

# Australian Football Anti-Doping Code

## **WARNING**

By this Code the AFL prohibits the classes of substances and methods which are prohibited under the World Anti-Doping Code Prohibited List.

This Code also sets out various restrictions and requirements that apply in relation to the use and administration of certain substances and methods that are not prohibited under the WADA Anti-Doping Code Prohibited List.

Substances are prohibited if they fall into the prohibited classes identified in this Code. The substances described in each prohibited class are examples only. Substances which are not included as examples are prohibited if they fall within a prohibited class.

It is the responsibility of each person to whom this Code applies to ensure that he or she does not Use or Administer prohibited substances or prohibited methods, whether or not included as examples, other than in strict compliance with this Code.

Amended 1 January 2015

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# Part 1

## 1. Objectives

The AFL subscribes to a philosophy and adopts a stance that:

- (a) ensures that AFL Competitions are conducted upon the basis of athletic prowess and natural levels of fitness and development and not on any pharmacologically enhanced performance;
- (b) protects Players from using substances which may cause acute or long term harm to their bodies;
- (c) educates the Players to understand the dangers and consequences of the use of performance enhancing substances; and
- (d) sets an example for all participants in the sport of Australian football by condemning the use of performance enhancing substances.

## 2. Definitions and Interpretation

### 2.1 Definitions

In this Code, the following words have the following respective meanings:

**Administer** for the purpose of clause 31 of this Code only, includes cause, encourage, assist, refer or recommend a person to use any Treatment.

**Administration** means 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** means a report from a laboratory or other WADA-approved entity that, consistent with the International Standard for Laboratories and related Technical Documents, identifies in a Sample the presence of a Prohibited Substance or its Metabolites or Markers (including elevated quantities of endogenous substances) or evidence of the Use of a Prohibited Method.

**Adverse Passport Finding** means a report identified as an Adverse Passport Finding as described in the applicable International Standards.

**ADRVP** means the Anti-Doping Rule Violation Panel constituted pursuant to the ASADA Act.

**Affiliated State or Territory Body** means any of:

- (a) AFL (NSW/ACT) Commission Limited ACN 086 839 385;

- (b) AFL Northern Territory Limited ACN 097 620 525;
- (c) AFL Queensland Limited ABN 66 090 629 342;
- (d) South Australian Football League Inc ABN 59 518 757 737;
- (e) Football Tasmania Limited ACN 085 213 350;
- (f) Australian Football League (Victoria) Limited ACN 147 664 579;
- (g) West Australian Football Commission Inc ABN 51 167 923 136

**AFL** means Australian Football League ABN 97 489 912 318.

**AFL Competition** means the competitions conducted pursuant to the Laws of Australian Football.

**AFL General Counsel** means the person appointed as such by the AFL from time to time.

**AFL Prohibited Treatment** means any Treatment listed on the AFL Prohibited Treatment List from time to time.

**AFL Prohibited Treatment List** means the list of AFL Prohibited Treatments published by the AFL from time to time in accordance with clause 31.

**AFL Rules** means the AFL Rules and AFL Regulations adopted by the AFL from time to time pursuant to its Constitution.

**AFL Treatment Rules** means the rules set out in clause 31.

**Anti-Doping Organisation** means a Signatory that is responsible for adopting rules for initiating, implementing or enforcing any part of the Doping Control process. This includes, for example, the International Olympic Committee, the International Paralympic Committee, other major event organisations that conduct Testing at their events, WADA, International Federations, and National Anti-Doping Organisations. For the avoidance of doubt, ASADA and AFL are Anti-Doping Organisations.

**Anti-Doping Rule Violation** means a breach of this Code pursuant to Clause 10.

**Appeal Board** means the body hearing any appeal pursuant to clause 20.

**ASADA** means, where the context requires based on functions, powers and responsibilities conferred under the ASADA Act:

- (h) the CEO of ASADA appointed under the ASADA Act;
- (i) Australian Sports Anti-Doping Authority established under the ASADA Act;
- (j) the Anti-Doping Rule Violation Panel (**ADRVP**) established under the ASADA Act.

**ASADA Act** means the *Australian Sports Anti-Doping Authority Act 2006 (Cth)* as amended from time to time, and includes the ASADA Regulations and any statutory or subordinate legislative instrument that replaces or supersedes the *Australian Sports Anti-Doping Authority Act 2006 (Cth)* and/or the ASADA Regulations from time to time.

**ASADA Regulations** means the *Australian Sports Anti-Doping Authority Regulations 2006* (Cth) (the National Anti-Doping scheme is contained in Schedule 1 to the Regulations).

**ASDMAC** means the Australian Sports Drug Medical Advisory Committee constituted pursuant to the ASADA Act.

**Athlete Biological Passport** means 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 Person** means any coach, trainer, manager, sport scientists, agent, club staff, official, medical, paramedical personnel, parent or any other Person working with, treating or assisting a Player participating in or preparing for an AFL Competition.

**Attempt** means purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of an Anti-Doping Rule Violation. Provided, however, there shall be no Anti-Doping Rule Violation based solely on an Attempt to commit a violation if the Person enunciates the Attempt prior to it being discovered by a third party not involved in the Attempt.

**Atypical Finding** means a report from an accredited laboratory or other WADA-approved entity 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** means a report described as an Atypical Passport Finding as described in the applicable International Standards.

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

**Club** means an entity from time to time licensed or authorised to field a team in an AFL Competition.

**Code** means this Anti-Doping Code including the Appendices.

**Consequences of Anti-Doping Rule Violations** or **Consequences** means a Player's or other Person's violation of an anti-doping rule may result in one or more of the following:

- (a) **Ineligibility** means the Player or other Person is barred for a specified period of time from participating in any AFL Competition or other activity or funding as provided in clause 22;
- (b) **Provisional Suspension** means the Player or other Person is barred for a specified period of time from participating as a Player in any AFL Competition match prior to the final decision at a hearing conducted under clause 18;
- (c) **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
- (d) **Public Disclosure** or **Public Reporting** means the dissemination or distribution of information to the general public or Persons beyond those Persons entitled to earlier notification in accordance with clause 23.

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

**Controlled Treatment** means any Treatment listed on the Controlled Treatments List from time to time.

**Controlled Treatments List** means the list of Controlled Treatments published by the AFL from time to time in accordance with clause 31.

**Doping** is defined as the occurrence of one or more of the Anti-Doping Rule Violations of the WADA Code and clause 10 of this Code.

**Doping Control** means all steps and processes from test distribution planning through to ultimate disposition of any appeal including all steps in between such as provision of whereabouts information, Sample collection and handling, laboratory analysis, TUEs, results management, hearings and appeals.

**Fault** means any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing a Player or other Person's degree of Fault include, for example, the Player's or other Person's experience, whether the Player or other Person is a Minor, special considerations such as impairment, the degree of risk that should have been perceived by the Player and the level of care and investigation exercised by the Player in relation to what should have been the perceived level of risk. In assessing the Player's or other Person's degree of Fault, the circumstances considered must be specific and relevant to explain the Player's or other Person's departure from the expected standard of behaviour. Thus, for example, the fact that a Player would lose the opportunity to earn large sums of money during a period of Ineligibility, or the fact that the Player 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 clause 17.4 or 17.5<sup>1</sup>.

**Filing Failure** means a failure by a Player to file current and accurate whereabouts information in accordance with this Code.

**In-Competition** means, for the purposes of differentiating between In-Competition and Out-of-Competition, the period commencing twelve hours before the commencement of a match conducted in an AFL Competition or the International Rules Series in which the Player is to participate, until the end of that match and the Sample collection process is completed relating to such match.

**Ineligibility** see Consequences of Anti-Doping Rule Violations above.

**International Rules Series** means the series of matches played between Australia and Ireland using modified rules of Australian football.

**International Standard** means a standard adopted by WADA in support of the WADA 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

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<sup>1</sup> The criteria for assessing a Player's degree of Fault is the same under all clauses where Fault is to be considered. However, under Clause 17.5, 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 Player or other Person was involved.



Standards shall include any Technical Documents issued pursuant to the International Standard.

**Laws of Australian Football** means the “Laws of Australian Football” published by the AFL from time to time.

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

**Metabolite** means any substance produced by a biotransformation process.

**Minor** means a natural Person who has not reached the age of eighteen years.

**Missed Test** means a failure by a Player to be available for Testing on any given day at the location and time specified in the timeslot identified in his whereabouts information for that day, in accordance with this Code.

**National Anti-Doping (NAD) Scheme** means the National Anti-Doping scheme which is contained in Schedule 1 to the *Australian Sports Anti-Doping Authority Regulations 2006* (Cth).

**No Fault or Negligence** means the Player or other Person establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had Used or been administered the Prohibited Substance or Prohibited Method or otherwise violated an anti-doping rule. Except in the case of a Minor, for any violation of Clause 10.1(b), the Player must also establish how the Prohibited Substance entered his or her system.

**No Significant Fault or Negligence** means the Player or other Person’s establishing that his or her Fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relationship to the Anti-Doping Rule Violation. Except in the case of a Minor, for any violation of Clause 10.2, the Player must also establish how the Prohibited Substance entered his or her system.<sup>2</sup>

**Officer** means an Officer as defined in the Corporations Act 2001 and without limitation shall include the president, chairman, vice president, vice chairman, general manager, chief executive, football manager, coach, any board or committee member and any servant or agent who makes or participates in the making of decisions that affect the whole, or a substantial part, of the business of the Club.

**Out-of-Competition** means any period that is not In-Competition.

**Person** means a natural person, or an organisation or other entity. For the avoidance of doubt, Person includes a Player and Athlete Support Person.

**Player** means a person who competes, or is preparing to compete, in an AFL Competition. For the purposes of clauses 10.7, 10.9 and 10.10 of this Code, any Person who participates in sport under the authority of any Signatory, government or other sports organisation accepting the WADA Code is a Player.

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<sup>2</sup> For Cannabinoids, a Player may establish No Significant Fault or Negligence by clearly demonstrating that the context of the Use was unrelated to sport performance.

**Possession** means the actual, physical possession, or the constructive possession (which shall be found only if the Person has exclusive 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 the Possession by explicitly declaring it to an Anti-Doping Organisation. Notwithstanding anything to the contrary in this definition, the purchase (including by electronic or other means) of a Prohibited Substance or Prohibited Methods constitutes Possession by the Person who makes the purchase.<sup>3</sup>

**Prohibited Method** means any method so described on the WADA Prohibited List.

**Prohibited Substance** means any substance so described on the WADA Prohibited List.

**Provisional Hearing** means for the purpose of clause 14.9, and expedited abbreviated hearing occurring prior to a hearing under clause 18 that provides the Player with notice and an opportunity to be heard in either writing or oral form.

**Provider** means any Person who:

- (a) Administers a Treatment to a Player; or
- (b) supplies, prepares or manufactures a substance for the purpose of Administration of the substance to a Player as a Treatment.

**Prohibited Provider** means a Provider who is listed on the AFL Prohibited Providers List from time to time.

**Prohibited Providers List** means the list of Prohibited Providers published by the AFL from time to time in accordance with clause 31.

**Provisional Suspension** see Consequences of Anti-Doping Rule Violations above.

**Publicly Disclose** means to disseminate or distribute information to the general public or Persons beyond those Persons entitled to earlier notification in accordance with clause 23.

**Register of Controlled Treatments** means the Register required to be maintained by each Club in accordance with clause 31.

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<sup>3</sup> Under this definition, steroids found in a Player's car would constitute a violation unless the Player establishes that someone else used the car, in that event, the Anti-Doping Organisation or AFL must establish that, even though the Player did not have exclusive control of the car, the Player knew about the steroids and intended to have control over the steroids. Similarly, in the example of steroids found in a home medicine cabinet under the joint control of a Player and spouse, the Anti-Doping Organisation or AFL must establish that the Player knew the steroids were in the cabinet and that the Player intended to exercise control over the steroids.

**Registered Testing Pool** means the pool of top level Players established separately by AFL who are subject to both In-Competition and Out-of-Competition Testing as part of AFL's test distribution plan.

**Sample** or **Specimen** means any biological material collected for the purposes of Doping Control.<sup>4</sup>

**Signatory** means those entities signing the WADA Code and agreeing to comply with the WADA Code, as provided in Article 23 of the WADA Code.

**Specified Substance** means substances identified as specified substances in the WADA Prohibited List.

**Substantial Assistance** means, for the purposes of clause 17.6, a Person providing Substantial Assistance must:

- (c) fully disclose in a signed written statement all information he or she possesses in relation to Anti-Doping Rule Violations; and
- (d) fully cooperate with the investigation and adjudication of any case related to that information, including for example, presenting testimony at a hearing if requested to do so by ASADA, AFL or a hearing panel.

Further, the information provided must be credible and must comprise an important part of any case which is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.

**Tampering** means altering for an improper purpose or in an improper way; bringing improper influence to bear; interfering improperly; obstructing, misleading or engaging in any fraudulent conduct to alter results or prevent normal procedures from occurring.

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

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

**Testing Authority** means the testing agency or body appointed by the AFL from time to time to undertake Testing.

**Therapeutic Use** means the permitted use of a prohibited substance for genuine medical reasons.

**TUE** means Therapeutic Use Exemption granted in accordance with the International Standard for Therapeutic Use Exemptions.

