



TENNIS AUSTRALIA

ANTI-DOPING POLICY

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TABLE OF CONTENTS

ARTICLE 1	RATIONALE	1
ARTICLE 2	POWERS OF TA AND ASADA	1
ARTICLE 3	SCOPE	2
ARTICLE 4	ROLES AND RESPONSIBILITIES.....	3
ARTICLE 5	DEFINITION OF DOPING	7
ARTICLE 6	ANTI-DOPING RULE VIOLATIONS.....	7
ARTICLE 7	PROOF OF DOPING	9
ARTICLE 8	THE PROHIBITED LIST	10
ARTICLE 9	THERAPEUTIC USE	11
ARTICLE 10	ATHLETE WHEREABOUTS REQUIREMENTS.....	13
ARTICLE 11	RETIREMENT AND RETURN TO <i>COMPETITION</i>	14
ARTICLE 12	TESTING	16
ARTICLE 13	ANALYSIS OF SAMPLES	16
ARTICLE 14	INVESTIGATIONS	17
ARTICLE 15	RESULTS MANAGEMENT	18
ARTICLE 16	REVIEW BOARD	18
ARTICLE 17	PROVISIONAL SUSPENSIONS.....	19
ARTICLE 18	RIGHT TO A FAIR HEARING.....	20
ARTICLE 19	DUE PROCESS	22
ARTICLE 20	AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS.....	26
ARTICLE 21	SANCTIONS ON INDIVIDUALS	27
ARTICLE 22	CONSEQUENCES TO TEAMS.....	35
ARTICLE 23	APPEALS.....	36
ARTICLE 24	CONFIDENTIALITY AND REPORTING	39
ARTICLE 25	MUTUAL RECOGNITION	40
ARTICLE 26	STATUTE OF LIMITATIONS	40
ARTICLE 27	INTERPRETATION OF THE CODE	40
ARTICLE 28	AMENDMENT AND INTERPRETATION OF POLICY.....	41
APPENDIX 1	DEFINITIONS.....	42

ARTICLE 1 RATIONALE

- 1.1 TENNIS AUSTRALIA (*TA*) condemns doping as fundamentally contrary to the spirit of sport.
- 1.1.1 Anti-doping programs, including documents such as this Anti-Doping Policy, seek to preserve what is intrinsically valuable about sport. The Essence of sport at all levels in Australia upholds the principles of Fairness, Respect, Responsibility and Safety.
- 1.2 The purpose of this Anti-Doping Policy and the anti-doping programs which it supports are:
- 1.2.1 To protect *Athletes'* fundamental right to participate in doping-free sport and thus promote health, fairness and equality for *Athletes* worldwide; and
- 1.2.2 To ensure harmonised, coordinated and effective anti-doping programs at the international and national level with regard to detection, deterrence and prevention of doping.

ARTICLE 2 POWERS OF TA AND ASADA

- 2.1 Under the *ASADA Act 2006* and the *NAD scheme* established under that Act, *ASADA* has the legislative authority to:
- 2.1.1 investigate possible violations of the anti-doping rules under the *ASADA Act 2006* and the *NAD scheme* for *Athletes* and *Athlete Support Personnel* under the jurisdiction of *TA*;
- 2.1.2 make findings in relation to such investigations;
- 2.1.3 notify the *Athlete*, *Athlete Support Personnel*, *TA* and other bodies specified in the *ASADA Act 2006* and the *NAD scheme* of its findings and its recommendations as to the consequences of such findings; and
- 2.1.4 present its findings and its recommendations as to consequences at hearings of *CAS* and other *Tribunals*. *ASADA* has the authority to do this either at *TA's* request or on its own initiative.
- 2.2 *TA* 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, *TA* refers its anti-doping functions and powers ("anti-doping functions") to *ASADA*. This includes all functions and powers relating to the issuing of an infraction notice, the convening of a hearing, the presentation of allegations of an anti-doping rule violation at a hearing and all matters incidental thereto.
- 2.3 *TA* also recognises the authority of *ASADA* to investigate possible anti-doping rule violations. *TA* may carry out its own investigative functions provided *TA* does so under the direction and in coordination with any investigation being carried out by *ASADA*.

- 2.4 TA refers its anti-doping functions to ASADA on the basis that:
- 2.4.1 any investigations undertaken by ASADA, unless specifically requested by TA, will be at no cost to TA;
 - 2.4.2 TA will immediately advise ASADA of all possible anti-doping rule violations and will, as may reasonably be required by ASADA, assist, cooperate and liaise with ASADA in relation to any investigation or hearing;
 - 2.4.3 TA will accept ASADA's findings on such investigations, and its recommendations as to the consequences of such findings; and
 - 2.4.4 ASADA will provide such reports to TA on ASADA's conduct of the above anti-doping functions as may be agreed between ASADA and TA and subject to the ASADA Act and the NAD scheme.
- 2.5 ASADA will perform and conduct anti-doping functions and powers in accordance with the ASADA Act 2006, the NAD scheme¹ and this Anti-Doping Policy.
- 2.6 TA will recognise and enforce any sanction applied by CAS and/or other Tribunals in respect of an anti-doping rule violation, or recommendation of ASADA where a hearing has been waived.
- 2.7 Athletes, Athlete Support Personnel, Members and other Persons bound by this Anti-Doping Policy should be aware of, and are bound by, this referral of anti-doping functions to ASADA and shall assist and cooperate with ASADA in the conduct of its anti-doping functions.
- 2.8 Incorporation of the ITF Anti-Doping Rules

TA shall comply with the ITF's Anti-Doping Policy in so far as it is consistent with TA's obligations under the ASADA Act 2006 and the NAD scheme. Any procedural rules necessary to effectively implement this Anti-Doping Policy shall be deemed to be included. The rules of each Member Association (MA) shall specifically provide that all Athletes, Athlete Support Personnel and other Persons under the jurisdiction of the MA shall be bound by this Anti-Doping Policy.

Where a Participant is bound by the ITF's Anti-Doping Policy as well as this Anti-Doping Policy, the Participant shall be bound to, and have obligations in respect of, both policies simultaneously.

ARTICLE 3 SCOPE

- 3.1 This Anti-Doping Policy applies to:
- 3.1.1 Athletes;
 - 3.1.2 Athlete Support Personnel;

¹ NAD scheme were available at www.asada.gov.au.

- 3.1.3 *Members;*
- 3.1.4 Employees and contractors of *TA*; and
- 3.1.5 Any other *Person* who has agreed to be bound by this Anti-Doping Policy.

This Anti-Doping Policy shall apply to all *Doping Controls* over which *TA* has jurisdiction.

- 3.2 It shall be a condition of membership of *TA* that all *MAs* shall comply with this Policy. This Policy shall also be incorporated either directly or by express reference into each *MA's* rules and regulations. All *MAs* shall include in their rules and regulations the procedural rules necessary to implement this Policy effectively. The rules of each *MA* shall specifically provide that all persons to which this Anti Doping Policy applies as in Clause 3.1.

ARTICLE 4 ROLES AND RESPONSIBILITIES

4.1 Athletes

Athletes must:

- 4.1.1 Be knowledgeable of and comply with all anti-doping policies and rules applicable to them. This includes, but may not be limited to this Anti-Doping Policy and the *ITF's* Anti-Doping Policy;
- 4.1.2 Be aware of whether they are in the *ITF's* and/or *ASADA's Registered Testing Pools* and comply with the requirements of any such membership;
- 4.1.3 Read and understand the *Prohibited List* as it relates to them;
- 4.1.4 Be available for *Sample* collection and provide accurate and up-to-date whereabouts information for this purpose when identified for inclusion in a *Registered Testing Pool*;
- 4.1.5 Take full responsibility, in the context of anti-doping, for what they ingest, *Use* and *Possess*;
- 4.1.6 Inform medical personnel of their obligations not to *Use* or *Possess Prohibited Substances* and *Prohibited Methods* and ensure that any medical treatment received does not violate anti-doping policies and rules applicable to them;
- 4.1.7 Attend anti-doping education as directed by *TA* and/or as appropriate. Failure to attend an anti doping education session shall be no excuse for an alleged anti-doping rule violation, nor shall it mitigate culpability of the *Athlete* in determining sanction;
- 4.1.8 Immediately refer information about possible anti-doping rule violations to *TA/ASADA*;
- 4.1.9 Assist, cooperate and liaise with *ASADA* and other *Anti-Doping Organisations* in relation to the conduct of any investigation or hearing into an alleged anti-doping rule violation;

- 4.1.10 Be available for *Sample* collection and provide accurate and up-to-date whereabouts information on a regular basis, even if not a regular *Member* of *TA*, if required by the conditions of eligibility established by *TA*, the *ITF*, *ATP*, *WTA*, *Major Event Organisers* or as applicable; and
- 4.1.11 Accept that ignorance of this Anti-Doping Policy, the *Code* or the *Prohibited List* is not an excuse from an alleged anti-doping rule violation, and shall not mitigate culpability in sanction.

4.2 Athlete Support Personnel

Athlete Support Personnel must:

- 4.2.1 Be knowledgeable of and comply with all anti-doping policies and rules applicable to them or the *Athletes* whom they support. This includes, but may not be limited to: this Anti-Doping Policy and the *ITF's* Anti-Doping Policy;
- 4.2.2 Support and assist *Anti-Doping Organisations*, including *ASADA* to conduct *Doping Control*;
- 4.2.3 Use their influence on *Athletes'* values and behaviour to foster anti-doping attitudes;
- 4.2.4 Immediately refer information about possible anti-doping rule violations to *TA/ASADA*; and
- 4.2.5 Assist, cooperate and liaise with *ASADA*, *TA* and other *Anti-Doping Organisations* in relation to the conduct of any investigation or hearing into an alleged anti-doping rule violation.

4.3 TA

TA will:

- 4.3.1 Acknowledge *ASADA's* functions and powers under the *ASADA Act 2006* and the *NAD scheme* established under that Act and will cooperate with *ASADA* and facilitate the execution of these functions and powers as reasonably required by *ASADA*;
- 4.3.2 Adopt and implement an Anti-Doping Policy and rules that conform with the *Code*, the *ASADA Act 2006*, the *NAD scheme*, the *ITF*, *ASC*, *ATP*, *WTA* and other *Major Events Organisation* requirements as applicable;
- 4.3.3 Require as a condition of membership that the policies, rules and programs of *MAs* are in compliance with the *Code*, the *ASADA Act 2006*, the *NAD scheme*, the *ITF*, *ASC*, *ATP* and *WTA* rules as applicable and this Anti-Doping Policy (which requirement may be fulfilled by adopting this Anti-Doping Policy);
- 4.3.4 Require all *Athletes* and *Athlete Support Personnel* within *TA's* jurisdiction to recognise and be bound by this Anti-Doping Policy;

- 4.3.5 Make reasonable efforts to make this Anti-Doping Policy available to *Athletes, Athlete Support Personnel, Members* and any other *Person* who has agreed to be bound by this Anti-Doping Policy²;
- 4.3.6 Ensure that at all times it has the authority to enforce this Anti-Doping Policy;
- 4.3.7 Abide by, implement and enforce this Anti-Doping Policy to the satisfaction of *ASADA*;
- 4.3.8 Obtain *ASADA*'s prior written approval for any amendments to this Anti-Doping Policy and advise *ASADA* of any change to the *ITF* Anti-Doping Policy;
- 4.3.9 Develop and implement, in consultation with *ASADA* and the *ITF*, comprehensive programs and education initiatives about pure performance in sport;
- 4.3.10 Support the initiatives of and cooperate with *ASADA*, other *Anti-Doping Organisations* and other sporting organisations to assist their achievement of pure performance in sport;
- 4.3.11 Use its reasonable efforts to assist *Athletes* to fulfil their responsibilities under this Anti-Doping Policy, including providing accurate and up-to-date *Athlete* whereabouts information to *ASADA* and the *ITF*;
- 4.3.12 Support and assist *Anti-Doping Organisations* including *ASADA* to conduct *Doping Control*, including the provision of information relating to *Registered Testing Pools* as requested;
- 4.3.13 Where required, act in accordance with this Anti-Doping Policy upon the receipt of a reported anti-doping rule violation; and notification by *ASADA* of an entry onto the *ASADA Register* in respect of an *Athlete, Athlete Support Personnel, Member*, or other *Person* bound by this Anti-Doping Policy, in consultation with *ASADA*;
- 4.3.14 Immediately notify all instances of possible anti-doping rule violations to *ASADA*;
- 4.3.15 Assist, cooperate, and liaise with *ASADA* and other *Anti-Doping Organisations* including in relation to the conduct of any investigations or hearing into an alleged anti-doping rule violation;
- 4.3.16 Act in a discreet and confidential manner in discharging its obligations under this Policy;
- 4.3.17 Require *Athletes* who are not regular *Members* of *TA* or one of its *MAs* to be bound by this Anti-Doping Policy; available for *Sample* collection; and provide accurate and up-to-date whereabouts information if required by the conditions

² <http://www.tennisaustralia.com.au/pages/default.aspx?id=4&pageId=304>.

for eligibility established by ASADA, TA, the ITF or Major Event Organisations, as applicable;

- 4.3.18 Not disclose or use any information about a person who is alleged to have, or has committed an anti-doping rule violation except as permitted under the ASADA Act 2006, the NAD scheme and the Code;
- 4.3.19 Recognise and enforce any sanction applied by the CAS and/or other Tribunals in respect of an anti-doping rule violation, or recommendation of ASADA where a hearing has been waived;
- 4.3.20 Notify the results of hearings and all relevant incidental matters to relevant bodies, as agreed between the parties and outlined in this Policy. Any notification will be subject to the ASADA Act 2006, NAD scheme and privacy legislation;
- 4.3.21 Withhold some or all funding, during any period of his or her Ineligibility, to any Athlete or Athlete Support Personnel who has committed an anti-doping rule violation;
- 4.3.22 Withhold some or all funding to its MAs that are not in compliance with the Code and this Anti-Doping Policy;
- 4.3.23 Appoint a Review Board to provide assistance to TA on matters relating to the Policy;
- 4.3.24 Appoint an APA to be responsible for the overall operation and administration of the Policy; and
- 4.3.25 Appoint an Anti Doping Tribunal (Tribunal) to hear and determine violations against the Policy.

