the decision or the date the decision is placed into ADAMS.
15.1.3 A decision by an Anti-Doping Organisation, an appellate body or CAS to suspend, or lift, Consequences shall be binding upon SIA and the Sporting Administration Body without any further action required, on the earlier of the date SIA receives actual notice of the decision or the date the decision is placed into ADAMS.

15.1.4 Notwithstanding any provision in Article 15.1.1, however, a decision of an anti-doping rule violation by a Major Event Organisation made in an expedited process during an Event shall not be binding on SIA or the Sporting Administration Body unless the rules of the Major Event Organisation provide the Athlete or Other Person with an opportunity to an appeal under non-expedited procedures.\(^{84}\)

15.2 Implementation of Other Decisions by Anti-Doping Organisations

SIA and the Sporting Administration Body may decide to implement other anti-doping decisions rendered by Anti-Doping Organisations not described in Article 15.1.1 above, such as a Provisional Suspension prior to a Provisional Hearing or acceptance by the Athlete or Other Person.\(^{85}\)

15.3 Implementation of Decisions by Body that is not a Signatory

An anti-doping decision by a body that is not a Signatory to the Code shall be implemented by SIA and the Sporting Administration Body, if SIA finds that the decision purports to be within the authority of that body and the anti-doping rules of that body are otherwise consistent with the Code.\(^{86}\)

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\(^{84}\) Comment to Article 15.1.4: By way of example, where the rules of the Major Event Organisation give the Athlete or Other Person the option of choosing an expedited CAS appeal or a CAS appeal under normal CAS procedure, the final decision or adjudication by the Major Event Organisation is binding on other Signatories regardless of whether the Athlete or Other Person chooses the expedited appeal option.

\(^{85}\) Comment to Articles 15.1 and 15.2: Anti-Doping Organisation decisions under Article 15.1 are implemented automatically by other Signatories without the requirement of any decision or further action on the Signatories’ part. For example, when a Sporting Administration Body decides to Provisionally Suspend an Athlete, that decision is given automatic effect at the International Federation level. To be clear, the “decision” is the one made by the Sporting Administration Body, there is not a separate decision to be made by the International Federation. Thus, any claim by the Athlete that the Provisional Suspension was improperly imposed can only be asserted against the Sporting Administration Body. Implementation of Anti-Doping Organisations’ decisions under Article 15.2 is subject to each Signatory’s discretion. A Signatory’s implementation of a decision under Article 15.1 or Article 15.2 is not appealable separately from any appeal of the underlying decision. The extent of recognition of TUE decisions of other Anti-Doping Organisations shall be determined by Article 4.4 and the International Standard for Therapeutic Use Exemptions.

\(^{86}\) Comment to Article 15.3: Where the decision of a body that has not accepted the Code is in some respects Code compliant and in other respects not Code compliant, Signatories should attempt to apply the decision in harmony with the principles of the Code. For example, if in a process consistent with the Code a non-Signatory has found an Athlete to have committed an anti-doping rule violation on account of the presence of a Prohibited Substance in the Athlete’s body but the period of Ineligibility applied is shorter than the period provided for in the Code, then all Signatories should recognise the finding of an anti-doping rule violation and the Athlete’s Sporting Administration Body should conduct a hearing consistent with Article 8 to determine whether the longer period of Ineligibility provided in the Code should be imposed. A Signatory’s implementation of a decision or its decision not to implement a decision under Article 15.3 is appealable under Article 13.
ARTICLE 16  STATUTE OF LIMITATIONS

No anti-doping rule violation proceeding may be commenced against an Athlete or Other Person unless he or she has been notified of the anti-doping rule violation as provided in Article 7, or notification has been reasonably attempted, within ten years from the date the violation is asserted to have occurred.
SIA shall plan, implement, evaluate and promote Education in line with the requirements of Article 18.2 of the Code and the International Standard for Education.

SIA will support the Sporting Administration Body to plan and implement an anti-doping Education program in line with Article 18.2 of the Code, the International Standard for Education and its SIA Education Plan.