**Trafficking** means 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 a Player, Athlete Support Person, Official or 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

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<sup>4</sup> 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.

therapeutic purposes or other acceptable justification, and shall not include actions involving Prohibited Substance which are not prohibited in Out-of-Competition Testing unless the circumstances as a whole demonstrate such Prohibited Substance are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

**Treatment** means, for the purposes of clause 31, the provision of any:

- (a) substance;
- (b) treatment, method or service;
- (c) process or intervention,
- (d) remedy, or
- (e) conditioning, management or care practice;

for any one or more of the following purposes:

- (f) preventing, diagnosing, curing or alleviating a disease, ailment, defect or injury in persons;
- (g) influencing, inhibiting or modifying a person's physiological process;
- (h) testing a person's susceptibility to a disease or ailment;
- (i) the replacement or modification of parts of a person's anatomy.

**Tribunal** means the body hearing any matter under this Code pursuant to clause 18.

**Use** means the utilisation, application, ingestion, injection or consumption by any means whatsoever of any Prohibited Substance or Prohibited Methods, or pursuant to clause 31, the utilisation, application, ingestion, injection or consumption by any means whatsoever of any AFL Prohibited Treatment.

**WADA** means the World Anti-Doping Agency.

**WADA Code** means the World Anti-Doping Code.

**WADA Prohibited List** means the WADA list identifying the Prohibited Substances and Prohibited Methods as amended from time to time.

## 2.2 Interpretation

- (a) Reference to:
  - (i) the singular includes the plural and the plural includes the singular;
  - (ii) one gender includes the other genders; and
  - (iii) a person includes a body corporate or other legal entity.
- (b) "Including" and similar words are not words of limitation.

- (c) Any word or phrase not defined in this Code but defined in the AFL Rules will, where applicable, have a corresponding meaning unless the context requires otherwise.
- (d) The official text of the WADA Code shall be maintained by WADA and shall be published in English and French. In the event of any conflict between the English and French versions, the English version will prevail.
- (e) The provisions set out in Part 2 of this Code only apply to the elite eighteen team AFL Competition and the relevant Clubs.

### **2.3 Delegation**

- (a) The AFL General Counsel may delegate any of his obligations and powers under this Code in writing to any corporation, person or entity as he deems appropriate, and in which instance references to "AFL General Counsel" in this Code will be deemed to include the corporation, person or entity to whom the obligations and powers have been so delegated.
- (b) For the avoidance of doubt, AFL may delegate any of its rights and obligations under this Code to any Affiliated State or Territory Body. In such case, any reference to AFL General Counsel will be deemed a reference to the General Manager or CEO of that Affiliated State or Territory Body.
- (c) AFL will advise ASADA of any delegation under this clause.
- (d) This Code is deemed to form part of the AFL Rules, where applicable.

### **2.4 Sporting Administration Body Rules**

The AFL agrees to be bound by the Sporting Administration Body Rules as contained in clause 2.04 of the ASADA Regulations.

## **3. Application of Code**

- (a) This Code applies to:
  - (i) Players, whether in or out of competition;
  - (ii) Clubs and their Officers;
  - (iii) Athlete Support Persons; and
  - (iv) any other Person who is required to comply with this Code from time to time.
- (b) Any Player, Club, Officer, Athlete Support Person or other Person to whom this Code applies who commits an Anti-Doping Rule Violation or otherwise breaches the provisions of this Code is liable to the sanctions provided by this Code.
- (c) A Club will be deemed to have breached this Code should any of its Officers or Athlete Support Person breach this Code and the Club may be sanctioned by the AFL in addition to the Officers or Athlete Support Person concerned.

- (d) This Code shall apply to the AFL and all its member or affiliate organisations, including competitions conducted by or under the auspice of an Affiliated State or Territory Body.

#### **4. Powers of AFL and ASADA**

- (a) Under the ASADA Act and the NAD Scheme, ASADA has the legislative authority to:
- (i) investigate possible violations of the anti-doping rules under the ASADA Act and the NAD Scheme for Players and Athlete Support Person under the jurisdiction of the AFL;
  - (ii) make findings in relation to such investigations;
  - (iii) notify the Player, Athlete Support Person and the AFL of its findings and its recommendations as to the consequences of such findings; and
  - (iv) present its findings and its recommendations as to consequences at hearings of the AFL Tribunal, the AFL Appeals Board or CAS, either at the AFL's request or on its own initiative.
- (b) The AFL has a responsibility to encourage and promote competition free from Prohibited Substances and Methods and to prevent doping practices in sport. To facilitate this object, the AFL specifically recognises ASADA and its functions and powers. ASADA agrees, unless advised otherwise by the AFL, that the AFL retains all functions and powers relating to this Code, including all functions and powers relating to investigations, the issuing of an infraction notice, the convening of hearings, the presentation of allegations of an Anti-Doping Rule Violations at a hearing and all matters incidental thereto.
- (c) The AFL will provide ASADA a copy of all notices of hearings to be conducted pursuant to this Code. ASADA has provided an undertaking to the AFL to keep this information confidential unless otherwise required to disclose by law and/or to the extent required under the ASADA Act, the NAD Scheme and this Code.
- (d) The AFL recognises that ASADA may carry out its own investigations of possible Anti-Doping Rule Violations.
- (e) The AFL will facilitate the presentation of relevant information obtained during investigations conducted by ASADA to the Tribunal or Appeals Board. For this purpose, the AFL will provide reasonable notice to ASADA of matters to be heard by the Tribunal or Appeals Board.
- (f) Where reasonable and as soon as the AFL becomes aware that a possible Anti-Doping Rule Violation may have occurred, the AFL will immediately advise ASADA of the possible violation. The AFL will provide ASADA with all information pertaining to the possible Anti-Doping Rule Violation and will, as may be reasonably required by ASADA, assist, cooperate and liaise with ASADA in relation to any investigation conducted by ASADA at no cost to the AFL.
- (g) In recognising ASADA's charter to conduct its own investigations, the AFL and ASADA agree that:
- (i) any investigations undertaken by ASADA will be at no cost to the AFL;

- (ii) the AFL will act on ASADA's findings on such investigations in good faith in accordance with this Code;
  - (iii) ASADA will inform the AFL of any intention to conduct an investigation that might reasonably be expected to result in an Anti-Doping Rule Violation under this Code and will provide regular reports to the AFL on ASADA's conduct of the anti-doping functions subject to ASADA's enabling legislation;
  - (iv) the AFL will inform ASADA of any investigation that might reasonably be expected to result in an Anti-Doping Rule Violation under this Code and will provide regular reports to ASADA on the AFL's conduct of its anti-doping functions subject to this Code, including any with respect to clause 11.
- (h) ASADA will perform and conduct anti-doping functions and powers in accordance with this Code in so far as it does not conflict with the ASADA Act and the NAD Scheme.
  - (i) The AFL agrees to provide such reports to ASADA on the AFL's conduct of any anti-doping functions under this Code, as may be reasonably agreed between the AFL and ASADA from time to time.
  - (j) The AFL will recognise and enforce any sanction applied by the Tribunal or the Appeals Board in respect of an Anti-Doping Rule Violation and will recognise and enforce any finding by or on behalf of any Signatory that a breach has occurred of its anti-doping policy and the Player or Person concerned will be subject to sanction under this Code as if that Player or Person has committed an Anti-Doping Rule Violation under this Code.

## **5. Prohibited Classes of Substances and Prohibited Methods**

- (a) The classes of substances and methods prohibited under this Code are those described in the WADA Prohibited List.
- (b) Persons to whom this Code applies are specifically cautioned:
  - (i) The WADA Prohibited List describes, amongst other things, prohibited classes of substances. The naming of substances in the WADA Prohibited List is by way of example only and the fact that a substance is not so named does not affect its prohibition if the substance is within a prohibited class.
  - (ii) Amendments or additions to the WADA Prohibited List take effect under this Code at the same time as they take effect under the WADA Prohibited List.
  - (iii) It is the obligation of each Person to whom this Code applies to inform himself or herself of all substances and methods prohibited under this Code. It is not a defence to any claim that a Person has breached this Code for that Person to contend:
    - (A) ignorance that a substance or method is prohibited;

- (B) an honest and reasonable, but mistaken, belief that a substance or method is not prohibited under this Code;
- (C) lack of intention to use or administer a Prohibited Substance or Prohibited Method;
- (D) inadvertent use or administration of a Prohibited Substance or Prohibited Method;
- (E) that the substance or method was Used or Administered for therapeutic purposes unless permission has been granted under clause 9; or
- (F) that the substance or method in question did not enhance the performance of the Player concerned or was otherwise not performance enhancing.

## **6. The WADA Prohibited List**

### **6.1 Incorporation of the WADA Prohibited List<sup>5</sup>**

- (a) This Code incorporates the WADA Prohibited List which is published and revised by WADA from time to time.
- (b) Unless provided otherwise in the WADA Prohibited List and/or a revision, the WADA Prohibited List and revisions shall go into effect under this Code three months after publication by WADA without requiring any further action by an Anti-Doping Organisation. All Players and other Persons shall be bound by the WADA Prohibited List, and any revisions thereto, from the date they go into effect, without further formality. It is the responsibility of all Players and other Persons to familiarise themselves with the most up-to-date version of the WADA Prohibited List and all revisions.

### **6.2 Prohibited Substances and Prohibited Methods Identified on the Prohibited List<sup>6</sup>**

- (a) Prohibited Substances and Prohibited Methods

The WADA 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. Prohibited Substances and Prohibited Methods may be included in the WADA Prohibited List by general category (eg. Anabolic agents) or by specific reference to a particular substance or methods.

- (b) Specified Substances

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<sup>5</sup> For the sake of predictability, a new Prohibited List will be published every year whether or not changes have been made. WADA will always have the most current Prohibited List published on its website. The current Prohibited List is available on WADA's website at [www.wada-ama.org](http://www.wada-ama.org).

<sup>6</sup> 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.



For the purpose of the application of Clause 17 (Sanctions), all Prohibited Substances shall be “Specified Substances” except substances in the classes of anabolic agents and hormones and those stimulants and hormone antagonists and modulators so identified on the WADA Prohibited List. Prohibited Methods shall not be Specified Substances.<sup>7</sup>

### **6.3 Criteria for Including Substances and Methods on the WADA Prohibited List**

WADA’s determination of the Prohibited Substances and Prohibited Methods that will be included on the WADA Prohibited List, the classification of substances into categories on the WADA Prohibited List, and the classification of a substance as prohibited at all times or In-Competition only, is final and shall not be subject to challenge by a Player or other Person.

## **7. Obligations**

- (a) All Players, Clubs, Officers and Athlete Support Person must comply with and observe this Code.
- (b) All Players must give Samples for Testing at the request of either the Testing Authority or the AFL.
- (c) If required by the AFL, each Player must upon request, promptly provide to their Club their address and telephone numbers and other up to date details of their whereabouts so as to permit Out-of-Competition testing. The minimum required details in order to comply with this Clause are set out in the “Whereabouts Form” in Annexure A. A Player who has lodged with his Club a “Whereabouts Form” in accordance with Annexure A which contains information that continues to be up to date and which provides a current telephone number of the Player is deemed to have complied with this clause.
- (d) The applicable requirements for the purposes of clause 10.5 are that Players must:
  - (i) provide whereabouts information to their Club at the beginning of each season;
  - (ii) not deliberately or recklessly provide incorrect whereabouts information;
  - (iii) not fail on more than three occasions in any twelve month period to update the whereabouts information within ten (10) days of the whereabouts information previously provided to the Club becoming out of date;
  - (iv) not refuse to update the whereabouts information previously provided to the Club within three (3) days of being requested to do so;
  - (v) not be unavailable for Out-of-Competition Testing on a total of three (or more) occasions during any twelve month period.
- (e) Each Club must:

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<sup>7</sup> The Specified Substances identified in clause 6.2 should not in any way be considered less important or less dangerous than other doping substances. Rather, they are simply substances which are more likely to have been consumed by a Player for a purpose other than the enhancement of sport performance.