4.4 ASADA

- 4.4.1 ASADA will carry out its functions and powers in accordance with the ASADA Act 2006 and the NAD scheme, as published from time to time, and/or as referred by TA under this Policy. This includes but is not limited to:
- 4.4.2 Coordinating results management processes, issuing infraction notices, convening hearings, presenting allegations of Anti-Doping Rule Violations at hearings and all matters incidental thereto unless otherwise agreed between the parties and outlined in this Policy;
- 4.4.3 Providing and promoting the adoption and implementation of anti-doping policies and rules that conform with the Code, the ASADA Act 2006 and the NAD scheme;
- 4.4.4 Coordinating the administration of national Registered Testing Pools and all Athlete whereabouts requirements in consultation with TA;
- 4.4.5 Requesting Athletes to provide Samples and Testing, or arranging Testing of Samples;
- 4.4.6 Investigating possible anti-doping rule violations;

- 4.4.7 Making findings in relation to such investigations;
 - 4.4.8 Notifying the *Athlete, Athlete Support Personnel, TA* and other organisations required to be notified under the *Code, the ASADA Act 2006* and the *NAD scheme* of its findings and its recommendations as to the consequences of such findings;
 - 4.4.9 Notifying the results of hearings and all relevant incidental matters to relevant bodies including *TA* and the *ITF*, as agreed between the parties and outlined in this Policy. Any notification will be subject to the *ASADA Act 2006, NAD scheme* and privacy legislation;
 - 4.4.10 Monitoring *TA's* compliance with its Anti-Doping Policies and notifying *TA* and the *ASC* about the extent of this compliance;
 - 4.4.11 Publishing reports about the extent of *TA's* compliance with their Anti-Doping Policies; and
 - 4.4.12 Developing and implementing, and encouraging the sporting community to develop, implement and support, comprehensive programs and education initiatives about pure performance in sport.
- 4.5 Breaches of Roles and Responsibilities

Where an *Athlete, Athlete Support Personnel* or other *Member* bound by this Anti-Doping Policy breaches his or her responsibilities under this Anti-Doping Policy but the breach does not amount to an anti-doping rule violation, *TA* may treat the breach as an infringement of *TA's* policies, Code of Conduct, or similar framework, and apply penalties in accordance with *TA* rules.

ARTICLE 5 DEFINITION OF DOPING

Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Article 2.1 through Article 2.8 of the *Code* and Article 6.1 through 6.8 of this Policy.

ARTICLE 6 ANTI-DOPING RULE VIOLATIONS

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

The following constitute anti-doping rule violations:

- 6.1 Presence of a Prohibited Substance or its Metabolites or Markers in an Athlete's Sample
 - 6.1.1 It is each *Athlete's* personal duty to ensure that no *Prohibited Substance* enters his or her body. *Athletes* are responsible for any *Prohibited Substance* or its *Metabolites* or *Markers* found to be present in their *Samples*. Accordingly, it is not necessary that intent, fault, negligence or knowing *Use* on the *Athlete's* part be demonstrated in order to establish an anti-doping rule violation under Article 6.1.

- 6.1.2 Sufficient proof of an anti-doping rule violation under Article 6.1 is established by either of the following: presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in the *Athlete's A Sample* where the *Athlete* waives analysis of the *B Sample* and the *B Sample* is not analysed; or, where the *Athlete's B Sample* is analysed and the analysis of the *Athlete's B Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the *Athlete's A Sample*.
- 6.1.3 Excepting those substances for which a quantitative reporting threshold is specifically identified in the *Prohibited List*, the presence of any quantity of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample* shall constitute an anti-doping rule violation.
- 6.1.4 As an exception to the general rule of Article 6.1, the *Prohibited List* or *International Standards* may establish special criteria for the evaluation of *Prohibited Substances* that can also be produced endogenously.
- 6.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method
- 6.2.1 It is each *Athlete's* personal duty to ensure that no *Prohibited Substance* enters his or her body. Accordingly, it is not necessary that intent, fault, negligence or knowing *Use* on the *Athlete's* part be demonstrated in order to establish an anti-doping rule violation for *Use* or Attempted Use of a *Prohibited Substance* or a *Prohibited Method*.
- 6.2.2 The success or failure of the *Use* or Attempted Use of a *Prohibited Substance* or *Prohibited Method* is not material. It is sufficient that the *Prohibited Substance* or *Prohibited Method* was *Used* or Attempted to be *Used* for an anti-doping rule violation to be committed.
- 6.3 Refusing or failing without compelling justification to submit to *Sample* collection after notification as authorised in applicable anti-doping rules, or otherwise evading *Sample* collection.
- 6.4 Violation of applicable requirements regarding *Athlete* availability for *Out-of-Competition Testing*, including failure to file required whereabouts information and *Missed Tests* which are declared based on rules which comply with the *International Standard for Testing*. Any combination of three *Missed Tests* and/or *Filing Failures* within an eighteen-month period as determined by *Anti-Doping Organisations* with jurisdiction over the *Athlete* shall constitute an anti-doping rule violation.
- 6.5 *Tampering or Attempted Tampering with any part of Doping Control.*
- 6.6 *Possession of Prohibited Substances and Prohibited Methods*
- 6.6.1 *Possession* by an *Athlete In-Competition* of any *Prohibited Method* or any *Prohibited Substance*, or *Possession* by an *Athlete Out-of-Competition* of any *Prohibited Method* or any *Prohibited Substance* which is prohibited *Out-of-Competition* unless the *Athlete* establishes that the *Possession* is

pursuant to a therapeutic use exemption granted in accordance with Article 9 (Therapeutic Use) or other acceptable justification.

6.6.2 *Possession by an Athlete Support Personnel In-Competition of any Prohibited Method or any Prohibited Substance, or Possession by an Athlete Support Personnel Out-of-Competition of any Prohibited Method or any Prohibited Substance* which is prohibited *Out-of-Competition* in connection with an *Athlete, Competition* or training, unless the *Athlete Support Personnel* establishes that the *Possession* is pursuant to a therapeutic use exemption granted to an *Athlete* in accordance with Article 9 (Therapeutic Use) or other acceptable justification.

6.7 *Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method*

6.8 Administration or *Attempted* administration to any *Athlete In-Competition* of any *Prohibited Method* or *Prohibited Substance*, or administration or *Attempted* administration to any *Athlete Out-of-Competition* of any *Prohibited Method* or any *Prohibited Substance* that is prohibited *Out-of-Competition*, or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an anti-doping rule violation or any *Attempted* anti-doping rule violation

ARTICLE 7 PROOF OF DOPING

7.1 Burdens and Standards of Proof

ASADA or TA shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether ASADA or TA has established an anti-doping rule violation to the comfortable satisfaction of the *Tribunal* bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where this Anti-Doping Policy places the burden of proof upon the *Athlete* or other *Person* alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability, except as provided in Articles 21.5 and 21.7 where the *Athlete* must satisfy a higher burden of proof.

7.2 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:

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

If the *Athlete* or other *Person* rebuts the preceding presumption by showing that a departure from the *International Standard* for Laboratories occurred which could reasonably have caused the *Adverse Analytical Finding*, then ASADA or TA shall have

the burden to establish that such departure did not cause the *Adverse Analytical Finding*.

- 7.2.2 Departures from any *International Standard* or other anti-doping rule or policy which did not cause an *Adverse Analytical Finding* or other anti-doping rule violation shall not invalidate such results. If the *Athlete* or other *Person* establishes that a departure from the *International Standard* or other anti-doping rule or policy which could reasonably have caused the *Adverse Analytical Finding* or other anti-doping rule violation occurred, then ASADA or TA or 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.
- 7.2.3 The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrebuttable evidence against the *Athlete* or other *Person* to whom the decision pertained of those facts unless the *Athlete* or other *Person* establishes that the decision violated principles of natural justice.
- 7.2.4 The *Tribunal* in a hearing on an anti-doping rule violation may draw an inference adverse to the *Athlete* or other *Person* who is asserted to have committed an anti-doping rule violation based on the *Athlete's* or other *Person's* refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or telephonically or other media as directed by the *Tribunal*) and to answer questions from the *Tribunal* or the *Anti-Doping Organisation* asserting the anti-doping rule violation.

ARTICLE 8 THE PROHIBITED LIST

8.1 Incorporation of the *Prohibited List*

This Policy incorporates the *Prohibited List* which is published and revised by WADA as described in Article 4.1 of the *Code* and changes from time to time. If WADA expands the *Prohibited List* for the *ITF*, this Policy incorporates the *Prohibited List* as so expanded.

8.2 Publication and Revision of the *Prohibited List*

Unless provided otherwise in the *Prohibited List* or a revision, the *Prohibited List* and revisions shall go into effect under this Policy three (3) months after publication of the *Prohibited List* by WADA or as amended by WADA from time to time without requiring any further action by ASADA or TA.

8.3 Prohibited Substances and Prohibited Methods Identified on the Prohibited List

8.3.1 *Prohibited Substances* and *Prohibited Methods*

The *Prohibited List* shall identify those *Prohibited Substances* and *Prohibited Methods* which are prohibited as doping at all times (both *In-Competition* and *Out-of-Competition*) because of their potential to enhance performance in future *Competitions* or their masking potential and those substances and methods which are prohibited *In-Competition* only. *Prohibited Substances* and *Prohibited Methods* may be included in the *Prohibited List* by general category (eg, anabolic agents) or

by specific reference to a particular substance or method.

8.3.2 Specified Substances

For purposes of the application of Article 21 (Sanctions on Individuals), all *Prohibited Substances* shall be "Specified Substances" except substances in the classes of anabolic agents and hormones and those stimulants and hormone antagonists and modulators so identified on the *Prohibited List*. *Prohibited Methods* shall not be Specified Substances.

8.3.3 New Classes of *Prohibited Substances*

In the event WADA expands the *Prohibited List* by adding a new class of *Prohibited Substances* in accordance with Article 4.1 of the *Code*, WADA's Executive Committee shall determine whether any or all *Prohibited Substances* within the new class of *Prohibited Substances* shall be considered Specified Substances under Article 8.3.2.

8.4 Criteria for Including Substances and Methods on the *Prohibited List*

As provided in Article 4.3.3 of the *Code*, WADA's determination of the *Prohibited Substances* and *Prohibited Methods* that will be included on the *Prohibited List* and the classification of substances into categories on the *Prohibited List* is final and shall not be subject to challenge by an *Athlete* or other *Person* based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a health risk or violate the spirit of sport.

ARTICLE 9 THERAPEUTIC USE

9.1 International Standard for TUEs

Any *Athlete* with a documented medical condition requiring the *Use* of a *Prohibited Substance* or a *Prohibited Method* must request a *Therapeutic Use Exemption (TUE)* in accordance with the *Code*, the *International Standard for TUEs* and this Policy.³

9.2 International-Level Athletes

International-Level Athletes or any other *Athlete* who is entered in an *International Event* with documented medical conditions requiring the *Use* of a *Prohibited Substance* or a *Prohibited Method* must request a *TUE* from the *ITF* (regardless of whether the *Athlete* previously has received a *TUE* from ASDMAC or another Committee). *Athletes* who have been identified as included in the *ITF's Registered Testing Pool* may only obtain *TUEs* in accordance with the rules of the *ITF*.

9.3 National-Level *Athletes*

³ *International-Level Athletes* or *Athletes* entering an *International Event* should seek guidance on the process for seeking a *TUE* from the WADA website at <http://www.wada-ama.org> or the *ITF's* website at <http://www.ITFtennis.com/antidoping/>. National level athletes should seek guidance from the ASDMAC website at <http://www.asdmac.org.au>.

Athletes who are not in the ITF's Registered Testing Pool but are in ASADA's Registered Testing Pool or Domestic Testing Pool with documented medical conditions requiring the Use of a Prohibited Substance or a Prohibited Method must request a TUE from ASDMAC, unless the Athlete has an approved TUE.

9.4 Other Athletes

Athletes who are not in the ITF's or ASADA's Registered Testing Pool, Domestic Testing Pool or have not otherwise been notified by ASADA, in accordance with the NAD scheme, that they require TUEs prior to Use of a Prohibited Substance or a Prohibited Method, may submit applications to ASDMAC for approval of a TUE in accordance with the procedures of ASDMAC.

9.5 TUE Applications

9.5.1 *Athletes should submit applications for TUEs no less than 21 days before they require the approval (eg prior to a National Event), except for retroactive TUEs under Article 9.5.2.*

9.5.2 *An application for a TUE will not be considered for retroactive approval except in cases where:*

- (a) emergency treatment or treatment of an acute medical condition was necessary; or*
- (b) due to exceptional circumstances, there was insufficient time or opportunity for an Athlete to submit, or a TUE Committee to consider, an application prior to Doping Control; or*
- (c) ASDMAC procedures, in accordance with the Code and the International Standard for TUEs, provide for retroactive approval.*

9.5.3 *An Athlete may not apply to more than one body for a TUE at the same time. Applications must be in accordance with the International Standard for TUEs and the procedures of the ITF or ASDMAC as appropriate.*

9.6 Reporting of TUEs

The granting of any TUE by ASDMAC for an Athlete in ASADA's Registered Testing Pool shall be promptly reported to WADA.

9.7 Review of TUEs

9.7.1 *WADA, on its own initiative, may review at any time the granting of a TUE to any International Level Athlete in the ITF's Registered Testing Pool or national-level Athlete who is included in ASADA's Registered Testing Pool. Further, upon the request of any such Athlete who has been denied a TUE, WADA may review such denial. If WADA determines that such granting or denial of a TUE did not comply with the International Standard for TUEs, WADA may reverse the decision.*

- 9.7.2 An *Athlete* who is denied a *TUE* by *ASDMAC* must seek review by *WADA* of the decision before any appeal may be commenced under Article 21.4.
- 9.7.3 If, contrary to the requirements of the *Code*, the *ITF* does not have a process in place where *Athletes* may request *TUEs*, an *International-Level Athlete* may request *WADA* to review the application as if it had been denied.

ARTICLE 10 ATHLETE WHEREABOUTS REQUIREMENTS

10.1 Requirement for Whereabouts Information

- 10.1.1 All *Athletes* identified for inclusion in a *Registered Testing Pool* must provide accurate whereabouts information to the relevant *Anti-Doping Organisation/s* in accordance with the *Code* and *International Standards*, the *NAD scheme*, the *ITF's* *Anti-Doping Policy* and this Policy, and to keep this information updated at all times.
- 10.1.2 *ASADA* shall coordinate the identification of *Athletes* in its *Registered Testing Pool* and the collecting of current location information and shall submit these to *WADA*. Information may also be shared with the *ITF*. This information shall be maintained by those bodies in strict confidence at all times and shall be used exclusively for purposes of planning, coordinating or conducting *Testing* or establishing anti-doping rule violations under Article 6.4.

10.2 International-Level and National-Level Athletes

- 10.2.1 Any *Athlete* included in the *ITF's* *Registered Testing Pool* must provide whereabouts information in accordance with the applicable requirements as set out in the *International Standard for Testing* and as determined by the *ITF*.
- 10.2.2 Any *Athlete* included in *ASADA's* *Registered Testing Pool* must provide whereabouts information in accordance with the applicable requirements as set out in the *International Standard for Testing*, the *NAD scheme* and as determined by *ASADA*.
- 10.2.3 Where an *Athlete* has been designated for inclusion in both the *ITF's* and *ASADA's* *Registered Testing Pools*, the *Athlete* may only be required to provide whereabouts information to *ASADA*. *ASADA* will then be responsible for notifying the *ITF* that it is receiving the *Athlete's* whereabouts information and for sharing the relevant information with the *ITF* and other relevant *Anti-Doping Organisations* in accordance with the *Code* and the *International Standard for Testing*. *Athletes* will be advised by *ASADA* or *TA* if the *ITF* is accepting athlete whereabouts information collected from *ASADA* and that therefore they need only submit whereabouts to *ASADA*, and must consent to the sharing of this information.
- 10.2.4 An *Athlete* who has been designated for inclusion in *ASADA's* *Registered Testing Pool* shall continue to be subject to the whereabouts requirements of *ASADA* unless and until:
- (a) he or she retires from *Competition* in accordance with Article 11; or

- (b) he or she has been given written notice by ASADA that he or she is no longer designated for inclusion in the ASADA's *Registered Testing Pool*.

10.3 Whereabouts Failures

10.3.1 In accordance with Article 6.4, an *Athlete* in a *Registered Testing Pool* will be deemed to have committed an anti-doping rule violation if he or she commits a total of three (3) *Whereabouts Failures* (which may be three *Filing Failures*, or three *Missed Tests*, or any combination of *Filing Failures* and *Missed Tests* adding up to three in total) in any eighteen (18) month period. This 18 month period is a rolling period that starts to run on each date that an *Athlete* commits a *Whereabouts Failure*.

10.3.2 More than one *Anti-Doping Organisation* may have jurisdiction to *Test* an *Athlete* who has been designated for inclusion in a *Registered Testing Pool*. For the purposes of Article 10.3.1 above and in accordance with Article 25, ASADA shall recognise and respect *Filing Failures* and *Missed Tests* declared by other *Anti-Doping Organisations* pursuant to the *International Standard for Testing*, and those *Filing Failures* and *Missed Tests* shall be combined for the purposes of Article 6.4. As a consequence, any *Athlete* who commits any three *Whereabouts Failures* in any 18 month period shall be deemed to have committed an anti-doping rule violation under Article 6.4, irrespective of which *Anti-Doping Organisation/s* have/has declared the *Whereabouts Failures* in question.

ARTICLE 11 RETIREMENT AND RETURN TO COMPETITION

11.1 International-Level Athletes

11.1.1 An *Athlete* who has been identified by the *ITF* for inclusion in its *Registered Testing Pool* shall be subject to the *ITF's* retirement and return to *Competition* requirements, to the exclusion of article 11.2 below.

11.1.2 *Athletes* wishing to retire should contact *TA* to determine if they are in the *ITF's Registered Testing Pool (IRTP)* and therefore are required to follow the *ITF's* procedures. *TA* shall immediately notify ASADA of the retirement or reinstatement of any *Athlete* in the *IRTP* and provide copies of the correspondence from the *ITF* confirming this retirement/reinstatement.

11.2 National level Athletes

Athletes in ASADA's *Registered Testing Pool* or *Domestic Testing Pool* shall be subject to the following requirements:

11.2.1 An *Athlete* who wants to retire from *Competition* must do so by notifying ASADA by fully completing and forwarding to ASADA the ASADA "RETIREMENT NOTIFICATION FORM" (retirement notification)⁴. Retirement notifications that

⁴ ASADA RETIREMENT NOTIFICATION FORM is accessible at *Australian Sports Anti-Doping Authority* (www.asada.gov.au).

are not fully completed will not be accepted and will be returned to the *Athlete* for completion. An *Athlete's* retirement date will be the date ASADA receives the fully completed retirement notification.

11.2.2 Upon receipt of a notification in accordance with Article 11.2.1, ASADA will, as soon as reasonably practicable, provide the *Athlete* and TA with a written confirmation of the *Athlete's* retirement.

11.2.3 Retirement does not:

- (a) excuse the *Athlete* from giving a *Sample* requested on or before their retirement date, or a *Sample* required as part of an investigation commenced prior to their retirement date;
- (b) excuse the *Athlete* from assisting, cooperating and liaising with ASADA and other *Anti-Doping Organisations* in relation to the conduct of any investigation or hearing into an alleged anti-doping rule violation;
- (c) prevent the analysis of a *Sample* given by the *Athlete* on or before their retirement date;
- (d) affect the results of *Testing* under (a) or (b) above;
- (e) exempt the *Athlete* from this Policy in relation to an anti-doping rule violation committed on or before their retirement date; or
- (f) affect ASADA's or TA's power to conduct results management (see Article 14.9).

11.2.4 An *Athlete* who has retired in accordance with Article 11.2.1 and who wishes to return to *Competition*, must do so by notifying ASADA by fully completing and forwarding the ASADA "REQUEST FOR REINSTATEMENT FORM" (reinstatement request). Reinstatement requests that are not fully completed will not be accepted and will be returned to the *Athlete* for completion. The *Athlete's* reinstatement request date will be the date ASADA receives the fully completed reinstatement request. TA will make the decision whether to reinstate an *Athlete* in consultation with ASADA.

11.2.5 Upon receipt of notification in accordance with Article 11.2.4, ASADA will, as soon as reasonably practicable:

- (a) provide the *Athlete* with a written confirmation of the outcome of the *Athlete's* reinstatement request; and
- (b) if the reinstatement request is approved by TA, provide TA with a written confirmation of ASADA's acceptance of the *Athlete's* reinstatement.

11.2.6 If reinstatement is granted then this Policy will apply to the *athlete* from the date of their reinstatement request. An *Athlete* who is reinstated pursuant to Article 11.2.4 may not compete in *Competitions* and *Events* conducted by or under the auspices of *TA* for a period of six (6) months from the date of the reinstatement request.

11.2.7 An *Athlete* must be available for unannounced *Out-of-Competition Testing* in accordance with this Policy from the date of their reinstatement request. Being available for *Out-of-Competition Testing* means that an *Athlete* has complied with any request by an *Anti-Doping Organisation* to provide a *Sample*, and any *Athlete* who is designated for inclusion in the *ITP's* or *ASADA's Registered Testing Pool* has complied with whereabouts requirements set out in Article 10.

11.2.8 Decisions of *TA* in relation to the reinstatement request of an *Athlete* may be appealed to *CAS* or a *Tribunal* specified in Article 23 by the *Athlete* or *ASADA*.

ARTICLE 12 TESTING

12.1 Submit to *Testing*

All *Athletes* must comply with any request for *Testing* by an *Anti-Doping Organisation* with *Testing* jurisdiction, including *ASADA*.

12.2 Standards for *Testing*

Anti-Doping Organisations with *Testing* jurisdiction shall conduct such *Testing* in conformity with the *International Standard for Testing* in force at the time of *Testing*.

12.3 Selection of *Athletes* for *Testing*

12.3.1 Where required by the *ITF*, *TA*, *ATP*, *WTA* or a *Major Event Organisation*, *Athletes* shall be selected for *Testing In-Competition* in accordance with the applicable rules of the *ITF*, *ATP*, *WTA* or the *Major Event Organisation*.

12.3.2 Notwithstanding any other regulations, *ASADA* may test any *Athlete*, any time, anywhere, in accordance with the *Code*, the *ASADA Act* and the *NAD scheme*.

ARTICLE 13 ANALYSIS OF SAMPLES

Samples collected under this Policy shall be analysed in accordance with the following principles:

13.1 Use of *WADA* Approved Analysis

For the purposes of Article 6.1 (Presence of a *Prohibited Substance* or its *Metabolites* or *Markers*), *Samples* will be analysed only in *WADA*-accredited laboratories or as otherwise approved by *WADA*.

13.2 Purpose of Collection and Analysis of *Samples*

Samples shall be analysed to detect *Prohibited Substances* and *Prohibited Methods*

identified on the *Prohibited List* and other substances as may be directed by WADA pursuant to Article 4.5 of the *Code* (WADA's Monitoring Program), or to assist an *Anti-Doping Organisation* in profiling relevant parameters in an *Athlete's* urine, blood or other matrix, including DNA or genomic profiling, for anti-doping purposes.

13.3 Research on *Samples*

No *Sample* may be used for any purpose other than as described in Article 13.2 without the *Athlete's* written consent. *Samples* used for purposes other than Article 13.2 shall have any means of identification removed such that they cannot be traced back to a particular *Athlete*.

13.4 Standards for *Sample* Analysis and Reporting

Laboratories shall analyse *Samples* and report results in conformity with the *International Standard* for Laboratories.

13.5 Retesting *Samples*

A *Sample* may be reanalysed for the purpose of Article 13.2 at any time exclusively at the direction of the *Anti-Doping Organisation* that initiated the *Sample* collection or WADA. The circumstances and conditions for retesting *Samples* shall conform to the requirements of the *International Standard* for Laboratories.

ARTICLE 14 INVESTIGATIONS

14.1 When any *Person* bound by this Policy has information relevant to a possible anti-doping rule violation, that *Person* must immediately pass such information to TA and ASADA. The *Person* must act in a discreet and confidential manner in discharging their obligations under this Policy. The deliberate or wilful withholding of information relevant to a potential anti-doping rule violation from TA or ASADA by an *Athlete* or other *Person* may constitute an anti-doping rule violation or a breach to be dealt with under this Policy.

14.2 Where an investigation is required to determine whether an anti-doping rule violation may have occurred under this Policy, ASADA will conduct the investigation in accordance with the Australian Government Investigations Standard, the *Code*, relevant *International Standards*, the *ASADA Act 2006* and the *NAD scheme*, as in force from time to time.

14.3 Where ASADA believes it is appropriate to do so, ASADA may, in its discretion, advise TA of an ASADA investigation. ASADA may also consult affected/interested parties about their participation in any investigation. Any disclosure of information regarding an investigation will be in accordance with the *Code*, the *ASADA Act 2006*, the *NAD scheme*, the *Privacy Act 1988* and the Australian Government Investigations Standard, as in force from time to time.

14.4 TA may, with prior written agreement from ASADA, carry out its own investigation into the matter or related matters, provided TA does so in coordination with any investigation being undertaken by ASADA and seeks ASADA's input into such investigation.

- 14.5 All *Persons* bound by this Anti-Doping Policy and *TA* must assist, cooperate, and liaise with *ASADA* in relation to any investigation into an alleged anti-doping rule violation.

ARTICLE 15 RESULTS MANAGEMENT

- 15.1 *ASADA* and *TA* will recognise the results of laboratory analysis of *Samples* conducted by *WADA*-accredited laboratories in accordance with the *International Standard for Testing*.
- 15.2 *TA* must recognise any determination or finding by *ASADA* or another *Anti-Doping Organisation* that an anti-doping rule violation may have occurred.
- 15.3 *ASADA* shall manage the results of all potential anti-doping rule violations under this Anti-Doping Policy in accordance with Article 7 of the *Code*, the *ASADA Act 2006* and the *NAD scheme*, as in force from time to time.
- 15.4 *ASADA* will conduct any follow up investigation and be responsible for notification of an alleged anti-doping rule violation and all matters incidental thereto, in accordance with the *Code*, the *ASADA Act 2006* and the *NAD scheme*, as in force from time to time.
- 15.5 Any determination or finding by *ASADA* or another *Anti-Doping Organisation* that an anti-doping rule violation may have occurred shall be dealt with pursuant to Article 19 of this Policy.
- 15.6 *ASADA*, *TA* and any other relevant parties will only disclose or use information about a *Person* who is alleged to have, or has committed an anti-doping rule violation as permitted under the *Code*, the *ASADA Act 2006*, the *NAD scheme* and the Confidentiality Undertaking signed between *ASADA* and *TA*.
- 15.7 *The Review Board* may refer the matter to hearing in accordance with Article 20 unless the *Person* in writing acknowledges that they have admitted the anti-doping rule violation, and waives the right to a hearing in relation to whether the *Person* committed an anti-doping rule violation and what sanction will apply.
- 15.8 If the *Person* does not respond within 14 days, or another period of time as agreed by *TA*, a hearing can be held in absentia or *TA*, in consultation with *ASADA* and other relevant parties, where applicable, may apply a sanction in accordance with Article 21.
- 15.9 If an *Athlete* or other *Person* retires while a results management process is underway, *TA* retains jurisdiction to complete its results management process. If an *Athlete* or other *Person* retires before any results management process has begun, so long as *TA* would have had results management jurisdiction over the *Athlete* or other *Person* at the time the *Athlete* or other *Person* committed an anti-doping rule violation, *TA* will have jurisdiction to conduct results management.

ARTICLE 16 REVIEW BOARD

- 16.1 Responsibilities of the *Review Board*
- 16.1.1 The *Review Board* shall provide general assistance to *TA* on doping issues and shall carry out the functions assigned to it under this Article 16 and elsewhere in this Policy.

- 16.1.2 There shall be no obligation for the *Review Board* to meet in person to deliberate. Any decision by the *Review Board* that the *Person* has a case to answer under Article 6 of this Policy must be unanimous.
- 16.2 Referrals to the *Review Board* that involve evidence other than *Adverse Analytical Findings*
- 16.2.1 Where a matter is referred to the *Review Board* that involves evidence of an anti-doping rule violation other than an *Adverse Analytical Finding*, pursuant to Article 14 of the Policy or otherwise, the *APA* shall notify the *Review Board* members who will review the evidence to determine whether there is a case to answer under Article 6 of the Policy.
- 16.2.2 Where they consider it appropriate to do so, the *Review Board* members may give the *Person(s)* implicated in the alleged anti-doping rule violation an opportunity, subject to a strict timetable set by the *Review Board*, to make any submissions that he or she may wish to make, and shall take such submissions (if any) into account in making its determination. A formal hearing is not required to be held. The *Review Board* shall determine how the submissions should be made, such as (for example) in writing, or by telephone conference or other media.
- 16.2.3 Where the *Review Board* concludes that there is no case to answer under Article 6 of the Policy, no further action shall be taken. *TA* shall notify *ASADA*, the *ITF*, *WADA* and any other body entitled to appeal under Article 23, of the decision of the *Review Board*.
- 16.2.4 Where the *Review Board* concludes that there is a case to answer under Article 6 of the Policy, the matter shall proceed to a hearing in accordance with Article 18 of the Policy.

ARTICLE 17 PROVISIONAL SUSPENSIONS

17.1 Mandatory *Provisional Suspension* after A Sample *Adverse Analytical Finding*

Where an A Sample *Adverse Analytical Finding* is received for a *Prohibited Substance* other than a *Specified Substance*, *TA*, in consultation with *ASADA*, will promptly impose a *Provisional Suspension* on the *Athlete*.

17.2 Optional *Provisional Suspension* based on "A" Sample *Adverse Analytical Finding* for *Specified Substances* or other anti-doping rule violations

Where an "A" Sample *Adverse Analytical Finding* is received for a *Specified Substance* or *TA* receives initial notification about another anti-doping rule violation, *TA*, in consultation with *ASADA*, may impose a *Provisional Suspension* on the *Athlete*, *Athlete Support Personnel* or other *Person* at any time prior to the final hearing as described in Article 18.

17.3 Provisional or Expedited Hearing

17.3.1 A *Provisional Suspension* may not be imposed unless the *Athlete* or other *Person* is given either: (a) an opportunity for a *Provisional Hearing* either before

imposition of the *Provisional Suspension* or on a timely basis after imposition of the *Provisional Suspension*; or (b) an opportunity for an expedited hearing in accordance with Article 19 on a timely basis after imposition of a *Provisional Suspension*.

17.3.2 TA will convene any *Provisional Hearing* and will present the case at any *Provisional Hearing*.

17.4 Prize Money

Notwithstanding anything in this Article 17, the following proportions of the prize money won by an *Athlete* subsequent to the date that the notice specified in Article 19.2, below, is sent to him or her shall be withheld by TA pending the *Tribunal's* decision:

<u>Total aggregate prize money</u>	<u>Percentage withheld</u>
\$US0-7,500	0%
\$US7,501-27,500	50%
\$US27,501+	100%

If the final decision of the *Tribunal* does not require the forfeiture of such withheld prize money, then it shall be returned without delay to the *Athlete*, together with any interest earned on the money shall be retained by TA.

17.4 "B" Sample Analysis Not Confirming "A" Sample Analysis

If a *Provisional Suspension* is imposed based on an "A" *Sample Adverse Analytical Finding* and a subsequent B *Sample* analysis does not confirm the "A" *Sample* analysis, then the *Athlete* will not be subject to any further *Provisional Suspension* on account of a violation of Article 6.1 (Presence of a *Prohibited Substance* or its *Metabolites* or *Markers*). In circumstances where the *Athlete* (or the *Athlete's* team if applicable) has been removed from a *Competition* based on a violation of Article 6.1 and the subsequent "B" *Sample* analysis does not confirm the "A" *Sample* analysis, if, without otherwise affecting the *Competition*, it is still possible for the *Athlete* or team to be reinserted, the *Athlete* or team may continue to take part in the *Competition*.

17.5 Public Disclosure of Provisional Suspension

As a general rule, the *Provisional Suspension* of a *Person* under this Policy will not be *Publicly Disclosed*. However, subject to Article 24.1.2, ASADA or TA may, if they consider it appropriate, *Publicly Disclose* the reasons for the *Provisional Suspension* so long as such disclosure will not be unfairly prejudicial to the interests of the *Person*. ASADA and the *Athlete* must be consulted prior to any such disclosure by TA and ASADA must provide consent to the disclosure.

ARTICLE 18 RIGHT TO A FAIR HEARING

18.1 Fair Hearings

Any *Person* who is asserted to have committed an anti-doping rule violation under this Anti-Doping Policy is entitled to be provided with a hearing process. Such hearing process shall address whether an anti-doping rule violation was committed and, if so,

the appropriate *Consequences*. All hearings conducted pursuant to this Article 18 will respect the following principles:

- 18.1.1 a timely hearing;
- 18.1.2 a fair and impartial hearing body;
- 18.1.3 the right to representation at the *Person's* own expense;
- 18.1.4 the right to be informed in a fair and timely manner of the asserted anti-doping rule violation;
- 18.1.5 the right to respond to the asserted anti-doping rule violation and resulting *Consequences*;
- 18.1.6 the right of each party to present evidence, including the right to call and question witnesses (subject to the *Tribunal's* discretion to accept testimony by telephone or written submission);
- 18.1.7 the *Person's* right to an interpreter at the hearing, with the *Tribunal* to determine the identity, and responsibility for the cost, of the interpreter; and
- 18.1.8 a timely, written, reasoned decision, specifically including an explanation of the reason(s) for any period of *Ineligibility*.

Subject to these principles, the hearing will be conducted in the manner that the hearing body determines is appropriate, with as little formality and technicality, and as quickly, as proper consideration of the issue permits.

18.2 Event Hearings

Hearings held in connection with *Events* may be conducted by an expedited process as permitted by the rules of the relevant *Anti-Doping Organisation* and the *Tribunal*.

18.3 Expedited Hearings

Hearings pursuant to this Article shall be completed as soon as reasonably practicable. Matters may be marked for expedited or 'urgent' hearing where required. Factors to be considered when determining whether or not a matter should be marked for expedited hearing include but are not limited to the proximity of upcoming *Events* or *Competitions*, including training and qualifying for such *Events* or *Competitions*, the nature of the anti-doping rule violation, and whether or not a *Provisional Suspension* has been imposed.

18.4 Waiver of Hearing

The right to a hearing may be waived either expressly or by the *Athlete's* or other *Person's* failure to challenge *TA's* assertion that an anti-doping rule violation has occurred within the specific time period provided in Article 15 (Results Management). Where no hearing occurs, *TA* shall submit to the organisations described in Article 19.21 a reasoned decision explaining the action taken.

ARTICLE 19 DUE PROCESS

19.1 Commencing proceedings before the *Tribunal*

19.2 Where there is an *Adverse Analytical Finding* or when the *Review Board* determines, pursuant to Article 16 that the *Participant* in question has a case to answer under Article 6, the *APA* shall appoint a *Tribunal* to hear the matter. The *Tribunal* will consist of three members made up of the following: a lawyer who will act as chair, a medical expert and a technical expert, all of whom are preferably experienced in anti-doping issues.

19.3 The *APA* shall send a written notice to the *Participant* ("Hearing Notice"), setting out the following:

19.3.1 the anti-doping rule violation(s) alleged to have been committed, including the specific Article(s) of this Policy alleged to have been infringed, and the facts upon which such allegations are based;

19.3.2 the *Consequences* prescribed under the Policy if it is found that such anti-doping rule violation has been committed;

19.3.3 the *Participant's* entitlement, if he or she so elects, to have the matter determined by the *Tribunal*, at a hearing conducted in accordance with this Article 19; and

19.3.4 the *Participant's* obligation to provide a written request to the *APA* within 10 days of receipt of the Hearing Notice that the *Participant* elects to have the matter determined by the *Tribunal*.

Any Hearing Notice sent by ordinary post is deemed to be served on the *Participant* on the third business day if sent to the *Participant's* last known address notified by the *Participant* to TA.

- 19.4 The APA will:
- 19.4.1 immediately disclose relevant information about a *Participant* who is alleged to have or has committed an anti-doping rule violation under this Policy to the *ITF*, *ASADA* and *AOC* or *APC* (whichever is appropriate);
 - 19.4.2 consult the *ITF*, *ASADA* and *AOC* or *APC* (in the case of Olympic team members), about their participation in any investigation or hearing;
 - 19.4.3 assist in any investigation and hearing on behalf of the *ITF*, *ASADA* and *AOC* or *APC*; and
 - 19.4.4 consult the *ITF*, *ASADA* and *AOC* or *APC* about a joint referral to a hearing.
- 19.5 If the *Participant* fails to file a written request for such a hearing within 10 days of receipt of a Hearing Notice the *Participant* shall be deemed:
- 19.5.1 to have waived his or her entitlement to a hearing;
 - 19.5.2 to have admitted that he or she has committed the anti-doping rule violation(s) specified in the Hearing Notice; and
 - 19.5.3 to have acceded to the *Consequences* specified in the Hearing Notice.
- In such circumstances, a hearing before the *Tribunal* shall not be required. Instead, the *Tribunal* shall promptly issue a decision confirming the commission of the anti-doping rule violation(s) alleged in the Hearing Notice, and ordering the imposition of such *Consequences* (including, where this Policy specifies a range of possible *Consequences*, specifying what the *Consequences* should be in that particular case).
- 19.6 The *Participant* shall be entitled at any stage to admit that he or she has committed the anti-doping rule violation(s) specified in the Hearing Notice and to accede to the *Consequences* specified in the Hearing Notice. Where a range of possible *Consequences* is specified in the Policy, written submissions may be made by or on behalf of the *Participant* in mitigation at the time of admission of the anti-doping rule violation, and the *Tribunal* shall be entitled to take those submissions into account, as well as any rebuttal submitted by TA, in determining what *Consequences* should apply. In such circumstances, a hearing before the *Tribunal* shall not be required. Instead, the *Tribunal* shall promptly issue a decision confirming the commission of the anti-doping rule violation(s) specified in the Hearing Notice, and ordering the imposition of such *Consequences* (including, where this Policy specifies a range of possible *Consequences*, specifying what the *Consequences* should be in that particular case).
- 19.7 If the alleged anti-doping rule violation identified in the Hearing Notice involves one or more of the specified substances identified in Article 21, below, then the *Participant* may elect to have the matter heard by the Chairman of the *Tribunal* sitting alone; provided that, if the *Participant* seeks to make such election after the meeting referred to at Article 19.9 has taken place, then the Chairman may in his/her discretion decline to hear the matter sitting alone.

- 19.8 If, because of a legitimate objection or for any other reason, a member of the *Tribunal* appointed to hear a particular case is or becomes unwilling or unable to hear the case, then the Chairman of the *Tribunal* may, at his/her absolute discretion, appoint another member of the *Tribunal* as a replacement; or authorise the remaining members appointed to hear the case on their own. At all times the Tribunal will consist of 2 members.
- 19.9 No more than 10 days after the date of the Hearing Notice issued pursuant to Article 19.3 is deemed to be served, the Chairman of the *Tribunal* shall convene a meeting with *TA* and its legal representatives, and the *Participant* to whom the Hearing Notice was sent and his or her legal representatives, to take jurisdiction formally over the matter and to address any pre-hearing issues. The meeting may be held in person or by telephone conference call. The non-attendance of the *Participant* or his or her representative at the meeting, after proper notice of the meeting has been provided, shall not prevent the Chairman of the *Tribunal* from proceeding with the meeting in the *Participant's* absence, whether or not any written submissions are made on the *Participant's* behalf. In particular (but without limitation), the Chairman shall:
- 19.9.1 determine the date(s) (which must be at least twenty-one days after the meeting, unless the parties consent to a shorter period) upon which the hearing shall be held. Subject to the foregoing sentence, the hearing shall be commenced as soon as practicable after the Hearing Notice is sent;
- 19.9.2 establish dates reasonably in advance of the date of the hearing at which:
- (a) *TA* shall submit a brief with argument on all issues that *TA* wishes to raise at the hearing, a list of the witnesses that *TA* intends to call at the hearing, a summary of the subject areas of the witness's anticipated testimony and enclosing copies of the exhibits that *TA* intends to introduce at the hearing;
 - (b) the *Participant* shall submit an answering brief, addressing *TA's* arguments and setting out argument on the issues that the *Participant* wishes to raise at the hearing, as well as a list of the witnesses that the *Participant* intends to call at the hearing, a summary of the subject areas of the witness's anticipated testimony and enclosing copies of the exhibits that the *Participant* intends to introduce at the hearing; and
 - (c) *TA* may submit a reply brief, responding to the *Participant's* answering brief and listing any rebuttal witnesses, a summary of subject areas of the rebuttal witness's anticipated testimony or exhibits; and
- 19.9.3 make such order as the Chairman shall deem appropriate in relation to the production of relevant documents and/or other materials between the parties; provided that save for good cause shown, no documents and/or other materials shall be ordered to be produced in relation to the laboratory analysis resulting in an *Adverse Analytical Finding* beyond the documents that are required, pursuant to the *International Standard* for Laboratories.
- 19.20 Conduct of Hearings Before the *Tribunal*.

- 19.20.1 Subject to the *Tribunal's* discretion to order otherwise for good cause shown, hearings before the *Tribunal* shall be conducted on a confidential basis. Save where the *APA* determines otherwise for good cause shown by a party, the hearings shall take place in Melbourne.
- 19.20.2 The *Participant* has the right to be present and to be heard at the hearing. The *Participant* also has the right (at the *Participant's* expense) to be represented at the hearing by legal counsel of the *Participant's* choosing. The *Participant* may choose not to appear in person at the hearing, but rather to provide a written submission for consideration by the *Tribunal*, in which case the *Tribunal* shall consider the submission in its deliberations subject to the *Participant* filing such submissions in accordance with the deadline set by the Chairman. However, the non-attendance of the *Participant* or his or her representative at the hearing, after proper notice of the hearing has been provided, shall not prevent the *Tribunal* from proceeding with the hearing in his or her absence, whether or not any written submissions are made on his or her behalf.
- 19.20.3 The procedure followed at the hearing shall be at the discretion of the Chairman of the *Tribunal*, provided that the hearing is conducted in a fair manner with a reasonable opportunity for each party to present evidence (including the right to call and to question witnesses), address the *Tribunal* and present his, her or its case.
- 19.20.4 Members of the *Review Board* may be invited to attend the hearing in order to assist *TA* and the *Tribunal* wherever necessary.
- 19.20.5 *TA* shall make arrangements to have the hearing recorded or transcribed (save for the private deliberations of the *Tribunal*) and the *Participant* shall have the right to receive upon request a recording or transcription of the proceedings, at *TA's* expense.

19.21 Right to Attend Hearings

TA, the *ITF*, *ASADA*, *ATP*, *WTA* or other *Major Event Organisations* where applicable, relevant *SIS/SAS* and *WADA* shall have the right to attend hearings as an observer or interested affected party. It shall be the duty of *TA* to inform those relevant parties of such right to attend as an observer or interested/affected party as applicable. If those parties fail to respond to such notification within 14 days, they shall be taken to have waived their right to so participate.

19.22 *TA Tribunal* Determination

- 19.22.1 The *Tribunal* will determine:
- (a) if the Person has committed a violation of this Anti-Doping Policy;
 - (b) if so, what *Consequences* will apply (including the start date for any period of *Ineligibility*); and
 - (c) any other issues such as, but not limited to, reimbursement of costs and funding.

19.22.2 *Consequences* will be in accordance with Article 21.

19.22.3 The *Tribunal* shall have discretion, where fairness requires, to establish an instalment plan for repayment of any funding or costs awarded pursuant to Article 19.22.1(c). For the avoidance of doubt, the schedule of payments pursuant to such plan may extend beyond any period of *Ineligibility* imposed upon the *Person*.

19.23 Written Decision

The *Tribunal* will give the parties a written statement of:

19.23.1 the findings of the hearing and brief reasons for the findings;

19.23.2 what *Consequences* (if any) will apply; and

19.23.3 any other issues such as, but not limited to, reimbursement of costs and funding.

19.24 *Public Disclosure* of Hearing Outcomes

TA shall report the outcome of all anti-doping rule violations in accordance with the *Code*, the *ASADA Act 2006* and the *NAD scheme*, as in force from time to time.

19.25 Appeals and Review

19.25.1 Decisions by the *Tribunal* at first instance may be appealed as provided in Article 23.

19.25.2 Decisions by the *Tribunal* at first instance shall not be subject to further administrative review at the national level except as provided in Article 23 or required by applicable law.

19.26 Use of Information Arising During Hearings

If, during a hearing, a party to the hearing process implicates a third party in a potential anti-doping rule violation, then *ASADA* may use any such information that arises as a result of the *CAS* or *Tribunal* process without having to first seek the permission of *CAS*, the *Tribunal* or the parties. This clause overrides R43 of the *CAS Code of Sports-related Arbitration* to the extent of any inconsistency.

ARTICLE 20 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS

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

ARTICLE 21 SANCTIONS ON INDIVIDUALS

21.1 *Disqualification of Results in the Event During which an Anti-Doping Rule Violation Occurs.*

An anti-doping rule violation occurring during or in connection with an *Event* may, upon the decision of the ruling body of the *Event*, lead to *Disqualification* of all of the *Athlete's* individual results obtained in that *Event* with all *Consequences*, including forfeiture of all medals, points and prizes, except as provided in Article 21.1.1.

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

21.2 *Ineligibility for Presence, Use or Attempted Use, or Possession of Prohibited Substances and Prohibited Methods*

The period of *Ineligibility* imposed for a violation of Article 6.1 (Presence of a *Prohibited Substance* or its *Metabolites* or *Markers*), Article 6.2 (*Use or Attempted Use* of a *Prohibited Substance* or *Prohibited Method*) or Article 6.6 (*Possession of Prohibited Substances and Prohibited Methods*) shall be as follows, unless the conditions for eliminating or reducing the period of *Ineligibility*, as provided in Articles 21.5 and 21.6, or the conditions for increasing the period of *Ineligibility*, as provided in Article 21.7, are met:

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

21.3 *Ineligibility for Other Anti-Doping Rule Violations*

The period of *Ineligibility* for anti-doping rule violations other than as provided in Article 21.2 shall be as follows:

21.3.1 For violations of Article 6.3 (Refusing or Failing to Submit to *Sample* Collection) or Article 6.5 (*Tampering with Doping Control*), the *Ineligibility* period shall be two (2) years unless the conditions provided in Article 21.6, or the conditions provided in Article 21.7, are met.

21.3.2 For violations of Articles 6.7 (*Trafficking or Attempted Trafficking*) or 6.8 (*Administration or Attempted Administration of a Prohibited Substance or Prohibited Method*), the period of *Ineligibility* imposed shall be a minimum of four (4) years up to lifetime *Ineligibility* unless the conditions provided in Article 21.6 are met. An anti-doping rule violation involving a *Minor* shall be considered a particularly serious violation and, if committed by *Athlete Support Personnel* for violations other than Specified Substances referenced in Article 8.3.2, shall result in lifetime *Ineligibility* for *Athlete Support Personnel*. In addition, significant violations of Articles 6.7 or 6.8 which may also violate non-sporting laws and regulations shall be reported to the competent administrative, professional or judicial authorities.

21.3.3 For violations of Article 6.4 (*Whereabouts Filing Failures and/or Missed Tests*), the period of *Ineligibility* shall be at a minimum one (1) year and at a maximum two (2) years based on the *Athlete's* degree of fault.

21.4 Additional Sanction

21.4.1 *TA*, the *ASC*, *AOC*, *APC*, *ACGA* and/or any relevant State or Territory Institute or Academy of Sport may, where applicable, require the *Athlete* or other *Person* to repay all funding and grants received from the relevant body, subsequent to the occurrence of the anti-doping rule violation. The *Tribunal* can make a determination of this, following submissions from the relevant parties. However, no financial sanction may be considered a basis for reducing the period of *Ineligibility* or other sanction which would otherwise be applicable under this Policy. Repayment of funding and grants may be made a condition of reinstatement.

21.4.2 The *Tribunal* may determine, in addition to applying a sanction in accordance with this Article 21, that a *Person* who has committed an anti-doping rule violation, is required to go to counselling for a specified period as a condition of reinstatement.

21.4.3 Where the hearings or appeals panel determines that an employee or contractor of *TA* has committed an anti-doping rule violation, *TA* will take disciplinary action against the employee or contractor.

21.5 Elimination or Reduction of the Period of *Ineligibility* for Specified Substances under Specific Circumstances

Where an *Athlete* or other *Person* can establish how a Specified Substance entered his or her body or came into his or her *Possession* and that such Specified Substance was not intended to enhance the *Athlete's* sport performance or mask the *Use* of a performance-enhancing substance, the period of *Ineligibility* found in Article 21.2 shall be replaced with the following:

First violation: At a minimum, a reprimand and no period of *Ineligibility* from future *Events*, and at a maximum, two (2) years of *Ineligibility*.

To justify any elimination or reduction, the *Athlete* or other *Person* must produce corroborating evidence in addition to his or her word which establishes to the comfortable satisfaction of the *Tribunal* the absence of an intent to enhance sport performance or mask the *Use* of a performance-enhancing substance. The *Athlete's* or other *Person's* degree of fault shall be the criterion considered in assessing any reduction of the period of *Ineligibility*.

21.6 Elimination or Reduction of Period of *Ineligibility* Based on Exceptional Circumstances.

21.6.1 *No Fault or Negligence*

If an *Athlete* establishes in an individual case that he or she bears *No Fault or Negligence*, the otherwise applicable period of *Ineligibility* shall be eliminated. When a *Prohibited Substance* or its *Markers* or *Metabolites* is detected in an *Athlete's Sample* in violation of Article 6.1 (Presence of

Prohibited Substance), the *Athlete* must also establish how the *Prohibited Substance* entered his or her system in order to have the period of *Ineligibility* eliminated. In the event this Article is applied and the period of *Ineligibility* otherwise applicable is eliminated, the anti-doping rule violation shall not be considered a violation for the limited purpose of determining the period of *Ineligibility* for multiple violations under Article 21.8.

21.6.2 *No Significant Fault or Negligence*

If an *Athlete* or other *Person* establishes in an individual case that he or she bears *No Significant Fault or Negligence*, then the otherwise applicable period of *Ineligibility* may be reduced, but the reduced period of *Ineligibility* may not be less than one-half of the period of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this Article may be no less than eight (8) years. When a *Prohibited Substance* or its *Markers* or *Metabolites* is detected in an *Athlete's Specimen* in violation of Article 6.1 (Presence of *Prohibited Substance*), the *Athlete* must also establish how the *Prohibited Substance* entered his or her system in order to have the period of *Ineligibility* reduced.

21.6.3 *Substantial Assistance* in Discovering or Establishing Anti-Doping Rule Violations

CAS or the *Tribunal* may, prior to a final appellate decision under Article 24 or the expiration of the time to appeal, suspend a part of the period of *Ineligibility* imposed in an individual case where the *Athlete* or other *Person* has provided *Substantial Assistance* to ASADA, another *Anti-Doping Organisation*, criminal authority or professional disciplinary body which results in ASADA or another *Anti-Doping Organisation* discovering or establishing an anti-doping rule violation by another *Person* or which results in a criminal or disciplinary body discovering or establishing a criminal offence or the breach of professional rules by another *Person*. After a final appellate decision under Article 23 or the expiration of time to appeal, ASADA and TA may suspend a part of the otherwise applicable period of *Ineligibility* but only with the approval of WADA and the ITF. The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the *Athlete* or other *Person* and the significance of the *Substantial Assistance* provided by the *Athlete* or other *Person* to the effort to eliminate doping in sport. No more than three-quarters of the otherwise applicable period of *Ineligibility* may be suspended. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this section must be no less than eight (8) years. If any part of the otherwise applicable period of *Ineligibility* is suspended under this Article, the body so suspending it shall promptly provide a written justification for its decision to each *Anti-Doping Organisation* having a right to appeal the decision. If any part of the suspended period of *Ineligibility* is subsequently reinstated because the *Athlete* or other *Person* has failed to provide the *Substantial Assistance* which was anticipated, the *Athlete* or other *Person* may appeal the reinstatement pursuant to Article 23.

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

Where an *Athlete* or other *Person* voluntarily admits the commission of an anti-doping rule violation before having received notice of a *Sample* collection which could establish an anti-doping rule violation (or, in the case of an anti-doping rule violation other than Article 6.1, before receiving first notice of the admitted violation pursuant to Article 14.5) and that admission is the only reliable evidence of the violation at the time of admission, then the period of *Ineligibility* may be reduced, but not below one-half of the period of *Ineligibility* otherwise applicable.

21.6.5 Where an *Athlete* or Other *Person* Establishes Entitlement to Reduction in Sanction Under More than One Provision of this Article.

Before applying any reduction or suspension under Articles 21.6.2, 21.6.3 or 21.6.4, the otherwise applicable period of *Ineligibility* shall be determined in accordance with Articles 21.2, 21.3, 21.5 and 21.7. If the *Athlete* or other *Person* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under two or more of Articles 21.6.2, 21.6.3 or 21.6.4, then the period of *Ineligibility* may be reduced or suspended, but not below one-quarter of the otherwise applicable period of *Ineligibility*.

21.7 Aggravating Circumstances Which May Increase the Period of *Ineligibility*

If ASADA or TA establishes in an individual case involving an anti-doping rule violation other than violations under Article 6.7 (*Trafficking* or *Attempted Trafficking*) and 6.8 (Administration or *Attempted Administration*) that aggravating circumstances are present which justify the imposition of a period of *Ineligibility* greater than the standard sanction, then the period of *Ineligibility* otherwise applicable shall be increased up to a maximum of four (4) years unless the *Athlete* or other *Person* can prove to the comfortable satisfaction of the *Tribunal* that he or she did not knowingly commit the anti-doping rule violation.

An *Athlete* or other *Person* can avoid the application of this Article by admitting the anti-doping rule violation as asserted promptly after being confronted with the anti-doping rule violation by ASADA or TA.

21.8 Multiple Violations

21.8.1 Second Anti-Doping Rule Violation

For an *Athlete's* or other *Person's* first anti-doping rule violation, the period of *Ineligibility* is set forth in Articles 21.2 and 21.3 (subject to elimination, reduction or suspension under Articles 21.5 or 21.6, or to increase under Article 21.7). For a second anti-doping rule violation the period of *Ineligibility* shall be within the range set forth in the table below.

Second Violation	RS	FFMT	NSF	St	AS	TRA
First Violation						
RS	1-4	2-4	2-4	4-6	8-10	10-life
FFMT	1-4	4-8	4-8	6-8	10-life	life
NSF	1-4	4-8	4-8	6-8	10-life	life
St	2-4	6-8	6-8	8-life	life	life
AS	4-5	10-life	10-life	life	life	life
TRA	8-life	life	life	life	life	life

Definitions for purposes of the second anti-doping rule violation table:

RS (Reduced sanction for Specified Substance under Article 21.5): The anti-doping rule violation was or should be sanctioned by a reduced sanction under Article 21.5 because it involved a Specified Substance and the other conditions under Article 21.5 were met.

FFMT (*Filing Failures and/or Missed Tests*): The anti-doping rule violation was or should be sanctioned under Article 21.3.3 (*Filing Failures and/or Missed Tests*).

NSF (Reduced sanction for *No Significant Fault or Negligence*): The anti-doping rule violation was or should be sanctioned by a reduced sanction under Article 21.6.2 because *No Significant Fault or Negligence* under Article 21.6.2 was proved by the *Athlete*.

St (Standard sanction under Articles 21.2 or 21.3.1): The anti-doping rule violation was or should be sanctioned by the standard sanction of two (2) years under Articles 21.2 or 21.3.1.

AS (Aggravated sanction): The anti-doping rule violation was or should be sanctioned by an aggravated sanction under Article 21.7 because *ASADA* or *TA* established the conditions set forth under Article 21.7.

TRA (*Trafficking or Attempted Trafficking and administration or Attempted administration*): The anti-doping rule violation was or should be sanctioned by a sanction under Article 21.3.2.

21.8.2 Application of Articles 21.6.3 and 21.6.4 to Second Anti-Doping Rule Violation

Where an *Athlete* or other *Person* who commits a second anti-doping rule violation establishes entitlement to suspension or reduction of a portion of the period of *Ineligibility* under Article 21.6.3 or Article 21.6.4, the *Tribunal* shall first determine the otherwise applicable period of *Ineligibility* within the range established in the table in Article 21.8.1, and then apply the appropriate

suspension or reduction of the period of *Ineligibility*. The remaining period of *Ineligibility*, after applying any suspension or reduction under Articles 21.6.3 and 21.6.4, must be at least one-fourth of the otherwise applicable period of *Ineligibility*.

21.8.3 Third Anti-Doping Rule Violation

A third anti-doping rule violation will always result in a lifetime period of *Ineligibility*, except if the third violation fulfils the condition for elimination or reduction of the period of *Ineligibility* under Article 21.5 or involves a violation of Article 6.4 (*Filing Failures* and/or *Missed Tests*). In these particular cases, the period of *Ineligibility* shall be from eight (8) years to life ban.

21.8.4 Additional rules for Certain Potential Multiple Violations

- (a) For purposes of imposing sanctions under Article 21.8, an anti-doping rule violation will only be considered a second violation if ASADA or TA can establish that the *Athlete* or other *Person* committed the second anti-doping rule violation after the *Athlete* or other *Person* received notice pursuant to Article 14 (Results Management), or after ASADA made reasonable efforts to give notice, of the first anti-doping rule violation; if ASADA or TA cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction; however, the occurrence of multiple violations may be considered as a factor in determining aggravating circumstances (Article 21.7).
- (b) If, after the resolution of a first anti-doping rule violation, ASADA discovers facts involving an anti-doping rule violation by the *Athlete* or other *Person* which occurred prior to notification regarding the first violation, then TA shall impose an additional sanction based on the sanction that could have been imposed if the two violations would have been adjudicated at the same time. Results in all *Competitions* dating back to the earlier anti-doping rule violation will be *Disqualified* as provided in Article 21.9. To avoid the possibility of a finding of aggravating circumstances (Article 21.7) on account of the earlier-in-time but later-discovered violation, the *Athlete* or other *Person* must voluntarily admit the earlier anti-doping rule violation on a timely basis after notice of the violation for which he or she is first charged. The same rule shall also apply when ASADA discovers facts involving another prior violation after the resolution of a second anti-doping rule violation.

21.8.5 Multiple Anti-Doping Rule Violations During an Eight-Year Period

For purposes of Article 21.8, each anti-doping rule violation must take place within the same eight-year period in order to be considered multiple violations.

21.9 Disqualification of Results in *Competitions* Subsequent to *Sample* Collection or Commission of an Anti-Doping Rule Violation

In addition to the automatic *Disqualification* of the results in the *Competition* which produced the positive *Sample* under Article 20 (Automatic *Disqualification* of Individual Results), all other competitive results obtained from the date a positive *Sample* was collected (whether *In-Competition* or *Out-of-Competition*), or other anti-doping rule violation occurred, through the commencement of any *Provisional Suspension* or *Ineligibility* period, shall, unless fairness requires otherwise, be *Disqualified* with all of the resulting *Consequences* including forfeiture of any medals, points and prizes.

21.9.1 As a condition of regaining eligibility after being found to have committed an anti-doping rule violation, the *Athlete* must first repay all prize money forfeited under this *Article*.

21.9.2 Allocation of Forfeited Prize Money

Unless the rules of the *ITF* provide that forfeited prize money shall be reallocated to other *Athletes*, it shall be allocated first to reimburse the collection expenses of the *Anti-Doping Organisation* that performed the necessary steps to collect the prize money back, then to reimburse the expenses of *ASADA* and/or *TA* in conducting results management in the case, with the balance, if any allocated in accordance with the *ITF* rules.

21.10 Commencement of *Ineligibility* Period

Except as provided below, the period of *Ineligibility* shall start on the date of the hearing decision providing for *Ineligibility* or, if the hearing is waived, on the date *Ineligibility* is accepted or otherwise imposed. Any period of *Provisional Suspension* (whether imposed or voluntarily accepted) shall be credited against the total period of *Ineligibility* imposed.

21.10.1 Delays Not Attributable to the *Athlete* or other *Person*

Where there have been substantial delays in the hearing process or other aspects of *Doping Control* not attributable to the *Athlete* or other *Person*, *CAS* or the *Tribunal* determining 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.

21.10.2 Timely Admission

Where the *Athlete* or other *Person* promptly (which, in all events, for an *Athlete* means before the *Athlete* competes again) admits the anti-doping rule violation after being confronted with the anti-doping rule violation by *ASADA*, the period of *Ineligibility* may start as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. In each case, however, where this *Article* is applied, the *Athlete* or other *Person* shall serve at least one-half of the periods of *Ineligibility* going forward from the date the *Athlete* or other *Person* accepted the imposition of a sanction, the date of a hearing decision imposing a sanction, or the date the sanction is otherwise imposed.

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

- 21.10.4 If an *Athlete* voluntarily accepts a *Provisional Suspension* in writing from ASADA or TA and thereafter refrains from competing, the *Athlete* shall receive a credit for such period of voluntary *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. A copy of the *Athlete's* voluntary acceptance of a *Provisional Suspension* shall be provided promptly to each party entitled to receive notice of a potential anti-doping rule violation under the *Code*.
- 21.10.5 No credit against a period of *Ineligibility* shall be given for any time period before the effective date of the *Provisional Suspension* or voluntary *Provisional Suspension* regardless of whether the *Athlete* elected not to compete or was suspended by his or her team.

21.11 Status During *Ineligibility*

21.11.1 Prohibition Against Participation During *Ineligibility*

No *Athlete* or other *Person* who has been declared *Ineligible* may, during the period of *Ineligibility*, participate in any capacity in a *Competition* or activity (other than authorised anti-doping education or rehabilitation programs) authorised or organised by any *Signatory*, *Signatory's* member organisation or a club or other member organisation of a *Signatory's* member organisation, the *ITF*, *TA* or its *Members*, or in *Competitions* authorised or organised by any professional league or any international- or national-level *Event* organisation. This would include, for example:

- (a) practising/training with a national, state or club team;
- (b) acting as a coach or sport official;
- (c) selection in any representative team;
- (d) competing in any *Competition/Events*;
- (e) receiving, directly or indirectly, funding or assistance from *TA*;
- (f) use of official *TA* or *Member* facilities;
- (g) holding any position with *TA*.