The Sporting Administration Body shall support active participation by Athletes and Other Persons in such programs.
ARTICLE 18  INCORPORATION OF THIS ANTI-DOPING POLICY AND OBLIGATIONS OF THE SPORTING ADMINISTRATION BODY

18.1 The Sporting Administration Body and its members shall comply with the Code, International Standards, and this Anti-Doping Policy. As set out in Article 1.1 above, the Sporting Administration Body is also required to comply with the Sporting Administration Body rules in clause 2.04 of the NAD scheme.

18.2 The Sporting Administration Body shall accept and abide by the spirit and terms of Australia’s National Anti-Doping Program and these Anti-Doping Rules as a condition of receiving financial and/or other assistance from the Australian Government.87

18.3 The Sporting Administration Body will incorporate this Anti-Doping Policy either directly or by reference into its governing documents, constitution and/or rules as part of the rules of sport that bind their members so that the Sporting Administration Body or SIA (as the case may be) may enforce the anti-doping policy itself directly as against Athletes and Other Persons under the Sporting Administration Body’s authority.

18.4 By adopting this Anti-Doping Policy, and incorporating it into its governing documents and rules of sport, the Sporting Administration Body shall cooperate with and support SIA in that function. The Sporting Administration Body shall also recognise, abide by and implement the decisions made pursuant to this Anti-Doping Policy, including the decisions imposing sanctions on Persons under their authority.

18.5 The Sporting Administration Body shall take appropriate action to enforce compliance with the Code, International Standards, and this Anti-Doping Policy by, among other things:

(i) conducting Testing only under the documented authority of their International Federation and using SIA or another Sample collection authority to collect Samples in compliance with the International Standard for Testing and Investigations;

(ii) recognising the authority of SIA in accordance with Article 5.2.1 of the Code and assisting as appropriate with the implementation of SIA’s Testing program for their sport;

87 Comment to Article 18.2: SIA shall work cooperatively with its Government and National Olympic Committee to ensure that recognition of SIA and acceptance and application of these Anti-Doping Rules represents a pre-condition to a National Federation’s receipt of any financial and/or other assistance from the Government and/or the National Olympic Committee.
(iii) analysing all Samples collected using a WADA-accredited or WADA-approved laboratory in accordance with Article 6.1; and

(iv) ensuring that any anti-doping rule violation cases discovered by the Sporting Administration Body are adjudicated by an Operationally Independent hearing panel in accordance with Article 8.1 and the International Standard for Results Management.

18.6 The Sporting Administration Body shall establish rules requiring all Athletes and each Athlete Support Personnel who participates as coach, trainer, manager, team staff, official, medical or paramedical personnel in a Competition or activity authorised or organised by the Sporting Administration Body or one of its member organisations to agree to be bound by this Anti-Doping Policy and to submit to the Results Management authority of any Anti-Doping Organisation in conformity with the Code as a condition of such participation.

18.7 The Sporting Administration Body shall report any information suggesting or relating to an anti-doping rule violation to SIA and to the International Federation, and shall cooperate with investigations conducted by any Anti-Doping Organisation with authority to conduct the investigation.

18.8 The Sporting Administration Body shall have disciplinary rules in place to prevent Athlete Support Personnel who are Using Prohibited Substances or Prohibited Methods without valid justification from providing support to Athletes under the jurisdiction of SIA or the Sporting Administration Body.

18.9 The Sporting Administration Body shall be required to conduct anti-doping Education in coordination with SIA.
ARTICLE 19    RESEARCH

This Article has not been included by SIA.
ARTICLE 20 AMENDMENT AND INTERPRETATION OF ANTI-DOPING POLICY

20.1 This Anti-Doping Policy may be amended from time to time by the Sporting Administration Body subject to written approval by the SIA CEO under clause 2.04 of the NAD scheme.

20.2 The comments annotating various provisions of the Code and this Anti-Doping Policy shall be used to interpret this Anti-Doping Policy.

20.3 This Anti-Doping Policy shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes of the Signatories or governments.