- (i) notify its Players that they are liable for selection to provide Samples for Testing of Doping whether In-Competition or Out-of-Competition;
- (ii) educate its Players, Officers and Athlete Support Person in respect of:
  - (A) the dangers and consequences of the use of performance enhancing substances and to this end will ensure that all such persons attend all drug awareness or education lectures and will maintain and keep a written record of all such attendees which will be signed by all attendees and certified by the Club's Chief Executive Officer. This record will be provided upon request to the AFL;
  - (B) their respective obligations under this Code; and
  - (C) the sanctions which are applicable for a breach of this Code.
- (iii) upon request, advise the AFL in writing of all steps, actions and other matters undertaken by it pursuant to clause 7(e)(ii);
- (iv) permit and assist the Testing Authority to attend Matches and training sessions in order to obtain Samples from Players for Testing and provide the facilities required to enable the Testing Authority to obtain such Samples;
- (v) permit the Testing Authority to obtain Samples from Players for Testing other than at Matches and training sessions and provide all necessary assistance and allow the Testing Authority representatives unlimited access to the training and changing rooms and other Match facilities for this purpose;
- (vi) require and cause its Players, Officers and Athlete Support Person to permit the Testing Authority to collect Samples for testing and provide all necessary assistance for this purpose;
- (vii) arrange for completion and return of forms required for the purposes of the Testing Authority at the request of the Testing Authority or AFL;
- (viii) promptly notify the AFL General Counsel of any circumstances which may be or are a breach of this Code;
- (ix) upon request promptly provide to the AFL such information and assistance as they may request concerning the application of this Code, any alleged breach of this Code or any practice concerning the use of drugs in Australian football;
- (x) permit and assist the AFL to access the Players' room at each Match, the facility provided by the Club for the collection of samples by the Testing Authority and to any other information required;
- (xi) ensure that its Players and Club Medical Officers comply with their obligations under this Code;
- (xii) upon request, promptly provide to the Testing Authority and AFL the names, addresses and telephone numbers of their Players;

- (xiii) upon request, promptly provide to the Testing Authority and AFL the Club's training schedule, inclusive of the date, time and place where the Players of the Club will train; and
- (xiv) promptly advise the Testing Authority and AFL of any change to the information provided by the Club under Clauses 7(e)(xii) and 7(e)(xiii).

## 8. Testing for Doping

Sampling and Testing of Players must be conducted substantially in conformity with the WADA International Standard for Testing. Sample analysis and custodial procedures shall be conducted in accordance with the International Standard for Laboratories. Minor irregularities, which cannot reasonably be considered to have affected the results of otherwise valid tests, will not invalidate such results. Minor irregularities do not include the chain of custody of the Sample, improper sealing of the container(s) in which the Sample is stored, failure to request the signature of the Player or failure to provide the Player with an opportunity to be present or be represented at the opening and analysis of the 'B' Sample if analysis of the 'B' Sample is requested.

## 9. Therapeutic Use

### 9.1 Application

- (a) 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.
- (b) The TUE Committee for Australia is the Australian Sports Drug Medical Advisory Committee (**ASDMAC**). Unless otherwise specified by ASDMAC in a notice posted on its website, any Player 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 by completing the form at [www.asdmac.gov.au](http://www.asdmac.gov.au) with assistance from their doctor. ASDMAC will consider applications for the grant or recognition of TUEs. ASDMAC shall promptly evaluate and decide upon the application in accordance with the relevant provisions of the International Standard for Therapeutic Use Exemptions and the specific ASDMAC protocols posted on its website at <http://www.asdmac.gov.au>. ASDMAC's decision shall be final and where ASDMAC has granted a TUE, the decision shall be reported to WADA and other relevant Anti-Doping Organisations in accordance with the International Standard for Therapeutic Use Exemptions.<sup>8</sup>
- (c) If an Anti-Doping Organisation chooses to test a Player, the Player may apply for a retroactive TUE for any Prohibited Substance or Prohibited Method that he or she is using for therapeutic reasons.

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<sup>8</sup> 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.

A Player should not assume that his/her application for grant or recognition of a TUE (or for renewal of a TUE) will be granted. Any Use or Possession or administration of a Prohibited Substance or Prohibited Method before an application has been granted is entirely at the Player's own risk.

## 9.2 Expiration, cancellation, withdrawal or reversal of a TUE

- (a) A TUE granted pursuant to this Code:
  - (i) shall expire automatically at the end of any term for which it was granted, without the need for any further notice or other formality;
  - (ii) may be cancelled if the Player does not promptly comply with any requirements or conditions imposed by the TUE committee upon grant of the TUE;
  - (iii) may be withdrawn by the TUE committee if it is subsequently determined that the criteria for grant of a TUE are not in fact met; or
  - (iv) may be reversed on review by WADA or on appeal.
- (b) In such event, the Player shall not be subject to any Consequences based on his or her Use or Possession or Administration of the Prohibited Substance or Prohibited Method in question in accordance with the TUE prior to the effective date of expiry, cancellation, withdrawal or reversal of the TUE. The review of any subsequent Adverse Analytical Finding shall include consideration of whether such finding is consistent with Use of the Prohibited Substance or Prohibited Method prior to that date, in which event no Anti-Doping Rule Violation shall be asserted.

## 9.3 Reviews and appeals of TUE decisions

- (a) If ASDMAC denies an application for a TUE, the Player may appeal exclusively to the Therapeutic Use Exemption Review Committee (**TUERC**).
- (b) WADA may review any 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.
- (c) A decision by WADA to reverse a TUE decision may be appealed by the Player, ASDMAC and/or the AFL exclusively to CAS.
- (d) A failure to take action within a reasonable time on a properly submitted application for grant recognition of a TUE or for review of a TUE decision shall be considered a denial of the application.

# 10. Anti-Doping Rule Violations

## 10.1 General

- (a) The purpose of Clause 10 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.
- (b) Players 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 WADA Prohibited List.

## 10.2 Presence of a Prohibited Substance or its Metabolites or Markers in a Player's Sample

- (a) It is each Player's personal duty to ensure that no Prohibited Substance enters his or her body. Players 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 Player's part be demonstrated in order to establish an Anti-Doping Rule Violation under Clause 10.2.<sup>9</sup>
- (b) Sufficient proof of an Anti-Doping Rule Violation under this Clause is established by either of the following:
  - (i) presence of a Prohibited Substance or its Metabolites or Markers in the Players A Sample where the Player waives analysis of the B Sample and the B Sample is not analysed; or
  - (ii) where the Player's B Sample is analysed and the analysis of the Player's B Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the Player's A Sample<sup>10</sup>; or
  - (iii) where the Player's B Sample is split into two bottles and the analysis of the second bottle confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the first bottle.
- (c) Excepting those substances for which a quantitative reporting threshold is specifically identified in the WADA Prohibited List, the presence of any quantity of a Prohibited Substance or its Metabolites or Markers in a Player's Sample shall constitute an Anti-Doping Rule Violation.
- (d) As an exception to the general rule of this Clause 10.2, the WADA Prohibited List or International Standards may establish special criteria for the evaluation of Prohibited Substances that can also be produced endogenously.

## 10.3 Use or Attempted Use by a Player of a Prohibited Substance or a Prohibited Method<sup>11</sup>

- (a) It is each Player'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 Player's part be

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<sup>9</sup> An Anti-Doping Rule Violation is committed under this clause without regard to a Player's Fault. This rule has been referred to in various CAS decisions as 'Strict Liability'. A Player's Fault is taken into consideration in determining the Consequences of this Anti-Doping Rule Violation. This principle has consistently been upheld by CAS.

<sup>10</sup> The Anti-Doping Organisation with results management responsibility may in its discretion choose to have the B Sample analysed even if the Player does not request the analysis of the B Sample.

<sup>11</sup> 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. Unlike the proof required to establish an Anti-Doping Rule Violation under Clause 10.2, Use or Attempted use may also be established by other reliable means such as admissions by the Player, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, or other analytical information which does not otherwise satisfy all the requirements to establish "Presence" of a Prohibited Substance under Clause 10.2. 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.

demonstrated in order to establish an Anti-Doping Rule Violation for Use of a Prohibited Substance or Prohibited Method.

- (b) The success or failure of the Use or Attempted Use of a Prohibited Substance or Prohibited Method is not material. It is sufficient that the Prohibited Substance or Prohibited Method was Used or Attempted to be Used for an Anti-Doping Rule Violation to be committed.<sup>12</sup>

#### **10.4 Evading, Refusing or Failing to Submit to Sample Collection**

Evading Sample collection, or without compelling justification, refusing or failing to submit to Sample collection after notification as authorised in applicable Anti-Doping Rules.<sup>13</sup>

#### **10.5 Whereabouts failures**

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

#### **10.6 Tampering, or Attempted Tampering with any part of Doping Control**

Tampering, or Attempted Tampering with any part of Doping Control means conduct which subverts the Doping Control process but which would not otherwise be included in the definition of Prohibited Methods. Tampering shall include, without limitation, intentionally interfering or attempting to interfere with a Doping Control official, providing fraudulent information to an Anti-Doping Organisation or intimidating or attempting to intimidate a potential witness.<sup>14</sup>

#### **10.7 Possession of Prohibited Substances or a Prohibited Method**

- (a) Possession by a Player In-Competition of any Prohibited Method or any Prohibited Substance, or Possession by a Player Out-of-Competition of any Prohibited Method or Prohibited Substance which is prohibited Out-of-Competition unless the Player establishes that the Possession is consistent with a TUE granted in accordance with Clause 9 (Therapeutic Use) or other acceptable justification.<sup>15</sup>

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<sup>12</sup> Demonstrating the "Attempted Use" of a Prohibited Substance requires proof of intent on the Player'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 Clause 10.2 and violations of Clause 10.3 in respect of Use of a Prohibited Substance or Prohibited Method.

A Player's Use of a Prohibited Substance constitutes an Anti-Doping Rule Violation unless such substance is not prohibited Out-of-Competition and the Player'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 Clause 10.2 (Presence of a Prohibited Substance or its Metabolites or Markers) regardless of when that substance might have been administered.)

<sup>13</sup>For example, it would be an Anti-Doping Rule Violation of 'evading Sample collection' if it were established that a Player 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 Player, while 'evading' or 'refusing' Sample collection contemplates intentional conduct by the Player.

<sup>14</sup> For example, this clause would prohibit altering identification numbers on a Doping Control form during Testing, breaking the B bottle at the time of B Sample analysis, or altering a Sample by the addition of a foreign substance. Offensive conduct towards a Doping Control official or other Person involved in Doping Control which does not otherwise constitute Tampering may be addressed in the code of conduct.

<sup>15</sup> 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, eg buying insulin for a diabetic child.

- (b) Possession by an Athlete Support Person In-Competition of any Prohibited Method or any Prohibited Substance, or Possession by an Athlete Support Person Out-of-Competition of any Prohibited Method or any Prohibited Substance which is prohibited Out-of-Competition in connection with a Player, AFL Competition or training, unless the Athlete Support Person establishes that the Possession is pursuant to a TUE granted to a Player in accordance with Clause 9 (Therapeutic Use) or other acceptable justification.<sup>16</sup>

## **10.8 Trafficking or Attempted Trafficking**

Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method.

## **10.9 Administration or Attempted Administration**

Administration or Attempted Administration to any Player In-Competition of any Prohibited Method or Prohibited Substance, or Administration or Attempted Administration to any Player Out-of-Competition of any Prohibited Method or any Prohibited Substance that is prohibited Out-of-Competition.

## **10.10 Complicity**

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity involving an Anti-Doping Rule Violation, Attempted Anti-Doping Rule violation or violation of clause 22.1 by another Person.

## **10.11 Prohibited Association**

- (a) Association by a Player 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:
- (i) If subject to the authority of an Anti-Doping Organisation, is serving a period of Ineligibility; or
  - (ii) 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 WADA 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 WADA Code-compliant rules had been applicable to such Person. The disqualifying status of such Person shall be in force for the longer of six years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed; or
  - (iii) Is serving as a front or intermediary for an individual described in clause 10.11(a)(i) or 10.11(a)(ii).
- (b) In order for this clause 10.11 to apply, it is necessary that the Player or other Person has previously been advised in writing by an Anti-Doping Organisation with jurisdiction over the Player or other Person, or by WADA, of the Athlete Support Person's disqualifying status and the potential Consequence of prohibited

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<sup>16</sup> Acceptable justification would include, for example, a team doctor carrying Prohibited Substances for dealing with acute and emergency situations.

association and that the Player or other Person can reasonably avoid the association. An Anti-Doping Organisation shall also use reasonable efforts to advise the Athlete Support Person who is the subject of the notice to the Player or other Person that the Athlete Support Person may, within 15 days, come forward to the Anti-Doping Organisation to explain that the criteria described in clause 10.11(a)(i) and 10.11(a)(ii) do not apply to him or her. (Notwithstanding clause 10.11, this Clause applies even when the Athlete Support Person's disqualifying conduct occurred prior to the effective date of this Code).

- (c) The burden shall be on the Player or other Person to establish that any association with an Athlete Support Person described in clause 10.11(a)(i) or 10.11(a)(ii) is not in a professional or sport-related capacity.
- (d) If an Anti-Doping Organisation is aware of Athlete Support Person who meets the criteria described in clause 10.11(a)(i), 10.11(a)(ii) or 10.11(a)(iii) they shall submit that information to WADA.<sup>17</sup>

## 11. Testing and Investigations

### 11.1 Purpose of Testing and investigations

- (a) Testing and investigations, where applicable, shall be conducted in conformity with the provisions of the International Standard for Testing and Investigations. For the avoidance of doubt, nothing in this Code prevents or restricts the AFL from conducting any investigation, with an Anti-Doping Organisation or independently, for anti-doping or related purposes.
- (b) All Players must comply with any request for Testing by a Testing Authority or the AFL.
- (c) Testing shall be undertaken to obtain analytical evidence as to the Player's compliance (or non-compliance) with the strict WADA Code prohibition on the Presence/Use of a Prohibited Substance or Prohibited Method.
- (d) Investigations shall be undertaken:
  - (i) in relation to Atypical Findings, Atypical Passport Findings and Adverse Passport Findings, in accordance with clause 14.4 and 14.5 respectively, gathering intelligence or evidence (including, in particular, analytical evidence) in order to determine whether an Anti-Doping Rule Violation has occurred under clause 10.2 and/or clause 10.3; and
  - (ii) in relation to other indications of potential Anti-Doping Rule Violations, in accordance with clauses 14.6 and 14.7, gathering intelligence or evidence (including, in particular, non-analytical evidence) in order to determine whether an anti-doping rule violation has occurred under any of clauses 10.3 to 10.11.

