LEAGUES ANTI-DOPING POLICY

OF

THE AUSTRALIAN RUGBY LEAGUE COMMISSION

THE NATIONAL RUGBY LEAGUE

THE NEW SOUTH WALES RUGBY LEAGUE

THE QUEENSLAND RUGBY LEAGUE

THE COUNTRY RUGBY LEAGUE

AND OUR MEMBER & SUB-MEMBER ORGANISATIONS

2015 Version

IMPORTANT WARNING
TO ALL PARTICIPANTS IN OUR SPORT

- YOU ARE RESPONSIBLE FOR KNOWING WHAT THE ANTI-DOPING RULE VIOLATIONS ARE
- YOU MUST FIND OUT WHICH SUBSTANCES AND METHODS ARE PROHIBITED
- **IGNORANCE IS NO EXCUSE** - THIS POLICY ADOPTS THE STRICT LIABILITY PRINCIPLE
- YOU MUST BE AWARE OF THE RULES IN THIS POLICY AND WHAT IS PROHIBITED
- ATHLETES ARE RESPONSIBLE FOR ANYTHING FOUND IN THEIR SYSTEM
- YOU MUST BE AWARE OF THE SANCTIONS THAT COULD BE APPLIED TO YOU IN THIS LEAGUES ANTI-DOPING POLICY.

APPROVED BY ASADA AND ADOPTED BY OUR SPORT FOR A COMMENCEMENT DATE OF 15 APRIL 2015

INDEX

Index 2
Some important details about our sport 3
Part 1 – Introduction & Application 4
Part 2 – Anti-Doping Rule Violations 12
Part 3 – Proof of doping 17
Part 4 – The *Prohibited List* & Therapeutic Use Exemptions 20
Part 5 – Testing Procedures & investigations 25
Part 6 – Action on alleged ADRVs & other breaches 34
Part 7 – The Anti-Doping Tribunal 43
Part 8 – Hearings 46
Part 9 - Sanctions 51
Part 10 – Appeals and review of sanctions 66
Part 11 – Confidentiality, Reporting & Other matters 71
Part 12 – Obligations of *Athletes* and other persons 75
Part 13 – Amendment, Interpretation & Transitional provisions 81
Appendix 1 – Whereabouts Form 93

© National Rugby League Ltd. ACN 082 088 962 (2016)

SOME IMPORTANT DETAILS ABOUT OUR SPORT

Item 1 – Our sport is a Team Sport

For the purposes of this ADP and the WADC our sport is a *Team Sport* (as opposed to an *Individual Sport*). This has particular relevance for WADC 9 (see rule 89) and WADC 11.2 (see rule 106).

Item 2 – Our elite level Competitions and Events

For the purposes of rule **11(2)**(c), as at the commencement date, we have declared (so far) only the NRL Competition and the National Youth Competition run in conjunction with the NRL Competition to be at elite level.

Item 3 – A typical Competition

In our sport a typical *Competition* is a rugby league match.

Item 4 – A typical Event

In our sport a typical *Event* is the Rugby League World Cup and the entire NRL Competition.

Item 5 – Our International Federation

In our sport our International Federation is the Rugby League International Federation (**RLIF**).

Item 6 – Anti-Doping Organisation

We are an Anti-Doping Organisation for the purposes of this ADP.

Item 7 – National Anti-Doping Organisation

Our National Anti-Doping Organisation is the *Australian Sports Anti-Doping Authority* (**ASADA**).

© National Rugby League Ltd. ACN 082 088 962 (2016)

PART 1 – INTRODUCTION & APPLICATION

1. Adoption

(1) This is the Anti-Doping Policy (**ADP**) of the Australian Rugby League Commission Limited (**ARLC**), the National Rugby League Limited (**NRL**), the New South Wales Rugby League (**NSWRL**), the Queensland Rugby League (**QRL**), the Country Rugby League (**CRL**) and our member and sub-member organisations and applies to the sport of rugby league as played in Australia and New Zealand[1].

(2) This ADP is current as at the date shown on the front page as the **"Commencement Date**" and will come into force (and apply to *Samples* collected) on and from 12.01 am on the commencement date. (All *Samples* collected and all other results/evidence relating to an anti-doping rule violation originating prior to 12.01 am on the commencement date will be dealt with under the then existing applicable anti-doping rules.)

(3) We have adopted this ADP so as to be compliant with the WADA Code (**WADC** or **the *Code***), and also to comply with the National Anti-Doping Scheme (**NAD Scheme**) administered by the Australian Sports Anti-Doping Authority (**ASADA**).

(4) Where this ADP repeats any part of the WADC that is so as to expressly incorporate that part as a rule in this ADP.

(5) As this ADP is to apply to the various *Events* and organisations within our sport, the terms 'our sport', 'us', and 'we' are used to refer to those *Events* and organisations in a distributive manner.

2. Prohibited List

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

3. WADC Articles and Definitions

(1) Where this ADP restates (with any necessary amendment) an article of the WADA Code the prefix "WADC" appears. To facilitate consistency with the WADA Code, so far as practical, we have used the same defined terms as the WADA Code and they appear in italics with the first letter as a capital, e.g. *Athlete*. There is a definitions section towards the back of this ADP: see

[1] As to application in New Zealand, this ADP applies save for entirely New Zealand domestic rugby league if covered exclusively by the anti-doping policy of the NZRL.

© National Rugby League Ltd. ACN 082 088 962 (2016)

Rule 137. We have also included the Comments which appear in the WADA Code as footnotes to this ADP.

(2) So far as the context permits, this ADP is to be interpreted so as to be consistent with the WADA Code and the NAD Scheme.

4. Overview

(1) This ADP binds all *Participants* in our sport and obliges *Athletes* in our sport to submit to *Testing*.

(2) The anti-doping rule violations (**ADRVs**) in this ADP are taken verbatim from the WADC. See Part 2 – Anti-Doping Rule Violations.

(3) The results management of any suspected ADRVs will be carried out by us and/or ASADA pursuant to its own powers and/or such delegation and authorisation as we may have given to ASADA from time to time.

(4) The process to give all persons alleged to have committed a fair hearing is set out in this ADP, is WADC compliant and has been approved by ASADA. In this regard see especially rules 0, 75 and 79.

(5) The sanctions in respect of proven ADRVs are taken verbatim from the WADC. See Part 9 - Sanctions.

5. Delegation to ASADA

(1) We hereby delegate to ASADA the function of all notifications and reports that we would have to make under the WADC to *WADA*. See WADC 14.1 at page 71 below.

(2) We may make further delegations to ASADA from time to time as we consider appropriate.

6. WADA

(1) The World Anti-Doping Agency (***WADA***) was established in November 1999 in Switzerland. On 5 March 2003 *WADA* adopted the 'World Anti-Doping Code' (**WADC** or **the *Code***). The WADC was amended in November 2007 and again in January 2015.

(2) The WADC has been adopted by ASADA and ASADA is a signatory to the WADC.

(3) The WADC states that the purposes of the WADC and the World Anti-Doping Program which supports it are:

(a) To protect the *Athletes'* fundamental right to participate in doping-free sport and thus promote health, fairness and equality for *Athletes* worldwide, and

© National Rugby League Ltd. ACN 082 088 962 (2016)

(b) To ensure harmonized, coordinated and effective anti-doping programs at the international and national level with regard to detection, deterrence and prevention of doping.

(4) The World Anti-Doping Program has three main elements:

(a) Level 1: The WADC itself.

(b) Level 2: International Standards.

(c) Level 3: Models of Best Practice and Guidelines.

(5) Adherence to the *International Standards* is mandatory for compliance with the WADC. The most significant of the *International Standards* is the *WADA* List.

7. Fundamental rationale of the WADC

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

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

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

Doping is fundamentally contrary to the spirit of sport."

8. WADC mandatory in substance

The WADC is mandatory in substance. The WADC (in its Introduction to Doping Control) states the position as follows:

© National Rugby League Ltd. ACN 082 088 962 (2016)

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

9. ASADA and the National Anti-Doping Programme

ASADA is a statutory agency that operates under the *ASADA Act* and the *ASADA Regulations* (both as amended from time to time), including the *National Anti-Doping Scheme*, which is contained in Schedule 1 to the *ASADA Regulations*. *ASADA* is the independent *National Anti-Doping Organisation* for Australia. As such, *ASADA* has a number of responsibilities including:

(1) planning, co-ordinating, implementing, monitoring and advocating improvements in *Doping Control*;

(2) co-operating with relevant national organisations, agencies and other Anti-Doping Organisations;

(3) encouraging reciprocal Testing between National Anti-Doping Organisations;

(4) planning, implementing and monitoring anti-doping information, education and prevention programs;

(5) pursuing potential anti-doping violations within its jurisdiction, including investigating whether *Athletes, Athlete Support Personnel* or other *Persons* may have been involved in each case of doping, and ensuring proper enforcement of *Consequences*;

(6) conducting an automatic investigation of *Athlete Support Personnel* within its jurisdiction in the case of any anti-doping rule violation by a *Minor* and any *Athlete Support Personnel* who has provided support to more than one *Athlete* found to have committed an anti-doping rule violation;

(7) co-operating fully with *WADA* in connection with investigations conducted by *WADA* pursuant to WADC 20.7.10;

(8) where funding is provided, working with the relevant body to ensure that relevant funding is withheld to an *Athlete* or *Athlete Support Personnel* whilst he or she is serving a period of *Ineligibility* for violation of anti-doping rules.

10. Application

(1) This ADP applies to all *Participants* and *Persons* involved in our sport and in all *Competitions* and *Events* in our sport (whether run, authorised, sanctioned or approved by us or one of our member or sub-member organisations or held under our or their auspices). That includes:

(a) all *Athletes* who are:

© National Rugby League Ltd. ACN 082 088 962 (2016)

(i) registered with us or one of our member or sub member organisations;

(ii) in training for or compete from time to time in any *Competition* or *Event* in our sport; or

(iii) registered with, compete, train or trial with any team and/or club involved in our sport;

(b) all Athlete Support Personnel;

(c) *Event* organisers;

(d) teams and/or clubs in our sport;

(e) any other *Athlete* or *Athlete Support Person* or other *Person* who, by virtue of a registration, an accreditation, a license or other contractual arrangement, or otherwise, is subject to our jurisdiction, or that of one of our member or sub-member organisations) for the purposes of anti-doping;

(f) all *Athletes* who do not fall within one of the provisions of this Rule 10 but who wish to be eligible to participate in *International Events* or *National Events* and such *Athletes* must be available for *Testing* under this ADP. *Athletes* wishing to be eligible to participate in *International* Events must be available for *Testing* for the period of time specified by the *International Federation* for our sport. *Athletes* wishing to be eligible to participate in *National* Events must be available for *Testing* under this ADP for at least six months before they will be eligible for such Events; and

(g) others having access to our facilities and services for sporting purposes.

(2) To be eligible to participate (in the case of an *Athlete*) or assist any *Athlete* (in the case of *Athlete Support Personnel* or any other *Person*) in any *Competition* or *Event* in our sport or other activity organised, convened or authorised by us or one of our member or sub member organisations:

(a) a Person agrees to be bound by and to comply with this ADP;

(b) by so participating or assisting, a Person shall be deemed to have agreed to be bound by and comply with this ADP, whether formally engaged, registered or accredited, or not;

(c) a *Person* shall be deemed to have agreed to be bound by and comply with this ADP for a period of six months following the last time the *Athlete* or *Athlete Support Person* or other *Person* participated in or was scheduled to participate in any capacity recognised under this ADP. For clarity, *Athletes* shall remain subject to *Testing* for that six-month period and be subject to results management (including hearings and appeals processes) in accordance with Rule 125 (WADC 17). The continuation of the application of this ADP

© National Rugby League Ltd. ACN 082 088 962 (2016)

prevails regardless of retirement, contract termination or any other cessation of arrangement with us (including where the *Athlete*, *Athlete Support Person* or other *Person* becomes subject to the rules of another sport).

(3) This ADP shall also apply to all other *Persons* over whom the *Code*, *ASADA Act*, *ASADA Regulations* and *NAD Scheme* give *ASADA* jurisdiction in respect of compliance with the anti-doping rules as defined in the *ASADA Act*, including all *Athletes* who are nationals of or resident in Australia, and all *Athletes* who are present in Australia, whether to compete or to train or otherwise.

(4) *Persons* falling within the scope of this Rule 10 are deemed to have accepted and to have agreed to be bound by this ADP, and to have submitted to our authority, and that of *ASADA* and other *Anti-Doping Organisations* who may have jurisdiction, and to the jurisdiction of the hearing panels constituted under this ADP to hear and determine cases and appeals brought under this ADP, as a condition of their membership, registration, accreditation and/or participation in sport.

11. Classification of Athletes

(1) The WADC permits differential classification of *Athletes* with the result that not all *Athletes* are subject to all aspects of the WADC.

(2) In our sport we have determined the following classifications of *Athletes* and with the stated application:

(a) International-Level Athletes: Those Athletes designated by our International Federation as being within the Registered Testing Pool for our International Federation.

Application: All aspects of the WADC and this ADP apply and such Athletes must comply with the whereabouts requirements in the International Standard for Testing and Investigations.

(b) National level *Athletes:* Those *Athletes* in our sport designated, classified or defined by the ASADA Act or the ASADA Regulations from time to time as being "National level *Athletes*", which includes, but is not necessarily limited to, the *Athletes* within ASADA's *Registered Testing Pool* for our sport.

Application: All aspects of the WADC and this ADP apply, except that the whereabouts requirements in the *International Standard* for *Testing* may be as varied by ASADA.

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

© National Rugby League Ltd. ACN 082 088 962 (2016)

Application: All aspects of the WADC and this ADP apply except that:

(i) the whereabouts requirements are only those applicable under this ADP (see rule 44(2)) and not those in the International Standard for Testing nor those of ASADA; and

(ii) the requirements of a TUE for any Specified Substance will be deemed to be met upon proof of prior written approval by the Athlete's treating doctor. Such an approval will be deemed to be an approval granted by a TUEC in accordance with clause 4.02(2) of the NAD Scheme. NAD Scheme 1.06(4) does not apply to Athletes at this level.

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

Application: All aspects of the WADC and this ADP apply except that:

(i) there are no whereabouts requirements applicable at all (although such Athletes are still subject to Testing on demand); and

(ii) the requirements of a TUE for any Specified Substance will be deemed to be met upon proof of prior written approval by the Athlete's treating doctor. Such an approval will be deemed to be an approval granted by a TUEC in accordance with clause 4.02(2) of the NAD Scheme. NAD Scheme 1.06(4) does not apply to Athletes at this level.[2]

(3) International-Level *Athletes* and National level *Athletes* have no excuse for not knowing their classification and acting accordingly. Other *Athletes* in any doubt as to their classification must ascertain their classification from time to time from us. In case of any ambiguity our determination of an *Athlete's* classification is final.[3]

12. Only Athletes are subject to Testing

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

13. Amendment

We may modify, update or generally amend this ADP from time to time with approval from ASADA.

14. Objects

The objectives of this ADP are to:

[2] Our Note: The effect is that non elite *Athletes* will not have any Whereabouts obligations (see Rule 43) or need to obtain a TUE if they have an existing and current prescription for use of a Specified Substance. They will still need a TUE for certain substances, e.g. anabolic steroids.

[3] This rule is relevant to WADC 2.4: see rule 20 and rule 44(2).

© National Rugby League Ltd. ACN 082 088 962 (2016)

(1) Comply with the WADC and the NAD scheme;

(2) Implement a fair policy that operates to deter cheating by doping in our sport; and

(3) Promote the image and reputation of our sport.

© National Rugby League Ltd. ACN 082 088 962 (2016)

PART 2 – ANTI-DOPING RULE VIOLATIONS

15. WADC 1: Definition of Doping

Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Rules 17 (WADC 2.1) through Rule 26 (WADC 2.10) below.

16. WADC 2: 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*.[4]

The following Rules 17 to 26 each constitute anti-doping rule violations:

17. WADC 2.1: Presence of a *Prohibited Substance* or its Metabolites or *Markers* in an *Athlete's Sample*

(1) WADC 2.1.1: It is each *Athlete's* personal duty to ensure that no *Prohibited Substance* enters his or her body. *Athletes* are responsible for any *Prohibited Substance* or its *Metabolites* or *Markers* found to be present in their *Samples*. Accordingly, it is not necessary that intent, *Fault*, negligence or knowing *Use* on the *Athlete's* part be demonstrated in order to establish an anti-doping rule violation under WADC Article 2.1.[5]

(2) WADC 2.1.2: Sufficient proof of an anti-doping rule violation under Rule 17 (WADC2.1) is established by any of the following:

(a) 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

(b) where the *Athlete's* B *Sample* is analysed and the analysis of the *Athlete's* B *Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the *Athlete's* A *Sample;* or

(c) where the *Athlete's* B *Sample* is split into two bottles and the analysis of the second bottle confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the first bottle.[6]

---

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

[5] Comment to WADC 2.1.1: An anti-doping rule violation is committed under this Article without regard to an *Athlete's Fault*. This rule has been referred to in various CAS decisions as 'Strict Liability'. An Athlete's Fault is taken into consideration in determining the Consequences of this anti-doping rule violation under Article 10. This principle has consistently been upheld by CAS.

[6] Comment to WADC 2.1.2: The *Anti-Doping Organisation* with results management responsibility may, at its discretion, choose to have the B Sample analysed even if the *Athlete* does not request the analysis of the B sample.

© National Rugby League Ltd. ACN 082 088 962 (2016)

(3) WADC 2.1.3: Excepting those substances for which a quantitative threshold is specifically identified in the *Prohibited List*, the presence of any quantity of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample* shall constitute an anti-doping rule violation.

(4) WADC 2.1.4: As an exception to the general rule of Article 2.1, the *Prohibited List* or *International* Standards may establish special criteria for the evaluation of *Prohibited Substances* that can also be produced endogenously.

18. WADC 2.2: Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method[7]

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

(2) WADC 2.2.2: The success or failure of the *Use* or *Attempted Use* of a *Prohibited Substance* or *Prohibited Method* is not material. It is sufficient that the *Prohibited Substance* or *Prohibited Method* was *Used* or *Attempted* to be *Used* for an anti-doping rule violation to be committed.[8]

19. WADC 2.3: Evading, refusing or failing to submit to *Sample* collection

Evading *Sample* collection, or without compelling justification, refusing or failing to submit to *Sample* collection after notification as authorised in this ADP, the *NAD* Scheme, the applicable *International Standard* or other applicable anti-doping rules.[9]

20. WADC 2.4: Whereabouts failures

Any combination of three missed tests and/or filing failures, as defined in the *International Standard* for

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

[8] Comment to WADC 2.2.2: Demonstrating the "*Attempted Use*" of a *Prohibited Substance* or a *Prohibited Method* requires proof of intent on the Athlete's part. The fact that intent may be required to prove this particular anti-doping rule violation does not undermine the Strict Liability principle established for violations of WADC 2.1 and violations of WADC 2.2 in respect of *Use* of a *Prohibited Substance* or *Prohibited Method*. An *Athlete's Use* of a *Prohibited Substance* constitutes an anti-doping rule violation unless such substance is not prohibited *Out-of-Competition* and the *Athlete's Use* takes *place Out-of-Competition*. (However, the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in a *Sample* collected *In-Competition* is a violation of WADC 2.1) regardless of when that substance might have been administered.)

[9] Comment to WADC 2.3: For example, it would be an anti-doping rule violation of 'evading Sample collection' if it were established that an Athlete was deliberately avoiding a Doping Control official to evade notification or Testing. A violation of 'failing to submit to Sample collection' may be based on either intentional or negligent conduct of the Athlete, while 'evading' or 'refusing' Sample collection contemplates intentional conduct by the Athlete.