20.4 The headings used for the various Parts and Articles of this Anti-Doping Policy are for convenience only and shall not be deemed part of the substance of this Anti-Doping Policy or to affect in any way the language of the provisions to which they refer.

20.5 Where the term “days” is used in this Anti-Doping Policy, or in the Code or an International Standard, it shall mean calendar days unless otherwise specified.

20.6 This Anti-Doping Policy has been adopted pursuant to the applicable provisions of the Code and the International Standards and shall be interpreted in a manner that is consistent with applicable provisions of the Code and the International Standards. The Code, including the Purpose, Scope and Organization of the World Anti-Doping Program (as outlined in the Code) and Appendix 1, Definitions, shall be considered integral parts of this Anti-Doping Policy and shall prevail in the case of conflict.

20.7 The Code shall not apply retroactively to matters pending before the date the Code is accepted by a Signatory and implemented in its rules. However, pre-Code anti-doping rule violations would continue to count as ‘First violations’ or ‘Second violations’ for the purposes of determining sanctions under Article 10 of this Anti-Doping Policy for subsequent post-Code violations.

20.8 This Anti-Doping Policy shall come into effect on 1 January 2021 (the ‘Effective Date’), and supersedes any previous Anti-Doping Policy of the Sporting Administration Body. This Anti-Doping Policy shall not apply retroactively to matters pending before the Effective Date; provided, however, that:

20.8.1 Anti-doping rule violations taking place prior to the Effective Date count as ‘first violations’ or ‘second violations’ for purposes of determining sanctions under Article 10 for violations taking place after the Effective Date.
20.8.2 Any anti-doping rule violation case which is pending as of the Effective Date and any anti-doping rule violation case brought after the Effective Date based on an anti-doping rule violation which occurred prior to the Effective Date, shall be governed by the substantive anti-doping rules in effect at the time the alleged anti-doping rule violation occurred, and not by the substantive anti-doping rules set out in these Anti-Doping Rules, unless the panel hearing the case determines the principle of “lex mitior” appropriately applies under the circumstances of the case.

For these purposes, the retrospective periods in which prior violations can be considered for purposes of multiple violations under Article 10.9.4 and the statute of limitations set forth in Article 16 are procedural rules, not substantive rules, and should be applied retroactively along with all of the other procedural rules in these Anti-Doping Rules (provided, however, that Article 16 shall only be applied retroactively if the statute of limitations period has not already expired by the Effective Date).

20.8.3 Any Article 2.4 whereabouts failure (whether a filing failure or a missed test, as those terms are defined in the International Standard for Results Management) prior to the Effective Date shall be carried forward and may be relied upon, prior to expiry, in accordance with the International Standard for Results Management, but it shall be deemed to have expired twelve (12) months after it occurred.

20.8.4 With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the Athlete or Other Person is still serving the period of Ineligibility as of the Effective Date, the Athlete or Other Person may apply to the Anti-Doping Organisation which had Results Management responsibility for the anti-doping rule violation to consider a reduction in the period of Ineligibility in light of this 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 Anti-Doping Policy 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.

20.8.5 For purposes of assessing the period of Ineligibility for a second violation under Article 10.9.1, where the sanction for the first violation was determined based on rules in force prior to the Effective Date, the period
of Ineligibility which would have been assessed for that first violation had this Anti-Doping Policy been applicable, shall be applied.\textsuperscript{88}

20.8.6 Changes to the Prohibited List and Technical Documents relating to substances or methods on the Prohibited List shall not, unless they specifically provide otherwise, be applied retroactively. As an exception, however, when a Prohibited Substance or a Prohibited Method has been removed from the Prohibited List, an Athlete or Other Person currently serving a period of Ineligibility on account of the formerly Prohibited Substance or Prohibited Method may apply to the Anti-Doping Organisation which had Results Management responsibility for the anti-doping rule violation to consider a reduction in the period of Ineligibility in light of the removal of the substance or method from the Prohibited List.