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<sup>17</sup> Players and other Persons must not work with coaches, trainers, physicians or other Officials who are Ineligible on account of an Anti-Doping Rule Violation or who have been criminally convicted or professionally disciplined in relation to doping. 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 Official to serve as an agent or representative. Prohibited association need not involve any form of compensation.



- (e) AFL or an Anti-Doping Organisation 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).
- (f) The AFL must refer all information and intelligence relating to instances of possible Anti-Doping Rule Violations under this Code to an Anti-Doping Organisation and jointly work with any investigation by an Anti-Doping Organisation as required.

## **11.2 Authority to conduct Testing<sup>18</sup>**

- (a) Any Player may be required to provide a Sample at any time and at any place by a Testing Authority or the AFL.
- (b) For the avoidance of doubt, ASADA may require any Player (including any Player serving a period of Ineligibility) to provide a Sample at any time and at any place.
- (c) WADA shall have In-Competition and Out-of-Competition Testing authority as set out in Article 20.7.8 of the WADA Code.
- (d) If the AFL delegates or contracts any part of Testing to a National Anti-Doping Organisation, that National Anti-Doping Organisation may collect additional Samples or direct the laboratory to perform additional types of analysis at the National Anti-Doping Organisation's expense. If additional Samples are collected or additional types of analysis are performed, the AFL shall be notified.

## **12. Analysis of Samples**

Samples shall be analysed in accordance with the following principles.

### **12.1 Use of accredited and approved laboratories<sup>19</sup>**

For purposes of clause 10.2, Samples shall be analysed only in laboratories accredited or otherwise approved by WADA.

### **12.2 Purpose of analysis of samples<sup>20</sup>**

- (a) Samples shall be analysed to detect Prohibited Substances and Prohibited Methods and other substances as may be directed by WADA pursuant to the monitoring program described in Article 4.5 of the WADA Code; or to assist in profiling relevant parameters in a Player's urine, blood or other matrix, including DNA or genomic profiling; or for any other legitimate anti-doping purpose.

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<sup>18</sup> Unless the Player has identified a 60-minute time-slot for Testing between the hours of 11pm and 6am, or has otherwise consented to Testing during that period, the Anti-Doping Organisation will not test an Athlete during that period unless it has a serious and specific suspicion that the Player may be engaged in doping. A challenge to whether the Anti-Doping Organisation had sufficient suspicion for Testing in that period shall not be a defence to an Anti-Doping Rule Violation based on such test or attempted test.

<sup>19</sup> Violations of clause 10.2 may be established only by Sample analysis performed by a laboratory accredited or otherwise approved by WADA. Violations of other clause may be established using analytical results from other laboratories so long as the results are reliable.

<sup>20</sup> For example, relevant profile information could be used to direct Target Testing or to support an Anti-Doping Rule Violation proceeding under clause 10.3, or both.

- (b) Samples may be collected and stored for future analysis.

### **12.3 Research on Samples**

No Sample may be used for research without the Player's written consent. Samples used for purposes other than clause 12.2 shall have any means of identification removed such that they cannot be traced back to a particular Player.

### **12.4 Standards for Sample analysis and reporting<sup>21</sup>**

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

- (a) Anti-Doping Organisations or AFL may request that laboratories analyse its Samples using more extensive menus than those described in the Technical Document;
- (b) Anti-Doping Organisations or AFL may request that laboratories analyse its Samples using less extensive menus than those described in the Technical Document only if they have satisfied WADA that, because of the particular circumstances of its country or of the sport in question, as set out in their test distribution plan, less extensive analysis would be appropriate;
- (c) As provided in the International Standard for Laboratories, laboratories at their own initiative and expense may analyse Samples for Prohibited Substances or Prohibited Methods not included on the Sample analysis menu described in the Technical Document or specified by the Testing Authority. Results from any such analysis shall be reported and have the same validity and consequence as any other analytical result.

### **12.5 Further analysis of Samples**

- (a) Any Sample may be subject to further analysis by the Anti-Doping Organisation responsible for results management or the AFL at any time before both the A and B Sample analytical results (or A Sample result where B Sample analysis has been waived or will not be performed) have been communicated by the Anti-Doping Organisation or AFL to the Player as the asserted basis for a clause 12.2 Anti-Doping Rule Violation.
- (b) Samples may be stored and subjected to further analyses for the purpose of clause 12.2 at any time at the direction of the Anti-Doping Organisation that initiated and directed Sample collection, AFL or WADA. (Any Sample storage or further analysis initiated by WADA shall be at WADA's expense.) Further analysis of Samples shall conform with the requirements of the International Standard for Laboratories and the International Standard for Testing and Investigations.

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<sup>21</sup> The objective of this clause 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.

## **13. Non-Analytical Investigation Process**

### **13.1 Roles and responsibilities of parties**

- (a) Where an investigation is required to determine whether an Anti-Doping Rule Violation may have occurred under this Code, unless otherwise agreed between ASADA and the AFL, either of the AFL or ASADA may conduct an investigation.
- (b) ASADA will, as soon as reasonably practicable, advise the AFL of an ASADA investigation. ASADA may also consult affected or interested parties about their participation in any investigation.
- (c) Where AFL conducts its own investigation, the AFL must do so in coordination with any investigation being undertaken by ASADA and seek ASADA's input into such investigation undertaken by the AFL.
- (d) All Persons bound by this Code must assist, cooperate, and liaise with the AFL and ASADA (as applicable), or any party nominated by the AFL or ASADA, in relation to any investigation into a potential Anti-Doping Rule Violation. Specifically, all Persons must cooperate with and assist ASADA or the AFL (where relevant), including by:
  - (i) attending an interview to fully and truthfully answer questions;
  - (ii) giving information; and
  - (iii) producing documents or things,in an investigation being conducted by ASADA or the AFL (where relevant)

## **14. Results Management**

### **14.1 Responsibility for conducting results management**

- (a) The AFL, the Testing Authority or an Anti-Doping Organisation, as determined by the AFL, shall take responsibility for results management of all potential Anti-Doping Rule Violations under this Code in accordance with the WADA Code, the ASADA Act, the ASADA Regulations, and the NAD scheme as applicable and in force from time to time. This includes any matters referred to the AFL by other Anti-Doping Organisations for results management.
- (b) Where ASADA elects to collect additional Samples in the circumstances set out in this Code, then it shall have results management responsibility. However, where ASADA only directs the laboratory to perform additional types of analysis at ASADA's expense, then the AFL will have results management responsibility.

### **14.2 Review regarding Adverse Analytical Findings**

Results management in respect of the results of tests initiated by an Anti-Doping Organisation or the AFL shall proceed as follows:

- (a) Upon receipt of an Adverse Analytical Finding, the Anti-Doping Organisation or the AFL shall conduct a review to determine whether:

- (i) an applicable TUE has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions, or
  - (ii) there is any apparent departure from the International Standard for Testing and Investigations or International Standard for Laboratories that caused the Adverse Analytical Finding.
- (b) If the review of an Adverse Analytical Finding reveals an applicable TUE or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Adverse Analytical Finding, the entire test shall be considered negative. The Anti-Doping Organisation will inform, in accordance with the WADA Code and the NAD scheme, the Player, the AFL and WADA.

### **14.3 Notification after review regarding Adverse Analytical Findings**

- (a) If the review of an Adverse Analytical Finding under clause 14.2 does not reveal an applicable TUE or entitlement to a TUE as provided in the International Standard for Therapeutic Use Exemptions, or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Adverse Analytical Finding, the Anti-Doping Organisation shall promptly notify the Player, and simultaneously the AFL and WADA, of:
- (i) the Adverse Analytical Finding;
  - (ii) the Anti-Doping Rule Violated;
  - (iii) the Player's right to request the analysis of the B Sample or, failing such request by the specified deadline, that the B Sample analysis may be deemed waived;
  - (iv) the scheduled date, time and place for the B Sample analysis if the Player or Anti-Doping Organisation chooses to request an analysis of the B Sample;
  - (v) the opportunity for the Player and/or the Player's representative to attend the B Sample opening and analysis in accordance with the International Standard for Laboratories; and
  - (vi) the Player's right to request copies of the A and B Sample laboratory documentation package which includes information as required by the International Standard for Laboratories.
- (b) If the Anti-Doping Organisation decides not to bring forward the Adverse Analytical Finding as an Anti-Doping Rule Violation, it will notify the Player, the AFL and WADA.
- (c) In all cases where a Player has been notified of an Anti-Doping Rule Violation that does not result in a mandatory Provisional Suspension under clause 14.9(a), the Player shall be offered the opportunity to accept a Provisional Suspension pending the resolution of the matter.
- (d) Where requested by the Player or an Anti-Doping Organisation, arrangements shall be made to analyse the B Sample in accordance with the International

Standard for Laboratories. A Player may accept the A Sample analytical results by waiving the requirement for B Sample analysis. The Anti-Doping Organisation may nonetheless elect to proceed with the B Sample analysis even where the Player has waived this requirement.

- (e) The Player and/or his or her representative shall be allowed to be present at the analysis of the B Sample. Also, a representative of the Anti-Doping Organisation shall be allowed to be present.
- (f) If the B Sample analysis does not confirm the A Sample analysis, then (unless Anti-Doping Organisation takes the case forward as an Anti-Doping Rule Violation under clause 10.3) the entire test shall be considered negative and the Player, the AFL and WADA shall be so informed.
- (g) If the B Sample analysis confirms the A Sample analysis, the findings shall be reported to the Player, the AFL and WADA in accordance with the WADA Code and the NAD scheme.

#### **14.4 Review of Atypical Findings**

- (a) As provided in the International Standard for Laboratories, in some circumstances laboratories are directed to report the presence of Prohibited Substances, which may also be produced endogenously, as Atypical Findings subject to further investigation.
- (b) Upon receipt of an Atypical Finding, the Anti-Doping Organisation shall conduct a review to determine whether:
  - (i) an applicable TUE has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions; or
  - (ii) there is any apparent departure from the International Standard for Testing and Investigations or International Standard for Laboratories that caused the Atypical Finding.
- (c) If the review of an Atypical Finding reveals an applicable TUE or a departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Atypical Finding, the entire test shall be considered negative and the Player, the AFL and WADA shall be so informed in accordance with the WADA Code and the NAD scheme.
- (d) If that review does not reveal an applicable TUE or a departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Atypical Finding, the Anti-Doping Organisation or AFL shall conduct the required investigation. After the investigation is completed, either the Atypical Finding will be brought forward as an Adverse Analytical Finding, in accordance with this Code, or else the Player, the AFL and WADA shall be notified that the Atypical Finding will not be brought forward as an Adverse Analytical Finding.
- (e) The Anti-Doping Organisation will not provide notice of an Atypical Finding until it has completed its investigation and has decided whether it will bring the Atypical Finding forward as an Adverse Analytical Finding unless one of the following circumstances exists:

- (i) If the Anti-Doping Organisation determines the B Sample should be analysed prior to the conclusion of its investigation, it may conduct the B Sample analysis after notifying the Player, with such notice to include a description of the Atypical Finding and the information described in clause 14.3(a).
- (ii) If asked by the AFL.

#### **14.5 Review of Atypical Passport Findings and Adverse Passport Findings**

Review of Atypical Passport Findings and Adverse Passport Findings shall take place as provided in the International Standard for Testing and Investigations and International Standard for Laboratories. At such time as the Anti-Doping Organisation is satisfied that an Anti-Doping Rule Violation has occurred, it shall promptly give the Player (and simultaneously, the AFL and WADA) notice of the Anti-Doping Rule Violation asserted and the basis of that assertion.

#### **14.6 Review of whereabouts failures**

The Anti-Doping Organisation shall review potential filing failures and missed tests (as defined in the International Standard for Testing and Investigations and any Player whereabouts policy) in respect of Players who file their whereabouts information in accordance with this Code. At such time as the Anti-Doping Organisation is satisfied that a clause 10.5 Anti-Doping Rule Violation has occurred, it shall promptly give the Player (and simultaneously, the AFL and WADA) notice that it is asserting a violation and the basis of that assertion.

#### **14.7 Review of other anti-doping rule violations not covered by Causes 14.2 to 14.6**

The Anti-Doping Organisation or AFL may conduct any follow-up investigation required into a possible Anti-Doping Rule Violation not covered by clause 14.2 to 14.6. At such time as the Anti-Doping Organisation is satisfied that an Anti-Doping Rule Violation has occurred, it shall promptly give the Player or other Person (and simultaneously the AFL and WADA) notice of the Anti-Doping Rule Violation asserted, and the basis of that assertion.

#### **14.8 Identification of prior Anti-Doping Rule Violations**

Before giving a Player or other Person notice of an Asserted Anti-Doping Rule Violation, the Anti-Doping Organisation shall refer to its own records as well as ADAMS, and contact WADA and other relevant Anti-Doping Organisations to determine whether any prior Anti-doping Rule Violation exists.