© National Rugby League Ltd. ACN 082 088 962 (2016)

Testing and *Investigations*, within a twelve-month period by an *Athlete* in a *Registered Testing Pool*.[10]

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

Conduct which subverts the *Doping Process* but which would not otherwise be included in the definition of *Prohibited Methods*. *Tampering* shall include, without limitation, intentionally interfering or attempting to interfere with a *Doping Control* official, providing fraudulent information to an *Anti-Doping Organisation* or intimidating or attempting to intimidate a potential witness.[11]

22. WADC 2.6: Possession of a Prohibited Substance or a Prohibited Method

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

(2) WADC 2.6.2: Possession by an Athlete Support Person In-Competition of any Prohibited Substance or any Prohibited Method, or Possession by an Athlete Support Person Out-of-Competition of any Prohibited Substance or any Prohibited Method which is prohibited Out-of-Competition in connection with an Athlete, Competition or training, unless the Athlete Support Person establishes that the Possession is consistent with a TUE granted to an Athlete in accordance with Rule 36 (WADC 4.4) or other acceptable justification.[12] [13]

23. WADC 2.7: Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method

24. WADC 2.8: Administration or Attempted Administration to any Athlete In-Competition of any Prohibited Substance or Prohibited Method, or Administration or Attempted Administration to any Athlete Out-of-Competition of any Prohibited Substance or any Prohibited Method that is prohibited Out-of-Competition

25. WADC 2.9: Complicity

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional

[10] Our Note: The applicable requirements depend on the classification of the *Athlete*: see Rule 11(1). The requirements in our sport for *Athletes* who are at elite level as declared in Rule 11(1) are set out in Rule 44(2).
[11] Comment to WADC 2.5: For example, this Rule would prohibit altering identification numbers on a Doping Control form during Testing, breaking the B bottle at the time of B Sample analysis, or altering a Sample by the addition of a foreign substance. Offensive conduct towards a Doping Control official or other Person involved in Doping Control which does not otherwise constitute Tampering is addressed in our Code of Conduct (Schedule 1 to the *NRL Rules*).
[12] Comment to WADC 2.6.1 and 2.6.2: Acceptable justification would not include, for example, buying or Possessing a Prohibited Substance for purposes of giving it to a friend or relative, except under justifiable medical circumstances where that Person had a physician's prescription, for example, buying Insulin for a diabetic child.
[13] Comment to WADC 2.6.2: Acceptable justification would include, for example, a team doctor carrying Prohibited Substances for dealing with acute and emergency situations.

© National Rugby League Ltd. ACN 082 088 962 (2016)

complicity involving an anti-doping rule violation, *Attempted* anti-doping rule violation or violation of Rule 102 (WADC 10.12.1) by another *Person*.

26. WADC 2.10: Prohibited Association

(1) Association by an *Athlete* or other *Person* subject to the authority of an *Anti-Doping Organisation* in a professional or sport-related capacity with any *Athlete Support Person* who:

(a) WADC 2.10.1: If subject to the authority of any *Anti-Doping Organisation* is serving a period of *Ineligibility*; or

(b) WADC 2.10.2: If not subject to the authority of an *Anti-Doping Organisation*, and where *Ineligibility* has not been addressed in a results management process pursuant to the *Code*, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to such *Person*. The disqualifying status of such *Person* shall be in force for the longer of six years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed; or

(c) WADC 2.10.3: Is serving as a front or intermediary for an individual described in Rule 26(1)(a) (WADC 2.10.1) or Rule 26(1)(b) (WADC 2.10.2).

(2) In order for this provision to apply, it is necessary that the *Athlete* or other *Person* has previously been advised in writing by an *Anti-Doping Organisation* with jurisdiction over the *Athlete* or other *Person*, or by *WADA*, of the *Athlete Support Person's* disqualifying status and the potential *Consequence* of prohibited association and that the *Athlete* or other *Person* can reasonably avoid the association. The *Anti-Doping Organisation* shall also use reasonable efforts to advise the *Athlete Support Person* who is the subject of the notice to the *Athlete* or other *person* that the *Athlete Support Person* may, within 15 days, come forward to the *Anti-Doping Organisation* to explain that the criteria described in Articles Rule 26(1)(a) (WADC 2.10.1) and Rule 26(1)(b) (WADC 2.10.2) do not apply to him or her.

(3) The burden shall be on the *Athlete* or other *Person* to establish that any association with *Athlete Support Personnel* described in 26(1)(a) (WADC 2.10.1) and Rule 26(1)(b) (WADC 2.10.2) is not in a professional or sport-related capacity.

(4) *Anti-Doping Organisations* that are aware of *Athlete Support Personnel* who meet the criteria described in 26(1)(a) (WADC 2.10.1) and Rule 26(1)(b) (WADC 2.10.2) shall submit that information to *WADA*.[14]

[14] Comment to WADC 2.10: Athletes and other Persons must not work with coaches, trainers, physicians or other Athlete Support Personnel who are Ineligible on account of an anti-doping rule violation or who have been criminally

© National Rugby League Ltd. ACN 082 088 962 (2016)

27. Ignorance is no excuse

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

28. Awareness of this ADP

All persons to whom this ADP applies shall be aware of this ADP, its implications, the sanctions that apply, the requirements necessary to comply with this ADP and must comply with any obligation imposed on them by this ADP. [15]

convicted or professionally disciplined in relation to doping. Some examples of the types of association which are prohibited include: obtaining training, strategy, technique, nutrition or medical advice; obtaining therapy, treatment or prescriptions; providing any bodily products for analysis; or allowing the Athlete Support Person to serve as an agent or representative. Prohibited association need not involve any form of compensation.

[15] Our Note: See also the provisions of Rules 10 and 10(2).

© National Rugby League Ltd. ACN 082 088 962 (2016)

PART 3 – PROOF OF DOPING

29. WADC 3.1: Burdens and Standards of Proof

The *Anti-Doping Organisation* shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether the *Anti-Doping Organisation* has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel, bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where this ADP places the burden of proof upon the *Athlete* or other *Person* alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability.[16]

30. WADC 3.2: Method 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:[17]

(1) WADC 3.2.1: Analytical methods or decision limits approved by *WADA* after consultation within the relevant scientific community and which have been the subject of peer review are presumed to be scientifically valid. Any *Athlete* or other *Person* seeking to rebut this presumption of scientific validity shall, as a condition precedent to any such challenge, first notify *WADA* of the challenge and the basis of the challenge. *CAS*, on its own initiative, may also inform *WADA* of any such challenge. At *WADA's* request the *CAS* panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge. Within 10 days of *WADA's* receipt of such notice, and *WADA's* receipt of the *CAS* file, *WADA* shall also have the right to intervene as a party, appear amicus curiae or otherwise provide evidence in such proceeding.

(2) WADC 3.2.2: *WADA*-accredited laboratories, and other laboratories approved by *WADA*, are presumed to have conducted *Sample* analysis and custodial procedures in accordance with the *International Standard for Laboratories*. The *Athlete* or other *Person* may rebut this presumption by establishing 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

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

[17] Comment to Article 3.2: For example, an Anti-Doping Organisation may establish an anti-doping rule violation under Rule 18 (WADC 2.2) based on the Athlete's admissions, the credible testimony of third Persons, reliable documentary evidence, reliable analytical data from either an A or B Sample as provided in the Comments to Rule 18 (WADC 2.2), or conclusions drawn from the profile of a series of the Athlete's blood or urine samples, such as data from the Athlete Biological Passport.

© National Rugby League Ltd. ACN 082 088 962 (2016)

the *Anti-Doping Organisation* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.[18]

(3) WADC 3.2.3: Departures from any other *International Standard* or other anti-doping rule or policy set forth in the *Code* or this ADP which did not cause an *Adverse Analytical Finding* or other anti-doping rule violation shall not invalidate such evidence or results.

If the *Athlete* or other *Person* establishes a departure from another *International Standard* or other anti-doping rule or policy which could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding* or other anti-doping rule violation , then the *Anti-Doping Organisation* 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.

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

(5) WADC 3.2.5: The hearing panel/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 as directed by the hearing panel/tribunal) and to answer questions from the hearing panel/tribunal or the *Anti-Doping Organisation* asserting the anti-doping rule violation.

31. Rules relating to the ASADA and the NAD Scheme[19]

(1) Challenges to ASADA actions

Subject to rule 31(1)(c)(c), where a Person has challenged an action taken by ASADA under the ASADA Act and/or the NAD Scheme in a competent court or tribunal, in response to an allegation of an anti-doping rule violation or in any hearing in the Tribunal:

(a) that Person may not dispute any findings made by that court or tribunal;

(b) that Person may not dispute any decision made by that court or tribunal; and

[18] Comment to WADC 3.2.2: The burden is on the Athlete or other Person to establish, by a balance of probability, a departure from the International Standard for Laboratories that could reasonable have caused the Adverse Analytical Finding. If the Athlete or other Person does so, the burden shifts to the Anti-Doping Organisation to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the Adverse Analytical Finding.
[19] Our Note: These are in addition to WADC Article 3.2 given the particular circumstances applicable in Australia, i.e. the opportunity to have actions of ASADA reviewed by the AAT and Federal Court.

© National Rugby League Ltd. ACN 082 088 962 (2016)

(c) all material that went into evidence in that court or tribunal is admissible and may be used as evidence in a hearing of the Tribunal.

(2) Effect of challenges to ASADA actions

Where a Person has commenced proceedings to challenge an action taken by ASADA under the ASADA Act and/or the NAD Scheme:

(a) those proceedings shall not have the effect of staying or delaying any investigation or other action (including a proceedings under this ADP) which we may take in relation to the Person pursuant to this ADP; and

(b) we may continue to rely upon any information, evidence or other material obtained as a consequence of the ASADA action which is the subject of those proceedings.

32. Documentary Proof

Where a document:

(1) which is of, or has been created by:

(a) the chief medical officer of our sport;

(b) a Drug Testing Authority or any other official medical authority; or

(c) any state or federal government body or law enforcement agency (including without limitation the Therapeutic Goods Administration, the Australian Customs and Border Protection Services and the Federal, State and Territory police services); and

(2) is sought to be used as evidence in a hearing in the Tribunal and a copy of the document has been made available to other relevant parties a reasonable time prior to the hearing,

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

© National Rugby League Ltd. ACN 082 088 962 (2016)

PART 4 – THE PROHIBITED LIST & THERAPEUTIC USE EXEMPTIONS

33. WADC 4.1: Incorporation, Publication and Revision of the Prohibited List[20]

Unless provided otherwise in the *Prohibited List* and/or a revision, the *Prohibited List* and revisions shall go into effect under this ADP three months after publication of the *Prohibited List* by *WADA* without requiring any further action by us. All Athletes and other Persons shall be bound by the *Prohibited List*, and any revisions thereto, from the date they go into effect, without further formality. It is the responsibility of all *Athletes* and other *Persons* to familiarise themselves with the most up-to-date version of the *Prohibited List* and all revisions thereto.

34. WADC 4.2: Prohibited Substances and Prohibited Methods identified on the Prohibited List

(1) WADC 4.2.1: Prohibited Substances and Prohibited Methods

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

(2) WADC 4.2.2: Specified Substances

For purposes of the application of Rule 90 to 103 (WADC 10), all Prohibited Substances shall be "Specified Substances", except substances in the classes of anabolic agents and hormones and those stimulants and hormone antagonists and modulators so identified on the Prohibited List. The category of Specified Substances shall not include Prohibited Methods.[21]

35. WADC 4.3.3: *WADA's* determination of the *Prohibited List*

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

[20] This is WADC 4.1 so far as is applicable.

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

© National Rugby League Ltd. ACN 082 088 962 (2016)

36. WADC 4.4: Therapeutic Use Exemptions ("TUEs")

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

(2) The *TUE Committee* for Australia is the *Australian Sports Drug Medical Advisory Committee* (ASDMAC). Unless otherwise specified by ASDMAC in a notice posted on its website, any *National-Level Athlete* who needs to *Use* a Prohibited Substance or Prohibited Method for therapeutic purposes should apply to ASDMAC for a TUE as soon as the need arises and in any event (or where Article 3 of the *International Standard for Therapeutic Use Exemptions* applies in regard to retroactive TUEs) at least 30 days before the Athlete's next Competition by completing the form at www.asdmac.gov.au with the assistance of their doctor. ASDMAC will consider applications for the grant or recognition of TUEs. ASDMAC shall promptly evaluate and decide upon the application in accordance with the relevant provisions of the *International Standard for Therapeutic Use Exemptions* and the specific ASDMAC protocols posted on its website at http://www.asdmac.gov.au. ASDMAC's decision shall be final (except as outlined in Rule 36(6)) and where ASDMAC has granted a TUE, the decision shall be reported to WADA and other relevant Anti-Doping Organisations in accordance with the *International Standard for Therapeutic Use Exemptions*.[22] [23]

(3) If an Anti-Doping Organisation chooses to test an Athlete who is not an International-Level or a National-Level Athlete, and that Athlete was not required to obtain a TUE in advance in accordance with Rule 36(2), the Athlete may apply for a retroactive TUE for any Prohibited Substance or Prohibited Method that he/she is using for therapeutic reasons.

(4) A TUE granted by ASDMAC is valid at national level only. An Athlete who is or becomes an International-Level Athlete should do the following:

(a) Where the Athlete already has a TUE granted by ASDMAC for the substance or method in question, the Athlete may apply to the International Federation to recognise that TUE, in accordance with Article 7 of the International Standard for Therapeutic Use Exemptions. If that TUE meets the criteria set out in the International Standard for Therapeutic Use Exemptions, the International Federation shall recognise it for the purposes of

[22] Comment: The submission of false or misleading information in support of a TUE application (including but not limited to the failure to advise of the unsuccessful outcome of a prior application to another Anti-Doping Organisation for such a TUE) may result in a charge of Tampering or Attempted Tampering under Rule 21 (WADC 2.5).
An Athlete should not assume that his/her application for grant or recognition of a TUE (or for renewal of a TUE) will be granted. Any Use of Possession or administration of a Prohibited Substance or Prohibited Method before an application has been granted is entirely at the Athlete's own risk.
[23] Rules 36(2) to 36(6) are ASADA drafted provisions concerning TUEs in Australia.

© National Rugby League Ltd. ACN 082 088 962 (2016)

International-Level Competition as well. If the international federation considers that the TUE granted by ASDMAC does not meet those criteria and so refuses to recognise it, the International Federation shall notify the *International-Level Athlete* and ASDMAC promptly with reasons. The International-Level Athlete and ASDMAC shall have 21 days from such notification to refer the matter to WADA for review. If the matter is referred to WADA for review in accordance with Rule 36(6) (ASADA 4.4.6), the TUE granted by ASDMAC remains valid for national-level *Competition* and Out-of-Competition Testing (but is not valid for International-Level Competition) pending WADA's decision. If the matter is not referred to WADA for review, the TUE becomes invalid for any purpose when the 21-day review deadline expires.[24]

(b) If the Athlete does not already have a TUE granted by ASDMAC for the substance or method in question, the Athlete must apply directly to the international federation for a TUE in accordance with the process set out in the International Standard for Therapeutic Use Exemptions. If the International Federation grants the Athlete's application, it shall notify the Athlete and ASDMAC. If ASDMAC considers that the TUE granted by the International Federation does not meet the criteria set out in the International Standard for Therapeutic Use Exemptions, it has 21 days from such notification to refer the matter to WADA for review. If ASDMAC refers the matter to WADA for review, the TUE granted by the International Federation remains valid for International-Level Competition and Out-of-Competition Testing (but is not valid for national-level Competition) pending WADA's decision. If ASDMAC does not refer the matter to WADA for review, the TUE granted by the International Federation becomes valid for national-level Competition as well when the 21 day review deadline expires.[25]

(5) Expiration, cancellation, withdrawal or reversal of a TUE

(a) A TUE granted pursuant to this ADP:

(i) shall expire automatically at the end of any term for which it was granted, without the need for any notice or other formality;

(ii) may be cancelled if the Athlete does not promptly comply with any requirements or conditions imposed by the TUE Committee upon grant of the TUE;

[24] Comment to Rule 36(4)(a): Further to Articles 5.6 and 7.1(a) of the International Standard for Therapeutic Use Exemptions, an International Federation may publish a notice on its website that it will automatically recognise TUE decisions (or categories of such decisions, for example as to particular substances or methods) made by National Anti-Doping Organisations. If an Athlete's TUE falls into a category of automatically recognised TUEs, then he/she does not need to apply to his/her International Federation for recognition of that TUE.

[25] Comment to Rule 36(4)(b): The International Federation and ASDMAC may agree that ASDMAC will consider TUE applications on behalf of the International Federation.

© National Rugby League Ltd. ACN 082 088 962 (2016)

(iii) may be withdrawn by the TUE Committee if it is subsequently determined that the criteria for grant of a TUE are not in fact met; or

(iv) may be reversed on review by WADA or on appeal.

(b) In such event, the Athlete shall not be subject to any Consequences based on his/her Use or Possession or Administration of the Prohibited Substance or Prohibited Method in question in accordance with the TUE prior to the effective date of expiry, cancellation, withdrawal or reversal of the TUE. The review pursuant to Rule 52 of any subsequent Adverse Analytical Finding shall include consideration of whether such finding is consistent with Use of the Prohibited Substance or Prohibited Method prior to that date, in which event no anti-doping rule violation shall be asserted.

(6) Reviews and appeals of TUE decisions

(a) If ASDMAC denies an application for a TUE, the Athlete may appeal exclusively to the national-level appeal body, the Therapeutic Use Exemption Review Committee (TUERC).

(b) WADA shall review any decision by the international federation not to recognise a TUE granted by ASDMAC that is referred to WADA by the Athlete or ASDMAC. In addition, WADA shall review any decision by the International Federation to grant a TUE that is referred to WADA by ASDMAC. WADA may review any other TUE decisions at any time, whether upon request by those affected or on its own initiative. If the TUE decision being review meets the criteria set out in the International Standard for Therapeutic Use Exemptions, WADA will not interfere with it. If the TUE decision does not meet those criteria, WADA will reverse it.

(c) Any TUE decision by an International Federation (or by ASDMAC where it has agreed to consider the application on behalf of an International Federation) that is not reviewed by WADA, or that is reviewed by WADA but is not reversed upon review, may be appealed by the Athlete or ASDMAC exclusively to CAS, in accordance with Part 10 – Appeals and review of sanctions (WADC 13).[26]

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

[26] Comment to Rule 36(6)(c): In such cases, the decision being appealed is the International Federation's TUE decision, not WADA's decision not to review the TUE decision or (having reviewed it) not to reverse the TUE decision. However, the time to appeal the TUE decision does not begin to run until the date that WADA communicates its decision. In any event, whether the decision has been reviewed by WADA or not, WADA shall be given notice of the appeal so that it may participate if it sees fit.

© National Rugby League Ltd. ACN 082 088 962 (2016)

(e) A failure to take action within a reasonable time on a properly submitted application for grant recognition of a TUE or for review of a TUE decision shall be considered a denial of the application.

37. Cost of ongoing *Testing*

Where ASDMAC and/or *WADA* (as the case may be), as a condition of a TUE, specifies a regime for ongoing *Testing* the *Athlete* must bear the cost of such *Testing* unless agreed otherwise in writing.

38. TUES may not always be granted

An *Athlete* may not assume that his/her application for a TUE (or for renewal of a TUE) will be granted.

© National Rugby League Ltd. ACN 082 088 962 (2016)

PART 5 – TESTING PROCEDURES & INVESTIGATIONS

39. Purpose of *Testing* and investigations

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

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

(b) Investigations shall be undertaken:

(i) in relation to Atypical Findings, Atypical Passport Findings and Adverse Passport Findings, in accordance with Rules 54 and 55 respectively, gathering intelligence or evidence (including, in particular, analytical evidence) in order to determine whether an anti-doping rule violation has occurred under Rule 17 (WADC 2.1) or Rule 18 (WADC 2.2); and

(ii) in relation to other indications of potential anti-doping rule violations, in accordance with Rules 56 and 57, gathering intelligence or evidence (including, in particular, non-analytical evidence) in order to determine whether an anti-doping rule violation has occurred under any of Rules 18 to 26 (WADC 2.2 to 2.10).