\textsuperscript{88} Comment to Article 20.8.5: Other than the situation described in Article 20.8.4, where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date and the period of Ineligibility imposed has been completely served, this Anti-Doping Policy may not be used to re-characterise the prior violation.
ARTICLE 21  ADDITIONAL ROLES AND RESPONSIBILITIES OF ATHLETES AND OTHER PERSONS

21.1 Roles and Responsibilities of Athletes

21.1.1 To be knowledgeable of and comply with this Anti-Doping Policy.

21.1.2 To be available for Sample collection at all times.\(^{89}\)

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

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 Anti-Doping Policy.

21.1.5 To disclose to their International Federation and to SIA any decision by a non-Signatory finding that the Athlete committed an anti-doping rule violation within the previous ten (10) years.

21.1.6 To cooperate with Anti-Doping Organisations investigating anti-doping rule violations.

21.1.7 To disclose the identity of their Athlete Support Personnel upon request by any Anti-Doping Organisation with authority over the Athlete.

21.2 Roles and Responsibilities of Athlete Support Personnel

21.2.1 To be knowledgeable of and comply with this Anti-Doping Policy.

21.2.2 To cooperate with the Athlete Testing program.

21.2.3 To use their influence on Athlete values and behaviour to foster anti-doping attitudes.

21.2.4 To disclose to the International Federation and to SIA any decision by a non-Signatory finding that they committed an anti-doping rule violation within the previous ten (10) years.

\(^{89}\) Comment to Article 21.1.2: With due regard to an Athlete’s human rights and privacy, legitimate anti-doping considerations sometimes require Sample collection late at night or early in the morning. For example, it is known that some Athletes use low doses of EPO during these hours so that it will be undetectable in the morning.
21.2.5 To cooperate with Anti-Doping Organisations investigating anti-doping rule violations.\(^90\)

21.2.6 Athlete Support Personnel shall not Use or Possess any Prohibited Substance or Prohibited Method without valid justification.

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

### 21.3 Roles and Responsibilities of Other Persons

21.3.1 To be knowledgeable of and comply with this Anti-Doping Policy.

21.3.2 To disclose to SIA and to the International Federation any decision by a non-Signatory finding that they committed an anti-doping rule violation within the previous ten (10) years.

21.3.3 To cooperate with Anti-Doping Organisations investigating anti-doping rule violations.

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\(^90\) Comment to Article 21.2.5: Failure to cooperate is not an anti-doping rule violation under the Code, but it may be the basis for disciplinary action under the rules of the Sporting Administration Body.
APPENDIX 1   DEFINITIONS

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

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

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

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

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

Anti-Doping Activities: Anti-doping Education and information, test distribution planning, maintenance of a Registered Testing Pool, managing Athlete Biological Passports, conducting

91 Comment to Definitions: Defined terms shall include their plural and possessive forms, as well as those terms used as other parts of speech.
Testing, organising analysis of Samples, gathering of intelligence and conduct of investigations, processing of TUE applications, Results Management, monitoring and enforcing compliance with any Consequences imposed, and all other activities related to anti-doping to be carried out by or on behalf of an Anti-Doping Organisation, as set out in the Code and/or the International Standards.

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

**Archives Act 1983 (Cth)**: is the Commonwealth legislation that governs the retention and disposal of Commonwealth records. SIA’s Disposal Authority document is approved pursuant to that legislation, and it categorises types of records and classifies how long those records must be retained, and how they must be stored.

**ASDMAC**: Australian Sports Drug Medical Advisory Committee constituted under the SIA Act.

**Athlete**: Any Person who competes in sport at the international level (as defined by each International Federation), or the national level (as defined by each National Anti-Doping Organisation). For the purposes of this Anti-Doping Policy, Athlete includes any Person falling within the scope of Article 1.3.1 or 1.3.2. An Anti-Doping Organisation has discretion to apply anti-doping rules to an Athlete who is neither an International-Level Athlete nor a National-Level Athlete, and thus to bring them within the definition of ‘Athlete’.