#### **14.9 Provisional Suspensions<sup>22</sup>**

- (a) **Mandatory Provisional Suspension:** If analysis of an A Sample has resulted in an Adverse Analytical Finding for a Prohibited Substance that is not a Specified Substance, or for a Prohibited Method, and a review in accordance with this Code does not reveal an applicable TUE or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that

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<sup>22</sup> Players and other Persons shall receive credit for a Provisional Suspension against any period of Ineligibility which is ultimately imposed.

caused the Adverse Analytical Finding, a Provisional Suspension shall be imposed by the AFL upon, or promptly after, the notification described in clauses 14.2, 14.3 or 14.5.

- (b) Optional Provisional Suspension: In the case of an Adverse Analytical Finding for a Specified Substance, or in the case of any other Anti-Doping Rule Violations not covered by clause 14.9(a), the AFL may impose a Provisional Suspension on the Player or other Person against whom the Anti-Doping Rule Violation is asserted at any time after the review and notification described in clause 14.2 to 14.7 and prior to the final hearing.
- (c) Where a Provisional Suspension is imposed pursuant to clause 14.9(a) or 14.9(b), the Player or other Person shall be given either:
  - (i) an opportunity for a Provisional Hearing either before or on a timely basis after imposition of the Provisional Suspension; or
  - (ii) an opportunity for an expedited final hearing on a timely basis after imposition of the Provisional Suspension.
- (d) The Player or other Person has a right to appeal the Provisional Suspension in accordance with this Code.
- (e) The Provisional Suspension may be lifted if the Player demonstrates to the hearing panel that the violation is likely to have involved a Contaminated Product. A hearing panel's decision not to lift a mandatory Provisional Suspension on account of the Player's assertion regarding a Contaminated Product shall not be appealable.
- (f) The mandatory Provisional Suspension shall be imposed, unless determined otherwise by the AFL Commission, unless the Player or other Person establishes at a Provisional Hearing that:
  - (i) the assertion of an Anti-Doping Rule Violation has no reasonable prospect of being upheld, for example, because of a patent flaw in the case against the Player or other Person;
  - (ii) the Player or other Person has a strong arguable case that he/she bears No Fault or Negligence for the Anti-doping Rule Violation(s) asserted, so that any period of Ineligibility that might otherwise be imposed for such a violation is likely to be completely eliminated; or
  - (iii) some other facts exist that make it clearly unfair, in all of the circumstances, to impose a Provisional Suspension prior to a final hearing.
- (g) If a Provisional Suspension is imposed based on an A Sample Adverse Analytical Finding and subsequent analysis of the B Sample does not confirm the A Sample analysis, then the Player shall not be subject to any further Provisional Suspension on account of a violation. In circumstances where the Player (or the Player's Club) has been removed from an AFL Competition based on a violation and the subsequent B Sample analysis does not confirm the A Sample finding, then if it is still possible for the Player or Club to be reinstated without otherwise affecting the AFL Competition, the Player or Club may continue to take part in the AFL Competition.

- (h) In all cases where a Player or other Person has been notified of an asserted Anti-Doping Rule Violation but a Provisional Suspension has not been imposed on him or her, the Player or other Person shall be offered the opportunity to accept a Provisional Suspension voluntarily pending the resolution of the matter.

## 15. Infraction Notice

- (a) As soon as possible after the AFL General Counsel has received notification from ASADA of an Adverse Analytical Finding or he believes on other grounds that there may have been committed an Anti-Doping Rule Violation or a breach of this Code, he or she will give to the Person an infraction notice, together with a copy of this Code, and refer the matter to the Tribunal for hearing and determination.
- (b) The infraction notice given pursuant to this Clause must:
- (i) be in writing and be delivered to the Person's address as last known to the AFL;
  - (ii) set out the nature and particulars of the alleged Anti-Doping Rule Violation; and
  - (iii) state the date, time and place at which the Tribunal will conduct its hearing into the Anti-Doping Rule Violation.
- (c) In the event that a Player advises the AFL General Counsel that he or she does not require the B Sample to be tested and admits the Anti-Doping Rule Violation, the Tribunal's hearing will be conducted solely as to the applicable sanction to be imposed.

## 16. Proof of Doping

### 16.1 Burdens and standards of proof

The Anti-Doping Organisation or AFL, as determined by the AFL, 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 or AFL 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 Code places the burden of proof upon the Player or other Person alleged to have committed an Anti-Doping Rule Violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability.<sup>23</sup>

### 16.2 Methods of establishing facts and presumptions

Facts related to Anti-Doping Rule Violations may be established by any reliable means, including admissions. The following rules of proof shall be applicable in doping cases.<sup>24</sup>

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<sup>23</sup> This standard of proof required to be met by the Anti-Doping Organisation is comparable to the standard which is applied in most countries to cases involving professional misconduct.

<sup>24</sup> For example, an Anti-Doping Organisation may establish an Anti-Doping Rule Violation under clause 10.3 based on the Player's admissions, the credible testimony of third Persons, reliable documentary evidence, reliable analytical data from either an A or B



- (a) Analytical methods or decision limits approved by WADA after consultation within the relevant scientific community and which have been the subject of peer review are presumed to be scientifically valid. Any Player or other Person seeking to rebut this presumption of scientific validity shall, as a condition precedent to any such challenge, first notify WADA of the challenge and the basis of the challenge. The Tribunal on its own initiative may also inform WADA of any such challenge. At WADA's request, the Tribunal panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge. Within 10 days of WADA's receipt of such notice, and WADA's receipt of the Tribunal file, WADA shall also have the right to intervene as a party, appear amicus curiae, or otherwise provide evidence in such proceeding.
- (b) 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 Player 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 Player 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 or AFL shall have the burden to establish that such departure did not cause the Adverse Analytical Finding.<sup>25</sup>
- (c) Departures from any other International Standard or other anti-doping rule or policy set forth in the WADA Code or this Code which did not cause an Adverse Analytical Finding or other Anti-Doping Rule Violation shall not invalidate such evidence or results.
- (d) If the Player or other Person establishes a departure from another International Standard or other anti-doping rule or policy which could reasonably have caused an Anti-Doping Rule Violation based on an Adverse Analytical Finding or other Anti-Doping Rule Violation, then the Anti-Doping Organisation or AFL shall have the burden to establish that such departure did not cause the Adverse Analytical Finding or the factual basis for the Anti-Doping Rule Violation.
- (e) 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 Player or other Person to whom the decision pertained of those facts unless the Player or other Person establishes that the decision violated principles of natural justice.
- (f) The Tribunal in a hearing on an Anti-Doping Rule Violation may draw an inference adverse to the Player or other Person who is asserted to have committed an Anti-Doping Rule Violation based on the Player's or other Person's refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in Person or telephonically as directed by the hearing panel) and

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Sample as provided in the Comments to clause 10.3, or conclusions drawn from the profile of a series of the Player's blood or urine Samples, such as data from the Athlete Biological Passport.

<sup>25</sup> The burden is on the Player or other Person to establish, by a balance of probability, a departure from the International Standard for Laboratories that could reasonably have caused the Adverse Analytical Finding. If the Player or other Person does so, 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.

to answer questions from the hearing panel or the Anti-Doping Organisation or AFL asserting the Anti-Doping Rule Violation.

## **17. Sanctions on Individuals<sup>26</sup>**

### **17.1 Disqualification of results in the event during which an Anti-Doping Rule Violation occurs**

- (a) An Anti-Doping Rule Violation occurring during, or in connection with, an AFL Competition may, upon the decision of the AFL Commission, lead to disqualification of all of the Player's individual results obtained in that event with all Consequences, including forfeiture of all medals, points and prizes, except as provided in clause 17.1(c).
- (b) Factors to be included in considering whether to disqualify other results in an event might include, for example, the seriousness of the Player's Anti-Doping Rule Violation and whether the Player tested negative in the other AFL Competitions.
- (c) If the Player establishes that he or she bears No Fault or Negligence for the violation, the Player's individual results in the other AFL Competitions shall not be disqualified, unless the player's results in AFL Competitions other than the AFL Competition in which the Anti-Doping Rule Violation occurred were likely to have been affected by the Player's Anti-Doping Rule Violation.

### **17.2 Ineligibility for Presence, Use or Attempted Use, or Possession of Prohibited Substances or Prohibited Method**

The period of Ineligibility imposed for a violation of Clause 10.2 (presence of Prohibited Substance or its Metabolites or Markers), Clause 10.3 (Use or Attempted Use of Prohibited Substance or Prohibited Method) and Clause 10.7 (Possession of Prohibited Substances and Methods) shall be as follows, subject to potential reduction or suspension pursuant to clauses 17.4 and 17.5, or 17.6:

- (a) The period of Ineligibility shall be four (4) years where:
  - (i) The Anti-Doping Rule Violation does not involve a Specified Substance, unless the Player or other Person can establish that the Anti-Doping Rule Violation was not intentional;
  - (ii) The Anti-Doping Rule Violation involves a Specified Substance and the AFL or Anti-Doping Organisation can establish that the Anti-Doping Rule Violation was intentional.
- (b) If Clause 17.2(a) does not apply, the period of Ineligibility shall be two (2) years.

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<sup>26</sup> 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 Players are professionals making a sizable income from the sport and in others the Players are true amateurs; in those sports where an Player's career is short, a standard period of Ineligibility has a much more significant effect on the Player 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 Players 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.

- (c) As used in clauses 17.2 and 17.3, the term 'intentional' is meant to identify those Players who cheat. The term, therefore, requires that the Player or other Person engaged in conduct which he or she knew constituted an Anti-Doping Rule Violation or knew that there was a significant risk that the conduct might constitute or result in an Anti-Doping Rule Violation and manifestly disregarded that risk. An Anti-Doping Rule Violation resulting from an Adverse Analytical Finding for a substance which is only prohibited In-Competition shall be rebuttably presumed to be not 'intentional' if the substance is a Specified Substance and the Player 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 Player can establish that the Prohibited Substance was Used Out-of-Competition in a context unrelated to sport performance.

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

The period of Ineligibility for Anti-Doping Rule Violations other than as provided in clause 17.2 shall be as follows, unless Clause 17.5 or 17.6 are applicable:

- (a) For violations of clause 10.4 (Evading, Refusing or Failing to Submit to Sample Collection) or clause 10.6 (Tampering) the period of Ineligibility imposed shall be four (4) years unless, in the case of failing to submit to Sample collection, the Player can establish that the commission of the Anti-Doping Rule Violation was not intentional, in which case the period of Ineligibility shall be two years.
- (b) For violations of clause 10.5 (Whereabouts Failures), the period of Ineligibility shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on the Player's degree of Fault. The flexibility between two years and one year of Ineligibility in this clause is not available to Players where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the Player was trying to avoid being available for Testing.
- (c) For violations of clause 10.8 (Trafficking) or 10.9 (Administration) the period of Ineligibility shall be a minimum of four years up to lifetime Ineligibility, depending on the seriousness of the violation. A clause 10.8 or clause 10.9 violation involving a Minor shall be considered a particularly serious violation and, if committed by an Athlete Support Person for violations other than for Specified Substances, shall result in lifetime Ineligibility for the Athlete Support Person. In addition, significant violations of clause 10.8 or 10.9 which may also violate non-sporting laws and regulations shall be reported to the competent administrative, professional or judicial authorities.<sup>27</sup>
- (d) For violations of clause 10.10 (Complicity), the period of Ineligibility shall be at a minimum two (2) years, up to four (4) years, depending on the seriousness of the violation.
- (e) For Violations of clause 10.11 (Prohibited Association) the period of Ineligibility shall be two (2) years, subject to reduction down to a minimum of one (1) year,

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<sup>27</sup> Those who are involved in doping Players or covering up doping should be subject to sanctions which are more severe than the Players who test positive. Since the authority of Sporting Organisations is generally limited to Ineligibility for accreditation, membership and other sport benefits, reporting Athlete Support Persons to competent authorities is an important step in the deterrence of doping.

depending on the Player or other Person's degree of Fault and other circumstances of the case.

#### **17.4 Elimination of the Period of Ineligibility where there is No Fault or Negligence**

If a Player or other Person establishes in an individual case that he or she bears No Fault or Negligence, then the otherwise applicable period on Ineligibility shall be eliminated.<sup>28</sup>

#### **17.5 Reduction of the Period of Ineligibility Based on No Significant Fault or Negligence**

(a) Reduction of Sanctions for Specified Substances or Contaminated Products for Violations of Clause 10.2 (Presence), 10.3 (Use) or 10.7 (Possession)

(i) Specified Substances

Where the Anti-Doping Rule Violation involves a Specified Substance, and the Player or other Person can establish No Significant Fault or Negligence, then the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility and, at a maximum, two years of Ineligibility, depending on the Player's or other Person's degree of Fault.