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

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

40. Authority to conduct *Testing*[27]

(1) Any Athlete may be required to provide a Sample at any time and at any place by any Anti-Doping Organisation with Testing authority[28] over him or her. Subject to the jurisdictional limitations for Event Testing set out in Article 5.3 of the Code, ASADA shall have In-Competition

[27] Comment to WADC 5.2: Unless the *Athlete* has identified a 60-minute time-slot for *Testing* between the hours of 11pm and 6am, or has otherwise consented to *Testing* during that period, the *Anti-Doping Organisation*

[28] Our Note: We are an *Anti-Doping Organisation* with *Testing* authority for the purposes of this ADP.

© National Rugby League Ltd. ACN 082 088 962 (2016)

and Out-of-Competition Testing authority over all of the Athletes falling within the scope of Article 1.3.

(a) Our International Federation shall have In-Competition and Out-of-Competition Testing authority over all Athletes who are subject to its rules, including those who participate in International Events or who participate in Events governed by the rules of the International Federation, or who are members or license holders of the international federation or the sporting administration body, or their member organisations or affiliates.

(2) For the avoidance of doubt, ASADA or any Anti-Doping Authority with Testing authority may require any Athlete over whom it has Testing authority (including any Athlete serving a period of Ineligibility) to provide a Sample at any time and at any place. This includes after competing, at training, at home and at any other suitable facility. *Athletes* are liable to be selected for any number of drug tests; there is no maximum number.

(3) WADA shall have In-Competition and Out-of-Competition Testing authority as set out in Article 20.7.8 of the WADC.

(4) If the International Federation or Major Event Organisation delegates or contracts any part of Testing to a National Anti-Doping Organisation (directly or through a National Federation), that National Anti-Doping Organisation may collect additional Samples or direct the laboratory to perform additional types of analysis at the National Anti-Doping Organisation's expense. If additional Samples are collected or additional types of analysis are performed, the international federation or Major Event Organisation shall be notified.

(5) Where another Anti-Doping Organisation with Testing authority over an Athlete who is subject to this Anti-Doping Policy conducts Testing on that Athlete, we, ASADA and the Athlete's National Federation shall recognise such Testing in accordance with Rule 124 (WADC 15), and (where agreed with that other Anti-Doping Organisation or otherwise provided in Part 6 – Action on alleged ADRVs & other breaches, we may bring proceedings against the Athlete pursuant to this Anti-Doping Policy for any anti-doping rule violation(s) arising in relation to such Testing.

41. WADC 5.3: Event Testing

(1) WADC 5.3.1: Except as provided in Article 5.3 of the Code, only a single organisation should be responsible for initiating and directing Testing at Event Venues during an Event Period. At International Events, the collection of Samples shall be initiated and directed by the International Federation (or any other international organisation which is the ruling body for the Event). At National Events, the collection of Samples shall be initiated and directed by ASADA. At the request of the ruling body for an Event, any Testing during the Event Period outside of the Event Venues shall be coordinated with that ruling body.

© National Rugby League Ltd. ACN 082 088 962 (2016)

(2) WADC 5.3.2: If an Anti-Doping Organisation which would otherwise have Testing authority but is not responsible for initiating and directing Testing at an Event desires to conduct Testing of Athletes at the Event Venues during the Event Period, the Anti-Doping Organisation shall first confer with the ruling body of the Event to obtain permission to conduct and coordinate such Testing. If the Anti-Doping Organisation is not satisfied with the response from the ruling body of the Event, the Anti-Doping Organisation may ask WADA for permission to conduct Testing and to determine how to coordinate such Testing, in accordance with the procedures set out in the International Standard for Testing and Investigations. WADA shall not grant approval for such Testing before consulting with and informing the ruling body for the Event. WADA's decision shall be final and not subject to appeal. Unless otherwise provided in the authorisation to conduct Testing, such tests shall be considered Out-of-Competition tests. Results management for any such test shall be the responsibility of the Anti-Doping Organisation initiating the test unless provided otherwise in the rules of the ruling body of the Event. For the avoidance of doubt, where the Anti-Doping Organisation initiating the test is the sporting administration body, Article 7.1.1 shall apply.

42. Incorporation of the International Standard for Testing and Investigations[29]

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

43. Athlete Whereabouts Information

(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 international federation's Anti-Doping Policy, this ADP, and any ASADA Athlete whereabouts policy approved from time to time, and to keep this information updated at all times.

(a) Where the Athlete is in ASADA's Registered Testing Pool, the Athlete must provide whereabouts information in accordance with the requirements in the Code, International Standard for Testing and Investigation, NAD scheme and any Athlete whereabouts policy approved by ASADA from time to time.

(2) ASADA shall make available, through ADAMS or another system approved by WADA, a list which identifies those Athletes included in its Registered Testing Pool by name. ASADA shall coordinate with the international federation the identification of such Athletes and the collection of

[29] See WADC 5.2, WADA model rule 5.3 and NAD Scheme 3.13

© National Rugby League Ltd. ACN 082 088 962 (2016)

their whereabouts information. Where an Athlete is included in an international Registered Testing Pool by the international federation and in a national Registered Testing Pool by ASADA, ASADA and the international federation shall agree between themselves which of them shall accept that Athlete's whereabouts filings; in no case shall an Athlete be required to make whereabouts filings to more than one of them. ASADA shall review and update as necessary its criteria for including Athletes in its Registered Testing Pool, and shall revise the membership of its Registered Testing Pool from time to time as appropriate in accordance with those criteria. Athletes shall be notified before they are included in a Registered Testing Pool and when they are removed from that pool.

(3) For purposes of Article 2.4, an Athlete's failure to comply with the requirements of the International Standard for Testing and Investigations or any Athlete whereabouts policy approved by ASADA from time to time shall be deemed a filing failure or a missed test (as defined in the International Standard for Testing and Investigations or any Athlete whereabouts policy approved by ASADA from time to time) where the conditions set forth in the International Standard for Testing and Investigations (or any Athlete whereabouts policy approved by ASADA from time to time) for declaring a filing failure or missed test are met. Three of these filing failures in a 12 month period will constitute a possible anti-doping rule violation.

(4) An Athlete who has been designated for inclusion in ASADA's Registered Testing Pool will continue to be subject to the requirements set out in the International Standard for Testing and Investigations or any Athlete whereabouts policy approved by ASADA from time to time unless and until:

(a) he or she retires from Competition in accordance with Article 5.6.5;

(b) he or she has been given written notice by ASADA that they are no longer in ASADA's Registered Testing Pool.

(5) An Athlete who is in ASADA's Registered Testing Pool who wants to retire from Competition must do so by submitting to ASADA a completed 'RETIREMENT NOTIFICATION FORM' available at www.asada.gov.au. An Athlete's retirement date will be the date on which ASADA receives the fully completed form.

(6) Upon receipt of a notification in accordance with Article 5.6.5, ASADA will, as soon as reasonably practicable, provide the Athlete and the sporting administration body with a written confirmation of the Athlete's retirement.

(7) Retirement does not:

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

© National Rugby League Ltd. ACN 082 088 962 (2016)

(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 5.6.6(a) or 5.6.6(b).

(e) affect the operation of Rule 10(2)(c).

(8) An Athlete who wants to retire from the Registered Testing Pool of the international federation must follow the international federation's retirement procedures.

(9) Whereabouts information relating to an Athlete shall be shared with WADA and other Anti-Doping Organisations having authority to test that Athlete, shall be maintained in strict confidence at all times, shall be used exclusively for the purposes set out in Article 5.6 of the Code, and shall be destroyed in accordance with the International Standard for the Protection of Privacy and Personal Information, the Australian Privacy Principles and the Archives Act 1983 (Cth) once it is no longer relevant for these purposes.

44. Whereabouts requirements for elite Athletes

(1) The following rule 44(2) only applies to Athletes at elite level. International-Level Athletes and National level Athletes have more onerous obligations which are referred to in Rule 11(2) and Rule 43.

(2) *Athletes* who are at elite level as declared under rule 11(2) must:

(a) provide to us a "Whereabouts Form" in accordance with Appendix 1 – Whereabouts Form (or where the *Athlete* is a member of a team with an Anti-Doping Officer, to the team's Anti-Doping Officer or where the *Athlete* is a member of a team which does not have an Anti-Doping Officer, to the team manager) which contains information that continues to be up to date and which provides a current telephone number of the *Athlete*;[30]

(b) not deliberately or recklessly provide incorrect information on a "Whereabouts Form";

(c) not fail on more than one occasion to update the whereabouts information within 10 days of the information contained in a "Whereabouts Form" previously lodged becoming out of date;

[30] Our Note: It is not acceptable to provide a telephone number that is just for the purposes of the "Whereabouts Form"; the current telephone number most frequently used by the Athlete to receive telephone calls is the telephone number which must be included in the "Whereabouts Form".

© National Rugby League Ltd. ACN 082 088 962 (2016)

(d) not refuse to update the whereabouts information contained in a "Whereabouts Form" previously lodged within 3 days of being requested to do so; and

(e) not be unavailable for *Out-of-Competition Testing* on a total of three (or more) occasions during any 18 month period.[31]

45. Selection of *Athletes*

(1) *Athletes* may be chosen for *Testing* by a Drug Testing Authority. Selection for *Testing* may be random but need not be random. A Drug Testing Authority may select an *Athlete* or a group of *Athletes* for *Testing* on any basis or without justification and in selecting *Athletes* for *Testing* may act on requests made by our Anti-Doping Co-ordinator. *Target Testing* is fully acceptable.

(2) Those who become aware of the selection of an *Athlete* for *Testing* shall only disclose such information on a strictly need-to-know basis. Any failure to comply with this requirement may result in the bringing of disciplinary charges for misconduct against those involved pursuant to the disciplinary rules of our sport.

46. Conduct of *Testing*

(1) The collection of *Sample*s and the carrying out of *Testing* shall be conducted in accordance with procedures of the Drug Testing Authority which requested the *Sample*.

(2) *Athletes* are obliged to comply with all reasonable requests of the Drug Testing Authority which requested the *Sample*.

(3) *Athletes* should be given the opportunity:

(a) to disclose any medications recently taken; and

(b) to record any comments in relation to the drug test, including any concerns in relation to the Sample collection process.

47. Retired *Athletes* Returning to *Competition*

WADC 5.3 requires us to set eligibility requirements in our sport for *Athletes* who are not *Ineligible* and retire from our sport while included in a *Registered Testing Pool* and then seek to return to active participation in sport.

[31] Our Note 1: An Athlete is unavailable for Out-of-Competition Testing if and only if the Athlete for a period of 24 hours is not at any of the places specified on the most recently lodged "Whereabouts Form" and does not answer the telephone when called on the current telephone number included in the "Whereabouts Form".
Our Note 2: An Athlete cannot be regarded as having been unavailable for a second or subsequent occasion unless the Athlete has received, more than 7 days earlier, written notice of the first (or second as the case may be) occasion the Athlete was unavailable and has not provided an explanation, which is satisfactory to us, as to the circumstances of the first (or second as the case may be) occasion.

© National Rugby League Ltd. ACN 082 088 962 (2016)

48. Our eligibility requirements for returning *Athletes*

The eligibility requirements we have set in our sport for *Athletes* who are not *Ineligible* and retire from our sport while included in a *Registered Testing Pool* and then seek to return to active participation in sport are as follows:

(1) This rule only applies to *Athletes* who were *International-Level Athletes* or national level *Athletes* at the time of their retirement*;*

(2) Prior to competing such *Athletes* must notify ASADA by fully completing and forwarding to ASADA an ASADA "REQUEST FOR REINSTATEMENT FORM"[32]. (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. Reinstatement will be at our discretion in consultation with ASADA. Upon receipt of notification, ASADA should, 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, provide us and, in the case of *Athletes* who were *International-Level Athletes* immediately prior to retirement, our International Federation with a written confirmation of the *Athlete's* reinstatement.

(3) If reinstatement is granted then this ADP will apply to the *Athlete* from the date of their reinstatement request.

(4) An *Athlete* who is reinstated may not compete in *Competitions* and *Events* which are subject to this ADP or the ADP of our International Federation until the following periods expire:

(a) **For international *Competitions* and *Events*:** The period is as determined by our International Federation from time to time, but in the absence of such determination shall be the same as the period for national *Competitions* and *Events* set out below.

(b) **For national *Competitions* and *Events*:** 6 months from the date of the reinstatement request.

(c) **For other *Competitions* and *Events*:** 3 months from the date of the reinstatement request.

(5) We may abridge or extend the time period in our absolute discretion in circumstances that we consider warrant special treatment.

[32] The *ASADA* REQUEST FOR REINSTATEMENT FORM should be accessible on the internet through the website of the *Australian Sports Anti-Doping Authority* (www.asada.gov.au), if not telephone ASADA.

© National Rugby League Ltd. ACN 082 088 962 (2016)

49. WADC 6: Analysis of Samples

Samples shall be analysed in accordance with the following principles:

(1) WADC 6.1: Use of Accredited and Approved Laboratories

For purposes of Rule 17 (WADC 2.1), *Samples* shall be analysed only in *WADA*-accredited laboratories or otherwise approved by *WADA*. The choice of the *WADA*-accredited or WADA-approved laboratory used for the *Sample* analysis shall be determined exclusively by the *Anti-Doping Organisation* responsible for results management.[33]

(2) WADC 6.2: Purpose of Analysis of Samples

(a) 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 WADC 4.5, 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, or for any other legitimate anti-doping purpose. Samples may be collected and stored for future analysis.[34]

(b) An Anti-Doping Organisation shall ask laboratories to analyse Samples in conformity with Rule 49(4) (WADC 6.4) and Article 4.7 of the International Standard for Testing and Investigations.

(3) WADC 6.3: Research on Samples

No *Sample* may be used for research without the *Athlete's* written consent. *Samples* used for purposes other than Rule 49(2) (WADC 6.2) shall have any means of identification removed such that they cannot be traced back to a particular *Athlete*.[35]

(4) WADC 6.4: Standards for Sample Analysis and Reporting

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

[33] Comment to WADC 6.1: Violations of Article 2.1 may be established only by Sample analysis performed by a WADA-accredited laboratory or another laboratory approved by WADA. Violations of other Articles may be established using analytical results from other laboratories so long as the results are reliable.
[34] Comment to WADC 6.2: For example, relevant profile information could be used to direct Target Testing or to support an anti-doping rule violation proceeding under Article 2.2, or both.
[35] Comment to WADC 6.3: As is the case in most medical contexts, use of anonymised Samples for quality assurance, quality improvement or to establish reference populations is not considered research.

© National Rugby League Ltd. ACN 082 088 962 (2016)

(a) WADC 6.4.1: Anti-Doping Organisations may request that laboratories analyse their Samples using more extensive menus than those described in the Technical Document.

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

(c) As provided in the International Standard for Laboratories, laboratories at their own initiative and expense may analyse Samples for Prohibited Substances or Prohibited Methods not included on the Sample analysis menu described in the Technical Document or specified by the Testing authority. Results from any such analysis shall be reported and have the same validity and consequence as any other analytical result.[36]

(5) WADC 6.5: Further Analysis of Samples

Any Sample may be subject to further analysis by the Anti-Doping Organisation responsible for results management at any time before both the A and B Sample analytical results (or A Sample result where B Sample analysis has been waived or will not be performed) have been communicated by the Anti-Doping Organisation to the Athlete as the asserted basis for a Rule 17 (WADC 2.1) anti-doping rule violation.

A Sample may be stored and subject to further analyses for the purpose of Rule 32 (WADC 6.2) at any time exclusively at the direction of the Anti-Doping Organisation that initiated and directed Sample collection or WADA. (Any Sample storage or further analysis initiated by WADA shall be at WADA's expense.) Further analysis of Samples shall conform with the requirements of the International Standard for Laboratories and the International Standard for Testing and Investigations.

50. Investigations

(1) We, ASADA or another Drug Testing Authority may carry out investigations (whether alone or in co-operation with each other) in relation to whether *Participants* have committed an ADRV.

(2) *Participants* are required to cooperate with an investigation by us, ASADA or another Drug Testing Authority.

[36] Comment to WADC 6.4: The objective of this Article is to extent the principle of "intelligent Testing" to the Sample analysis menu so as to most effectively and efficiently detect doping. It is recognised that the resources available to fight doping are limited and that increasing the Sample analysis menu may, in some sports and countries, reduce the number of Samples which can be analysed.

© National Rugby League Ltd. ACN 082 088 962 (2016)

PART 6 – ACTION ON ALLEGED ADRVS & OTHER BREACHES[37]

51. Results management in relation to Samples

(1) Results management in relation to *Samples* may be carried out by us, ASADA or another *Drug Testing Authority* and must be carried out in accordance with processes that respect the principles in WADC 7.1 to 7.7. Notifications may be made orally, especially when there are aspects which may be urgent.

(2) If a dispute arises between Anti-Doping Organisations over which of them has results management responsibility, WADA shall decide which Anti-Doping Organisation has such responsibility. WADA's decision may be appealed to CAS within 7 days of notification of the WADA decision by any of the Anti-Doping Organisations involved in the dispute. The appeal shall be dealt with by CAS in an expedited manner and shall be heard before a single arbitrator.

52. Review regarding Adverse Analytical Findings

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

(1) Upon receipt of an Adverse Analytical Finding, the Anti-Doping Organisation responsible for results management shall conduct a review to determine whether:

(a) an applicable TUE has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions; or

(b) there is any apparent departure from the International Standard for Testing and Investigations or International Standard for Laboratories that caused the Adverse Analytical Finding.

(2) If the review of an Adverse Analytical Finding under Rule 52(1) reveals an applicable TUE or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Adverse Analytical Finding, the entire test shall be considered negative. The Anti-Doping Organisation responsible for results management shall inform, in accordance with the Code and the NAD Scheme, the Athlete, ASADA, the International Federation, WADA, and us.

[37] Our Note: WADC 7 permits us to establish a process for the pre-hearing administration of potential anti-doping rule violations that respect the principles stated in WADC 7.

© National Rugby League Ltd. ACN 082 088 962 (2016)

53. Notification after review regarding Adverse Analytical Findings

(1) If the review of an Adverse Analytical Finding under Rule 52(1) does not reveal an applicable TUE or entitlement to a TUE as provided in the International Standard for Therapeutic Use Exemptions, or departure from the International Standard for Laboratories that caused the Adverse Analytical Finding, the Anti-Doping Organisation shall promptly notify the Athlete, and simultaneously ASADA, the International Federation, WADA and us in the manner set out in Rule 119 (WADC 14.1), of:

(a) the Adverse Analytical Finding;

(b) the anti-doping rule violated;

(c) the Athlete's right to request the analysis of the B Sample, or failing such request by the specified deadline, that the B Sample analysis may be deemed waived;

(d) the scheduled date, time and place for the B Sample analysis if the Athlete or ASADA chooses to request an analysis of the B Sample;

(e) the opportunity for the Athlete and/or the Athlete's representative to attend the B Sample opening and analysis in accordance with the International Standard for Laboratories; and

(f) the Athlete's right to request copies of the A and B Sample laboratory documentation package which includes information as required by the International Standard for Laboratories.

If the Anti-Doping Organisation decides not to bring forward the Adverse Analytical Finding as an anti-doping rule violation, it will notify the Athlete, ASADA, the International Federation, WADA and us.

(2) Where requested by the Athlete or an Anti-Doping Organisation responsible for results management, arrangements shall be made to analyse the B Sample in accordance with the International Standard for Laboratories. An Athlete may accept the A Sample analytical results by waiving the requirement for B Sample analysis. The Anti-Doping Organisation responsible for results management may nonetheless elect to proceed with the B Sample analysis even where the Athlete has waived this requirement.

(3) The Athlete and/or his/her representative shall be allowed to be present at the analysis of the B Sample. Also, a representative of the Anti-Doping Organisation responsible for results management shall be allowed to be present.

(4) If the B Sample analysis does not confirm the A Sample analysis, then (unless the Anti-Doping Organisation responsible for results management takes the case forward as an anti-doping rule

© National Rugby League Ltd. ACN 082 088 962 (2016)

violation under Rule 18 (WADC 2.2), the entire test shall be considered negative and the Athlete, ASADA, the International Federation, WADA and we shall be so informed.

(5) If the B Sample analysis confirms the A Sample analysis, the findings shall be reported to the Athlete, ASADA, the International Federation, WADA and us in accordance with the Code and the NAD Scheme.