An *Athlete* or other *Person* subject to a period of *Ineligibility* longer than four (4) years may, after completing four (4) years of the period of *Ineligibility*, participate in local sport events in a sport other than the sport in which the *Athlete* or other *Person* committed the anti-doping rule violation, but only so long as the local sport event is not at a level that could otherwise qualify such *Athlete* or other *Person* directly or indirectly to compete in (or accumulate points toward) a national championship or *International Event*.

An *Athlete* or other *Person* subject to a period of *Ineligibility* shall remain subject to *Testing*.

21.11.2 Violation of the Prohibition of Participation During *Ineligibility*

Where an *Athlete* or other *Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in Article 21.11.1, the results of such participation shall be *Disqualified* and the period of *Ineligibility* which was originally imposed shall start over again as of the date of the violation. The new period of *Ineligibility* may be reduced under Article 21.6.2 if the *Athlete* or other *Person* establishes he or she bears *No Significant Fault or Negligence* for violating the prohibition against participation. The determination of whether an *Athlete* or other *Person* has violated the prohibition against participation, and whether a reduction under Article 21.6.2 is appropriate, shall be made by the *Anti-Doping Organisation* whose results management led to the imposition of the initial period of *Ineligibility*.

21.11.3 Withholding of Financial Support during *Ineligibility*

In addition, for any anti-doping rule violation not involving a reduced sanction for Specified Substances as described in Article 21.5, some or all sport-related financial support or other sport-related benefits received by such *Person* will be withheld by *TA*.

21.12 Reinstatement *Testing*

As a condition to regaining eligibility at the end of a specified period of *Ineligibility*, an *Athlete* must, during any period of *Provisional Suspension* or *Ineligibility*, make him or herself available for *Out-of-Competition Testing* by *ASADA* and any other *Anti-Doping Organisation* having *Testing* jurisdiction, and must, if requested, provide current and accurate whereabouts information as provided in Article 10. If an *Athlete* subject to a period of *Ineligibility* retires from sport and is removed from *Registered Testing Pools* and later seeks reinstatement, the *Athlete* shall not be eligible for reinstatement until the *Athlete* has notified *ASADA* (in accordance with Article 11.2.4) and has been subject to *Out-of-Competition Testing* for a period of time equal to the longer of the period set forth in Article 11.2.6 or the period of *Ineligibility* remaining as of the date the *Athlete* had retired.

21.13 Imposition of Financial Sanctions

TA may provide for financial sanctions on account of anti-doping rule violations in its rules. However, no financial sanction may be considered a basis for reducing the period of *Ineligibility* or other sanction which would otherwise be applicable under this *Policy* or the *Code*.

ARTICLE 22 CONSEQUENCES TO TEAMS

22.1 *Testing of Team Sports*

Where more than one member of a team in a *Team Sport* has been notified of an anti-doping rule violation under Article 6 in connection with an *Event*, the ruling body for the *Event* shall conduct appropriate *Target Testing* of the team during the *Event Period*.

22.2 *Consequences for Team Sports*

If more than two members of a team in a *Team Sport* are found to have committed an anti-doping rule violation during an *Event Period*, the ruling body of the *Event* shall impose an appropriate sanction on the team (e.g., loss of points, *Disqualification* from a

Competition or Event, or other sanction) in addition to any *Consequences* imposed upon the individual *Athletes* committing the anti-doping rule violation.

22.3 *Event Ruling Body May Establish Stricter Consequences for Teams*

The ruling body for an *Event* may elect to establish rules for the *Event* which imposes *Consequences* for a *Team* stricter than those in Article 22.2 for purposes of the *Event*.

22.4 *Additional Rule for Teams*

The *Consequences* for a team entered in a *Competition* of the commission of an anti-doping rule violation by a *Athlete* in his/her capacity as a member of that team shall be an appropriate sanction on the team (eg, loss of points, *Disqualification* from a *Competition or Event*, or other sanction), imposed by *TA*, in addition to any *Consequences* imposed upon the individual *Athlete* committing the anti-doping rule violation.

ARTICLE 23 APPEALS

23.1 *Decisions Subject to Appeal*

Decisions made under this Anti-Doping Policy may be appealed as set forth below in Articles 23.2 through 23.4. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review authorised in the *NAD Scheme* or Article 19.25 must be exhausted.

23.1.1 *WADA Not Required to Exhaust Internal Remedies*

Where *WADA* has a right to appeal under this Article 23 and no other party has appealed a final decision within the process set out in this Anti-Doping Policy, *WADA* may appeal such decision directly to *CAS* without having to exhaust other remedies set out in this Policy.

23.2 *Appeals from Decisions Regarding Anti-Doping Rule Violations, Consequences, and Provisional Suspensions*

A decision that an anti-doping rule violation was committed, a decision imposing *Consequences* 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 under Article 21.11.2 (Violation of the Prohibition of Participation during *Ineligibility*); a decision that *ASADA* or *TA* lacks jurisdiction to rule on an alleged anti-doping rule violation or its *Consequences*; a decision by *ASADA* or *TA* not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping rule violation after an investigation under Article 14; and a decision to impose a *Provisional Suspension* as a result of a *Provisional Hearing* or in violation of Article 17.3, may be appealed exclusively as provided in this Article 23.2.

23.2.1 Appeals Involving *International-Level Athletes*

In cases arising from participation in an *International Event* or in cases involving *International-Level Athletes*, the decision may be appealed exclusively to CAS in accordance with the provisions applicable before such court. Any such appeal will apply Articles 5, 6, 7, 8, 20 and 21 of this Policy.

23.2.2 In cases involving *Athletes* who do not have a right to appeal under Article 23.2.1, the appeal shall be to either:

- (a) the CAS Appeals Division; or
- (b) a *Tribunal*, constituted differently than for the original hearing;

and shall respect the following principles:

- (c) a timely hearing;
- (d) a fair, impartial and independent hearing body;
- (e) the right to be represented by a counsel at the *Person's* expense; and
- (f) a timely, written, reasoned decision.

Any such appeal will apply Articles 5, 6, 7, 8, 20 and 21 of this Policy.

- (a) The determination of the appeals body will be final and binding on the parties to the appeal and no *Person* may institute or maintain proceedings in any court or tribunal other than the appeals body set out in this Article 23.2.2.
- (b) ASADA or TA 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 body of the written decision of the appeal.

23.2.3 *Persons Entitled to Appeal – International-Level Athletes*

In cases under Article 23.2.1, the following parties shall have the right to appeal to the CAS:

- (a) the *Athlete* or other *Person* who is the subject of the decision being appealed;
- (b) the other party to the case in which the decision was rendered;
- (c) the ITF;
- (d) ASADA;
- (e) the *International Olympic Committee* or *International Paralympics Committee*, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including

decisions affecting eligibility for the Olympic Games or Paralympic Games; and

(f) WADA.

23.2.4 Persons Entitled to Appeal – non *International-Level Athletes*

In cases under Article 23.2.2, the parties having the right to appeal to the appeals body shall be as provided in the *NAD Scheme* but, at a minimum, shall include the following parties:

- (a) the *Athlete* or other *Person* who is the subject of the decision being appealed;
- (b) the other party to the case in which the decision was rendered;
- (c) TA;
- (d) the *ITF*;
- (e) ASADA; and
- (f) WADA.

For cases under Article 23.2.2, ASADA, WADA and the *ITF* shall also have the right to appeal to CAS with respect to the decision of the appeals body if the appeals body is not CAS. 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.

23.2.5 Appeals From Provisional Suspensions

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

23.3 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.

23.4 Appeals from Decisions Granting or Denying a *Therapeutic Use Exemption*

23.4.1 Decisions by WADA reversing the grant or denial of a *TUE* may be appealed exclusively to CAS by the *Athlete* or ASDMAC or other *TUE* Committee whose decision was reversed. Decisions denying *TUEs* which are not reversed by WADA, may be appealed by *International-Level Athletes* to CAS and by other *Athletes* to the appeals body described in Article 23.2.2. If the appeals body

reverses the decision to deny a *TUE*, that decision may be appealed to the CAS by *WADA*. Before an appeal is commenced under this Article, any review of the *TUE* as authorised in Articles 9.7 and 19.25 must be exhausted.

- 23.4.2 When *WADA*, *ASDMAC*, or other *TUE* Committee fails to take action on a properly submitted *TUE* application within a reasonable time, the failure to decide may be considered a denial for purposes of the appeal rights provided in this Article.

23.5 Time for Filing Appeals

- 23.5.1 The time to file an appeal to *CAS* or the *Tribunal* shall be within twenty one (21) days of the release by the original hearing body of the written decision of the initial hearing.
- 23.5.2 The filing deadline for an appeal or intervention filed by *ASADA* or *WADA* shall be the later of:
- (a) Twenty-one (21) days after the last day on which any other party in the case could have appealed; or
 - (b) Twenty-one (21) days after *ASADA*'s or *WADA*'s receipt of the complete file relating to the decision.

ARTICLE 24 CONFIDENTIALITY AND REPORTING

24.1 Confidentiality

- 24.1.1 The identity of any *Athlete* or other *Person* who is asserted to have committed an anti-doping rule violation may only be *Publicly Disclosed* by *ASADA*, or *TA* after consultation with *ASADA*, in accordance with the *Code*, the *ASADA Act 2006*, the *NAD scheme* and the terms of the Confidentiality Undertaking signed between *ASADA* and *TA*.
- 24.1.2 *ASADA* or *TA*, or any official of either, will not publicly comment on the specific facts of a pending case (as opposed to general description of process and science) except in response to public comments attributed to the *Athlete*, other *Person* or their representatives.

24.2 Public Disclosure

- 24.2.1 No later than twenty (20) days after it has been determined in a hearing in accordance with Article 18 that an anti-doping rule violation has occurred and the time to appeal such decision has expired, or such hearing has been waived and the time to appeal the decision has expired, or the assertion of an anti-doping rule violation has not been challenged in a timely fashion, *TA* must *Publicly Disclose* at least: the disposition of the anti-doping matter including the sport, the anti-doping rule violated, the name of the *Athlete* or other *Person* committing the violation, the *Prohibited Substance* or *Prohibited Method* involved and the *Consequences* imposed. *TA* must also *Publicly Disclose* within twenty (20) days appeal decisions concerning anti-doping rule violations. *TA* will also, within the time period for publication, send all hearing and appeal decisions to *ASADA* and *WADA*. *ASADA* may also make public statements in relation to the matter.

24.2.2 In any case where it is determined, after a hearing or appeal, that the *Athlete* or other *Person* did not commit an anti-doping rule violation, the decision may be *Publicly Disclosed* only with the consent of the *Athlete* or other *Person* who is the subject of the decision. TA will use reasonable efforts to obtain such consent, and if consent is obtained, will *Publicly Disclose* the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve.

ARTICLE 25 MUTUAL RECOGNITION

25.1 Subject to the right to appeal provided in Article 23, the *Testing*, *TUEs* and hearing other final adjudications of any *Signatory* to the *Code* which are consistent with the *Code* and are within that *Signatory's* authority shall be recognised and respected by TA.

25.2 TA may recognise the same determinations of other bodies which have not accepted the *Code* if the rules of those bodies are otherwise consistent with the *Code*. On being advised of such determination, TA shall take all necessary action to render the determination effective.

ARTICLE 26 STATUTE OF LIMITATIONS

No action may be commenced under this Policy against an *Athlete* or other *Person* for an anti-doping rule violation contained in this Policy unless such action is commenced within eight (8) years from the date the violation is asserted to have occurred.

ARTICLE 27 INTERPRETATION OF THE CODE

27.1 The official text of the *Code* shall be maintained by WADA and shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.

27.2 The comments annotating various provisions of the *Code* shall be used to interpret the *Code*.

27.3 The *Code* shall be interpreted as an independent and autonomous text and not by reference to the existing law or statutes of the *Signatories* or governments.

27.4 The headings used for the various Parts and Articles of the *Code* are for convenience only and shall not be deemed part of the substance of the *Code* or to affect in any way the language of the provisions to which they refer.

27.5 The *Code* shall not apply retrospectively to matters pending before the date the *Code* is accepted by a *Signatory* and implemented in its rules. However, pre-*Code* anti-doping rule violations would continue to count as "First violations" or "Second violations" for purposes of determining sanctions under Article 10 of the *Code* for subsequent post-*Code* violations.

27.6 The Purpose, Scope and Organization of the World Anti-Doping Program and the *Code* and APPENDIX I DEFINITIONS shall be considered integral parts of the *Code*.

ARTICLE 28 AMENDMENT AND INTERPRETATION OF POLICY

- 28.1 This Policy may be amended from time to time by *TA* subject to *ASADA* approval. A copy of the amended Policy must be provided to *ASADA*.
- 28.2 This Policy has been adopted pursuant to the applicable provisions of the *Code* and shall be interpreted in a manner that is consistent with applicable provisions of the *Code*, including the comments annotating various parts of the *Code*.
- 28.3 Words in the singular include the plural and vice versa.
- 28.4 A *Person* includes a body corporate.
- 28.5 Words not defined in this policy have the meaning ascribed to them in the *Code* unless a contrary meaning appears from the context.
- 28.6 Reference to “including” and similar words are not words of limitation.
- 28.7 Minor irregularities in the application of this Policy which cannot be reasonably considered to have affected the determination of an anti-doping rule violation will not affect such determination.

APPENDIX 1 DEFINITIONS

ACGA means the Australian Commonwealth Games Association Inc, the national body responsible for Commonwealth Games operations, publicity and development in Australia (an incorporated association and a non-profit organisation).

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

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*.

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*.

AOC means the Australian Olympic Committee Inc, an incorporated association with responsibility for selecting, sending and funding Australian teams to the Olympic Summer and Winter Games.

APA means Anti-Doping Program Administrator the person appointed by TA to be responsible for the overall operation and administration of the Anti-Doping Policy. References to the APA shall be deemed to encompass any designee of the APA.

APC means the Australian Paralympic Committee Inc, the peak national body responsible for Australia's elite athletes with a disability at the Summer and Winter Paralympic Games.

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

- (a) The CEO of ASADA appointed under the *ASADA Act*;
- (b) Australian Sports Anti-Doping Authority established under the *ASADA Act*; or
- (c) The Anti Doping Rule Violation Panel (ADRVP) established under the *ASADA Act*

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

ASADA Register means the register of findings maintained by ASADA under the *ASADA Act 2006* and the *NAD scheme*.

ASADA Regulations means the Australian Sports Anti-Doping Authority Regulations 2006, as amended from time to time (and which includes, for the avoidance of doubt, the NAD Scheme promulgated by those regulations).

ASC means the Australian Sports Commission, an Australian Government body established under the *Australian Sports Commission Act 1989* (Cth), and includes the Australian Institute of Sport.

ATP means the Association of Tennis Professionals.

ASDMAC means the Australian Sports Drug Medical Advisory Committee, Australia's TUE Committee, established by the *Australian Sports Drug Agency Act 1990* and continued by the *ASADA Act 2006*.

Athlete means any *Person* who participates in sport at the international level (as defined by each International Federation), the national level (as defined by each *National Anti-Doping Organisation*, including but not limited to those *Persons* in its *Registered Testing Pool*), and any other competitor in sport who is otherwise subject to the jurisdiction of any *Signatory* or other sports organisation accepting the *Code*. All provisions of the *Code*, including, for example, *Testing* and *TUEs*, must be applied to international- and national-level competitors. For the purposes of this Policy, '*Athlete*' includes any participant in sporting activity who is a *Member* of *TA*, or a *Member* organisation of *TA*, and meets the definition of *Athlete* under the *Code* and/or the *NAD scheme* as in force from time to time.

Athlete Support Personnel means any coach, trainer, manager, agent, team staff, official, medical or para-medical personnel, parent or any other *Person* working with, treating or assisting an *Athlete* participating in or preparing for sports *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 a 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*.

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

Code means the World Anti-Doping Code adopted by the Foundation Board of *WADA* on 17 November 2007 at Madrid; or if the *Code* has been amended, the *Code* as so amended.

Competition means any stand-alone part of an Event, such as a singles competition or a doubles or mixed doubles competition.

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

- (a) Disqualification means the *Athlete's* results in a particular *Competition* or *Event* are invalidated, with all resulting consequences including forfeiture of any medals, points and prizes;
- (b) Ineligibility means the *Athlete* or other *Person* is barred for a specified period of time from participating in any *Competition* or other activity or funding as provided in Article 21; and
- (c) Provisional Suspension means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* prior to the final decision at a hearing conducted under Article 18 (Right to a Fair Hearing).

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

Domestic Testing Pool means the pool of *Athletes* established by ASADA who are not part of ASADA's *Registered Testing Pool* but who are subject to both *In-Competition* and *Out-of-Competition Testing* as part of ASADA's test distribution plan.

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

Event means a series of individual *Competitions* conducted together under one ruling body (e.g., the Olympic Games, FINA World Championships or Grand Slam).

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

Filing Failure means a failure by an *Athlete* to file current and accurate whereabouts information in accordance with the rules of an *IF* and/or ASADA.

In-Competition means, unless provided otherwise in the rules of an *International Federation* or other relevant *Anti-Doping Organisation*, the period commencing twelve hours before a *Competition* in which the *Athlete* is scheduled to participate through the end of such *Competition* and the *Sample* collection process related to such *Competition*.

Independent Observer Program means a team of observers, under the supervision of WADA, who observe and may provide guidance on the *Doping Control* process at certain *Events* and report on their observations.

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

Individual Sport means any sport that is not a *Team Sport*.

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

International Federation (IF) means an *International Federation* recognised by the *International Olympic Committee* or General Assembly of International Sports Federations (GAISF) as the entity responsible for governing that sport internationally.

International Tennis Federation (the ITF) means the ITF Limited t/a. the International Tennis Federation or its designee.

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

International Standard means a standard adopted by WADA in support of the *Code* as updated from time to time. Compliance with an *International Standard* (as opposed to another alternative standard, practice or procedure) shall be sufficient to conclude that the procedures addressed by the *International Standard* were performed properly. *International*

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

IRTP means the *International Registered Testing Pool* as established by the *ITF*

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

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

Member means a *Person* who, or a body which, is a *Member* of *TA*; a *Person* who, or body which, is affiliated with *TA*; or a *Person* who is a member of a body which is a *Member* of or affiliated with *TA*.

Member Association (MA) means the controlling authority responsible for administering Tennis in each of the States and Territories of Australia, as identified in the *TA Constitution*, being: New South Wales - New South Wales Tennis Association Limited; Queensland - Royal Queensland Lawn Tennis Association Limited; South Australia - Tennis SA Inc; Victoria - Tennis Victoria; Tasmania - Tennis Tasmania; Western Australia - The Western Australian Lawn Tennis Association; Northern Territory - Tennis NT; and Australian Capital Territory - Tennis ACT Limited.

Metabolite means any substance produced by a biotransformation process.

Minor means a natural *Person* who has not reached the age of majority as established by the applicable laws of his or her country of residence (in Australia, any natural *Person* under the age of 18 years).

Missed Test means a failure by an *Athlete* to be available for *Testing* on any given day at the location and time specified in the 60-minute timeslot identified in his or whereabouts information for that day, in accordance with the rules of the *ITF* and/or *ASADA*.

National Anti-Doping Organisation (NADO) means the entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of *Samples*, the management of test results, and the conduct of hearings, all at the national level. This includes an entity which may be designated by multiple countries to serve as regional *Anti-Doping Organisation* for such countries. If this designation has not been made by the competent public authority (ies), the entity shall be the country's *National Olympic Committee* or its designee. In Australia, the *NADO* as designated by the Australian Government is *ASADA*.

National Anti-Doping (NAD) scheme means the *NAD scheme* as defined under the *ASADA Act 2006* as amended from time to time.

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

National Olympic Committee (NOC) means the organisation recognised by the *International Olympic Committee*. The term *National Olympic Committee* shall also include the National Sport Confederation in those countries where the National Sport Confederation assumes typical *National Olympic Committee* responsibilities in the anti-doping area.

National Paralympic Committee (NPC). Means the organisation recognised by the *International Paralympic Committee*. The term *National Paralympic Committee* shall also include the National Sport Confederation in those countries where the National Sport Confederation assumes typical *National Paralympic Committee* responsibilities in the anti-doping area.

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

No Fault or Negligence means an *Athlete's* establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had *Used* or been administered the *Prohibited Substance* or *Prohibited Method*.

No Significant Fault or Negligence means an *Athlete's* establishing that his or her fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for *No Fault or Negligence*, was not significant in relationship to the anti-doping rule violation.

Out-of-Competition means any *Doping Control* which is not *In-Competition*. Example - following his/her exit from an event a player is *Out-of-Competition* up to the day on which the main draw (or qualifying draw, as appropriate) begins. The *In-Competition* period ends following his/her final match in that event. Thus, a player who (for example) loses in the first round of an event is *Out-of-Competition* until his/her next event. Even if the player is competing the following week, the *Out-of-Competition* period would be longer than the in-competition period.

Participant means any *Athlete* or *Athlete Support Personnel*.

Person means a natural *Person* or an organisation or other entity.

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 *Possession* by explicitly declaring it to an *Anti-Doping Organisation*. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a *Prohibited Substance* or *Prohibited Method* constitutes *Possession* by the *Person* who makes the purchase.⁵

⁵ *Comment to Possession: Under this definition, steroids found in an Athlete's car would constitute a violation unless the Athlete establishes that someone else used the car; in that event, ASADA or TA must establish that, even though the Athlete did not have exclusive control over the car, the Athlete knew about the steroids and intended to have control over the steroids. Similarly, in the example of steroids found in a home medicine cabinet under the joint control of an Athlete and spouse, ASADA or TA must establish that the*

Prohibited List means the List identifying the Prohibited Substances and Prohibited Methods which is published and revised by WADA as described in Article 4.1 of the Code as updated from time to time.

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

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

Provisional Hearing means, for purposes of Article 17, an expedited abbreviated hearing occurring prior to a hearing under Article 18 (Right to a Fair Hearing) that provides the Athlete with notice and an opportunity to be heard in either written or oral form.

Provisional Suspension see Consequences of Anti-Doping Violations above.

Publicly Disclose or Publicly Report means to disseminate or distribute information to the general public or Persons beyond those Persons entitled to earlier notification in accordance with Article 14 of the Code.

Registered Testing Pool means the pool of top level Athletes established separately by each International Federation and National Anti-Doping Organisation who are subject to both In-Competition and Out-of-Competition testing as part of that International Federation's or National Anti-Doping Organisation's test distribution plan. Each International Federation shall publish a list which identifies those Athletes included in its Registered Testing Pool either by name or by clearly defined, specific criteria.

Review Board means a standing panel proposed by the APA and appointed by TA's Board of Directors, consisting of a Chair and other members with medical, technical and/or legal experience in anti-doping, to perform the functions assigned to the Review Board in this Policy. Where possible, members of the Review Board shall be otherwise independent from TA.

Sample or Specimen means any biological material collected for the purposes of Doping Control.⁶

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

SIS/SAS means an Australian State Institute of Sport or State Academy of Sport, being the state or territory institute or academy of sport, jointly or severally, as appropriate.

Sporting Administration Body has the same meaning as in the ASADA Act 2006.

Sporting Organisation has the same meaning as in the ASADA Act 2006.

Athlete knew the steroids were in the cabinet and that the Athlete intended to exercise control over the steroids.

⁶ Comment to Sample or Specimen: It has sometimes been claimed that the collection of blood Samples violates the tenets of certain religious or cultural groups. It has been determined that there is no basis for any such claim.

Substantial Assistance. For the purposes of Article 21.6.3, a *Person* providing *Substantial Assistance* must:

- (1) fully disclose in a signed written statement all information he or she possesses in relation to anti-doping rule violations, and;
- (2) fully cooperate with the investigation and adjudication of any case related to that information, including for example, presenting testimony at a hearing if requested to do so by ASADA, TA or a *Tribunal*.

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.

Support Persons means the same as "*Athlete Support Personnel*".

Tennis Australia (TA) means TA Limited ABN 61 006 281 125, a national entity which is a *Member* of and is recognised by ITF as the entity governing Tennis in Australia and is recognised by the ASC as a *National Sporting Organisation*,

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; or providing fraudulent information to an *Anti-Doping Organisation*.

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

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

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

Tribunal means the Tennis Australia Anti-Doping Tribunal, a body appointed by the TA Board of Directors and approved by ASADA, which shall convene from time to time to hear allegations of anti-doping rule violations against *Athletes*, *Athlete Support Personnel* and other *Persons* in order to: determine whether an anti-doping rule violation has occurred; determine appropriate sanctions where an anti-doping rule violation is found to have been committed; and to hear appeals, except in the case where an appeal must be to the CAS. In the case of an appeal, and where the CAS is not being used for appeals, a new *Tribunal* will be convened, i.e., no members of the *Tribunal* at the original hearing will hear the appeal.

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

UNESCO Convention means the International Convention Against Doping in Sport adopted by the 33rd session of the UNESCO General Conference on October 19, 2005 including any and all

amendments adopted by the States parties to the Convention and the Conference of Parties to the International Convention Against Doping in Sport.

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

WADA. Means the World Anti-Doping Agency.

Whereabouts Failure means a *Filing Failure* or a *Missed Test*.

WTA means the WTA Tour.