(ii) Contaminated Products

In cases where the Player or other Person can establish No Significant Fault or Negligence and the detected Prohibited Substance came from a Contaminated Product, then the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility and, at a maximum, two years Ineligibility, depending on the Player's or other Person's degree of Fault.<sup>29</sup>

(b) Application of No Significant Fault or No Significant Negligence beyond the Application of Clause 17.5(a)

If a Player or other Person establishes in an individual case where clause 17.5(a) is not applicable, that he or she bears No Significant Fault or Negligence, then, subject to further reduction or elimination as provided in clause 17.6, the otherwise applicable period of Ineligibility may be reduced based on the Player 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

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<sup>28</sup> This clause and clause 17.5(b) 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 a Player 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 (Players are responsible for what they ingest and have been warned against the possibility of supplement contamination); (b) the Administration of a Prohibited Substance by the Player's physician or trainer without disclosure to the Player (Players 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 Player's food or drink by a spouse, coach or other Person within the Player's circle of associates (Players 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 Clause 17.5 based on No Significant Fault or Negligence.

<sup>29</sup> In assessing that Player's degree of Fault, it would, for example, be favourable for the Player if the Player had declared the product which was subsequently determined to be contaminated on his or her Doping Control form

otherwise applicable period of Ineligibility is a lifetime, the reduced period under this clause may be no less than eight (8) years.<sup>30</sup>

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

- (a) Substantial Assistance in Discovering or Establishing Anti-Doping Rule Violations<sup>31</sup>
- (i) An Anti-Doping Organisation with results management responsibility for an Anti-Doping Rule Violation or AFL may, prior to a final appellate decision under clause 20 or the expiration of the time to appeal, suspend a part of the period of Ineligibility imposed in an individual case where the Player or other Person has provided Substantial Assistance to an Anti-Doping Organisation, the AFL, another criminal authority or professional disciplinary body which results in:
    - (A) the Anti-Doping Organisation or AFL discovering or bringing forward an Anti-Doping Rule Violation by another Person; or
    - (B) 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.
  - (ii) After a final appellate decision under clause 20 or the expiration of time to appeal, an Anti-Doping Organisation or AFL may only suspend a part of the otherwise applicable period of Ineligibility with the approval of WADA.
  - (iii) 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 Player or other Person and the significance of the Substantial Assistance provided by the Player or other Person to the effort to eliminate doping in sport.
  - (iv) 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 clause must be no less than eight (8) years.
  - (v) If the Player or other Person fails to continue to cooperate and to provide the complete and credible Substantial Assistance upon which a suspension of the period of Ineligibility was based, the Anti-Doping Organisation that suspended the period of ineligibility shall reinstate the original period of Ineligibility. If an Anti-Doping Organisation decides to reinstate a suspended period of Ineligibility or decides not to reinstate a

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<sup>30</sup> Clause 17.5(b) may be applied to any Anti-Doping Rule Violation, except those clauses where intent is an element of the Anti-Doping Rule Violation or an element of a particular sanction or a range of Ineligibility is already provided in a clause based on the Player or other Person's degree of Fault.

<sup>31</sup> The cooperation of Players, Athlete Support Person and other Persons who acknowledge their mistakes and are willing to bring other Anti-Doping Rule Violations to light is important to clean sport. This is the only circumstance under the Code where the suspension of an otherwise applicable period of Ineligibility is authorised.

suspended period of Ineligibility, that decision may be appealed by any Person entitled to appeal under clause 20.

- (vi) To further encourage Players and other Persons to provide Substantial Assistance to Anti-Doping Organisations or AFL, at the request of the Anti-Doping Organisation conducting results management or at the request of the Player or other Person who has, or has been asserted to have, committed an Anti-Doping Rule Violation, WADA may agree at any stage of the results management process, including after a final appellate decision under clause 20, 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 suspension of the period of Ineligibility and other Consequences for Substantial Assistance greater than those otherwise provided in this Code, or even no period of Ineligibility, and/or no return of prize money or payment of fines or costs. WADA's approval shall be subject to reinstatement of sanction, as otherwise provided in this clause. Notwithstanding clause 20, WADA's decisions in the context of this clause may not be appealed by any other Anti-Doping Organisation.
- (vii) If any part of an otherwise applicable sanction is suspended 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 clause 20. 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.

(b) Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence

Where a Player 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 clause 10.2, before first receiving notice of the admitted violation) and that admission is the only reliable evidence of the violation at the time of the admission, then the period of Ineligibility may be reduced, but not below one half of the period of Ineligibility otherwise applicable.<sup>32</sup>

(c) Prompt admission of an Anti-Doping Rule Violation after being confronted with a violation sanctionable under Clause 17.2(a) or Clause 17.3(a)

A Player or other Person potentially subject to a four-year sanction under clause 17.2(a) or 17.3(a), by promptly admitting the asserted Anti-Doping Rule Violation after being confronted by an Anti-Doping Organisation, and also upon the approval and at the discretion of both WADA and the Anti-Doping Organisation with results management responsibility, may receive a reduction in the period of Ineligibility down to a minimum of two (2) years, depending on the seriousness of the violation and the Player or other Person's degree of Fault.

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<sup>32</sup> This clause is intended to apply when a Player 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 Player or other Person believes he is about to be caught. The amount by which Ineligibility is reduced should be based on the likelihood that the Player or other Person would have been caught had he or she not come forward voluntarily.

## (d) Application of Multiple Grounds for Reduction of a Sanction

Where a Player or other Person establishes entitlement to reduction in sanction under more than one provision of clause 17.4, 17.5 or 17.6, before applying any reduction or suspension under clause 17.6, the otherwise applicable period of Ineligibility shall be determined in accordance with clauses 17.2, 17.3, 17.4 and 17.5. If the Player or other Person establishes entitlement to a reduction or suspension of the period of Ineligibility under clause 17.6, then the period of Ineligibility may be reduced or suspended, but not to below one-fourth of the otherwise applicable period of Ineligibility.<sup>33</sup>

**17.7 Multiple Violations**

- (a) For a Player or other Person's second Anti-Doping Rule Violation, the period of Ineligibility shall be the greater of:
- (i) six (6) months;
  - (ii) one half of the period of Ineligibility imposed for the first Anti-Doping Rule Violation without taking into account any reduction under clause 17.6; or
  - (iii) twice the period of Ineligibility otherwise applicable to the second Anti-Doping Rule Violation treated as if it were a first violation, without taking into account any reduction under Clause 17.6.
- (b) The period of Ineligibility established above may then be further reduced by the application of Clause 17.6.
- (c) 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 clause 17.4 or 17.5, or involves a violation of clause 10.5. In these particular cases, the period of Ineligibility shall be from eight (8) years to lifetime Ineligibility.
- (d) An Anti-Doping Rule Violation for which a Player or other Person has established No Fault or Negligence shall not be considered a prior violation for purposes of this clause.
- (e) Additional Rules for Certain Potential Multiple Violation
- (i) For purposes of imposing sanctions under Clause 17.7, an Anti-Doping Rule Violation will only be considered a second violation if the Anti-Doping Organisation can establish that the Player or other Person committed the second Anti-Doping Rule Violation after the Player or other Person received notice pursuant to clause 14, 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,

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<sup>33</sup> The appropriate sanction is determined in a sequence of four steps. First, the hearing panel (or sporting administration body if the Player waives their right to a hearing and admits the Anti-Doping Rule Violation/s) determines which of the basic sanctions apply to the particular Anti-Doping Rule Violation. Second, if the basic sanction provides for a range of sanctions, the hearing panel must determine the applicable sanction within that range according to the Player or other Person's degree of Fault. In a third step, the hearing panel establishes whether there is a basis for elimination, suspension, or reduction of the sanction. Finally, the hearing panel decides on the commencement of the period of Ineligibility.

and the sanction imposed shall be based on the violation that carries the more severe sanction.

- (ii) If, after the imposition of a sanction for a first Anti-Doping Rule Violation, an Anti-Doping Organisation discovers facts involving an Anti-Doping Rule Violation by the Player or other Person which occurred prior to notification regarding the first violation, then the Anti-Doping Organisation or AFL, shall impose an additional sanction based on the sanction that could have been imposed if the two violations had been adjudicated at the same time.

- (f) Multiple Anti-Doping Rule Violations during Ten-Year Period

For purposes of clause 17.7, each Anti-Doping Rule Violation must take place within the same ten-year period in order to be considered multiple violations.

## **18. Nature of Hearing/Tribunal**

- (a) Where the alleged Anti-Doping Rule Violation arises out of an Adverse Analytical Finding, the Tribunal may only determine that an Anti-Doping Rule Violation has not occurred if the Player establishes to the satisfaction of the Tribunal that:
  - (i) the Sampling or Testing procedure was not conducted in accordance with this Code;
  - (ii) the Samples which led to the Adverse Analytical Finding were not those of the Player; or
  - (iii) the Samples which led to the Adverse Analytical Finding were so contaminated as to materially affect the result of the test;
  - (iv) or any combination of these factors.

This clause will not apply where the Player has admitted the Anti-Doping Rule Violation.

- (b) An entry on the Register of Findings by ASADA under the ASADA Act will be recognised by the Tribunal as proof, and without the need for further enquiry, that the applicable procedures have been observed.
- (c) A Person may appear in Person or by a Players' advocate, an Officer of a Club or a legal practitioner. The AFL may be represented by a legal practitioner. The costs and expenses of any such advocate (including a legal practitioner) will be borne by the Person on whose behalf they appear.
- (d) All hearings before the Tribunal in relation to this Code will be conducted in private unless otherwise authorised by the Tribunal Chairman.
- (e) All hearings and appeals conducted will respect in principle the rules applicable to the Tribunal and Appeals Board.
- (f) If a Player or other Person retires while a result management process is underway, the AFL retains the jurisdiction to complete its results management process. If the Player or other Person retires before any results management process has begun, the AFL will have jurisdiction to conduct results management.



## 19. Resolution without a hearing

- (a) A Player 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 Code or (where some discretion as to Consequences exists under this Code) that have been offered by an Anti-Doping Organisation or the AFL.
- (b) Alternatively, if the Player or other Person against whom an Anti-Doping Rule Violation is asserted fails to dispute that assertion within the deadline specified in the Infraction Notice asserting the violation, then he or she shall be deemed to have admitted the violation, to have waived a hearing, and to have accepted the Consequences that are mandated by this Code or (where some discretion as to Consequences exists under this Code) that have been offered by an Anti-Doping Organisation or the AFL.
- (c) In cases where clause 19(a) or 19(b) applies, a hearing before a Tribunal shall not be required. Instead the AFL, in consultation with an Anti-Doping Organisation, 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 AFL shall send copies of that decision to other Anti-Doping Organisations with a right to appeal under clause 20.2(d), and shall Publicly Disclose that decision in accordance with this Code.

## 20. Appeals<sup>34</sup>

Nothing in this clause 20 operates in relation to any breach of clause 31 of this Code.

### 20.1 Decisions Subject to Appeal

Decisions made under this Code may be appealed as set out below. Such decisions shall remain in effect while under appeal unless CAS or the Appeals Board orders otherwise. Before an appeal is commenced, any post-decision review authorised in the NAD Scheme must be exhausted.

- (a) 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.

- (b) Appeal Board shall not defer to the findings being appealed

In making its decision, the Appeal Board need not give deference to the discretion exercised by the body whose decision is being appealed.<sup>35</sup>

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<sup>34</sup> The object of the WADA Code and this Code is to have anti-doping matters resolved through fair and transparent internal processes with a final appeal. 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 this Clause does not include Players, or their federations, who might benefit from having another competitor disqualified.

<sup>35</sup> Appeal Board proceedings are de novo. Prior proceedings do not limit the evidence or carry weight in the hearing before the Appeal Board.

## (c) WADA Not Required to Exhaust Internal Remedies

Where WADA has a right to appeal under this clause and no other party has appealed a final decision within the process set out in this Code, WADA may appeal such decision directly to CAS without having to exhaust other remedies set out in this Code.<sup>36</sup>

## 20.2 Appeals from Decisions Regarding Anti-Doping Rule Violations, Consequences, and Provisional Suspensions, Recognition of Decisions and Jurisdiction

A decision that an Anti-Doping Rule Violation was committed, a decision imposing Consequences for an Anti-Doping Rule Violation, or a decision that no Anti-Doping Rule Violation was committed; a decision that an Anti-Doping Rule Violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision that AFL lacks jurisdiction to rule on an alleged Anti-Doping Rule Violation or its Consequences; a decision by ASADA or AFL not to bring forward an Adverse Analytical Finding or an Atypical Finding as an Anti-Doping Rule Violation after an investigation; a decision that ASADA, the AFL (or another Anti-Doping Organisation) lacks jurisdiction to rule on an alleged Anti-Doping Rule Violation or its Consequences; a decision to suspend, or not suspend, a period of Ineligibility or to reinstate, or not reinstate, a suspended period of Ineligibility; may be appealed exclusively as provided in this sub-clause.