54. Review of Atypical Findings

(1) As provided in the International Standard for Laboratories, in some circumstances laboratories are directed to report the presence of Prohibited Substances, which may also be produced endogenously, as Atypical Findings; that is, as findings that are subject to further investigation.

(2) Upon receipt of an Atypical Finding, the Anti-Doping Organisation responsible for results management shall conduct a review to determine whether:

(a) an applicable TUE has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions,

(b) there is any apparent departure from the International Standard for Testing and Investigations or International Standard for Laboratories that caused the Atypical Finding.

(3) If the review of an Atypical Finding under Article 7.4.2 reveals an applicable TUE or a departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Atypical Finding, the entire test shall be considered negative and the Athlete, ASADA, the International Federation, WADA and we shall be so informed in accordance with the Code and the NAD Scheme.

(4) If that review does not reveal an applicable TUE or a departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Atypical Finding, the Anti-Doping Organisation responsible for results management shall conduct the required investigation or cause it to be conducted. After the investigation is completed, either the Atypical Finding will be brought forward as an Adverse Analytical Finding, in accordance with the Code and the NAD Scheme and this ADP, or else the Athlete, ASADA, the International Federation, WADA and we shall be notified that the Atypical Finding will not be brought forward as an Adverse Analytical Finding.

(5) The Anti-Doping Organisation responsible for results management will not provide notice of an Atypical Finding until it has completed its investigation and has decided whether it will bring the Atypical Finding forward as an Adverse Analytical Finding unless one of the following circumstances exists:

© National Rugby League Ltd. ACN 082 088 962 (2016)

(a) if the Anti-Doping Organisation responsible for results management determines the B Sample should be analysed prior to the conclusion of its investigation, it may conduct the B Sample analysis after notifying the Athlete, with such notice to include a description of the Atypical Finding and the information described in Rule 53(1)(d)-(f);

(b) if Anti-Doping Organisation responsible for results management is asked:

(i) by a Major Event Organisation shortly before one of its International Events; or

(ii) by a sport organisation responsible for meeting an imminent deadline for selecting team members for an International Event,

to disclose whether any Athlete identified on a list provided by the Major Event Organisation or sport organisation has a pending Atypical Finding, the Anti-Doping Organisation responsible for results management shall so advise the Major Event Organisation or sports organisation after first providing notice of the Atypical Finding to the Athlete.

55. Review of Atypical Passport Findings and Adverse Passport Findings

Review of Atypical Passport Findings and Adverse Passport Findings shall take place as provided in the International Standard for Testing and Investigations and International Standard for Laboratories.

56. Review of whereabouts failures

ASADA shall review potential filing failures and missed tests (as defined in the International Standard for Testing and Investigations and any Athlete whereabouts policy approved by ASADA from time to time) in respect of Athletes who file their whereabouts information with ASADA, in accordance with Annex I to the International Standard for Testing and Investigations. At such time as ASADA is satisfied that a Rule 20 (WADC 2.4) anti-doping rule violation has occurred, it shall promptly give the Athlete (and simultaneously, the International Federation, WADA and us) notice that it is asserting a violation of Rule 20 (WADC 2.4) and the basis of that assertion.[38]

57. Results management other than in relation to Samples

Results management other than in relation to *Samples* may be carried out by us, ASADA or another *Drug Testing Authority* in accordance with the rules below. At such time as the Anti-Doping Organisation responsible for the investigation is satisfied that an anti-doping rule violation has occurred, it shall promptly give the Athlete or other Person (and simultaneously ASADA, the International Federation, WADA and us) notice of the anti-doping rule violation asserted and the basis of that assertion.

[38] Our Note: We have different whereabouts requirements for elite Athletes – see Rule 44.

© National Rugby League Ltd. ACN 082 088 962 (2016)

58. Identification of prior Anti-Doping Rule Violations

Before giving an Athlete or other Person notice of an asserted anti-doping rule violation, the Anti-Doping Organisation responsible for results management shall refer to its own records (and, if ASADA, ADAMS), and contact WADA and other relevant Anti-Doping Organisations to determine whether any prior anti-doping rule violation exists.

59. Where we must act

(1) We must investigate upon:

(a) notification by a Drug Testing Authority of any matter which could reasonably be regarded as giving rise to an ADRV;

(b) notification by a NADO of evidence which the NADO believes establishes an ADRV in respect of an *Athlete* or some other person bound by this ADP;

(c) receipt of a statutory declaration implicating an *Athlete* or some other person bound by this ADP in a matter which could reasonably be regarded as giving rise to an ADRV; or

(d) receipt of reasonably reliable information indicating an *Athlete* used a *Prohibited Substance* or a *Prohibited Method* or has otherwise engaged in behaviour which could constitute an anti-doping rule violation.

60. Where we may act

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

61. Notice of an alleged ADRV or other breach of this ADP[39]

(1) On notification by a Drug Testing Authority of an *Adverse Analytical Finding* in respect of an *Athlete* bound by this ADP, or upon notification by a NADO of evidence which is available for presentation to the Tribunal and which satisfies us that an ADRV has been committed by an *Athlete* or some other person bound by this ADP or where we otherwise propose to allege that an ADRV or other breach of this ADP has been committed, we shall deliver to the person concerned a notice of an alleged ADRV or other breach of this ADP which must:

(a) be in writing;

(b) set out the nature and particulars of the alleged ADRV or other breach of this ADP;

(c) state the intention to convene the Tribunal to conduct a hearing and

[39] See WADC 7.4

© National Rugby League Ltd. ACN 082 088 962 (2016)

(i) nominate a date on which the Tribunal will conduct the hearing to determine whether an ADRV or other breach of this ADP has occurred or

(ii) state that a such a date will be nominated in due course, being a date not less than ten (10) days from the date of nomination, unless the parties agree to a reduced notice period;

(d) state that the person must respond in one of the ways specified in rule 63 and that failure to do may result in a default decision under rule (3)**;** and

(e) enclose a copy of this ADP.[40]

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

(3) Other Anti-Doping Organisations shall be notified as provided in Rule 71 (WADC 14.1.2).

62. Irregularities shall not invalidate any notice of an alleged ADRV or other breach

Any irregularity in a notice of an alleged ADRV (or other breach) shall not invalidate the notice unless the Tribunal determines that the irregularity is such as to give rise to genuine unfairness. If that occurs, a fresh notice may be issued. The common law rule against duplicity in the case of multiple charges does not apply to a notice of an alleged ADRV under this ADP.

63. Response to a notice of an alleged ADRV (or other breach)

(1) A person receiving a notice of an alleged ADRV (or other breach), within the period provided for in the notice, must either:

(a) make contact with our Anti-Doping Co-ordinator and indicate his/her intention to attend the hearing (a hearing will then take place - see Part 7 – The Anti-Doping Tribunal and Part 8 – Hearings); or

(b) plead guilty or no contest or the like, waive his/her right to a hearing and submit to such sanction as our Anti-Doping Co-ordinator may impose, after consultation with ASADA, in his/her absolute discretion, being a sanction which does not exceed that which the Tribunal could impose.[41]

(2) Where the person elects under rule (b), our Anti-Doping Co-ordinator, after consultation with ASADA, may decide the allegations and exercise the discretion to impose a sanction which does not exceed that which the Tribunal could impose. In doing so there must be provided written

[40] Our Note: Delivery to the last known address is sufficient in circumstances where the current whereabouts of the person concerned are not known.
[41] Our Note: The purpose of this rule is to require a response to the notice of alleged ADRV. Failure to respond at all can lead to the imposition of a sanction without there being a hearing – see rule 35.

© National Rugby League Ltd. ACN 082 088 962 (2016)

reasons for the sanction imposed. For all purposes (including appeals) a decision and sanction so imposed is to be treated in the same way as a decision and sanction imposed by the Tribunal. Also see rule 83 relating to WADC 8.3.

(3) Where the person fails to respond to the notice of alleged ADRV in one or other of the ways specified in rule 63 the following applies:

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

(b) The default decision shall also state:

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

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

(c) If the person does respond before the date specified by the default decision stating he/she wishes to attend a hearing at such date as may be nominated by our Anti-Doping Co-ordinator then the default decision lapses and a hearing shall be convened.

(d) If the person fails to respond to the default decision before the date specified in the default decision stating he/she wishes to attend a hearing at such date as may be nominated by our Anti-Doping Co-ordinator the default decision becomes operative on the date specified. For all purposes (including appeals) the default decision and any sanction so imposed is to be treated in the same way as decision and sanction imposed by the Tribunal.[42]

64. Privacy not required by this ADP

(1) Once an Athlete or Person has been notified by us, ASADA or another Anti-Doping Organisation with jurisdiction that the Athlete or Person has been asserted to have committed an anti-doping rule violation, nothing in this ADP requires the name of that person or the details of the assertion to be kept confidential.

(2) Once a Provisional Suspension notice or a notice of an alleged ADRV (or other breach) has been issued we may publish the name of the person and the details appearing in the notice.[43]

[42] Our Note: See also Rules 82 and 83.

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

© National Rugby League Ltd. ACN 082 088 962 (2016)

65. Rights pending resolution of an alleged ADRV

Subject to the rules below as to *Provisional Suspensions*, a person alleged to have committed an ADRV may continue to compete, train, coach or hold office pending the resolution of the allegation by a decision under this ADP.

66. Provisional Suspensions

(1) Mandatory Provisional Suspension

WADC 7.9.1 requires there to be a mandatory *Provisional Suspension* after an *Adverse Analytical Finding* for a *Prohibited Substance* or a *Prohibited Method*, other than a Specified Substance.

(a) When notification of an *Adverse Analytical Finding* is received by us for a *Prohibited Substance* or a *Prohibited Method,* other than a *Specified Substance,* a *Provisional Suspension* shall be imposed promptly after the review and notification described in Rule 38 (see also WADC 7.1 and 7.2).

(b) Provided, however, that a *Provisional Suspension* may not be imposed unless the *Athlete* is given either:

(i) 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

(ii) an opportunity for an expedited hearing in accordance with WADC 8 (Right to a Fair Hearing) on a timely basis after imposition of a *Provisional Suspension*.

(c) A mandatory *Provisional Suspension* may be eliminated if the *Athlete* demonstrates to the hearing panel that the violation is likely to have involved a *Contaminated Product*. A hearing body's decision not to eliminate a mandatory *Provisional Suspension* on account of the *Athlete's* assertion regarding a *Contaminated Product* shall not be appealable.

(d) If a Provisional Suspension is imposed based on an A Sample Adverse Analytical Finding and a subsequent B Sample analysis (if requested by the Athlete or Anti-Doping Organisation) does not confirm the A Sample analysis, then the Athlete shall not be subject to any further Provisional Suspension on account of a violation of Rule 12 (WADC Article 2.1).

(e) In circumstances where the Athlete (or the Athlete's team as may be provided in the rules of the applicable International Federation) has been removed from a Competition or Event based on a violation of WADC Article 2.1 and the subsequent B Sample analysis does not confirm the A Sample finding, if, without otherwise affecting the Competition or Event, it is

© National Rugby League Ltd. ACN 082 088 962 (2016)

still possible for the Athlete or team to be reinserted, the Athlete or team may continue to take part in the Competition or Event.[44]

(2) Optional Provisional Suspension

WADC 7.9.2 also permits Provisional Suspension based on an Adverse Analytical Finding for Specified Substances, Contaminated Products or other anti-doping rule violations.

(a) In relation to all other alleged ADRVs (or other breach) we may invite the person the subject of the allegation to voluntarily accept a Provisional Suspension. Where we do so and the person does voluntarily accept a Provisional Suspension the person will be able to benefit from WADC 10.9.4 (even if the person is not an Athlete): see rule 100(3)(b) below.[45]

(b) Where the person the subject of the allegation does not voluntarily accept a Provisional Suspension we may impose a Provisional Suspension provided, however, that a Provisional Suspension may not be imposed unless the Athlete is given either:

(i) 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

(ii) an opportunity for an expedited hearing in accordance with WADC Article 8 (Right to a Fair Hearing) on a timely basis after imposition of a Provisional Suspension.

67. WADC 7.11: Retirement from Sport

If an *Athlete* or other *Person* retires while a results management process is underway, the *Anti-Doping Organisation* conducting the results management process retains jurisdiction to complete its results management process. If an *Athlete* or other *Person* retires before any results management process has begun, the *Anti-Doping Organisation* which would have had results management authority over the *Athlete* or other *Person* at the time the *Athlete* or other *Person* committed an anti-doping rule violation, has authority to conduct results management.[46] [47]

---

[44] Comment to WADC 7.5: Before a Provisional Suspension can be unilaterally imposed by an Anti-Doping Organization, the internal review specified in the Code must first be completed. In addition, the Signatory imposing a Provisional Suspension shall ensure that the Athlete is given an opportunity for a Provisional Hearing either before or promptly after the imposition of the Provisional Suspension, or an expedited final hearing under Part 8 – Hearings (WADC 8) promptly after imposition of the Provisional Suspension. The Athlete has a right to appeal under Rule 69 (WADC 13.2).
In the rare circumstance where the B Sample analysis does not confirm the A Sample finding, the Athlete that had been Provisionally Suspended will be allowed, where circumstances permit, to participate in subsequent Competitions during the Event. Similarly, depending upon the relevant rules of the International Federation in a Team Sport, if the team is still in Competition, the Athlete may be able to take part in future Competitions.
Athletes and all other Persons shall receive credit for a Provisional Suspension against any period of Ineligibility which is ultimately imposed or accepted as provided in Rule 63 (WADC 10.11.3).

[45] This is based on WADC 7.5.2 but modified to suit our sport.

[46] Comment to WADC 7.11: Conduct by an Athlete or other Person before the Athlete or other Person was subject to the jurisdiction of any Anti-Doping Organisation would not constitute an anti-doping rule violation but could be a legitimate basis for denying the Athlete or other Person membership in a sports organisation.

[47] Our Note: For the purposes of this ADP, an Athlete will be taken to have retired from sport even if they subsequently

© National Rugby League Ltd. ACN 082 088 962 (2016)

PART 7 – THE ANTI-DOPING TRIBUNAL[48]

68. Establishment and function of the Anti-Doping Tribunal

(1) A tribunal has been or is hereby established to hear allegations of ADRVs against *Athletes* or other persons bound by this ADP, to determine whether an ADRV has occurred, to impose appropriate sanctions and do all other things required by this ADP to be done by the Anti-Doping Tribunal. In this ADP that tribunal will be referred to as the 'Anti-Doping Tribunal'. All hearings shall be in the Anti-Doping Tribunal unless there is a referral to CAS under rule 74 or there is an appeal to CAS authorised by this ADP.

(2) The Anti-Doping Tribunal (differently constituted) will also hear appeals and applications for review of sanctions, as set out in Part 10 – Appeals and review of sanctions, save where an appeal must be to CAS.

69. Composition of the Anti-Doping Tribunal

(1) The Anti-Doping Tribunal shall be constituted from time to time by individuals we appoint.

(2) When sitting as a first instance tribunal the Anti-Doping Tribunal must comprise:

(a) a person qualified as a barrister or solicitor, who shall be the chairperson;

(b) a fully qualified medical practitioner;

(c) a prominent citizen (which includes a former representative *Athlete* who has succeeded in a career following retirement).

(3) When sitting as an appeal tribunal the Anti-Doping Tribunal must comprise:

(a) a person qualified as a barrister or solicitor, who shall be the chairperson;

(b) a fully qualified medical practitioner or a 2nd person qualified as a barrister or solicitor;

(c) a prominent citizen (which includes a former representative *Athlete* who has succeeded in a career following retirement) or a 3rd person qualified as a barrister or solicitor.

70. Tribunal members have immunity

The members of the Anti-Doping Tribunal and counsel assisting the Anti-Doping Tribunal are immune from suit and no person may institute or maintain any proceedings or bring any claim in respect of any act or omission in the lead up to a hearing, in connection with a hearing or the hearing itself, or any

commence competing in another *Event* in our code (for example, the European Super League).

[48] Our Note: WADC 8 permits us to establish a process for the hearing of potential anti-doping rule violations that respects the principles stated in WADC 8.

© National Rugby League Ltd. ACN 082 088 962 (2016)

findings made, except in the event of fraud.

71. Conflict of Interest

The Anti-Doping Tribunal members should have no conflict of interest in any case and are required to declare any possible conflict of interest. A member standing down from an Anti-Doping Tribunal hearing shall be replaced for the duration of the hearing with a person of similar qualifications. Such a person may be appointed by us.

72. Members not to hold office or be employed by us or any teams

A member of the Anti-Doping Tribunal shall not hold any office with or be currently employed by us or our member or sub-member organisations nor any team/club which participates in any *Competition* or *Event* in our sport in any capacity (except as a member of a different tribunal).

73. Counsel Assisting

(1) The Anti-Doping Tribunal may appoint a counsel assisting. ASADA may provide information it considers relevant to counsel assisting.

(2) The functions of counsel appointed by the Anti-Doping Tribunal to assist it include, at his/her discretion, the following:

(a) liaising with us and/or ASADA to identify what allegations are to be made;

(b) liaising with us and/or ASADA on the content of any notice of an alleged ADRV (or other breach) before such notice of an alleged ADRV (or other breach) is issued under rule 0;

(c) liaising with us and/or ASADA in relation to the collection of evidence and requesting us and/or ASADA to obtain (or where practicable simply obtaining himself or herself) such evidence as counsel considers would be appropriate for the Anti-Doping Tribunal to have presented to it;

(d) liaising with any representative of the person alleged to have committed an ADRV;

(e) liaising with the chairman of the Anti-Doping Tribunal or any other members of the Anti-Doping Tribunal prior to and throughout the hearing in relation to matters of procedure and/or evidence including the topics of any particular evidence that the Anti-Doping Tribunal may wish to have called before it;

(f) providing legal advice to the Anti-Doping Tribunal if it so desires;

(g) calling such evidence as counsel considers appropriate;

(h) examining or cross-examining witnesses at any hearing; and

© National Rugby League Ltd. ACN 082 088 962 (2016)

(i) carrying out any or all of the above functions and such other functions as counsel assisting considers appropriate.

74. Referral to CAS

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

© National Rugby League Ltd. ACN 082 088 962 (2016)

PART 8 – HEARINGS

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

75. Fair Hearings

(1) Any Person who is asserted to have committed an anti-doping rule violation under this ADP is entitled to a hearing process. Such hearing process shall address whether an anti-doping rule violation was committed and, of so, the appropriate Consequences. All hearings conducted pursuant to this Part 8 will respect the following principles:

(a) a timely hearing;

(b) fair and impartial hearing panel;

(c) the right to be represented by counsel at the *Person*'s own expense;

(d) the right to be informed in a fair and timely manner of the asserted anti-doping rule violation;

(e) the right to respond to the asserted anti-doping rule violation and resulting *Consequences*; the right of each party to present evidence, including the right to call and question witnesses (subject to the hearing panel's discretion to accept testimony by telephone or written submission);

(f) the *Person*'s right to an interpreter at the hearing, with the hearing panel to determine the identity, and responsibility for the cost, of the interpreter; and

(g) a timely, written, reasoned decision, specifically including an explanation of the reason(s) for any period of *Ineligibility*.[49]

76. Parties to a hearing

(1) Apart from us, the parties to a hearing shall include:

(a) the person(s) alleged to have committed an ADRV;

(b) any other person(s) or entities against whom a sanction is sought to be imposed; and

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

© National Rugby League Ltd. ACN 082 088 962 (2016)

(c) any other person whose legal rights would be (or it is probable would be) adversely affected by the outcome of the hearing.

(2) It is not necessary to join any other person whose legal rights would be (or it is probable would be) affected favourably by the outcome of the hearing. Specifically it is not necessary to join any other person or entity whose result, place or points in any *Competition* or *Event* might be improved by the outcome of the hearing. Any such person or entity the subject of this rule has no right to be joined as a party to a hearing and has no right to be heard at a hearing.

77. Conduct of Hearings

(1) Hearings may be in person or conducted by conference facility.

(2) Hearings shall be conducted in English unless all parties agree on some other language.