In relation to Athletes who are neither International-Level nor National-Level Athletes, an Anti-Doping Organisation may elect to: conduct limited Testing or no Testing at all; analyse Samples for less than the full menu of Prohibited Substances; require limited or no whereabouts information; or not require advance TUEs. However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any Athlete over whom an Anti-Doping Organisation has elected to exercise its authority to test and who competes below the international or national level, then the Consequences set out in the Code must be applied.
For purposes of Article 2.8 and Article 2.9 and for purposes of anti-doping information and Education, any Person who participates in sport under the authority of any Signatory, government, or other sports organisation accepting the Code is an Athlete.92

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

**Athlete Support Personnel:** Any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent or any Other Person working with, treating or assisting an Athlete participating in or preparing for sports Competition whether a member of a Sporting Administration Body or not falling within the scope of Article 1.3.1 or 1.3.2.

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

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

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

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

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

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

**Competition:** A single race, match, game or singular sport contest. For example, a basketball game or the finals of the Olympic 100-metre 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

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

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

(a) Disqualification means the Athlete’s results in a particular Competition or Event are invalidated, with all resulting Consequences including forfeiture of any medals, points and prizes;

(b) Ineligibility means the Athlete or Other Person is barred on account of an anti-doping rule violation for a specified period of time from participating in any Competition or other activity or funding as provided in Article 10.14;

(c) Provisional Suspension means the Athlete or Other Person is barred temporarily from participating in any Competition or activity prior to the final decision at a hearing conducted under Article 8;

(d) Financial Consequences means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and

(e) Public Disclosure means the dissemination or distribution of information to the general public or Persons beyond those Persons entitled to earlier notification in accordance with Article 14. Teams in Team Sports may also be subject to Consequences as provided in Article 11.

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

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

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

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

**Doping Control:** All steps and processes from test distribution planning through to ultimate disposition of any appeal and the enforcement of Consequences including all steps and processes in between, including but not limited to, Testing, investigations, whereabouts, TUEs, Sample collection and handling, laboratory analysis, Results Management and investigations or proceedings relating to violations of Article 10.14 (Status During Ineligibility or Provisional Suspension).

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

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

**Event:** A series of individual Competitions conducted together under one ruling body (for example, the Olympic Games, FINA World Championships, or Pan American Games).

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

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

**Fault:** Fault is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an Athlete or Other Person’s degree of Fault include, for example, the Athlete’s or Other Person’s experience, whether the Athlete or Other Person is a Protected Person, special considerations such as impairment, the degree of risk that should have been perceived by the Athlete and the level of care and investigation exercised by the Athlete in relation to what should have been the perceived level of risk. In assessing the Athlete’s or Other Person’s degree of Fault, the circumstances considered must be specific and relevant to explain the Athlete’s or Other Person’s departure from the expected standard of behaviour. Thus, for example, the fact that an Athlete would lose the opportunity to earn large sums of money during a period of Ineligibility, or the fact that the Athlete only has a short time
left in his or her career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of Ineligibility under Article 10.6.1 or 10.6.2.\(^3\)

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

**In-Competition:** The period commencing at 11:59 p.m. on the day before a Competition in which the Athlete is scheduled to participate through the end of such Competition and the Sample collection process related to such Competition. Provided, however, WADA may approve, for a particular sport, an alternative definition if an International Federation provides a compelling justification that a different definition is necessary for its sport; upon such approval by WADA, the alternative definition shall be followed by all Major Event Organisations for that particular sport.\(^4\)

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

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

**Ineligibility:** See Consequences of Anti-Doping Rule Violations above.

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

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

\(^3\) Comment to Fault: The criteria for assessing an Athlete’s degree of Fault is the same under all Articles where Fault is to be considered. However, under Article 10.6.2, no reduction of sanction is appropriate unless, when the degree of Fault is assessed, the conclusion is that No Significant Fault or Negligence on the part of the Athlete or Other Person was involved.

\(^4\) Comment to In-Competition: Having a universally accepted definition for In-Competition provides greater harmonisation among Athletes across all sports, eliminates or reduces confusion among Athletes about the relevant timeframe for In-Competition Testing, avoids inadvertent Adverse Analytical Findings in between Competitions during an Event and assists in preventing any potential performance enhancement benefits from Substances prohibited Out-of-Competition being carried over to the Competition period.
**International-Level Athlete:** Athletes who compete in sport at the international level, as determined by each International Federation, consistent with the *International Standard for Testing and Investigations.*

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

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

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

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

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

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

**Minor:** A natural *Person* who has not reached the age of eighteen (18) years.

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

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

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95 Comment to *International-Level Athlete:* Consistent with the *International Standard for Testing and Investigations,* the International Federation is free to determine the criteria it will use to classify Athletes as *International-Level Athletes,* e.g., by ranking, by participation in particular *International Events,* by type of license, etc. However, it must publish those criteria in clear and concise form, so that Athletes are able to ascertain quickly and easily when they will become classified as *International-Level Athletes.* For example, if the criteria include participation in certain *International Events,* then the International Federation must publish a list of those *International Events.*
shall be the country's National Olympic Committee or its designee. In Australia, the National Anti-Doping Organisation is SIA.

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

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

**National-Level Athlete:**

(a) an Athlete in the SIA CEO’s Registered Testing Pool, National Testing Pool or Domestic Testing Pool; or

(b) an Athlete who participates in or prepares for a sporting event or sporting competition declared under clause 1.05A of the NAD scheme and published on the SIA website.

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

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

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

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

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

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

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

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

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

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

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

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

**Possession**: The actual, physical Possession, or the constructive Possession (which shall be found only if the Person has exclusive control or intends to exercise control over the Prohibited Substance or Prohibited Method or the premises in which a Prohibited Substance or Prohibited Method exists); provided, however, that if the Person does not have exclusive control over the Prohibited Substance or Prohibited Method or the premises in which a Prohibited Substance or Prohibited Method exists, constructive Possession shall only be found if the Person knew about the presence of the Prohibited Substance or Prohibited Method and intended to exercise control over it. Provided, however, there shall be no anti-doping rule violation based solely on Possession if, prior to receiving notification of any kind that the Person has committed an anti-doping rule violation, the Person has taken concrete action demonstrating that the Person never intended to have Possession and has renounced Possession by explicitly declaring it to an Anti-Doping Organisation. Notwithstanding anything to the contrary in this definition, the purchase (including
by any electronic or other means) of a \textit{Prohibited Substance} or \textit{Prohibited Method} constitutes \textit{Possession} by the \textit{Person} who makes the purchase.\textsuperscript{96}

\textbf{Prohibited List}: The WADA list identifying the \textit{Prohibited Substances} and \textit{Prohibited Methods}.

\textbf{Prohibited Method}: Any method so described on the \textit{Prohibited List}.

\textbf{Prohibited Substance}: Any substance, or class of substances, so described on the \textit{Prohibited List}.

\textbf{Protected Person}: An \textit{Athlete} or other natural \textit{Person} who at the time of the anti-doping rule violation: (i) has not reached the age of sixteen (16) years; (ii) has not reached the age of eighteen (18) years and is not included in any \textit{Registered Testing Pool} and has never competed in any \textit{International Event} in an open category; or (iii) for reasons other than age has been determined to lack legal capacity under applicable national legislation.\textsuperscript{97}

\textbf{Provisional Hearing}: For purposes of Article 7.4.3, an expedited abbreviated hearing occurring prior to a hearing under Article 8 that provides the \textit{Athlete} with notice and an opportunity to be heard in either written or oral form.\textsuperscript{98}

\textbf{Provisional Suspension}: See \textit{Consequences of Anti-Doping Rule Violations} above.

\textbf{Publicly Disclose}: See \textit{Consequences of Anti-Doping Rule Violations} above.

\textbf{Recreational Athlete}: In Australia, \textit{Recreational Athlete} is defined as set out in the Introduction to this Anti-Doping Policy (Section “Scope of this Anti-Doping Policy”).

\textbf{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

\textsuperscript{96} Comment to \textit{Possession}: Under this definition, anabolic steroids found in an \textit{Athlete}'s car would constitute a violation unless the \textit{Athlete} establishes that someone else used the car; in that event, the \textit{Anti-Doping Organisation} must establish that, even though the \textit{Athlete} did not have exclusive control over the car, the \textit{Athlete} knew about the anabolic steroids and intended to have control over them. Similarly, in the example of anabolic steroids found in a home medicine cabinet under the joint control of an \textit{Athlete} and spouse, the \textit{Anti-Doping Organisation} must establish that the \textit{Athlete} knew the anabolic steroids were in the cabinet and that the \textit{Athlete} intended to exercise control over them. The act of purchasing a \textit{Prohibited Substance} alone constitutes \textit{Possession}, even where, for example, the product does not arrive, is received by someone else, or is sent to a third party address.

\textsuperscript{97} Comment to \textit{Protected Person}: The Code treats \textit{Protected Persons} differently than other \textit{Athletes} or \textit{Persons} in certain circumstances based on the understanding that, below a certain age or intellectual capacity, an \textit{Athlete} or \textit{Other Person} may not possess the mental capacity to understand and appreciate the prohibitions against conduct contained in the \textit{Code}. This would include, for example, a Paralympic \textit{Athlete} with a documented lack of legal capacity due to an intellectual impairment. The term “open category” is meant to exclude competition that is limited to junior or age group categories.

\textsuperscript{98} Comment to \textit{Provisional Hearing}: A \textit{Provisional Hearing} is only a preliminary proceeding which may not involve a full review of the facts of the case. Following a \textit{Provisional Hearing}, the \textit{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 7.4.3, is a full hearing on the merits conducted on an expedited time schedule.
Samples, the management of results, the review of TUEs, the conduct of hearings, and the conduct of Educational programs at a regional level.

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

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

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

**Sample or Specimen:** Any biological material collected for the purposes of Doping Control.99

**SIA:** Sport Integrity Australia.

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

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

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

**Specified Method:** See Article 4.2.2.

**Specified Substance:** See Article 4.2.2.

**Sport:** The Sporting Administration Body who is party to this Anti-Doping Policy.

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99 Comment Sample or Specimen: It has sometimes been claimed that the collection of blood Samples violates the tenets of certain religious or cultural groups. It has been determined that there is no basis for any such claim.
**Sporting Administration Body:** A Sporting Administration Body as defined by the SIA Act.

**Sporting administration body Rules:** The Sporting Administration Body Rules as contained in the NAD scheme. Definitions from the NAD scheme are to be used when interpreting the Sporting Administration Body Rules.

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

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

**Substantial Assistance:** For purposes of Article 10.7.1, a Person providing Substantial Assistance must: (1) fully disclose in a signed written statement or recorded interview all information he or she possesses in relation to anti-doping rule violations or other proceeding described in Article 10.7.1.1, and (2) fully cooperate with the investigation and adjudication of any case or matter 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 or proceeding which is initiated or, if no case or proceeding is initiated, must have provided a sufficient basis on which a case or proceeding could have been brought.

**Tampering:** Intentional conduct which subverts the Doping Control process but which would not otherwise be included in the definition of Prohibited Methods. Tampering shall include, without limitation, offering or accepting a bribe to perform or fail to perform an act, preventing the collection of a Sample, affecting or making impossible the analysis of a Sample, falsifying documents submitted to an Anti-Doping Organisation or TUE committee or hearing panel, procuring false testimony from witnesses, committing any other fraudulent act upon the Anti-Doping Organisation or hearing body to affect Results Management or the imposition of Consequences, and any other similar intentional interference or Attempted interference with any aspect of Doping Control.100

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

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

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

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

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

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

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

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

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

**UNESCO Convention:** The International Convention against Doping in Sport adopted by the 33rd session of the UNESCO General Conference on 19 October 2005 including any and all amendments adopted by the States Parties to the Convention and the Conference of Parties to the International Convention against Doping in Sport.
**Use:** The utilisation, application, ingestion, injection or consumption by any means whatsoever of any Prohibited Substance or Prohibited Method.

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

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