- (a) All appeals shall be to the Appeal Board, constituted differently than for the original hearing and shall respect the following principles:
  - (i) a timely hearing;
  - (ii) a fair, impartial and independent hearing panel;
  - (iii) the right to be represented by a counsel at the Person's expense; and
  - (iv) a timely, written, reasoned decision.
- (b) The determination of the Appeals Board will be final and binding on the parties to the appeal and no Person may institute or maintain proceedings in any court or tribunal.
- (c) AFL must inform any Person or organisation informed of the original determination the outcome of any appeal within seven (7) days of the release by the Appeals Board of the written decision of the appeal.
- (d) Persons Entitled to Appeal

The parties having the right to appeal to the Appeals Board shall be as provided in the NAD Scheme but, at a minimum, shall include the following parties:

- (i) the Player or other Person who is the subject of the decision being appealed;

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<sup>36</sup> Where a decision has been rendered before the final stage of an Anti-Doping Organisation's process (for example, a first hearing) and no party elects to appeal that decision to the next level of the Anti-Doping Organisation's process (e.g., the Appeals Board), then WADA may bypass the remaining steps in the Anti-Doping Organisation's internal process and appeal directly to CAS.

- (ii) the other party to the case in which the decision was rendered;
  - (iii) AFL;
  - (iv) ASADA; and
  - (v) WADA.
- (e) Appeal to CAS

ASADA, WADA and a Player shall also have the right to appeal to CAS with respect to the decision of the Appeal Board. 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.

### **20.3 Failure to Render a Timely Decision by an Anti-Doping Organisation**

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 the Anti-Doping Organisation had rendered a decision finding no Anti-Doping Rule Violation.<sup>37</sup>

### **20.4 Time for Filing Appeals**

- (a) The time to file an appeal shall be within twenty one (21) days of the release by the original Tribunal of the written decision of the initial hearing.
- (b) The filing deadline for an appeal or intervention filed by WADA shall be twenty-one (21) days after the last day on which any other party in the case could have appealed.

## **21. Commencement of Ineligibility Period**

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.

- (a) Delays Not Attributable to the Player or other Person

Where there have been substantial delays in the hearing process or other aspects of Doping Control not attributable to the Player 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. Unless determined otherwise by the AFL Commission, all competitive results achieved during the period of Ineligibility, including retroactive Ineligibility, shall be disqualified.<sup>38</sup>

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<sup>37</sup> 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.

<sup>38</sup> In cases of Anti-Doping Rule Violations other than under Clause 10.2, the time required for the Anti-Doping Organisation to discover and develop facts sufficient to establish an Anti-Doping Rule Violation may be lengthy, particularly where the Player or

## (b) Timely Admission

Where the Player or other Person promptly (which, in all events, for a Player means before the Player competes again) admits the Anti-Doping Rule Violation after being confronted with the Anti-Doping Rule Violation by the Anti-Doping Organisation, 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 clause is applied, the Player or other Person shall serve at least one-half of the period of Ineligibility going forward from the date the Player or other Person accepted the imposition of a sanction, or the date the sanction is otherwise imposed. This clause shall not apply where the period of Ineligibility already has been reduced under clause 17.6(c).

## (c) Credit for Provisional Suspension or Period of Ineligibility Served

- (i) If a Provisional Suspension is imposed and respected by the Player or other Person, then the Player or other Person shall receive a credit for such period of Provisional Suspension against any period of Ineligibility which may ultimately be imposed. If a period of Ineligibility is served pursuant to a decision that is subsequently appealed, then the Player or other Person shall receive a credit for such period of Ineligibility served against any period of Ineligibility which may ultimately be imposed on appeal.
- (ii) If a Player or other Person voluntarily accepts a Provisional Suspension in writing from an the AFL and thereafter respects the Provisional Suspension, the Player or other Person shall receive a credit for such period of voluntary Provisional Suspension against any period of Ineligibility which may ultimately be imposed.<sup>39</sup>
- (iii) 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 Player elected not to compete or was suspended by his or her Club.
- (iv) For the avoidance of doubt, should a Player or Person return to competing in an AFL Competition after serving a period of Provisional Suspension but before the any period of Ineligibility is imposed, the Player or Person will receive credit for such period of Provisional Suspension served, however will not be entitled to receive credit for any further period of Provisional Suspension undertaken before the determination of the Tribunal.

## 22. Status During Ineligibility

### 22.1 Prohibition Against Participation During Ineligibility

- (a) No Player or other Person who has been declared Ineligible may, during the period of Ineligibility, participate in any capacity in an AFL Competition or activity

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other Person has taken affirmative action to avoid detection. In these circumstances, the flexibility provided in this clause to start the sanction at an earlier date should not be used.

<sup>39</sup> A Player's voluntary acceptance of a Provisional Suspension is not an admission by the Player and shall not be used in any way to draw an adverse inference against the Player.

(other than authorised Anti-Doping education or rehabilitation programs) authorised by the AFL, Affiliated State or Territory Body or AFL Clubs, any Signatory or 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 government agency.

- (b) A Player or other Person subject to a period of Ineligibility longer than four (4) years may after completing four years of the period of Ineligibility, participate in local sports events, but only so long as the local sport event is not at a level that could otherwise qualify such Player or other Person directly or indirectly to compete in (or accumulate points toward) a national championship or international event, and does not involve the Player or other Person working in any capacity with Minors.
- (c) A Player or other Person subject to a period of Ineligibility shall remain subject to Testing.<sup>40</sup>

## **22.2 Return to Training**

As an exception to clause 22.1, a Player may return to train with a team or to use the facilities of a club or other member organisation of a Signatory's member organisation during the shorter of:

- (a) the last two (2) months of the Player's period of Ineligibility; or
- (b) the last one-quarter of the period of Ineligibility imposed.<sup>41</sup>

## **22.3 Violation of the Prohibition of Participation During Ineligibility**

Where a Player or other Person who has been declared Ineligible violates the prohibition against participation during Ineligibility described in clause 22.1, the results of such participation shall be disqualified and a new period of Ineligibility equal in length to the original period of Ineligibility shall be added to the end of the original period of Ineligibility. The new period of Ineligibility may be adjusted based on the Player or other Person's degree of Fault and other circumstances of the case. The determination of whether a Player or other Person has violated the prohibition against participation, and where adjustment is appropriate, shall be made by the AFL. This decision may be appealed under clause 20.

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

In addition for any Anti-Doping Rule Violation not involving a reduced sanction as described in clause 17.4 or 17.5, some or all sport-related financial support or other sport related financial support or other sport related benefits received such Player will be withheld by the AFL, AFL Club and governments.

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<sup>40</sup> For example, subject to clause 22.2, an Ineligible Player cannot participate in a training camp, exhibition or practice. 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 clause. Ineligibility imposed in one sport shall also be recognised by other sports.

<sup>41</sup> A Player cannot effectively train on his or her own so as to be ready to compete at the end of the Player's period of Ineligibility. During the training period described in this Clause, an Ineligible Player may not compete or engage in any activity described in Clause 22.1 other than training.

## **22.5 Automatic Publication of Sanction**

A mandatory part of each sanction shall include automatic publication, as provided in by this Code.

## **23. Confidentiality and Reporting**

### **23.1 Information concerning Adverse Analytical Findings, Atypical Findings, and other asserted Anti-Doping Rule Violations**

(a) Notice of Anti-Doping Rule Violations to Players and other Persons

Notice to Players or other Persons that an Anti-Doping Rule Violation is being asserted against them shall occur as provided under clause 14 and 23 of this Code.

(b) Notice of Anti-Doping Rule Violations to AFL and WADA

Notice of the assertion of an Anti-Doping Rule Violation AFL and WADA shall occur as provided under clauses 14 and 23 of this Code, simultaneously with the notice to the Player or other Person.

(c) Content of an Anti-Doping Rule Violation Notice

Notification shall include: the Player's name, country, sport, whether the test was In-Competition or Out-of-Competition, the date of Sample collection, the analytical result reported by the laboratory, and other information as required by the International Standard for Testing and Investigations (where applicable), or, for Anti-Doping Rule Violations other than under clause 10.2, the rule violated and the basis of the asserted violation.

(d) Status reports

Except with respect to investigations which have not resulted in notice of an Anti-Doping Rule Violation pursuant to clause 23.1(a), the AFL and WADA shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to clause 14, 18 or 20 and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

(e) 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 AFL, and Club) until ASADA, the AFL or other Anti-Doping Organisation has made public disclosure or has failed to make Public Disclosure as required in clause 23.3.

### **23.2 Notice of Anti-Doping Rule Violation decisions and request for files**

(a) Anti-Doping Rule Violation decisions rendered pursuant to this Code shall include the full reasons for the decision, including, if applicable, a justification for why the greatest possible Consequences were not imposed.

- (b) An Anti-Doping Organisation having a right to appeal a decision received pursuant to clause 23.2(a) may, within fifteen days of receipt, request a copy of the full case file pertaining to the decision.

### **23.3 Public disclosure**

- (a) The identity of any Player or other Person who is asserted to have committed an Anti-Doping Rule Violation, may be Publicly Disclosed by ASADA, AFL or another Anti-Doping Organisation only after notice has been provided to the Player or other Person in accordance with clause 14.3, 14.4, 14.5, 14.6 or 14.7 and simultaneously to WADA and the AFL.
- (b) No later than twenty (20) days after it has been determined in a final appellate decision under this Code, or such appeal has been waived, or a hearing in accordance with this Code has been waived, or the assertion of an Anti-Doping Rule Violation has not been timely challenged, ASADA and the AFL must Publicly Report the disposition of the matter, including the sport, the anti-doping rule violated, the name of the Player or other Person committing the violation, the Prohibited Substance or Prohibited Method involved (if any) and the Consequences imposed. ASADA and the AFL must also Publicly Report within twenty (20) days the results of final appeal decisions concerning Anti-Doping Rule Violations, including the information described above.
- (c) In any case where it is determined, after a hearing or appeal, that the Player or other Person did not commit an Anti-Doping Rule Violation, the decision may be Publicly Disclosed only with the consent of the Player or other Person who is the subject of the decision. ASADA and the AFL shall use reasonable efforts to obtain such consent. If consent is obtained, ASADA and the AFL shall Publicly Disclose the decision in its entirety or in such redacted form as the Player or other Person may approve.
- (d) Publication shall be accomplished at a minimum by placing the required information on ASADA's website or publishing it through other means and leaving the information up for the longer of one month or the duration of any period of Ineligibility.
- (e) Neither ASADA, nor the AFL, 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 the Player or other Person against whom an Anti-Doping Rule Violation is asserted, or their representatives.
- (f) Where a Player or other Person or their representative comments about their matter the Player or other Person is taken to have consented to ASADA and AFL commenting in response to their matter for the purposes of the ASADA Act.
- (g) The mandatory Public Reporting required in clause 23.3(b) shall not be required where the Player or other Person who has been found to have committed an Anti-Doping Rule Violation is a Minor. Any optional Public Reporting in a case involving a Minor shall be proportionate to the facts and circumstances of the case.

## **24. ASADA**

- (a) Each Player, Club, Officer and Official acknowledges that ASADA may perform functions under this Code, including without limitation the functions specified under the ASADA Act.
- (b) In performing its functions under this Code or otherwise, ASADA is not and must not be deemed to be the agent of the AFL. For the avoidance of doubt, it is expressly stated that ASADA has no authority or capacity on behalf of the AFL to:
  - (i) authorise or approve the use of any substance or method prohibited under this Code;
  - (ii) give advice as to the application or interpretation of this Code; and
  - (iii) bind or commit the AFL in any manner.
- (c) In providing all drug awareness or education lectures and in respect of its Drugs in Sport Hotline, ASADA does not and will not be deemed to represent the AFL. All such services are provided by ASADA in its own right pursuant to its objects and functions under the ASADA Act.

## **25. Consequences to Teams**

Where more than one Player from a Club has been notified of a possible Anti-Doping Rule Violation in any one season, the Club shall be subject to Target Testing for the remainder of the season. If more than one Player in a Club is found to have committed an Anti-Doping Rule Violation during a season, the Club may be subject to sanctions to be determined, in their absolute discretion, by the Commission.

## **26. Retirement of Players**

- (a) A Player who wants to retire from AFL Competition must do so by notifying the AFL as required under the AFL Player Rules.
- (b) Upon receipt of the notification in accordance with clause 26(a), the AFL will, as soon as reasonably practicable, provide ASADA with notification of the retirement of the Player.
- (c) Retirement does not:
  - (i) excuse a Player 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;
  - (ii) excuse a Player from assisting, cooperating and liaising with the AFL, ASADA or other Anti-Doping Organisation in relation to conduct of any investigation or hearing into an alleged Anti-Doping Rule Violation;
  - (iii) prevent analysis of a Sample given by the Player on or before their retirement date;
  - (iv) affect the results of Testing under (i) or (ii) above;



- (v) exempt the player from this Code in relation to an Anti-Doping Rule Violation committed on or before their retirement date; or
  - (vi) affect the AFL's power to conduct results management.
- (d) A Player who has retired in accordance with clause 26(a) and who wishes to return to AFL Competition must do so by notifying the AFL in accordance with the AFL Rules. The Player's reinstatement request date will be the date the AFL approves the Player's return to AFL Competition.
  - (e) Upon receipt of notification under clause 26(d), the AFL will, as soon as reasonably practicable, notify ASADA of the reinstatement date.
  - (f) If reinstatement is granted, then this Code will apply to the Player from the date of their reinstatement.
  - (g) A Player who is reinstated pursuant to clause 26(d) may not compete in the AFL Competition for a period of three (3) months from the date of reinstatement.
  - (h) Subject to consultation with ASADA, the AFL may reduce or extend the time period stated in clause 26(g), at its absolute discretion, in circumstances where the AFL considers special treatment is required.
  - (i) A Player must be available for unannounced Out Of Competition Testing in accordance with this Code from the date of their reinstatement.