78. Hearings to be informal

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

79. Procedure

(1) To ensure that the principles for a fair hearing apply, at all Tribunal hearings:

(a) All parties and the Tribunal may call, examine and cross-examine witnesses; and

(b) All parties and the Tribunal may appoint representatives including a solicitor or counsel to assist them and cross-examine witnesses, the cost of such representation to be borne by the party on whose behalf they appear.

(2) The Tribunal may seek expert advice to interpret any technical matter from the chief medical officer of our sport, or any other expert medical or scientific authority.

(3) Where the subject matter (or part thereof) of the Hearing has previously been the subject of breach proceedings or action concerning the registration of a person or persons under the NRL Rules (other than this ADP) or where such breach proceedings or registration action are under consideration, the Hearing shall proceed de novo in respect of that subject matter and:

(a) no party may plead that any sanction or penalty imposed or registration action taken under the NRL Rules in respect of that matter prevents the Tribunal from imposing a penalty as provided for under this this ADP; and

© National Rugby League Ltd. ACN 082 088 962 (2016)

(b) no party may plead that the failure to impose a sanction or penalty or to take registration action in respect of that matter under the NRL Rules should prevent the Tribunal from imposing a penalty as provided for under this ADP.

80. Hearings in private

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

81. Right to attend hearings

(1) The International Federation, WADA and, where applicable, the Australian Sports Commission shall have the right to attend hearings as an observer or an interested or affected party.

(2) It shall be the duty of ASADA to inform those relevant parties of such right to attend as an observer or interest/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.

82. Hearing in the absence of the person the subject of the alleged anti-doping rule violation (or other breach)

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

83. WADC 8.3: Waiver of Hearing

The right to a hearing may be waived either expressly or by the *Athlete's* or other *Person's* failure to challenge an *Anti-Doping Organization's* assertion that an anti-doping rule violation has occurred within the specific time period provided in the *Anti-Doping Organization's* rules. Where no hearing occurs, the *Anti-Doping Organization* with results management responsibility shall submit to the persons described in Rule 113(3) (WADC 13.2.3) a reasoned decision explaining the action taken.[50]

84. Reasons to be provided and published

(1) The Tribunal shall in all cases provide brief written reasons for its decision, specifically including an explanation of the reason(s) for any period of *Ineligibility*. Before providing such written reasons it is permissible for the Tribunal to state its decision orally and to supplement such oral statement in its later written reasons.

[50] Our Note: No hearing need take place where rule 63(2) or 63(3) apply.

© National Rugby League Ltd. ACN 082 088 962 (2016)

(2) Following a hearing, all sanctions imposed and all reasons for decisions of the Tribunal must be published within 20 days of being delivered. For hearings in CAS, R43 of the CAS Code of Sports Related Arbitration does not apply. Awards are public and may be published in full.

(3) Evidence given at a hearing and other matters occurring during a hearing may be made public.

85. Decision Final

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

86. Expedited hearing procedures in connection with Events

(1) WADC 8.2 permits us to make rules for expedited hearings in connection with *Events*.[51] We have made the rule below.

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

(a) in accordance with a protocol issued by the Anti-Doping Co-ordinator (and in the absence of an issued protocol, as decided from time to time by the Anti-Doping Co-ordinator on an ad hoc basis), and

(b) at least in the case of an *Athlete*, such that permits the hearing to be concluded prior to the next occasion the *Athlete* or the *Athlete*'s team/club is scheduled to play.

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

87. Costs

Costs of all hearings in our sport are to be borne by each party respectively and under no circumstances may costs orders be made which would have the effect of ordering one party to pay the costs of another party save only where one party has caused another party to incur costs in circumstances that amount to a deliberate abuse.

[51] Comment to WADC 8.2: For example, a hearing could be expedited on the eve of a major Event where the resolution of the anti-doping rule violation is necessary to determine the Athlete's eligibility to participate in the Event or during an Event where the resolution of the case will affect the validity of the Athlete's results or continued participation in the Event.

© National Rugby League Ltd. ACN 082 088 962 (2016)

88. Use of information arising during hearings

If, during a hearing, a party to the hearing process implicates a third party in a potential ADRV, then we (or any other Anti-Doping Organisation) may use any such information without having to first seek the permission of the Tribunal or the parties. This Rule overrides R43 and R59 of the CAS Code of Sports-related Arbitration to the extent of any inconsistency.

© National Rugby League Ltd. ACN 082 088 962 (2016)

PART 9 – SANCTIONS[52]

89. WADC 9: Automatic Disqualification of Individual Results

An anti-doping rule violation in *Individual Sports* in connection with an *In-Competition* test automatically leads to *Disqualification* of the result obtained in that *Competition* with all resulting *Consequences*, including forfeiture of any medals, points and prizes.[53] [54]

SANCTIONS ON INDIVIDUALS[55]

90. WADC 10.1: *Disqualification* of Results in *Event* during which an Anti-Doping Rule Violation Occurs.[56]

An anti-doping rule violation occurring during or in connection with an *Event* may, upon the decision of the ruling body[57] 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 Rule 90(1) (WADC 10.1.1).

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

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

---

[52] The rules in this part are taken verbatim from the WADC with necessary formatting amendments.

[53] Comment to WADC 9: For Team Sports, any awards received by individual players will be Disqualified. However, Disqualification of the team will be as provided in Rule 104 to 106 (WADC 11). In sports which are not Team Sports but where awards are given to teams, Disqualification or other disciplinary action against the team when one or more team members have committed an anti-doping rule violation shall be as provided in the applicable rules of the International Federation.

[54] Our sport is classified as a Team Sport: see Item 1 – Our sport is a *Team Sport*

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

[56] Comment to WADC 10.1: Whereas Rule 89 (WADC 9) Disqualifies the result in a single Competition in which the Athlete tested positive (for example the 100 metre backstroke), this Article may lead to Disqualification of all results in all races during the Event (for example the FINA World Championships).

[57] This means us or one of our member or sub-member organisations.

© National Rugby League Ltd. ACN 082 088 962 (2016)

91. WADC 10.2: *Ineligibility* for Presence, Use or Attempted Use, or Possession of a Prohibited Substance or Prohibited Method

The period of *Ineligibility* imposed for a violation of Rule 17 (WADC 2.1), Rule 18 (WADC 2.2) and Rule 22 (WADC 2.6) shall be as follows, subject to potential reduction or suspension pursuant to Rule 93 (WADC 10.4) and Rules 94 (WADC 10.5) or 95 WADC 10.6:

(1) WADC 10.2.1: The period of Ineligibility shall be four years where:

(a) WADC 10.2.1.1: The anti-doping rule violation does not involve a *Specified Substance*, unless the *Athlete* or other *Person* can establish that the anti-doping rule violation was not intentional.

(b) WADC 10.2.1.2: The anti-doping rule violation involves a *Specified Substance* and the *Anti-Doping Organisation* can establish that the anti-doping rule violation was intentional.

(2) WADC 10.2.2: If Rule 91(1) (WADC 10.2.1) does not apply, the period of Ineligibility shall be two years.

(3) WADC 10.2.3: As used in Rule 91 (WADC 10.2) and Rule 92 (WADC 10.3), the term 'intentional' is meant to identify those Athletes who cheat. The term, therefore, requires that the Athlete or other Person engaged in conduct which he or she knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk. An anti-doping rule violation resulting from an Adverse Analytical Finding for a substance which is only prohibited In-Competition shall be rebuttably presumed to be not 'intentional' if the substance is a Specified Substance and the Athlete can establish that the Prohibited Substance was Used Out-of-Competition. An anti-doping rule violation resulting from an Adverse Analytical Finding for a substance which is only prohibited In-Competition shall not be considered 'intentional' if the substance is not a Specified Substance and the Athlete can establish that the Prohibited Substance was Used Out-of-Competition in a context unrelated to sport performance.

92. WADC 10.3: Ineligibility for other anti-doping rule violations

The period of *Ineligibility* for anti-doping rule violations other than as provided in Article 10.2 shall be as follows:

(1) WADC 10.3.1: For violations of Article 2.3 or Article 2.5, the period of *Ineligibility* shall be four years unless, the case of failing to submit to *Sample* collection, the *Athlete* can establish that the commission of the anti-doping rule violation was not intentional (as defined in Article 10.2.3), in which case the period of *Ineligibility* shall we two years.

© National Rugby League Ltd. ACN 082 088 962 (2016)

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

(3) WADC 10.3.3: For violations of Article 2.7 or 2.8, the period of Ineligibility shall be a minimum of four years up to lifetime Ineligibility, depending on the seriousness of the violation. An Article 2.7 or Article 2.8 violation involving a Minor shall be considered a particularly serious violation and, if committed by Athlete Support Personnel for violations other than for Specified Substances, shall result in lifetime Ineligibility for Athlete Support Personnel. In addition, significant violations of Article 2.7 or 2.8 which may also violate non-sporting laws and regulations shall be reported to the competent administrative, professional or judicial authorities.[58]

(4) WADC 10.3.4: For violations of Article 2.9, the period of Ineligibility imposed shall be a minimum of two years, up to four years, depending on the seriousness of the violation.

(5) WADC 10.3.5: For violations of Article 2.10, the period of Ineligibility shall be two years, subject to reduction down to a minimum of one year, depending on the Athlete or other Person's degree of Fault and other circumstances of the case.[59]

93. WADC 10.4: Elimination of the period of *Ineligibility* where there is *No Fault or* Negligence[60]

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

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

[59] Comment to WADC 10.3.5: Where the 'other Person' referenced in Article 2.10 is an entity and not an individual, that entity may be disciplined as provided in Article 12.

[60] Comment to WADC 10.4: This Article and WADC 10.5.2 apply only to the imposition of sanctions; they are not applicable to the determination of whether an anti-doping rule violation has occurred. They will only apply in exceptional circumstances, for example where an Athlete could prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, No Fault or Negligence would not apply in the following circumstances: (a) a positive test resulting from a mislabelled or contaminated vitamin or nutritional supplement (Athletes are responsible for what they ingest (Article 2.1.1) and have been warned against the possibility of supplement contamination); (b) the Administration of a Prohibited Substance by the Athlete's Personal physician or trainer without disclosure to the Athlete (Athletes are responsible for their choice of medical Personnel and for advising medical Personnel that they cannot be given any Prohibited Substance); and (c) sabotage of the Athlete's food or drink by a spouse, coach or other Person within the Athlete's circle of associates (Athletes are responsible for what they ingest and for the conduct of those Persons to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction under Article 10.5 based on No Significant Fault or Negligence.

© National Rugby League Ltd. ACN 082 088 962 (2016)

94. WADC 10.5: Reduction of the period of Ineligibility based on No Significant Fault or Negligence

(1) WADC 10.5.1: Reduction of sanctions for Specified Substances or Contaminated Products for Violations of Article 2.1, 2.2 or 2.6.

(a) WADC 10.5.1.1: Specified Substances

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

(b) WADC 10.5.1.2: Contaminated Products

In cases where the Athlete or other Person can establish No Significant Fault or Negligence and the detected Prohibited Substance came from a Contaminated Product, then the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility and, at a maximum, two years' Ineligibility, depending on the Athlete's or other Person's degree of Fault[61].

(2) WADC 10.5.2: Application of No Significant Fault or Negligence beyond the application of Article 10.5.1

If an Athlete or other Person establishes in an individual case where Article 10.5.1 is not applicable, that he or she bears No Significant Fault or Negligence, then, subject to further reduction or elimination as provided in Article 10.6, the otherwise applicable period of Ineligibility may be reduced based on the Athlete or other Person's degree of Fault, but the reduced period of Ineligibility may not be less than one-half of the period of Ineligibility otherwise applicable. If the otherwise applicable period of Ineligibility is a lifetime, the reduced period under this Article may be no less than eight years.[62]

95. WADC 10.6: Elimination, reduction or suspension of period of Ineligibility or other Consequences for reasons other than Fault.

(1) WADC 10.6.1: Substantial assistance in discovering or establishing anti-doping rule violations.[63]

[61] Comment to WADC 10.5.1.2: In assessing that Athlete's degree of Fault, it would, for example, be favourable for the Athlete if the Athlete had declared the product which was subsequently determined to be contaminated on his or her Doping Control form.

[62] Comment to WADC 10.5.2: Article 10.5.2 may be applied to any anti-doping rule violation except those Articles where intent is an element of the anti-doping rule violation (for example Article 2.5, 2.7, 2.8 or 2.9) or an element of a particular sanction (for example Article 10.2.1) or a range of Ineligibility is already provided in an Article based on the Athlete or other Person's degree of Fault.

[63] Comment to WADC 10.6.1: The cooperation of Athletes, Athlete Support Personnel and other Persons who acknowledge their mistakes and are willing to bring other anti-doping rule violations to light is important to clean sport.

© National Rugby League Ltd. ACN 082 088 962 (2016)

(a) WADC 10.6.1.1: An Anti-Doping Organisation with results management responsibility for an anti-doping rule violation may, prior to a final appellate decision under Article 13 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 an Anti-Doping Organisation, another criminal authority or professional disciplinary body which results in:

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

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

After a final appellate decision under Article 13 or the expiration of time to appeal, an Anti-Doping Organisation may only suspend a part of the otherwise applicable period of Ineligibility with the approval of WADA and the international federation. The extent to which the otherwise applicable period of Ineligibility may be suspended shall be based on the seriousness of the anti-doping rule violation committed by the Athlete or other Person and the significance of the Substantial Assistance provided by the Athlete or other Person to the effort to eliminate doping in sport. No more than three-quarters of the otherwise applicable period of Ineligibility may be suspended. If the otherwise applicable period of Ineligibility is a lifetime, the non-suspended period under this Article must be no less than eight years. If the Athlete or other Person fails to continue to cooperate and to provide the complete and credible Substantial Assistance upon which a suspension of the period of Ineligibility was based, the Anti-Doping Organisation that suspended the period of ineligibility shall reinstate the original period of Ineligibility. If an Anti-Doping Organisation decides to reinstate a suspended period of Ineligibility or decides not to reinstate a suspended period of Ineligibility, that decision may be appealed by any Person entitled to appeal under Article 13.

(b) WADC 10.6.1.2: To further encourage Athletes and other Persons to provide Substantial Assistance to Anti-Doping Organisations, at the request of the Anti-Doping Organisation conducting results management or at the request of the Athlete or other Person who has, or has been asserted to have, committed an anti-doping rule violation, WADA may agree at any stage of the results management process, including after a final appellate decision under Article 13, to what it considers to be an appropriate suspension of the otherwise-

This is the only circumstance under the Code where the suspension of an otherwise applicable period of Ineligibility is authorised.

© National Rugby League Ltd. ACN 082 088 962 (2016)

applicable period of Ineligibility and other Consequences. In exceptional circumstances, WADA may agree to suspensions of the period of Ineligibility and other Consequences for Substantial Assistance greater than those otherwise provided in this Article, or even no period of Ineligibility, and/or no return of prize money or payment of fines or costs. WADA's approval shall be subject to reinstatement of sanction, as otherwise provided in this Article. Notwithstanding Article 13, WADA's decisions in the context of this Article may not be appealed by any other Anti-Doping Organisation.

(c) WADC 10.6.1.3: If any part of an otherwise applicable sanction is suspended because of Substantial Assistance, then notice providing justification for the decision shall be provided to the other Anti-Doping Organisations with a right to appeal under Article 13.2.3 as provided in Article 14.2. In unique circumstances where WADA determines that it would be in the best interest of anti-doping, WADA may authorise an Anti-Doping Organisation to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the Substantial Assistance agreement or the nature of Substantial Assistance being provided.

(2) WADC 10.6.2: Admission of an Anti-Doping Rule Violation in the absence of other evidence

Where an Athlete or other Person voluntarily admits the commission of an anti-doping rule violation before having received notice of a Sample collection which could establish an anti-doping rule violation (or, in the case of an anti-doping rule violation other than Article 2.1, before receiving first notice of the admitted violation pursuant to Article 7) and that admission is the only reliable evidence of the violation at the time of admission, then the period of Ineligibility may be reduced, but not below one-half of the period of Ineligibility otherwise applicable.[64]

(3) WADC 10.6.3: Prompt admission of an Anti-Doping Rule Violation after being confronted with a violation sanctionable under Rule 91(1) (WADC10.2.1) or Rule 92(1) (WADC 10.3.1)

An Athlete or other Person potentially subject to a four-year sanction under Rule 91(1) (WADC 10.2.1) or Rule 92(1) (WADC 10.3.1) (for evading or refusing Sample Collection or Tampering with Sample Collection), by promptly admitting the asserted anti-doping rule violation after being confronted by an Anti-Doping Organisation, and also upon the approval and at the discretion of both WADA and the Anti-Doping Organisation with results management responsibility, may receive a reduction in the period of Ineligibility down to a minimum of two years, depending on the seriousness of the violation and the Athlete or other Person's degree of Fault.

(4) WADC 10.6.4: Application of multiple grounds for reduction of a sanction

[64] Comment to WADC 10.6.2: This Article is intended to apply when an Athlete or other Person comes forward and admits to an anti-doping rule violation in circumstances where no Anti-Doping Organisation is aware that an anti-doping rule violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the Athlete or other Person believes he or she is about to be caught. The amount by which Ineligibility is reduced should be based on the likelihood that the Athlete or other Person would have been caught had he/she not come forward voluntarily

© National Rugby League Ltd. ACN 082 088 962 (2016)

Where an Athlete or other Person establishes entitlement to reduction in sanction under more than one provision of Article 10.4, 10.5 or 10.6, before applying any reduction or suspension under Article 10.6, the otherwise applicable period of Ineligibility shall be determined in accordance with Articles 10.2, 10.3, 10.4 and 10.5. If the Athlete or other Person establishes entitlement to a reduction or suspension of the period of Ineligibility under Article 10.6, then the period of Ineligibility may be reduced or suspended, but not to below one-fourth of the otherwise applicable period of Ineligibility.[65]

96. WADC 10.7: Multiple Violations

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

(a) six months;

(b) one-half of the period of Ineligibility imposed for the first anti-doping rule violation without taking into account any reduction under Article 10.6; or

(c) twice the period of Ineligibility otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, without taking into account any reduction under Article 10.6.

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

(2) WADC 10.7.2: A **third anti-doping rule violation** will always result in a lifetime period of Ineligibility, except if the third violation fulfils the condition for elimination or reduction of the period of Ineligibility under Article 10.4 or 10.5, or involves a violation of Article 2.4. In these particular cases, the period of Ineligibility shall be from eight years to lifetime Ineligibility.

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

(4) WADC 10.7.4: Additional rules for certain potential multiple violations

(a) WADC 10.7.4.1: For purposes of imposing sanctions under Article 10.7, an anti-doping rule violation will only be considered a second violation if the Anti-Doping Organisation can

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

© National Rugby League Ltd. ACN 082 088 962 (2016)

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 7, or after the Anti-Doping Organisation made reasonable efforts to give notice, of the first anti-doping rule violation. If the Anti-Doping Organisation cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction.

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

(5) WADC 10.7.5: Multiple Anti-Doping Rule Violations during ten-year period

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

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

In addition to the automatic *Disqualification* of the results in the *Competition* which produced the positive *Sample* under Article 9, all other competitive results of the *Athlete* obtained from the date a positive *Sample* was collected (whether *In-Competition* or *Out-of-Competition*), or other anti-doping rule violation occurred, through the commencement of any *Provisional Suspension* or *Ineligibility* period, shall, unless fairness requires otherwise, be *Disqualified* with all of the resulting Consequences including forfeiture of any medals, points and prizes.[66] [67]

98. WADC 10.9: Allocation of CAS Cost Awards and Forfeited Prize Money

The priority for repayment of CAS cost awards and forfeited prize money shall be:

(1) first, payment of costs awarded by CAS:

(2) second, reallocation of forfeited prize money to other Athletes if provided for in the rules of the applicable International Federation; and

[66] Our Note: As to when fairness may require otherwise see, for example, the CAS decisions in relation to *Lund v WADA CAS OG* 06.001 10.2.06 (no results Disqualified) and *Karapetyn ats WADA* CAS 2007.A.1283 15.11.7 (only one result Disqualified).

[67] Comment to WADC 10.8: Nothing in this ADP precludes clean Athletes or other Persons who have been damaged by the actions of a Person who has committed an anti-doping violation from pursuing any right which they would otherwise have to seek damages from such Person.

© National Rugby League Ltd. ACN 082 088 962 (2016)

(3) third, reimbursement of the expenses of the Anti-Doping Organisation that conducted results management in the case.

99. Financial Consequences[68]

(1) WADC 10.10 allows us to make rules that provide for financial sanctions on account of anti-doping rule violations. Any such rules we have made or may make will be available from the Anti-Doping Co-ordinator and only affect an *Athlete* or other *Person* bound by this ADP if made prior to the conduct that constitutes the ADRV.

(2) The imposition of a financial sanction (such as the recovery of funding by an Anti-Doping Organisation) shall not be considered a basis for reducing the Ineligibility or other sanction which would otherwise be applicable under this ADP or the Code. We may only impose financial sanctions in cases where the maximum period of *Ineligibility* has already been imposed.

100. WADC 10.11: Commencement of *Ineligibility* Period[69]

Except as provided below, the period of *Ineligibility* shall start on the date of the final hearing decision providing for *Ineligibility* or, if the hearing is waived or there is no hearing, on the date *Ineligibility* is accepted or otherwise imposed. Any period of *Provisional Suspension* (whether imposed or voluntarily accepted) shall be credited against the total period of *Ineligibility* imposed.

(1) WADC 10.11.1: Delays Not Attributable to the *Athlete* or other *Person*

Where there have been substantial delays in the hearing process or other aspects of *Doping Control* not attributable to the *Athlete* or other *Person*, the body imposing the sanction may start the period of *Ineligibility* at an earlier date commencing as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. All competitive results achieved during the period of *Ineligibility*, including retroactive *Ineligibility*, shall be *Disqualified*.[70]

(2) WADC 10.11.2: 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 the *Anti-Doping Organization*, the period of *Ineligibility* may start as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. In each case where this Article is applied, the *Athlete* or other *Person* shall serve at

[68] Adapted from WADC 10.10

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

[70] Comment to WADC 10.11.1: In cases of anti-doping rule violations other than under Article 2.1, the time required for ASADA (or another Anti-Doping Organisation) to discover and develop facts sufficient to establish an anti-doping rule violation may be lengthy, particularly where the Athlete or other Person has taken affirmative action to avoid detection. In these circumstances, the flexibility provided in this Article to start the sanction at an earlier date should not be used.

© National Rugby League Ltd. ACN 082 088 962 (2016)

least one-half of the period 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. This Rule shall not apply where the period of *Ineligibility* already has been reduced under Rule 95(3)(WADC 10.6.3).

(3) WADC 10.11.3: Credit for *Provisional* Suspension or period of *Ineligibility* served

(a) WADC 10.11.3.1: If a *Provisional Suspension* is imposed and respected by the *Athlete* or other *Person*, then the *Athlete* or other *Person* shall receive a credit for such period of *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. If a period of *Ineligibility* is served pursuant to a decision that is subsequently appealed, then the *Athlete* or other *Person* shall receive a credit for such period of *Ineligibility* served against any period of *Ineligibility* which may ultimately be imposed on appeal.

(b) WADC 10.11.3.2: If an *Athlete* or other *Person* voluntarily accepts a *Provisional Suspension* in writing from an *Anti-Doping Organisation* with results management authority and thereafter respects the *Provisional Suspension*, the *Athlete* or other *Person* shall receive a credit for such period of voluntary *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. A copy of the *Athlete's* or other *Person's* voluntary acceptance of a *Provisional Suspension* shall be provided promptly to each party entitled to receive notice of an asserted anti-doping rule violation under Rule 119 (WADC 14.1).[71]

(c) WADC 10.11.3.3: No credit against a period of Ineligibility shall be given for any time period before the effective date of the Provisional Suspension or voluntary Provisional Suspension regardless of whether the Athlete elected not to compete or was suspended by his or her team.

(d) WADC 10.11.3.4: In Team Sports, where a period of Ineligibility is imposed upon a team, unless fairness requires otherwise, the period of Ineligibility shall start on the date of the final hearing providing for Ineligibility or, if the hearing is waived, on the date Ineligibility is accepted or otherwise imposed. Any period of team Provisional Suspension (whether imposed or voluntarily accepted) shall be credited against the total period of Ineligibility to be served.

101. No upward readjustment of results of opponent(s)

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

[71] Comment to WADC 10.11.3.2: An Athlete's voluntary acceptance of a Provisional Suspension is not an admission by the Athlete and shall not be used in any way to draw an adverse inference against the Athlete.

© National Rugby League Ltd. ACN 082 088 962 (2016)

committed an anti-doping rule violation.[72]

102. WADC 10.12: Status During Ineligibility

(1) WADC 10.12.1 Prohibition against participation during Ineligibility.[73] [74]

(a) 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, or in *Competitions* authorised or organised by any professional league or any international or national level *Event* organisation or any elite or national level sporting activity funded by a government agency.

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

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

(2) WADC 10.12.2: Return to training

As an exception to Rule 102(1) (WADC 10.12.1), an *Athlete* may return to train with a team or use the facilities of a club or other member organisation of a *Signatory's* member organisation during the shorter of: (1) the last two months of the *Athlete's* period of *Ineligibility*, or (2) the last one-fourth of the period of *Ineligibility* imposed.[75]

---

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

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

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

[75] Comment to Article 10.12.2: In many Team Sports and some individual sports (for example, ski jumping and gymnastics), an Athlete cannot effectively train on his/her own so as to be ready to compete at the end of the Athlete's period of Ineligibility. During the training period described in this Article, an Ineligible Athlete may not compete or

© National Rugby League Ltd. ACN 082 088 962 (2016)

(3) WADC 10.12.3: 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 Rule 102(1) (WADC 10.12.1), the results of such participation shall be *Disqualified* and a new period of *Ineligibility* equal in length to the original period of *Ineligibility* shall be added to the end of the original period of *Ineligibility*. The new period of *Ineligibility* may be adjusted based on the *Athlete* or other *Person'*s degree of *Fault* and other circumstances of the case. The determination of whether an *Athlete* or other *Person* has violated the prohibition against participation, and whether an adjustment is appropriate, shall be made by the *Anti-Doping Organization* whose results management led to the imposition of the initial period of *Ineligibility*. This decision may be appealed under Part 10 (WADC 13).

Where an Athlete Support Person or other Person assists a Person in violating the prohibition against participation during Ineligibility, an Anti-Doping Organisation with jurisdiction over such Athlete Support Person or other Person shall impose sanctions for such assistance.

(4) WADC 10.12.4: Withholding of financial support during Ineligibility.

In addition, for any anti-doping rule violation not involving a reduced sanction for Specified Substances as described in Rules 93 (WADC 10.4) or Rule 94 (WADC 10.5), some or all sport-related financial support or other sport-related benefits received by such *Person* will be withheld by Signatories, Signatories' member organizations and governments.[76]

103. WADC 10.13: Automatic publication of sanction

A mandatory part of each sanction shall include automatic publication, as provided in Rule 122 (WADC 14.3).

CONSEQUENCES TO TEAMS

104. WADC 11.1: *Testing* of *Team Sports*.

Where more than one member of a team in a Team Sport has been notified of a possible anti-doping rule violation under Part 6 (WADC 7) in connection with an Event, the ruling body for the Event shall conduct appropriate Target Testing of the team during the Event Period.

105. WADC 11.2: Consequences for *Team Sports*.

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

engage in any activity described in Article 10.12.1 other than training.

[76] Our Note: Sport-related financial support or other sport-related benefits may only be withheld in accordance with a legal right to do so.

© National Rugby League Ltd. ACN 082 088 962 (2016)

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 Athlete(s) committing the anti-doping rule violation.

106. Our Rules for Consequences for *Team Sports*

WADC 11.3 allows us to make rules that provide for Consequences for *Team Sports*. Where we are the ruling body of an *Event* the following shall apply:

(1) If more than two *Athletes* in a team are found to have committed an Anti-Doping Rule Violation during an *Event*, the team may be subject to disqualification or other disciplinary action as set below.

(2) If it is established that two or more *Athletes* in the same team have committed More Serious ADRVs in respect of the same *Competition* in the one *Event*, we have a discretion[77] to impose a sanction on the team, which sanction may include:

(a) loss of competition points in respect that particular *Competition* if that particular *Competition* was in the equivalent of a round robin phase, or

(b) cancellation of the result of that particular *Competition*, if that particular *Competition* was during a knock-out phase (eg quarter final).

(3) If it is established that three or more *Athletes* in the same team have committed More Serious ADRVs in respect of the same *Event*, we have a discretion[78] to impose a sanction on the team, which sanction may include:

(a) loss of competition points equal to what would be earned in a win in a single *Competition* in that *Event* multiplied by the number of *Athletes* exceeding two found to have committed More Serious ADRVs[79], and

(b) in a most extreme case, *Disqualification* from the *Event*.

(4) In exercising the discretion, we may have regard to such factors as we consider appropriate but shall at least have regard to the total number of *Athletes* comprising the team. This is because it is necessary to consider the ramifications to innocent *Athletes* in the team of any sanction; thus a high proportion of innocent *Athletes* in the team will militate in favour of a lower team sanction (and vice versa).

[77] Our Note: We would have regard to relevant factors such as whether the *Athletes* played only a minimal part in the *Competition*

[78] Our Note: We would have regard to relevant factors such as whether in an *Event* (that takes place over a season made up of *Competitions* over many months) say 2 ADRVs were in the early *Competitions* and the 3rd ADRV was in the 'final' ie the last *Competition* of the *Event*.

[79] Our Note: So if say 4 *Athletes* were involved and a win was worth 2 points there would be a loss of 2 points x (4-2) *Athletes* = 4 points.

© National Rugby League Ltd. ACN 082 088 962 (2016)

(5) Before a sanction can be imposed on a team under the above rules, we must afford the team natural justice and at a minimum must:

(a) afford the team a hearing that accords with the principles in WADC 8 (see rule 75), adapted to the extent necessary to accommodate the fact that it is a team sanction hearing and not a hearing of an ADRV against an individual;

(b) afford the team a right of appeal; and

(c) comply with any appropriate procedural rules of our sport relating to team sanctions.

(6) In the absence of existing procedural rules the procedural rules of the Tribunal (and failing that CAS) shall be deemed to apply *mutatis mutandis*.

(7) In this rule **'More Serious ADRV'** – means an ADRV where the period of *Ineligibility* actually imposed was longer than one year.

107. Sanction where no sanction elsewhere stipulated

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

108. Special orders

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

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

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

(1) the decision of the Tribunal and a copy of the reasons for its decision;

(2) the details of the sanction imposed; and

(3) a statement that there are rights of appeal and review in Part 10 – Appeals and review of sanctions of this ADP.

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

© National Rugby League Ltd. ACN 082 088 962 (2016)

110. Other notifications

We:

(1) will notify the relevant National Anti-Doping Organisation (or other applicable Drug Testing Authority), our International Federation; and

(2) may notify any other sporting organisation or body which we believe should be informed

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

111. Media releases

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

© National Rugby League Ltd. ACN 082 088 962 (2016)

PART 10 – APPEALS AND REVIEW OF SANCTIONS

WADC ARTICLE 13: APPEALS[80]

112. WADC 13.1: Decisions subject to appeal

(1) Decisions made under the Code or rules adopted pursuant to the Code may be appealed as set forth below in Articles 13.2 through 13.4 or as otherwise provided in the Code or the International Standards. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review provided in the Anti-Doping Organisation's rules must be exhausted, provided that such review respects the principles set forth in Rule 113(2) (WADC13.2.2) below (except as provided in Rule 112(1)(a) (WADC 13.1.1).

(a) WADC 13.1.1: Scope of review not limited

The scope of review on appeal includes all issues relevant to the matter and is expressly not limited to the issues or scope of review before the initial decision maker.

(b) WADC 13.1.2: CAS shall not defer to the findings being appealed

In making its decision, CAS need not give deference to the discretion exercised by the body whose decision is being appealed.[81]

(c) WADC 13.1.3: WADA not required to exhaust internal remedies.

Where *WADA* has a right to appeal under Article 13 and no other party has appealed a final decision within the *Anti-Doping Organisation's* process, *WADA* may appeal such decision directly to *CAS* without having to exhaust other remedies in the *Anti-Doping Organisation* process.[82]

113. WADC 13.2: 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* or not

[80] Comment to WADC 13: The object of the Code is to have anti-doping matters resolved through fair and transparent internal processes with a final appeal. Anti-Doping decisions by Anti-Doping Organisations are made transparent in Rule 118 (WADC 14). Specified Persons and organisations, including WADA, are then given the opportunity to appeal those decisions. Note that the definition of interested Persons and organisations with a right to appeal under Part 10 (WADC 13) does not include Athletes, or their federations, who might benefit from having another competitor disqualified.

[81] Comment to WADC 13.1.2: CAS proceedings are de novo. Prior proceedings do not limit the evidence or carry weight in the hearing before CAS.

[82] Comment to WADC 13.1.3: Where a decision has been rendered before the final stage of an Anti-Doping Organisation's process (for example, a first hearing) and no party elects to appeal that decision to the next level of the Anti-Doping Organisation's process (e.g., the Managing Board), then WADA may bypass the remaining steps in the Anti-Doping Organisation's internal process and appeal directly to CAS.

© National Rugby League Ltd. ACN 082 088 962 (2016)

imposing *Consequences* for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision by WADA not to grant an exception to the six month notice requirement for a retired *Athlete* to return to *Competition* under WADC 5.7.1; a decision by WADA assigning results management under Rule 51(2) (WADC 7.1)*;* a decision by an *Anti-Doping Organisation* not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation under WADC 7.7; and a decision to impose a *Provisional Suspension* as a result of a *Provisional Hearing*; an *Anti-Doping Organisation's* failure to comply with Rule 66(1) (WADC 7.9); a decision that an Anti-Doping Organisation lacks jurisdiction to rule on an alleged anti-doping rule violation or its Consequences; a decision to suspend, or not suspend, a period of *Ineligibility* or to reinstate, or not reinstate, as suspended period of Ineligibility under Rule 95(1) (WADC 10.6.1) a decision under Rule 102(3) (WADC 10.12.3); and a decision by an Anti-Doping Organisation not to recognise another Anti-Doping Organisation's decision under WADC 15 may be appealed exclusively as provided in this Rule 113 (WADC 13.2).

(1) WADC 13.2.1: Appeals Involving International-Level Athletes or International Events.

In cases arising from participation in an International Event or in cases involving International-Level Athletes, the decision may be appealed exclusively to the Appeals Division of CAS.[83]

(2) WADC 13.2.2: Appeals Involving Other *Athletes* or Other *Persons*

(3) In cases where Rule 113(1) (WADC13.2.1) is not applicable, the decision may be appealed exclusively to CAS in accordance with the provisions applicable before that court. WADC 13.2.3: Persons Entitled to Appeal

(a) In cases under Rule 113(1) (WADC 13.2.1), the following parties shall have the right to appeal to CAS:

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

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

(iii) the International Federation;

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

(v) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games

[83] Comment to WADC 13.2.1: CAS decisions are final and binding except for any review required by law applicable to the annulment or enforcement of arbitral awards.

© National Rugby League Ltd. ACN 082 088 962 (2016)

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

(vi) WADA.

(b) In cases under Rule 113(2) (WADC 13.2.2), the parties, at a minimum, shall have the right to appeal:

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

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

(iii) the International Federation;

(iv) ASADA and (if different) the National Anti-Doping Organisation of the Person's country of residence;

(v) The International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and

(vi) WADA.

(4) WADC 13.2.4: Cross Appeals and other subsequent appeals allowed

Cross appeals and other subsequent appeals by any respondent named in cases brought to CAS under the Code are specifically permitted. Any part with a right to appeal under this Article 13 must file a cross appeal or subsequent appeal at the latest with the party's answer.[84]

(5) For cases under Rule 113(2) (WADC 13.2.2), *WADA*, ASADA and our International Federation shall also have the right to appeal to CAS with respect to the decision of the national-level reviewing body.

(6) 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.

(7) The filing deadline for an appeal or intervention filed by *WADA* shall be the later of:

(a) Twenty-one (21) days after the last day on which any other party in the case could have appealed, or

[84] Comment to WADC 13.2.4: This provision is necessary because since 2011, CAS rule no longer permit an Athlete the right to cross appeal when an Anti-Doping Organisation appeals a decision after the Athlete's time for appeal has expired. This provision permits a full hearing for all parties.

© National Rugby League Ltd. ACN 082 088 962 (2016)

(b) Twenty-one (21) days after *WADA*'s receipt of the complete file relating to the decision.

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

114. WADC 13.3: Failure to render a timely decision

Where, in a particular case, an *Anti-Doping Organisation* fails to render a decision with respect to whether an anti-doping rule violation was committed within a reasonable deadline set by *WADA*, *WADA* may elect to appeal directly to *CAS* as if the *Anti-Doping Organisation* had rendered a decision finding no anti-doping rule violation. If the *CAS* hearing panel determines that an anti-doping rule violation was committed and that *WADA* acted reasonably in electing to appeal directly to CAS, then *WADA's* costs and attorney fees in prosecuting the appeal shall be reimbursed to *WADA* by the *Anti-Doping Organisation*.[85]

115. WADC 13.4: Appeals relating to TUEs

(1) TUE Decisions may be appealed exclusively as provided in Rule 21 (WADC 4.4). WADC 13.5: Notification of appeal decisions

(2) Any *Anti-Doping Organisation* that is a party to an appeal shall promptly provide the appeal decision to the *Athlete* or other *Person* and to the other *Anti-Doping Organisations* that would have been entitled to appeal under Rule 113(3) (WADC 13.2.3) as provided under Rule 121 (WADC 14.2).

116. Time limits to file an appeal

(1) The time within which an appeal may be filed is 21 days from the date of receipt of the decision by the appealing party.

(2) Notwithstanding rule 116(1):

(a) the following shall apply in connection with appeals filed by a party entitled to appeal but which was not a party to the proceedings having led to the decision subject to appeal:

(i) Within 15 days from notice of the decision, such party/ies shall have the right to request from the body having issued the decision a copy of the file on which such body relied;

[85] Comment to WADC 13.3: Given the different circumstances of each anti-doping rule violation investigation and results management process, it is not feasible to establish a fixed time period for an Anti-Doping Organisation to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with the Anti-Doping Organisation and give the Anti-Doping Organisation an opportunity to explain why it has not yet rendered a decision. Nothing in this rule prohibits an International Federation from also having rules which authorize it to assume jurisdiction for matters in which the results management performed by one of its National Federations has been inappropriately delayed.

© National Rugby League Ltd. ACN 082 088 962 (2016)

(ii) If such a request is made within the ten-day period, then the party making such request shall have 21 days from receipt of the file to file an appeal.

(b) an *Athlete* adversely affected by a decision may file an appeal within three months from the date of receipt of the decision, and if an appeal is filed by an *Athlete*, other persons with a right of appeal shall have a period of 21 days thereafter to lodge a cross appeal.

117. Application for review in the Tribunal

Where a sanction has been imposed under this ADP, written application may be made before the sanction expires to the Anti-Doping Co-ordinator setting out the grounds for a review of the continuation of the sanction. If the Anti-Doping Co-ordinator forms the opinion that there are good grounds for review of the continuation of the sanction he/she may (not shall), in his/her absolute discretion, reconvene the Tribunal for a review of the continuation of the sanction. If the Tribunal is reconvened to review the continuation of a sanction, it has an unfettered power to so review its continuation and to impose such lesser sanction as it deems fit. If the Tribunal determines that a sanction should be reduced as a result of the review, written notification of the lesser sanction will be forwarded by us to the person concerned, the relevant National Anti-Doping Organisation and any other organisation or body which we believe should be informed. Unless and until any reduction is made to the sanction originally imposed, it will remain in force.

© National Rugby League Ltd. ACN 082 088 962 (2016)

PART 11 – CONFIDENTIALITY, REPORTING & OTHER MATTERS

118. WADC 14: Confidentiality and reporting

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

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

(1) WADC 14.1.1: Notice of Anti-Doping Rule Violations to Athletes and Other Persons[86]

The form and manner of notice of an asserted anti-doping rule violation shall be as provided in the rules of the Anti-Doping Organisation with results management responsibility.[87]

(2) WADC 14.1.2: Notice of Anti-Doping Rule Violations to National Anti-Doping Organisations, International Federations and WADA

The Anti-Doping Organisation with results management responsibility shall also notify the Athlete's National Anti-Doping Organisation (in our case ASADA), International Federation and WADA of the assertion of an anti-doping rule violation simultaneously with the notice to the Athlete or other Person.[88]

(3) WADC 14.1.3: Content of Anti-Doping Rule Violation Notice

Notification shall include: the *Athlete's* name, country, sport and discipline within the sport, the *Athlete's* competition level, whether the test was *In-Competition* or *Out-of-Competition*, the date of *Sample* collection, the analytical result reported by the laboratory and other information as required by the International Standard for Testing and Investigations, or, for anti-doping rule violations other than Rule 17 (WADC 2.1), the rule violated and the basis of the asserted violation.

(4) WADC 14.1.4: Status Reports

Except with respect to investigations which have not resulted in notice of an anti-doping rule violation pursuant to Rule 119(1) (WADC 14.1.1) the *Anti-Doping Organisations* referenced in WADC 14.1.12 shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to *Part 6 – Action on alleged ADRVs & other breaches*, *Part 8 –*

[86] Our Note: WADC 14.1.1 permits us to make rules as to the form and manner of notice.
[87] Our Note: In this ADP that is done by way of a Notice of Alleged Anti-Doping Rule Violation (or other breach) under Rule 0.
[88] Our Note: We have delegated to ASADA the function of notification to WADA.

© National Rugby League Ltd. ACN 082 088 962 (2016)

Hearings or *Part 10 – Appeals and review of sanctions* and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.[89]

120. WADC 14.1.5: Confidentiality.

The recipient organisations shall not disclose this information beyond those *Persons* with a need to know (which would include the appropriate personnel at the applicable National Olympic Committee, National Federation, and team in a *Team* Sports) until the *Anti-Doping Organisation* with results management responsibility has made Public Disclosure or has failed to make as required in Rule 122 (WADC 14.3).[90]

121. WADC 14.2: Notice of Anti-Doping Rule Violation Decisions and Request for Files

(1) WADC 14.2.1: Anti-doping rule violation decisions rendered pursuant to WADC 7.10, 8.4 10.4, 10.5, 10.6, 10.12.3 or 13.5 shall include the full reasons for the decision, including, if applicable, a justification for why the maximum potential sanction was not imposed. Where the decision is not in English or French, the *Anti-Doping Organisation* shall provide a short English or French summary of the decision and the supporting reasons.

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

122. WADC 14.3: Public Disclosure

(1) WADC 14.3.1: The identity of *Athletes* or other *Persons* who are alleged by an *Anti-Doping Organization* to have violated an anti-doping rule, may be Publicly Disclosed by the *Anti-Doping Organisation* with results management responsibility only after notice has been provided to the *Athlete* or other *Person* in accordance with Rules 53 to 57 (WADC 7.3, 7.4, 7.5, 7.6 or 7.7), and to the applicable *Anti-Doping Organisations* in accordance with Rule 71 (WADC 14.1.2).

(2) WADC 14.3.2: No later than twenty days after it has been determined in a final appellate decision under Part 10 – Appeals and review of sanctions, or such appeal has been waived, or a hearing in accordance with Article 8 has been waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, the *Anti-Doping Organisation* responsible for results management must Publicly Report 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. The same

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

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

© National Rugby League Ltd. ACN 082 088 962 (2016)

Anti-Doping Organisation must also report within twenty days the results of final appeal decisions on an anti-doping rule violation, including the information described above. .

(3) WADC 14.3.3: In any case where it is determined, after a hearing or appeal, that the Athlete or other Person did not commit an anti-doping rule violation, the decision may be Publicly Disclosed only with the consent of the Athlete or other Person who is the subject of the decision. The Anti-Doping Organisation with results management responsibility shall use reasonable efforts to obtain such consent, and if consent is obtained, shall Publicly Disclose the decision in its entirety or in such redacted form as the Athlete or other Person may approve.

(4) WADC 14.3.4: Publication shall be accomplished at a minimum by placing the required information on the Anti-Doping Organization's website and leaving the information up for the longer of one month or the duration of any period of *Ineligibility*.

(5) WADC 14.3.5: No Anti-Doping Organisation or WADA accredited laboratory, or official of either, shall publicly comment on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed to the Athlete, other Person or their representatives.

(6) WADC 14.3.6: The mandatory Public Reporting required in Rule 122(2) (WADC 14.3.2) shall not be required whether the *Athlete* or other *Person* who has been found to have committed an anti-doping rule violation is a *Minor*. Any optional public reporting of a case involving a *Minor* shall be proportionate to the facts and circumstances of the case.

123. WADC 14.6: Data Privacy

(1) *Anti-Doping Organisations* may collect, store, process or disclose personal information relating to *Athletes* other *Persons* where necessary and appropriate to conduct their anti-doping activities under (as applicable) the ASADA Act, ASADA Regulations, the NAD Scheme, the Code, the *International Standards* (including specifically the International Standard for the Protection of Privacy and Personal Information), the Australian Privacy Principles, the *Archives* Act 1983 (Cth), this ADP as in force form time to time and in compliance with applicable law.

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

© National Rugby League Ltd. ACN 082 088 962 (2016)

124. WADC 15.1: Application of Recognition and Decisions

(1) Subject to the right to appeal provided in Part 10 – *Appeals and review of sanctions* (WADC13), *Testing* and hearing results or other final adjudications of any *Signatory* which are consistent with the *Code* and are within that *Signatory's* authority, shall be applicable worldwide and shall be recognized and respected by all other *Signatories*. [91]

(2) WADC 15.4.2: *Signatories* shall recognise the measures taken by other bodies which have not accepted the *Code* if the rules of those bodies are otherwise consistent with the *Code*.[92]

125. WADC 17: Statute of Limitations

No anti-doping rule violation proceeding may be commenced against an *Athlete* or other *Person* unless he or she has been notified (or notice has been reasonably attempted) of the anti-doping rule violation contained in the *Code* unless such action is commenced within ten years from the date the violation is asserted to have occurred.

[91] Comment to WADC 15.1: The extent of recognition of TUE decisions or other Anti-Doping Organisations shall be determined by Rule 21 (WADC 4.4) and the International Standard for Therapeutic Exemptions.

[92] Comment to WADC 15.2: Where the decision of a body that has not accepted the Code is in some respects Code compliant and in other respects not Code compliant, Signatories should attempt to apply the decision in harmony with the principles of the Code. For example, if in a process consistent with the Code a non-Signatory has found an Athlete to have committed an anti-doping rule violation on account of the presence of a Prohibited Substance in his or her body but the period of Ineligibility applied is shorter than the period provided for in the Code, then all Signatories should recognize the finding of an anti-doping rule violation and the Athlete's National Anti-Doping Organization should conduct a hearing consistent with Article 8 to determine whether the longer period of Ineligibility provided in the Code should be imposed

© National Rugby League Ltd. ACN 082 088 962 (2016)

PART 12 – OBLIGATIONS OF ATHLETES AND OTHER PERSONS

WADC ARTICLE 21: ADDITIONAL ROLES AND RESPONSIBILITIES OF ATHLETES AND OTHER PERSONS

126. WADC 21.1: Roles and Responsibilities of Athletes

(1) WADC 21.1.1: To be knowledgeable of and comply with all applicable anti-doping policies and rules adopted pursuant to the Code.

(2) WADC 21.1.2: To be available for Sample collection at all times.[93]

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

(4) WADC 21.1.4: To inform medical personnel of their obligation not to Use Prohibited Substances and Prohibited Methods and to take responsibility to make sure that any medical treatment received does not violate anti-doping policies and rules adopted pursuant to the Code.

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

(6) WADC 2.1.6: To cooperate with Anti-Doping Organisations in the investigation anti-doping rule violations.[94]

127. Further obligations of Athletes

All *Athletes* to whom this ADP applies:

(1) must not use any Prohibited Substances or any Prohibited Methods;

(2) must be available for and submit to Sample collection at any time both In-Competition and Out-of-Competition and be liable to any number of drug tests in any year;

(3) must make themselves aware of the procedures for ASADA and Drug Testing Authorities' Sampling and Testing procedures, and their rights during the Sample collection and Testing process;

[93] Comment to WADC 21.1.2: With due regard to an Athlete's human rights and privacy, legitimate anti-doping considerations sometimes require Sample collection late at night or early in the morning. For example, it is known that some Athletes Use low doses of EPO during these hours so that it will be undetectable in the morning.
[94] Comment to WADC 21.1.6: Failure to cooperate is not an anti-doping rule violation under the Code, but it may be the basis for disciplinary action under a stakeholder's rules.

© National Rugby League Ltd. ACN 082 088 962 (2016)

(4) must cooperate with Drug Testing Authorities in relation to the provision of a Sample;

(5) must set a responsible example on the issue of doping in sport to members of the public especially children interested in our sport;

(6) must attend all drug education programs conducted by ASADA and other Drug Testing Authorities;

(7) must obtain, keep and be familiar with the latest publications of ASADA affecting Athletes;

(8) must submit to the authority of WADA, ASADA and us, to apply, police and enforce this ADP;

(9) must provide all reasonable assistance to WADA, ASADA and us, in the application, policing and enforcement of this ADP, including (without limitation) cooperating fully with any investigation or proceeding being conducted pursuant to this ADP in relation to any suspected ADRV;

(10) must produce documents related to any matter that is the subject of an investigation being conducted pursuant to this ADP in relation to any suspected ADRV;

(11) must provide a signed written statement containing a full and detailed account of their knowledge of matters that are the subject of an investigation being conducted pursuant to this ADP in relation to any suspected ADRV;

(12) must comply with any compulsory process issued by a National Anti-Doping Organisation in relation to any suspected ADRV;

(13) must not disclose any information provided by them to ASADA or by ASADA to them during an investigation being conducted pursuant to this ADP in relation to any suspected ADRV, other than to a legal representative;

(14) agree to their private data being disseminated as required or authorised by the WADC, the NAD Scheme and this ADP;[95]

(15) must submit to the jurisdiction of any Tribunal convened under this ADP to hear and determine allegations and appeals brought pursuant to this ADP;

(16) must submit to the jurisdiction of CAS to hear allegations and appeals where applicable under this ADP; and

(17) must comply with all sanctions which may be imposed under this ADP in the event an ADRV is found to have occurred.

[95] See WADC last paragraph of 'Introduction'.

© National Rugby League Ltd. ACN 082 088 962 (2016)

128. WADC 21.1: Roles and responsibilities of *Athlete Support Personnel*[96]

(1) WADC 21.2.1: To be knowledgeable of and comply with this ADP.

(2) WADC 21.2.2: To cooperate with the Athlete Testing program.

(3) WADC 21.2.3: To use his or her influence on Athlete values and behaviour to foster anti-doping attitudes.

(4) WADC 21.2.4: To disclose to the International Federation and to ASADA any decision by a non-Signatory finding that he or she committed an anti-doping rule violation within the previous ten years.

(5) WADC 21.2.5: To cooperate with Anti-Doping Organisations investigating anti-doping rule violations.97

(6) WADC 21.2.6: Athlete Support Personnel shall not Use or Possess any Prohibited Substance or Prohibited Method without valid justification.

129. Further obligations of Event organisers, teams (or clubs as the case may be) and persons who are part of such entities

Each *Event* organiser, team (or club as the case may be) and each person who is part of such an entity shall comply with this ADP and in addition specifically shall:

(1) in the case of teams that compete in the NRL competition, appoint an anti-doping officer;

(2) ensure that all *Athletes* participating in our sport via them are informed of this ADP, have access to it and will be provided with a copy on request;[98]

(3) upon our request advise the Anti-Doping Co-ordinator in writing of the steps taken:

(a) to make *Athletes*, relevant team officials and ancillary staff familiar with the content of this ADP, the *Prohibited List* and the sanctions which are applicable to ADRVs,

(b) to educate its *Athletes* in respect of the dangers and consequences of the use of prohibited drugs and doping methods;

[96] ASADA Comment to Rule 74: Coaches and other Athlete Support Personnel are often role models for Athletes. They should not be engaging in personal conduct which conflicts with their responsibility to encourage their Athletes not to dope. Use or Possession of a Prohibited Substance or Prohibited Method by an Athlete Support Person without valid justification is not an anti-doping rule violation under the Code, but it may otherwise constitute a breach of NRL Rules.
[97] Comment to WADC 21.2.5: Failure to cooperate is not an anti-doping rule violation under the Code, but it may be the basis for disciplinary action under a stakeholder's rules.
[98] Our note: The ARLC usually has a current version of the ADP on its internet site and a link relating to the Rules.

© National Rugby League Ltd. ACN 082 088 962 (2016)

(4) support and participate in drug education programs conducted by ASADA and other Drug *Testing* Authorities and record the attendance of its *Athletes* at such programs;

(5) give all reasonable assistance to drug *Testing* personnel to enable them to carry out their *Testing* duties efficiently and effectively;

(6) ensure that team coaches are aware that *Athletes* may be tested immediately following a *Competition* and that every assistance is to be given to *Testing* personnel in carrying out their duties;

(7) ensure that appropriate travel arrangements are made to allow sufficient time for *Testing* personnel to carry out their *Testing* duties following a *Competition*;

(8) upon request take reasonable steps to provide an adequate facility, available to the *Testing* personnel, to enable the *Testing* of *Athletes* to be undertaken in private;

(9) provide all reasonable assistance to *WADA*, ASADA and us, in the application, policing and enforcement of this ADP, including (without limitation) cooperating fully with any investigation or proceeding being conducted pursuant to this ADP in relation to any suspected ADRV;

(10) produce documents related to any matter that is the subject of an investigation being conducted pursuant to this ADP in relation to any suspected ADRV;

(11) provide a signed written statement containing a full and detailed account of their knowledge of matters that are the subject of an investigation being conducted pursuant to this ADP in relation to any suspected ADRV;

(12) comply with any compulsory process issued by a National Anti-Doping Organisation in relation to any suspected ADRV;

(13) not disclose any information provided by them to ASADA or by ASADA to them during an investigation being conducted pursuant to this ADP in relation to any suspected ADRV, other than to a legal representative;

(14) arrange for team officials and other relevant staff to attend meetings arranged by us, ASADA or other Drug *Testing* Authorities to discuss any problems in relation to drug *Testing*;

(15) take all reasonably available steps to ensure that sanctions are enforced;

(16) treat people who are not or have not been bound by this ADP as follows:

(a) Subject to (b), in relation to a person who is alleged to have committed conduct which would or allegedly would amount to a breach of this ADP if the person was bound by this ADP and the person has not been sanctioned under this ADP or at all by any tribunal because the person is not bound by any anti-doping policy, it will:

© National Rugby League Ltd. ACN 082 088 962 (2016)

(i) if the person is an Athlete, prevent that person from competing with them;

(ii) if the person is not an Athlete, prevent that person (so far as reasonably possible) from having any involvement with them; and

(iii) not employ, engage or register that person;

for 2 years from the date the conduct is alleged to have been committed.

(b) Sub-paragraph (a) does not apply if the person:

(i) agrees to be bound by this ADP as if always bound by the rules,

(ii) submits to a hearing, and

(iii) agrees to abide by any sanction imposed as a result of such hearing.

130. Responsibilities of anti-doping officers and team managers

The anti-doping officer of each team (or in the case of a team which does not have an anti-doping officer, the team manager) shall:

(1) be responsible for ensuring the team's compliance with this ADP and, in particular, rule 129;

(2) liaise with us and Drug Testing Authorities in relation to Testing, including providing Drug Testing Authorities with Athlete whereabouts information, training times and venues; and

(3) maintain accurate written records of the attendance of all Athletes at anti-doping education seminars conducted by ASADA and others.

131. Team exemptions for teams not in the NRL

A team that does not participate in the NRL may make a written application to us for an exemption from compliance with one or more of its obligations in rules 129 and 130.

132. Breach of obligations

In addition to any other action permitted by this ADP, a breach by an *Athlete*, *Athlete Support Person* or other *Person* bound by this ADP of an obligation owed under this ADP may constitute a breach of the NRL Rules and, as such, may be the subject of breach proceedings in accordance with Part 2 of the NRL Rules.[99]

[99] Our note: For example, a refusal to fully co-operate with any investigation or proceeding under this ADP may be subject to penalties under Rule 9 of the NRL Rules, including the imposition of fines and the suspension or cancellation of that Person's registration. In the case of persons who are bound by this ADP who are not registered under the NRL Rules, they may be liable to similar proceedings for breach of the obligations they owe to a League to which they are responsible.

© National Rugby League Ltd. ACN 082 088 962 (2016)

133. Limited Privilege Against Self-Incrimination

(1) Subject to Rule 133(2) nothing in this Part or elsewhere shall be taken to permit a person bound by this ADP to refuse to comply with an obligation under the ADP (including each of the several obligations under this Part) on the ground that, to do so, would incriminate that person.[100]

(2) Notwithstanding Rule 133(1), where a person bound by this ADP:

(a) has been interviewed as a suspect in a criminal investigation, or has been charged or arrested by a law enforcement agency in respect of a criminal offence;

(b) the proceedings for that offence have not concluded; and

(c) compliance by that person with a particular obligation under this ADP (including each of the several obligations under this Part) would in our opinion prejudice his or her defence of the offence charged;

that person may refuse to comply with that particular obligation on the ground that, to do so, would incriminate that person in relation to the criminal proceedings.

[100] Our Note: This sub-rule expressly abrogates the common law privileges against self-incrimination. It operates subject only to sub-rule (2) which may apply where a person bound by the ADP is interviewed as a suspect in relation to or charged with a criminal offence.

© National Rugby League Ltd. ACN 082 088 962 (2016)

PART 13 – AMENDMENT, INTERPRETATION & TRANSITIONAL PROVISIONS

134. Amendment and Interpretation of this ADP

(1) This ADP may be amended from time to time subject to written approval by the *ASADA* CEO under clause 2.04 of the *NAD Scheme*.

(2) This Anti-Doping Policy shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes, but shall be read in conjunction with the NRL Rules.

(3) The headings (with the exception of Part 2 – Anti-Doping Rule Violations) used for various Parts and Rules of this ADP are for convenience only and shall not be deemed part of the substance of this ADP or to affect in any way the language of the provisions to which they refer.

(4) This Anti-Doping Policy has been adopted pursuant to the applicable provisions of the WADC and shall be interpreted in a manner that is consistent with applicable provisions of the WADC. The Introduction shall be considered an integral part of this ADP.

(5) The comments annotating various provisions of the WADC and this ADP shall be used to interpret this ADP.

(6) A reference to:

(a) a rule is to a rule of this ADP;

(b) a law, the NAD Scheme or the WADC (or to any provision thereof) includes any modification, amendment, consolidation or re-enactment thereof or any provision substituted therefore and all statutory instruments issued thereunder; and

(c) any organisation or entity of any nature includes any subsequent organisation or entity that replaces the original organisation or entity.

135. Transitional Provisions

(1) This ADP takes full force and effect on 15 April 2015 (the "Effective Date"). It shall not apply retroactively to matters pending before the Effective Date; provided, however, that:

(a) Anti-doping rule violations taking place prior to the Effective Date count as 'first violations' or 'second violations' for the purposes of determining sanctions under *Part 9 - Sanctions* for violations taking place after the Effective Date.

(b) The retrospective periods in which prior violations can be considered for purposes of multiple violations under Rule 96(5) (WADC 10.7.5) and the statute of limitations set out in Rule 125 (WADC 17) are procedural rules and should be applied retroactively; provided,

© National Rugby League Ltd. ACN 082 088 962 (2016)

however, that Rule 125 shall only be applied retroactively if the statute of limitation period has not already expired by the Effective Date. Otherwise, with respect to any anti-doping rule violation case which is pending as of the Effective Date and any anti-doping rule violation case brought after the Effective Date based on an anti-doping rule violation which occurred prior to the Effective Date, the case shall be governed by the substantive anti-doping rules in effect at the time the alleged anti-doping rule violation occurred, unless the panel hearing the case determines the principle of '*lex mitior*' appropriately applies under the circumstances of the case.

(c) Any Rule 20 (WADC 2.4) whereabouts failure (whether a filing failure or a missed test, as those terms as defined in the *International Standard for Testing and Investigations*) prior to the Effective Date shall be carried forward and may be relied upon, prior to expiry, in accordance with the *International Standard for Testing and Investigation*, but it shall be deemed to have expired 12 months after it occurred.

(d) With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the *Athlete* or other *Person* is still serving the period of *Ineligibility* as of the Effective Date, the *Athlete* or other *Person* may apply to the Anti-Doping Organisation which had results management responsibility for the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of this ADP. Such application must be made before the period of *Ineligibility* has expired. The decision rendered may be appealed pursuant to Rule 113 (WADC 13.2). This ADP shall have no application to any case where a final decision finding an anti-doping rule violation has been rendered and the period of *Ineligibility* has expired.

(e) For purposes of assessing the period of *Ineligibility* for a second violation under Rule 96(1) (WADC 10.7.1), where the sanction for the first violation was determined based on rules in force prior to the Effective Date, the period of *Ineligibility* which would have been assessed for that first violation had this ADP been applicable, shall be applied.

136. WADC 24: Interpretation of the WADA Code

(1) WADC 24.1: The official text of the Code shall be maintained by WADA and shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.

(2) WADC 24.2: The comments annotating various provisions of the Code shall be used to interpret the Code.

(3) WADC 24.3: The Code shall be interpreted as an independent and autonomous text and not by reference to the existing law or statutes of the Signatories or governments.

© National Rugby League Ltd. ACN 082 088 962 (2016)

(4) WADC 24.4: The headings used for the various Parts and Articles of the Code are for convenience only and shall not be deemed part of the substance of the Code or to affect in any way the language of the provisions to which they refer.

(5) WADC 24.5: The Code shall not apply retroactively to matters pending before the date the Code is accepted by a Signatory and implemented in its rules. However, pre-Code anti-doping rule violations would continue to count as "First violations" or "Second violations" for purposes of determining sanctions under

© National Rugby League Ltd. ACN 082 088 962 (2016)

(7) Part 9 - Sanctions (WADC 9) for subsequent post-Code violations.

(8) WADC 24.6: The Purpose, Scope and Organisation of the World Anti-Doping Program and the Code and Rule 137 (Definitions) shall be considered integral parts of the Code.

137. Definitions

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

AAT	the Administrative Appeals Tribunal established by the Administrative Appeals Tribunal Act, 1975 (Cth);
ADAMS	The Anti-Doping Administration and Management System is a web-based database management tool for data entry, storage, sharing, and reporting designed to assist stakeholders and WADA in their anti-doping operations in conjunction with data protection legislation.
Administration	Providing, supplying, supervising, facilitating, or otherwise participating in the Use or Attempted Use by another Person of a Prohibited Substance or Prohibited Method. However, this definition shall not include the actions of bona fide medical personnel involving a Prohibited Substance or Prohibited Method used for genuine and legal therapeutic purposes or other acceptable justification and shall not include actions involving Prohibited Substances which are not prohibited in Out-of-Competition Testing unless the circumstances as a whole demonstrate that such Prohibited Substances are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.
ADRV	Anti-Doping Rule Violation
ADRVP	the Anti-Doping Rule Violation Panel constituted pursuant to the ASADA Act.
Adverse Analytical Finding	A report from a WADA-accredited laboratory or other WADA-approved laboratory that, consistent with the International Standard for Laboratories and Technical Documents, identifies in a Sample the presence of a Prohibited Substance or its Metabolites or Markers (including elevated quantities of endogenous substances) or evidence of the Use of a Prohibited Method.
Adverse Passport Finding	A report identified as an *Adverse Passport Finding* as described in the applicable *International Standards.*
Anti-Doping Co-ordinator	the person we appoint from time to time to hold that position and failing an express appointment will be our chief executive officer (and if no chief executive officer, our chairperson)
Anti-Doping Organisation	A Signatory that is responsible for adopting rules for initiating, implementing or enforcing any part of the Doping Control process. This includes, for example, the International Olympic Committee, the International Paralympic Committee, other Major Event Organizations that conduct Testing at their Events, WADA, International Federations, and National Anti-Doping Organizations.

© National Rugby League Ltd. ACN 082 088 962 (2016)

	For the purposes of this ADP, both ASADA and we are an Anti-Doping Organisation.
Anti-Doping Tribunal	the body established by Part 7 – The Anti-Doping Tribunal.
ASADA	the Australian Sports Anti-Doping Authority under the ASADA Act and includes the CEO of ASADA; ASADA is the National Anti-Doping Organization in Australia.
ASDMAC	The Australian Sports Drug Agency Medical Advisory Committee referred to in the ASADA Act.
ASADA Act	The Australian Sports Anti-Doping Authority Act 2006 as amended
ASADA Regulations	the Australian Sports Anti-Doping Authority Regulations 2006, as amended
Athlete	Any Person who participates in our sport in one or other of the classifications in rule (2). For the purposes of Rules 24 (WADC 2.8) and 25 (WADC 2.9) and for the purposes of anti-doping information and education, any *Person* who participates in sport under the authority of any *Signatory*, government, or other sports organisation accepting the WADA Code is an *Athlete*.
Athlete Biological Passport	The program and methods of gathering and collating data as described in the International Standard for Testing and Investigations and International Standard for Laboratories.
Athlete Support Personnel	Any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent or any other Person working with, treating or assisting an Athlete participating in or preparing for sports competition.
Attempt	Purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of an anti-doping rule violation. Provided, however, there shall be no anti-doping rule violation based solely on an attempt to commit a violation if the Person renounces the attempt prior to it being discovered by a third party not involved in the attempt.
Atypical Finding	A report from a WADA-accredited laboratory or other WADA-approved laboratory which requires further investigation as provided by the International Standard for Laboratories or related Technical Documents prior to the determination of an Adverse Analytical Finding.
CAS	The Court of Arbitration for Sport.
Code	The World Anti-Doping Code.
Competition	A single race, match, game or singular sport contest. For example, a basketball game or the finals of the Olympic 100-meter race in athletics. For stage races and other sport contests where prizes are awarded on a daily or other interim basis the distinction between a Competition and an Event will be as provided in the rules of the

© National Rugby League Ltd. ACN 082 088 962 (2016)

	applicable International Federation.[101]
Consequences of Anti-Doping Rule Violation ("Consequences")	An Athlete's or other Person's violation of an anti-doping rule may result in one or more of the following: (a) Disqualification means the Athlete's results in a particular Competition or Event are invalidated, with all resulting consequences including forfeiture of any medals, points and prizes; (b) Ineligibility means the Athlete or other Person is barred on account of an anti-doping rule violation for a specific period of time from participating in any Competition or other activity or funding as provided in Rule 102(1) (WADC 10.12.1); (c) Provisional Suspension means the Athlete or other Person is barred temporarily from participating in any Competition or activity prior to the final decision at a hearing conducted under *Part 8 – Hearings* (WADC 8 – Right to a Fair Hearing); (d) Financial Consequences means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and (e) .Public Disclosure or Public Reporting means the dissemination or distribution of information to the general public or *Persons* beyond those *Persons* entitled to earlier notification in accordance with Rule 71 (WADC 14). Teams in *Team Sports* may also be subject to *Consequences* as provided in Rule 62 (WADC 11).
Contaminated Product	A product that contains a *Prohibited Substance* that is not disclosed on the product label or in information available in a reasonable Internet search.
Disqualification	See Consequences of Anti-Doping Rule Violation above
Doping	has the meaning given to it by rule 15
Doping Control	All steps and processes from test distribution planning through to ultimate disposition of any appeal including all steps and processes in between such as provision of whereabouts information, Sample collection and handling, laboratory analysis, TUEs, results management and hearings
Drug Testing Authority	Any organisation which conducts Sampling or Testing where the methods of Sampling and Testing are substantially in accordance with the WADC and WADA International Standards and includes each relevant NADO (eg for Australia = ASADA and for UK = UK Sport). We are a Drug Testing Authority for the purposes of this ADP.
Drug Testing Form	means the form used by a Drug Testing Authority be signed by an Athlete undergoing a drug test
Endogenous	refers to a substance which is capable of being produced by the body

[101] Our note: See Schedule Item 3 – A typical *Competition*

© National Rugby League Ltd. ACN 082 088 962 (2016)

	naturally
Event	A series of individual Competitions conducted together under one ruling body (e.g., the Olympic Games, FINA World Championships, or Pan American Games).[102]
Event Period	The time between the beginning and end of an Event, as established by the ruling body of the Event.
Fault	Fault is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an Athlete or other Person's degree of Fault include, for example, the Athlete's or other Person's experience, whether the Athlete or other Person is a Minor, special considerations such as impairment, the degree of risk that should have been perceived by the Athlete and the level of care and investigation exercised by the Athlete in relation to what should have been the perceived level of risk. In assessing the Athlete's or other Person's degree of Fault, the circumstances considered must be specific and relevant to explain the Athlete's or other Person's departure from the expected standard of behaviour. Thus, for example, the fact that an Athlete would lose the opportunity to earn large sums of money during a period of Ineligibility, or the fact that the Athlete only has a short time left in his or her career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of Ineligibility under Rule 54 (WADC 10.5.1) or Rule 54 (WADC 10.5.2).[103]
In-Competition	Unless provided otherwise in the rules of an International Federation or the ruling body of the *Event* in question, "In-Competition" means the period commencing twelve hours before a Competition in which the Athlete is scheduled, registered or intending to participate through the end of such Competition and the Sample collection process related to such Competition. [104]
Independent Observer Program	A team of observers, under the supervision of WADA, who observe and provide guidance on the Doping Control process at certain Events and report on their observations.
Individual Sport	Any sport that is not a Team Sport.
Ineligibility	See *Consequences of Anti-Doping Rule Violations* above
International Event	An Event or Competition where the International Olympic Committee, the International Paralympic Committee, an International Federation, a Major Event Organization, or another international sport organization is the ruling body for the Event or appoints the technical officials for the Event.
International Federation	In our sport this is specified in Schedule Item 5 – Our International Federation

[102] Our note: See Schedule Item 4 – A typical *Event*

[103] WADC Comment: The criteria for assessing an Athlete's degree of Fault is the same under all Articles where Fault is to be considered. However, under Rule 54 (WADC 10.5.2), no reduction of sanction is appropriate unless, when the degree of Fault is assessed, the conclusion is that No Significant Fault or Negligence on the part of the Athlete or other Person was involved.

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

© National Rugby League Ltd. ACN 082 088 962 (2016)

International-Level Athlete	Athletes who compete in sport at the international level, as defined by our International Federation, consistent with the International Standard for Testing and Investigations.
International Standard	A standard adopted by WADA in support of the Code. Compliance with an International Standard (as opposed to another alternative standard, practice or procedure) shall be sufficient to conclude that the procedures addressed by the International Standard were performed properly. International Standards shall include any Technical Documents issued pursuant to the International Standard.
Major Event Organizations	This term refers to the continental associations of National Olympic Committees and other international multi-sport organizations that function as the ruling body for any continental, regional or other International Event.
Marker	A compound, group of compounds or biological variable(s) that indicates the Use of a Prohibited Substance or Prohibited Method
Metabolite	Any substance produced by a biotransformation process
Minor	A natural Person who has not reached the age of eighteen years.
NAD Scheme	means the National Anti-Doping Scheme.
National Anti-Doping Organisation	The entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of Samples, the management of test results, and the conduct of hearings at the national level. If this designation has not been made by the competent public authority(ies), the entity shall be the country's National Olympic Committee or its designee. For Australia this is ASADA.
National Event	A sport Event or Competition involving Athletes that is not an International Event.
National-Level Athlete	Athletes who compete in sport at the national level, as defined by each National Anti-Doping Organisation, consistent with the International Standard for Testing and Investigations.
National Olympic Committee	The organization recognized 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.
No Fault or Negligence	The Athlete or other Person's establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had Used or been administered the Prohibited Substance or Prohibited Method or otherwise violated an anti-doping rule. Except in the case of a *Minor*, for any violation of Article 2.1, the *Athlete* must also establish how the *Prohibited Substance* entered his or her system.
No Significant Fault or Negligence	The Athlete or other *Person's* establishing that his or her *Fault* or negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relationship to the anti-doping rule violation. Except in

© National Rugby League Ltd. ACN 082 088 962 (2016)

	the case of a *Minor*, for any violation of Rule 12 (WADC 2.1), the *Athlete* must also establish how the *Prohibited Substance* entered his or her system.[105]
Out-of-Competition	Any period which is not In-Competition.
Participant	Any Athlete or Athlete Support Person.
Person	A natural Person or an organisation or other entity.
Possession	The actual, physical Possession, or the constructive Possession (which shall be found only if the person has exclusive control or intents to exercise control over the Prohibited Substance or Prohibited Method or the premises in which a Prohibited Substance or Prohibited Method exists); provided, however, that if the person does not have exclusive control over the Prohibited Substance or Prohibited Method or the premises in which a Prohibited Substance or Prohibited Method exists, constructive Possession shall only be found if the person knew about the presence of the Prohibited Substance or Prohibited Method and intended to exercise control over it. Provided, however, there shall be no anti-doping rule violation based solely on Possession if, prior to receiving notification of any kind that the Person has committed an anti-doping rule violation, the Person has taken concrete action demonstrating that the Person never intended to have Possession and has renounced Possession by explicitly declaring it to an Anti-Doping Organisation. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a Prohibited Substance or Prohibited Method constitutes Possession by the Person who makes the purchase.[106]
Prohibited List	The List identifying the Prohibited Substances and Prohibited Methods.
Prohibited Method	Any method so described on the Prohibited List.
Prohibited Substance	Any substance, or class of substances, so described on the Prohibited List.
Provisional Hearing	For purposes of Rule 41 (WADC 7.9), an expedited abbreviated hearing occurring prior to a hearing under *Part 8 – Hearings* (WADC 8) that provides the Athlete with notice and an opportunity to be heard in either written or oral form.[107]

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

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

[107] WADC Comment: A *Provisional Hearing* is only a preliminary proceeding which may not involve a full review of the facts of the case. Following a Provisional Hearing, the Athlete remains entitled to a subsequent full hearing on the merits of the case. By contrast, an "Expedited hearing" as that term is used in WADC 7.9, is a full hearing on the merits conducted on an expedited time schedule.

© National Rugby League Ltd. ACN 082 088 962 (2016)

Provisional Suspension	See Consequences of Anti-Doping Rule Violation above.
Publicly Disclose or Publicly Report	See *Consequences of Anti-Doping Rule Violation* above.
Register	The "Register of Findings" maintained by ASADA and/or the ADRVP (as the case may be from time to time) under the NAD Scheme
Regional Anti-Doping Organisation	A regional entity designated by member countries to coordinate and manage delegated areas of their national anti-doping programs, which may include the adoption and implementation of anti-doping rules, the planning and collection of *Samples*, the management of results, the review of *TUE*s, the conduct of hearings, and the conduct of educational programs at a regional level.
Registered Testing Pool	The pool of highest-priority Athletes established separately at the international level by International Federations and at the national level by National Anti-Doping Organisations, who are subject to focused In-Competition and Out-of-Competition Testing as part of that International Federation's or Organization's test distribution plan and therefore are required to provide whereabouts information as provided in WADC 5.6 and the International Standard for Testing and Investigations.
Sample/Specimen	Any biological material collected for the purposes of Doping Control[108]
Signatories	Those entities signing the Code and agreeing to comply with the Code as provided in WADC 23.,.
Specified Substance	See Rule 20 (WADC 4.2.2).
Strict Liability	The rule which provides that under Rule 12 (WADC 2.1) and Rule 13 (WADC 2.2), it is not necessary that intent, *Fault*, negligence or knowing *Use* on the *Athlete's* part be demonstrated by the *Anti-Doping Organisation* in order to establish an anti-doping rule violation.
Substantial Assistance	For purposes of Rule 54 (WADC 10.6.1), a Person providing Substantial Assistance must: (1) fully disclose in a signed written statement all information he or she possesses in relation to anti-doping rule violations, and (2) fully cooperate with the investigation and adjudication of any case related to that information, including, for example, presenting testimony at a hearing if requested to do so by an Anti-Doping Organisation or hearing panel. Further, the information provided must be credible and must comprise an important part of any case which is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.
Tampering	Altering for an improper purpose or in an improper way; bringing improper influence to bear; interfering improperly; obstructing, misleading or engaging in any fraudulent conduct to alter results or prevent normal procedures from occurring.

[108] WADC Comment: 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.

© National Rugby League Ltd. ACN 082 088 962 (2016)

Target Testing	Selection of Athletes for *Testing* based on criteria set forth in the International Standard for Testing and Investigations
team	Includes a club if the context permits.
Team Sport	A sport in which the substitution of players is permitted during a Competition
Testing	The parts of the Doping Control process involving test distribution planning, Sample collection, Sample handling, and Sample transport to the laboratory
Trafficking	Selling, giving, transporting, sending, delivering or distributing (or Possessing for any such purpose) a Prohibited Substance or Prohibited Method (either physically or by any electronic or other means) by an Athlete, Athlete Support 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 or are intended to enhance sport performance.
Tribunal	The hearing body established by Part 7 – The Anti-Doping Tribunal or CAS as the case may be. References in this ADP to a tribunal or the tribunal shall be taken to be to the Tribunal unless the context indicates otherwise.
TUE	a Therapeutic Use Exemption referred to in Part 4 – The Prohibited List & Therapeutic Use Exemptions
TUEC	a Therapeutic Use Exemption Committee that complies with the relevant WADA International Standard
UNESCO Convention	The International Convention against Doping in Sport adopted by the 33rd session of the UNESCO General Conference on 19 October 2005 including any and all amendments adopted by the States Parties to the Convention and the Conference of Parties to the International Convention against Doping in Sport.
Use	The utilization, application, ingestion, injection or consumption by any means whatsoever of any Prohibited Substance or Prohibited Method.
WADA	The World Anti-Doping Agency.
WADA List	means the “Prohibited List” promulgated by WADA from time to time.
WADC	means the World Anti-Doping Code promulgated by WADA.
Whereabouts Form	means the form set out in Appendix 1 – Whereabouts Form

© National Rugby League Ltd. ACN 082 088 962 (2016)

138. Word Usage

Words in the singular include the plural and possessive forms , and vice versa, as well as those terms used as other parts of speech. Words in the masculine include the feminine and vice versa.

139. WADC interpretation relevant

This ADP recognises and has been adopted in accordance with the mandatory provisions of the WADC and shall be interpreted in a manner that is consistent with those provisions. The comments sections annotating various provisions of the WADC shall be used, where applicable, to assist in the understanding and interpretation of this ADP.[109]

[109] See WADC 24.2.

© National Rugby League Ltd. ACN 082 088 962 (2016)

APPENDIX 1 – WHEREABOUTS FORM

(Referred to in rule 44(2))

Notes when completing this form:

An Athlete must lodge this form duly completed with us unless:

(1) if the Athlete is a member of a team with an Anti-Doping Officer), it is lodged with the team's Anti-Doping Officer; or

(2) if the Athlete is a member of a team which does not have an Anti-Doping Officer), it is lodged with the team manager.

The information provided must be current and provide a current telephone number of the Athlete. It is not acceptable to provide a telephone number that is just for the purposes of the form. The current telephone number most frequently used by the Athlete to receive telephone calls is the telephone number which must be included in the form.
The information must be up dated when details change.

Athlete's Contact Details:

Athlete's Name: .....
Team: .....
Address during the season/International Event (whichever is applicable):
…….....
…….
…….
…….
Telephone home: .....
Mobile telephone: .....
Email: .....

If I am or become a member of a team I hereby authorise my team manager to provide details of my whereabouts, including match/training venues, schedules and times, to all relevant Drug Testing Authorities.

Athlete's signature: …….....
Date: ……..

© National Rugby League Ltd. ACN 082 088 962 (2016)