## **27. Mutual Recognition**

- (a) Subject to the right to appeal under clause 20, the Testing, TUE's and hearing results or other financial adjudications of any Signatory to the WADA Code which are consistent with the WADA Code and are within that Signatory's authority, shall be recognised and respected by the AFL.
- (b) The AFL may recognise the same determinations of other bodies which have not accepted the WADA Code if the rules of those bodies are otherwise consistent with the WADA Code. On being advised of such determination, the AFL shall take all necessary action to render the determination effective.

## **28. Statute of Limitations**

No action may be commenced under this Code against a Player or other Person for a breach of this Code unless such action is commenced within ten (10) years from the date the breach is asserted to have occurred.

## **29. Transitional Provisions**

### **29.1 General Application of the 2015 Code**

The 2015 Code shall apply in full as of 1 January 2015 (**Effective Date**).

### **29.2 Non-Retroactive except for Clauses 17.7(f) Unless Principle of 'Lex Mitior' Applies**

The retrospective periods in which prior violations can be considered for purposes of multiple violations under Clause 17.7(f) are procedural rules and should be applied

retroactively. Otherwise, with respect to any Anti-Doping Rule Violation case which is pending as of the Effective Date and any Anti-Doping Rule Violation case brought after the Effective Date based on an Anti-Doping Rule Violation which occurred prior to the Effective Date, the case shall be governed by the substantive Anti-Doping Rules in effect at the time the alleged Anti-Doping Rule Violation occurred, unless the panel hearing the case determines the principle of 'Lex Mitior' appropriately applies under the circumstances of the case.

### **29.3 Application to Decisions Rendered Prior to the 2015 Code**

With respect to cases where a final decision finding an Anti-Doping Rule Violation has been rendered prior to the Effective Date, but the Player or other Person is still serving the period of Ineligibility as of the Effective Date, the Player or other Person may apply to AFL for the Anti-Doping Rule Violation to consider a reduction in the period of Ineligibility in light of the 2015 Code. Such application must be made before the period of Ineligibility has expired. The decision rendered by the AFL may be appealed pursuant to clause 20. The 2015 Code shall have no application to any Anti-Doping Rule Violation case where a final decision finding an Anti-Doping Rule Violation has been rendered and the period of Ineligibility has expired.

### **29.4 Multiple Violations Where the First Violation Occurs Prior to 1 January 2015**

For purposes of assessing the period of Ineligibility for a second violation under Clause 17.7(a), where the sanction for the first violation was determined based on pre-2015 Code rules, the period of Ineligibility which would have been assessed for that first violation had 2015 Code rules been applicable, shall be applied.

## **30. Interpretation of the WADA Code**

- (a) The official text of the WADA Code shall be maintained by WADA and shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.
- (b) The comments annotating various provisions of the WADA Code shall be used to interpret the WADA Code.
- (c) The WADA Code shall be interpreted as an independent and autonomous text and not by reference to the existing law or statutes of the Signatories or governments.
- (d) The headings used for the various Parts and Articles of the WADA Code are for convenience only and shall not be deemed part of the substance of the WADA Code or to affect in any way the language of the provisions to which they refer.
- (e) The WADA Code shall not apply retrospectively to matters pending before the date the WADA Code is accepted by a Signatory and implemented in its rules. However, pre-WADA Code Anti-Doping Rule Violations would continue to count as "First violations" or "Second violations" for purposes of determining sanctions under Article 10 of the WADA Code for subsequent post-WADA Code violations.
- (f) The Purpose, Scope and Organisation of the World Anti-Doping Program and the WADA Code and APPENDIX I DEFINITIONS shall be considered integral parts of the WADA Code.

## Part 2

### 31. AFL Treatment Rules

#### 31.1 Application of This Clause

- (a) This clause 31 sets out the AFL's rules in relation to the Use of Treatments by, and Administration of Treatments to, various persons and is a key component of the AFL's integrity program.
- (b) This clause operates independently from the Anti-Doping Rule Violations set out in clause 10 and the sanctions that may be imposed by the AFL in accordance with clause 31.10 in relation to any contravention of this clause 31 are separate and independent from the sanctions which apply under clause 17.
- (c) For the avoidance of doubt, the AFL is responsible for implementation of, and monitoring compliance with, this clause 31 including issuing any sanctions for non-compliance and neither an Anti-Doping Organisation nor WADA has any power, function or jurisdiction in relation to the matters set out in this clause 31.
- (d) For the purposes of this clause 31, if a Player, Club or Official assists, encourages, aids, abets, covers up or is complicit in a breach of this clause, the relevant Player, Club or Official will be in breach of the relevant clause and liable to be sanctioned by the AFL in accordance with clause 31.10.
- (e) In the event of a possible Anti-Doping Rule Violation, the Player or Athlete Support Person will be subject to the provisions of Part 1 of this Code, in addition to the provisions of Part 2 of this Code.

#### 31.2 Certain Treatments and Providers Prohibited or Controlled

- (a) The General Counsel may determine from time to time, in its sole discretion and subject to such conditions as it deems fit, that:
  - (i) a Treatment or class of Treatment is to be an AFL Prohibited Treatment by including the relevant Treatment or class of Treatment on the AFL Prohibited Treatments List;
  - (ii) a person or class of person is a Prohibited Provider by including the relevant person or class of person on the Prohibited Providers List;
  - (iii) a Treatment or class of Treatment is a Controlled Treatment by including the relevant Treatment or class of Treatment on the Controlled Treatments List;
- (b) The General Counsel may amend the AFL Prohibited Treatments List, the Controlled Treatments List and the Prohibited Providers List from time to time by giving notice in writing to each Club and the AFL.

### **31.3 Offence to Use AFL Prohibited Treatments or Prohibited Providers**

- (a) No Player may Use, and no Official or Club by itself or its Officers, servants or agents, may permit or allow any Player to be Administered any AFL Prohibited Treatment.
- (b) No Player, and no Official or Club by itself or its Officers, servants or agents, may permit or allow a Prohibited Provider to act as a Provider with respect to a Player.

### **31.4 Offence to possess AFL Prohibited Treatments and Prohibited Substances**

- (a) A Player must not have in his Possession or control at any time an AFL Prohibited Treatment without the prior written approval of the General Counsel.
- (b) A Club must not have on its premises any Prohibited Substance or AFL Prohibited Treatment at any time without the prior written approval of the General Counsel.
- (c) No Person may permit a Prohibited Substance or AFL Prohibited Treatment to be brought onto the premises of the Club or to any AFL Venue without the prior written approval of the General Counsel.
- (d) A Club must take reasonable steps to ensure that all substances to be provided to Players as a Treatment are stored in a central, secure location, access to which is limited to authorised persons and that a proper inventory system for such substances is maintained. The General Counsel may issue minimum standards with respect to this requirement.

### **31.5 No Needles Policy**

- (a) Subject to clause 31.5(b), no Player may Use, and no Official or Club by itself or its Officers, servants or agents, may permit or allow any Player to be Administered any substance by injection without the prior approval of the General Counsel.
- (b) Clause 31.5(a) does not apply to an injection that is:
  - (i) administered by an appropriately qualified medical professional in accordance with this clause 31; and
  - (ii) necessary to treat a legitimate medical condition – meaning that there is no reasonable alternative way of treating the legitimate medical condition other than by injection.
- (c) Save for the Club Medical Officer, no Person may have in their Possession any object or material used for an injection or any injectable substance without the prior approval of the General Counsel.
- (d) For the purpose of this clause 31, “injection” includes any type of injection including intravenous, intra-articular, subcutaneous, peri-articular, peri-tendonous, epidural, intradermal, etc., but does not include “dry needling”.

### **31.6 Approval of Controlled Treatments by Club Medical Officer**

- (a) Subject to clause 31.6(c), 31.6(d) and 31.6(e), no Player may use, and no Official, or Club by itself or its Officers, servants or agents, may, fund, permit or allow any

Player to be Administered any Controlled Treatment, unless the relevant Club Medical Officer has provided prior written approval of the Controlled Treatment in a form prescribed by the General Counsel.

- (b) The General Counsel may prescribe the form of approval referred to in clause 31.6(a) in respect of certain Treatments or classes of Treatments.
- (c) Clause 31.6(a) does not apply to a medical emergency situation where it is not possible to first seek the approval of the Club Medical Officer.
- (d) Where it is not reasonably practicable for the Club Medical Officer to provide his or her prior approval in writing under clause 31.6(a), the Club Medical Officer may initially provide his or her approval verbally, with written approval to follow as soon as reasonably practicable and no later than 24 hours after the verbal approval is given.
- (e) The General Counsel may declare further exceptions to clause 31.6(a) by notice in the Controlled Treatments List.

### **31.7 Register of Controlled Treatments**

- (a) Each Club must keep and maintain a complete, accurate and up to date Register of Controlled Treatments.
- (b) The Register of Controlled Treatments shall include in relation to each Club:
  - (i) a record of all Controlled Treatments Administered to Players which the Club funds or authorises.
  - (ii) such details as are prescribed by the General Counsel with respect to such Treatments.
- (c) The Register of Controlled Treatments shall be maintained in the form prescribed by the General Counsel from time to time.
- (d) A Club must procure from relevant Providers such details as are required to be maintained in the Register of Controlled Treatments.
- (e) The register outlined in this clause 31.7 must be made available to the AFL at all times.

### **31.8 Doping Control Form Declarations**

Each Player must record all Treatments used by or administered to him on the doping control form at the time of providing a Sample.

### **31.9 Conduct Unbecoming**

No Person may engage in conduct in relation to any AFL Prohibited Treatment, Prohibited Substance or Prohibited Method that is unbecoming or likely to prejudice the interests or reputation of the AFL or bring the game of football into disrepute.

### **31.10 Sanctions for AFL Treatment Rules**

Where the AFL Commission or General Counsel determines that a Club or Person has committed a breach of this clause 16, the Club or Person will be sanctioned as the AFL Commission or General Counsel deems appropriate in their sole and absolute discretion, unless the AFL Commission or General Counsel determines such breach should be referred to the Tribunal for determination, in which case the Tribunal may determine the sanction in its sole and absolute discretion. For the avoidance of doubt, clause 17 of this Code will not apply to breaches of this clause 31.

### **31.11 Appeals Regarding Contravention of AFL Treatment Rules**

A Player, Club or other person to whom the AFL Treatment Rules apply may appeal a decision of the AFL General Counsel in respect of a breach of the AFL Treatment Rules to the Appeals Board on a question of law only. For the avoidance of doubt, neither WADA nor ASADA shall have any right of appeal with respect to any matters involving the AFL Treatment Rules unless the conduct also falls under the Anti-Doping Violation section. For the avoidance of doubt, clause 20 of this Code will not apply to breaches of this clause 31.

## **32. AFL Screening and Risk Analysis**

- (a) Notwithstanding any other provision of this Code, the AFL may conduct its own sample collection from Players and the screening/analysis of such samples for intelligence purposes and developing the strategic direction of the AFL's anti-doping program.
- (b) Samples not collected and Tested in accordance with clause 14 of this Code cannot be used to establish a violation of this Code.

## **33. Statistical Analysis**

The Testing Authority may screen all Samples provided by Players for the presence of substances not prohibited under this Code at the request of the AFL from time to time. This screening will be for statistical and research purposes. The Testing Authority will notify the AFL General Counsel of the results of the screening and the Player's Club. The Testing Authority must not notify any other person of the name of any Player, or details from which the identity of the Player might reasonably be determined, whose sample is found to have contained such substances or to take any other steps arising from the presence of such substances.

## **34. Notification**

- (a) Any person who directly or indirectly, formally or informally receives an approach or invitation from any other person to engage in any conduct prohibited by this Code, must as soon as practicable, advise and provide a written statement containing full details of such approach or invitation to the General Counsel.
- (b) A person must as soon as practicable advise and provide full details to the General Counsel of any incident, fact, or matter that comes to their attention that may evidence an offence under this Code by another party, including, without limitation, approaches or invitations that have been received by any other party engaged in conduct that may amount to a breach of this Code.

### **35. Drug Rehabilitation Program**

A Player who is found to have returned an Adverse Analytical Finding for Doping may be required by the Tribunal to undergo a drug rehabilitation programme in addition to any other sanction imposed. A first time offending Player who refuses or fails to undertake any required drug rehabilitation programme will automatically receive a 22 Match suspension in addition to any other sanction already imposed by the Tribunal. Any subsequent refusal or failure by a first time offending Player, or a refusal by a second time offending Player, will automatically incur a lifetime suspension.

## Annexure A – Whereabouts Form

### Player's Contact Details:

Player's Name: .....

Club: .....

Address: .....

.....

.....

.....

Telephone home: .....

Mobile telephone: .....

Email: .....

I hereby authorise my Club to provide details of my whereabouts, including match/training venues, schedules and times, to all relevant Testing Authority and the AFL.

I agree to complete a new whereabouts form immediately should any details listed above change.

Player's signature: .....

Date: