

AFL Competition

Anti-Doping Code

WARNING

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

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

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

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

Amended 7 March 2014

Table of Contents

1.	Objectives	1
2.	Definitions and Interpretation	1
2.1	Definitions	1
2.2	Interpretation	7
2.3	Delegation/AFL Rules	8
3.	Application of Code	8
4.	Powers of AFL and ASADA	8
5.	Prohibited Classes of Substances and Prohibited Methods	10
6.	The WADA Prohibited List	11
6.1	Incorporation of the WADA Prohibited List	11
6.2	Prohibited Substances and Prohibited Methods Identified on the Prohibited List	11
6.3	Criteria for Including Substances and Methods on the WADA Prohibited List	12
7.	Obligations	12
8.	Testing for Doping	14
9.	Therapeutic Use	14
10.	Anti-Doping Rule Violations	15
11.	AFL Treatment Rules	18
11.1	Application of This Clause	18
11.2	Certain Treatments and Providers Prohibited or Controlled	18
11.3	Offence to Use AFL Prohibited Treatments or Prohibited Providers	19
11.4	Offence to possess AFL Prohibited Treatments and Prohibited Substances	19
11.5	No Needles Policy	19
11.6	Approval of Controlled Treatments by Club Medical Officer	20
11.7	Register of Controlled Treatments	20
11.8	Doping Control Form Declarations	20
11.9	Conduct Unbecoming	21
11.10	Sanctions for AFL Treatment Rules	21
11.11	Appeals Regarding Contravention of AFL Treatment Rules	21
12.	Advice of Alleged Breach and Investigations	21
13.	Infraction Notice	23
14.	Sanctions	23
14.1	Ineligibility for Presence, Use or Attempted Use, or Possession of Prohibited Substances and Prohibited Methods	24
14.2	Ineligibility for Other Anti-Doping Rule Violations	24
14.3	Elimination or Reduction of Period of Ineligibility for Specified Substances under Specific Circumstances	25
14.4	Elimination or Reduction of Period of Ineligibility Based on Exceptional Circumstances	25
14.5	Aggravating Circumstances Which May Increase the Period of Ineligibility	29
14.6	Multiple Violations	29
14.7	Commencement of Ineligibility Period	32

14.8	Drug Rehabilitation Program	33
14.9	AFL Sanctions	33
14.10	Status During Ineligibility	34
14.11	Reinstatement Testing	35
15.	Proof of Doping	35
15.1	Burden and Standard of Proof	35
15.2	Methods of Establishing Facts and Presumptions	35
16.	Nature of Hearing	36
17.	Appeals	37
17.1	Decisions Subject to Appeal	37
17.2	Appeals from Decisions Regarding Anti-Doping Rule Violations, Consequences, and Provisional Suspensions	38
17.3	Failure to Render a Timely Decision by an Anti-Doping Organisation	39
17.4	Appeals from Decisions Granting or Denying a Therapeutic Use Exemption	39
17.5	Time for Filing Appeals	39
18.	Confidentiality	39
19.	Notification and Public Disclosure	40
20.	ASADA	40
21.	Statistical Analysis	41
22.	Consequences to Teams	41
23.	Retirement of Players	41
24.	Mutual Recognition	42
25.	Statute of Limitations	42
26.	Interpretation of the WADA Code	42
27.	AFL Screening and Risk Analysis	43
28.	Notification	43
	Annexure A – Whereabouts Form	44
	Annexure B – WADA Prohibited List	45

1. Objectives

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

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

2. Definitions and Interpretation

2.1 Definitions

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

Administer for the purpose of Clause 11 of this Code only, includes cause, encourage, assist, refer or recommend a person to use any Treatment.

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

AFL means Australian Football League ABN 97 489 912 318.

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

AFL Competition means the events and competitions conducted by or under the auspices of the AFL including the Pre-Season Competition, the Premiership Season and the Final Series.

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

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

AFL Prohibited Treatment List means the list of AFL Prohibited Treatments published by the AFL from time to time in accordance with clause 11.2.

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

AFL Season means the period in each year commencing with the first match of the Pre-Season Competition and ending with the last Finals Series match in that year;

AFL Treatment Rules means the rules set out in clause 11.

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

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

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

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

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

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

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

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

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

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

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

Coach means a person appointed by a Club to coach the teams of the Club and includes assistant coaches.

Code means this Anti-Doping Code including the Appendices.

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

- (a) **Ineligibility** means the Player or other Person is barred for a specified period of time from participating in any AFL Competition or other activity or funding as provided in Clause 14.7; and
- (b) **Provisional Suspension** means the Player or other Person is barred for a specified period of time from participating in any AFL Competition prior to the final decision at a hearing conducted under Clause 16.

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

Controlled Treatments List means the list of Controlled Treatments published by the AFL from time to time in accordance with clause 11.2.

Doping is defined as the occurrence of one or more of the Anti-Doping Rule Violations set forth in Article 2.1 through 2.8 of the WADA Code and Clause 10 of this Code.

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

Filing Failure means a failure by a Player to file current and accurate whereabouts information in accordance with this Code and/or the rules of ASADA if applicable.

Finals Series means each match in the series of Australian football matches between a number of the most successful AFL Clubs (as determined by the AFL from year to year) at the completion of the Premiership Season, including the Grand Final.

Grand Final means the last of the Finals Series matches played in each AFL Season to determine the most successful AFL Club in the AFL Competition;

Home and Away Match means an Australian football match between AFL Clubs played during the Premiership Season;

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

Ineligibility see Consequences of Anti-Doping Rule Violations above.

International Event means an event where the International Olympic Committee, the International Paralympic Committee, an International Federation, a Major Event Organisation or another international sports organisation is the ruling body for the event or appoints technical officers for the event, however, for the avoidance of doubt the International Rules Series is not considered an International Event.

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

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

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

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

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

Metabolite means any substance produced by a biotransformation process.

Missed Test means a failure by a Player to be available for Testing on any given day at the location and time specified in the timeslot identified in his whereabouts information for that day, in accordance with this code and/or the rules of ASADA if applicable.

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

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

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

No Significant Fault or Negligence means the Player's establishing that his 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.

Officer means an Officer as defined in the Corporations Act 2001 and without limitation shall include the President, Chairman, Vice President, Vice Chairman, General manager, Chief Executive, Football manager, Coach, any Board or Committee member and any servant or agent who makes or participates in the making of decisions that affect the whole, or a substantial part, of the business of the Club.

Official means a Coach, trainer, manager, agent, team staff, official, medical or para-medical personnel, sports scientist, parent or any other Person working with, treating or assisting a Player participating in or preparing for the AFL Competition.

Out-of-Competition means any Doping Control that is not In-Competition.

Person means a natural person, entity, body corporate or organisation.

Player means a person who is or has been included on a Club's list, a person eligible to be so included, a person bound to a Club or a person who has nominated for any AFL draft;

Possession means the actual, physical possession, or the constructive possession (which shall be found only if the Person has exclusive control over the Prohibited Substance or Prohibited Method or the premises in which a Prohibited Substance or Prohibited Method exists); provided, however, that if the Person does not have exclusive control over the Prohibited Substance or Prohibited Method or the premises in which a Prohibited Substance or Prohibited Method exists, constructive possession shall only be found if the Person knew about the presence of the Prohibited Substance or Prohibited Method and intended to exercise control over it. Provided, however, there shall be no Anti-Doping Rule Violation based solely on Possession if, prior to receiving notification of any kind that the Person has committed an Anti-Doping Rule Violation, the Person has taken concrete action demonstrating that the Person never intended to have Possession and has renounced the Possession by explicitly declaring it to an Anti-Doping Organisation. Notwithstanding anything to the contrary in this definition, the purchase (including by electronic or other means) of a Prohibited Substance or Prohibited Methods constitutes Possession by the Person who makes the purchase.¹

Premiership Season means the series of Home and Away Matches between the AFL Clubs, which at the date of this Code, consists of 23 rounds (provided that the number of rounds may vary from year to year at the AFL's discretion);

Pre-Season Competition means a series of Australian football matches between AFL Clubs played in the period preceding the Premiership Season.

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

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

Provider means any Person who:

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

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

Prohibited Providers List means the list of Prohibited Providers published by the AFL from time to time in accordance with clause 11.2.

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

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

Register of Controlled Treatments means the Register required to be maintained by each Club in accordance with clause 11.7.

¹ Under this definition, steroids found in a Players car would constitute a violation unless the Player establishes that someone else used the car, in that event, ASADA or AFL must establish that, even though the Player did not have exclusive control of the car, the Player knew about the steroids and intended to have control over the steroids. Similarly, in the example of steroids found in a home medicine cabinet under the joint control of a Player and spouse, ASADA or AFL must establish that the Player knew the steroids were in the cabinet and that the Player intended to exercise control over the steroids.

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

Sample or **Specimen** means any biological material collected for the purposes of Doping Control.²

Signatory means an entity signing the WADA Code and agreeing to comply with the WADA Code, including the International Olympic Committee, international federations, International Paralympic committee, national Olympic committees, national Paralympic committees, major event organisations, National Anti-Doping Organisations and WADA.

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

Substantial Assistance means, for the purposes of clause 14.4, a Person providing Substantial Assistance must:

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

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

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

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

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

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

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

Trafficking means selling, giving, transporting, sending, delivering or distributing a Prohibited Substance or Prohibited Method (either physically or by any electronic or other means) by a Player, Official or other Person subject to the jurisdiction of an Anti-Doping Organisation to any third party; provided, however, this definition shall not include the actions of 'bona fide' medical personnel involving a Prohibited Substance used for genuine and legal therapeutic purposes or other acceptable justification, and shall not

² 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.

include actions involving Prohibited Substance which are not prohibited in Out-of-Competition Testing unless the circumstances as a whole demonstrate such Prohibited Substance are not intended for genuine and legal therapeutic purposes.

Treatment means the provision of any:

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

for any one or more of the following purposes:

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

Use means the utilisation, application, ingestion, injection or consumption by any means whatsoever of any Prohibited Substance or Prohibited Methods, or pursuant to clause 11, the utilisation, application, ingestion, injection or consumption by any means whatsoever of any AFL Prohibited Treatment.

WADA means the World Anti-Doping Agency.

WADA Code means the World Anti-Doping Code.

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

2.2 Interpretation

- (a) Reference to:
 - (i) the singular includes the plural and the plural includes the singular;
 - (ii) one gender includes the other genders; and
 - (iii) a person includes a body corporate or other legal entity.
- (b) If a person to whom this Code applies consists of more than one natural person, then this Code binds them jointly and severally.
- (c) Headings are for convenience only and do not form part of this Code or affect its interpretation.

- (d) “Including” and similar words are not words of limitation.
- (e) Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.
- (f) Any word or phrase not defined in this Code but defined in the AFL Player Rules will have a corresponding meaning unless the context requires otherwise.
- (g) The official text of the WADA Code shall be maintained by WADA and shall be published in English and French. In the event of any conflict between the English and French versions, the English version will prevail.

2.3 Delegation/AFL Rules

- (a) The AFL General Counsel may delegate any of his obligations and powers under this Code to any corporation, person or entity as he deems appropriate, and in which instance references to “AFL General Counsel” in this Code will be deemed to include the corporation, person or entity to whom the obligations and powers have been so delegated.
- (b) This Code is deemed to form part of the AFL Player Rules.

3. Application of Code

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

4. Powers of AFL and ASADA

- (a) Under the ASADA Act and the NAD Scheme established under that Act, ASADA has the legislative authority to:
 - (i) investigate possible violations of the anti-doping rules under the ASADA Act and the NAD Scheme for Players and Officials under the jurisdiction of the AFL;
 - (ii) make findings in relation to such investigations;

- (iii) notify the Player, Official and the AFL of its findings and its recommendations as to the consequences of such findings; and
 - (iv) present its findings and its recommendations as to consequences at hearings of the AFL Tribunal, the AFL Appeals Board or CAS, either at the AFL's request or on its own initiative.
- (b) AFL has a responsibility to encourage and promote competition free from Prohibited Substances and Methods and to prevent doping practices in sport. To facilitate this object, the AFL specifically recognises ASADA and its functions and powers. ASADA agrees that the AFL retains all functions and powers relating to this Code, including all functions and powers relating to investigations, the issuing of an infraction notice, the convening of hearings, the presentation of allegations of an Anti-Doping Rule Violations at a hearing and all matters incidental thereto.
- (c) The AFL will provide ASADA a copy of all notices of hearings to be conducted pursuant to this Code. ASADA has provided an undertaking to the AFL to keep this information confidential unless otherwise required to disclose by law and/or to the extent required under the ASADA Act, the NAD Scheme and this Code.
- (d) The AFL recognises that ASADA may carry out its own investigations of possible Anti-Doping Rule Violations.
- (e) The AFL will facilitate the presentation of relevant information obtained during investigations conducted by ASADA to the AFL Tribunal or AFL Appeals Board. For this purpose, the AFL will provide reasonable notice to ASADA of matters to be heard by the Tribunal or Appeals Board.
- (f) Where reasonable and as soon as the AFL becomes aware that a possible Anti-Doping Rule Violation may have occurred, the AFL will immediately advise ASADA of the possible violation. The AFL will provide ASADA with all information pertaining to the possible Anti-Doping Rule Violation and will, as may be reasonably required by ASADA, assist, cooperate and liaise with ASADA in relation to any investigation conducted by ASADA at no cost to the AFL.
- (g) In recognising ASADA's charter to conduct its own investigations, the AFL and ASADA agree that:
 - (i) any investigations undertaken by ASADA will be at no cost to the AFL;
 - (ii) the AFL will act on ASADA's findings on such investigations in good faith in accordance with this Code;
 - (iii) ASADA will inform the AFL of any intention to conduct an investigation that might reasonably be expected to result in an Anti-Doping Rule Violation under this Code and will provide regular reports to the AFL on ASADA's conduct of the anti-doping functions subject to ASADA's enabling legislation;
 - (iv) the AFL will inform ASADA of any investigation that might reasonably be expected to result in an Anti-Doping Rule Violation under this Code and will provide regular reports to ASADA on the AFL's conduct of its anti-doping functions subject to this Code, including any with respect to clause 11.

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

5. Prohibited Classes of Substances and Prohibited Methods

- (a) The classes of substances and methods prohibited under this Code are those described in the WADA Prohibited List.
- (b) A copy of the current WADA Prohibited List is detailed in Annexure B. All amendments or additions to the WADA Prohibited List will be automatically prohibited under this Code.
- (c) Persons to whom this Code applies are specifically cautioned:
 - (i) The WADA Prohibited List describes, amongst other things, prohibited classes of substances. The naming of substances in the WADA Prohibited List is by way of example only and the fact that a substance is not so named does not affect its prohibition if the substance is within a prohibited class.
 - (ii) Amendments or additions to the WADA Prohibited List take effect under this Code at the same time as they take effect under the WADA Prohibited List and notwithstanding that any amendment or addition to the WADA Prohibited List is not included as an amendment to Annexure B.
 - (iii) It is the obligation of each Person to whom this Code applies to inform himself of all substances and methods prohibited under this Code. It is not a defence to any claim that a Person has breached this Code for that Person to contend:
 - (A) ignorance that a substance or method is prohibited;
 - (B) an honest and reasonable, but mistaken, belief that a substance or method is not prohibited under this Code;
 - (C) lack of intention to use or administer a Prohibited Substance or Prohibited Method;
 - (D) inadvertent use or administration of a Prohibited Substance or Prohibited Method;

- (E) that the substance or method was used or administered for therapeutic purposes unless permission has been given on behalf of the AFL under clause 9; or
- (F) that the substance or method in question did not enhance the performance of the Player concerned or was otherwise not performance enhancing.

6. The WADA Prohibited List

6.1 Incorporation of the WADA Prohibited List

This Code incorporates the WADA Prohibited List which is published and revised by WADA and changes from time to time.

6.2 Prohibited Substances and Prohibited Methods Identified on the Prohibited List

(a) Prohibited Substances and Prohibited Methods

The WADA Prohibited List shall identify those Prohibited Substances and Prohibited Methods which are prohibited as doping at all times (both In-Competition and Out-of-Competition) because of their potential to enhance performance in future competitions or their masking potential and those substances and methods which are prohibited In-Competition only. Prohibited Substances and Prohibited Methods may be included in the WADA Prohibited List by general category (eg. Anabolic agents) or by specific reference to a particular substance or methods.³

(b) Specified Substances

For the purpose of the application of Clause 14 (Sanctions), all Prohibited Substances shall be “Specified Substances” except substances in the classes of anabolic agents and hormones and those stimulants and hormone antagonists and modulators so identified on the WADA Prohibited List. Prohibited Methods shall not be Specified Substances.⁴

³There will be one WADA Prohibited List. The substances which are prohibited at all times would include masking agents and those substances which, when Used in training, may have long-term performance enhancing effects such as anabolics. All substances and methods on the WADA Prohibited List are prohibited In-Competition. Out-of-Competition Use of a substance which is only prohibited In-Competition is not an Anti-Doping Rule Violation unless an Adverse Analytical Finding for the substance or its Metabolites is reported for a Sample collected In-Competition.

There will be only one document called the “Prohibited List”. WADA may add additional substances or methods to the WADA Prohibited List for particular sports (eg the inclusion of beta-blockers for shooting) but this will also be reflected on the single WADA Prohibited List. A particular sport is not permitted to seek exemption from the basic list of Prohibited Substances (eg eliminating anabolics from the WADA Prohibited List for “mind sports”). The premise of this decision is that there are certain basic doping agents which anyone who chooses to call himself a Player should not take.

⁴In drafting the WADA Code there was considerable debate among stakeholders over the appropriate balance between inflexible sanctions which promote harmonisation in the application of the rules and more flexible sanctions which better take into consideration the circumstances of each individual case. This balance continued to be discussed in various CAS decisions interpreting the WADA Code. After three years experience with the WADA Code, the strong consensus of stakeholders is that while the occurrence of an Anti-Doping Rule Violation under Clauses 10(a) (Presence of a Prohibited Substance or its Metabolites or Markers) and 10(b) (Use of a Prohibited Substance or Prohibited Method) should still be based on the principle of strict liability, the WADA Code sanctions should be made more flexible where the Player or other Person can clearly demonstrate that he did not

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

WADA's determination of the Prohibited Substances and Prohibited Methods that will be included on the WADA Prohibited List and the classification of substances into categories on the WADA Prohibited List is final and shall not be subject to challenge by a Player or other Person based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a health risk or violate the spirit of sport.⁵

7. Obligations

- (a) All Players, Clubs, Officers and Officials must comply with and observe this Code.
- (b) All Players must give Samples for Testing at the request of either ASADA or the AFL Medical Officer.
- (c) Except as otherwise authorised in writing by the AFL General Counsel, a Player drafted or listed by a Club may be required to provide ASADA with a Sample for Testing and is ineligible to participate in the Premiership Season and the Finals Series until that Sample has been analysed and has not resulted in a Adverse Analytical Finding. This Testing of each Player will be conducted on behalf of both the AFL and the Club concerned who will both be provided with the results thereof.
- (d) Each Player must upon request, promptly provide to their Club their address and telephone numbers and other up to date details of their whereabouts so as to permit Out-of-Competition testing. The minimum required details in order to comply with this Clause are set out in the "Whereabouts Form" in Annexure A. A Player who has lodged with his Club a "Whereabouts Form" in accordance with Annexure A which contains information that continues to be up to date and which provides a current telephone number of the Player is deemed to have complied with this Clause.
- (e) The applicable requirements for the purposes of Clause 10(d) are that Players must:
 - (i) provide whereabouts information to their Club at the beginning of each season;
 - (ii) not deliberately or recklessly provide incorrect whereabouts information;
 - (iii) not fail on more than three occasions in any twelve month period to update the whereabouts information within ten (10) days of the whereabouts information previously provided to the Club becoming out of date;

intend to enhance sport performance. The rules set forth in Clause 14.4] (Elimination or Reduction of Period of Ineligibility Based on Exceptional Circumstances) would remain the only basis for eliminating or reducing a sanction involving anabolic steroids and hormones, as well as the stimulants and the hormone antagonists and modulators so identified on the WADA Prohibited List, or Prohibited Methods.

⁵The question of whether a substance meets the criteria in this Clause(Criteria for Including Substances and Methods on the Prohibited List) in a particular case cannot be raised as a defence to an Anti-Doping Rule Violation. For example, it cannot be argued that the Prohibited Substance detected would not have been performance enhancing in that particular sport. Rather, doping occurs when a substance on the WADA Prohibited List is found in a Player's Sample. Similarly, it cannot be argued that a substance listed in the class of anabolic agents does not belong in that class.

- (iv) not refuse to update the whereabouts information previously provided to the Club within three (3) days of being requested to do so;
 - (v) not be unavailable for Out-of-Competition Testing on a total of three (or more) occasions during a calendar year;⁶ and
 - (vi) if included in ASADA's Registered Testing Pool, comply with ASADA's requirements relating to athlete whereabouts.
- (f) Each Club must:
- (i) notify its Players that they are liable for selection to provide Samples for Testing of Doping whether In-Competition or Out-of-Competition;
 - (ii) educate its Players, Officers and Officials in respect of:
 - (iii) the dangers and consequences of the use of performance enhancing substances and to this end will ensure that all such persons attend all drug awareness or education lectures given by the AFL in conjunction with ASADA to the Club and will maintain and keep a written record of all such attendees which will be signed by all attendees and certified by the Club's Chief Executive Officer. This record will be provided upon request to the AFL;
 - (iv) their respective obligations under this Code; and
 - (v) the sanctions which are applicable for a breach of this Code.
- (g) advise the AFL in writing of all steps, actions and other matters undertaken by it pursuant to clause 7(f)
- (h) permit and assist ASADA to attend Matches and training sessions in order to obtain Samples from Players for Testing and provide the facilities required to enable ASADA to obtain such Samples;
- (i) permit ASADA to obtain Samples from Players for Testing other than at Matches and training sessions and provide all necessary assistance and allow the ASADA representatives unlimited access to the training and changing rooms and other Match facilities for this purpose;
- (j) require and cause its Players and Officers and Officials to permit ASADA to collect Samples for testing and provide all necessary assistance for this purpose;
- (k) arrange for completion and return of forms required for the purposes of ASADA at the request of ASADA;

⁶ Note 1: A player is unavailable for Out-of-Competition Testing if and only if the player for a period of 72 hours is not with his team, not at any of the places specified in the Whereabouts Form previously provided to the Club and does not answer the telephone when called on the current telephone number specified in the Whereabouts Form previously provided to the Club or respond to any message from the relevant Anti-Doping Organisation with respect to availability for Out-of-Competition Testing.

Note 2: A player cannot be regarded as having been unavailable for a 2nd or subsequent occasion unless the player has received written notice from the relevant Anti-Doping Organisation, the AFL or their Club of the 1st (or 2nd as the case may be) occasion the player was unavailable and has not provided an explanation, which is satisfactory to the relevant Anti-Doping Organisation or the AFL as to the circumstances of the 1st (or 2nd as the case may be) occasion.

- (l) promptly notify the AFL General Counsel of any circumstances which may be or are a breach of this Code;
- (m) upon request promptly provide to the AFL such information and assistance as they may request concerning the application of this Code, any alleged breach of this Code or any practice concerning the use of drugs in Australian football;
- (n) permit and assist the AFL to access the players' room at each Match, the facility provided by the Club for the collection of samples by ASADA, the written record kept and maintained under clause 5(b) and to any other information he requires in performing his duties;
- (o) appoint a Club Liaison Officer whose responsibilities are described in this Code;
- (p) ensure that its Players and Club Medical Officers comply with their obligations under clauses 5(b), 7(d) and 7(e);
- (q) upon request, promptly provide to ASADA the names, addresses and telephone numbers of the Players listed on its Lists;
- (r) upon request, promptly provide to ASADA the Club's training schedule, inclusive of the date, time and place where the Players of the Club will train; and
- (s) promptly advise ASADA of any change to the information provided by the Club under Clauses 7(q) and 7(r)

8. Testing for Doping

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

9. Therapeutic Use

- (a) Where a Player through his Club and the AFL has received authorisation from the ASDMAC to use a substance otherwise prohibited under this Code then, solely for the Player concerned and subject to the conditions attaching to the authorisation, the substance concerned will be deemed not to be prohibited under this Code. The authorisation must be in force before the Player concerned uses or administers the said substance, except under emergency medical situations.
- (b) All applications for Therapeutic Use of an otherwise prohibited substance must be made using the application process as outlined by ASDMAC. The application must include a description of the Player's medical condition, objective medical data to support the medical condition, length of treatment and verification there is no alternative available and practical medication that does not contain prohibited substances.

- (c) ASDMAC will determine the application according to the International Standard for TUEs and its usual criteria.
- (d) ASDMAC's authority will include the name of any prohibited substance, usage and method of administration, duration of and any specific condition attached to the approval.
- (e) Subject to Clause 9(f) ASDMAC will forward the written authorisation by the doctor making the application with a copy to the AFL.
- (f) Where the administration of a Prohibited Substance or Prohibited Method to a Player is deemed as being urgent by a qualified medical practitioner or it is impractical in the interests of the Player's health to obtain prior written authorisation from ASDMAC or due to exceptional circumstances, there was insufficient time or opportunity to submit, or for ASDMAC to consider, an application prior to Doping Control, then the Player's Club Medical Officer must request verbally, followed by in writing approval from ASDMAC which may give permission for temporary administration only of the substance Any player granted "Therapeutic Use" must state details of the use of the prohibited drug and the ASDMAC approved number on the Drug Testing Form.
- (g) A Player who is denied a TUE by ASDMAC must seek review by WADA of the decision before any appeal may be commenced under Clause 17.4.
- (h) Should a Club Medical Officer provide incorrect information or information which is incomplete, misleading or likely to mislead or if the Club Medical Officer omits to provide any relevant information in respect of an application, this will be a breach of this Code for which both the Club Medical Officer and the Club will be severally liable.

10. Anti-Doping Rule Violations

The following constitute Anti-Doping Rule Violations, provided however, that each of the Anti-Doping Rule Violations set out in Clauses 10(a), 10(b), 10(f) and 10(h) shall be deemed not to be Anti-Doping Rule Violations by a Person if the Person has previously obtained a Therapeutic Use Exemption from an AFL or Club Medical Officer or a Recognised Medical Authority in accordance with this Code.

An Anti-Doping Rule Violation occurs even if the Player does not know the Prohibited Substance or Prohibited Method is prohibited under this Code. The onus is on the Player to check all substances and methods.

- (a) The presence of a Prohibited Substance or its Metabolites or Markers in a Player's Sample
 - (i) It is each Player's personal duty to ensure that no Prohibited Substance enters his body. Players are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Sample. Accordingly, it is not necessary that intent, fault, negligence or knowing Use on the Player's part be demonstrated in order to establish an Anti-Doping Rule Violation under Clause 10(a).⁷

⁷For purposes of Anti-Doping Rule Violations involving the presence of a Prohibited Substance (or its Metabolites or Markers), the WADA Code (and therefore this Code) adopts the rule of strict liability which was found in the Olympic Movement Anti-Doping Code

- (ii) Sufficient proof of an Anti-Doping Rule Violation under this Clause is established by either of the following:
 - (A) presence of a Prohibited Substance or its Metabolites or Markers in the Player's A Sample where a Player waives analysis of the B Sample and the B Sample is not analysed; or
 - (B) where the Player's B Sample is analysed and the analysis of the Player's B Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the Player's A Sample.⁸
 - (iii) Excepting those substances for which a quantitative reporting threshold is specifically identified in the WADA Prohibited List, the detected presence of any quantity of a Prohibited Substance or its Metabolites or Markers in a Player's Sample shall constitute an Anti-Doping Rule Violation.
 - (iv) As an exception to the general rule of this Clause, the WADA Prohibited List or International Standards may establish special criteria for the evaluation of Prohibited Substances that can also be produced endogenously.
- (b) Use or Attempted Use by a Player of a Prohibited Substance or a Prohibited Method⁹
- (i) It is each Player's personal duty to ensure that no Prohibited Substance enters his or her body. Accordingly, it is not necessary that intent, fault, negligence or knowing Use on the Player's part be demonstrated in order to establish an Anti-Doping Rule Violation for Use of a Prohibited Substance or Prohibited Method.

("OMADC") and the vast majority of pre-Code anti-doping rules. Under the strict liability principle, a Player is responsible, and an Anti-Doping Rule Violation occurs, whenever a Prohibited Substance is found in a Player's Sample. The violation occurs whether or not the Player intentionally or unintentionally Used a Prohibited Substance or was negligent or otherwise at fault. However, the Player then has the possibility to reduce sanctions if the Player can demonstrate that he was not at fault or significant fault (Clause 14.4 (Elimination or Reduction of period of Ineligibility Based on Exceptional Circumstances)) or in certain circumstances did not intend to enhance his sport performance (Clause 14.3 (Elimination or Reduction of the Period of Ineligibility for Specified Substances under Specific Circumstances)).

The strict liability rule for the finding of a Prohibited Substance in an Player's Sample, with a possibility that sanctions may be modified based on specified criteria, provides a reasonable balance between effective anti-doping enforcement for the benefit of all "clean" Players and fairness in the exceptional circumstance where a Prohibited Substance entered an Player's system through No Fault or Negligence or No Significant Fault or Negligence on the Player's part. It is important to emphasise that while the determination of whether the Anti-Doping Rule Violation has occurred is based on strict liability, the imposition of a fixed period of Ineligibility is not automatic. The strict liability principle set forth in the WADA Code has been consistently upheld in the decisions of CAS.

⁸ The Anti-Doping Organisation with results management responsibility may in its discretion choose to have the B Sample analysed even if the Player does not request the analysis of the B Sample.

⁹ It has always been the case that Use or Attempted use of a Prohibited Substance or Prohibited Method may be established by any reliable means. Unlike the proof required to establish an Anti-Doping Rule Violation under Clause 10(a), Use or Attempted use may also be established by other reliable means such as admissions by the Player, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, or other analytical information which does not otherwise satisfy all the requirements to establish "Presence" of a Prohibited Substance under Clause 10(a). 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.

- (ii) 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.¹⁰

- (c) Refusing or failing without compelling justification to submit to Sample collection after notification as authorised in these Anti-Doping Rules, or otherwise evading Sample collection.¹¹

- (d) Violation of the requirements regarding Player availability for Out-of-Competition Testing including failure to provide required whereabouts information and Missed Tests which are declared based on reasonable rules which comply with the International Standard for Testing. Any combination of three (3) Missed Test and/or Filing Failures within an eighteen (18) month period as determined by Anti-Doping Organisation with jurisdiction over the Player shall constitute an Anti-Doping rule Violation.¹²

- (e) Tampering, or Attempted Tampering with any part of Doping Control.¹³

- (f) Possession of Prohibited Substances or Prohibited Methods
 - (i) Possession by a Player In-Competition of any Prohibited Method or any Prohibited Substance, or Possession by a Player Out-of-Competition of any Prohibited Method or Prohibited Substance that is prohibited Out-of-Competition unless the Player establishes that the Possession is pursuant to a Therapeutic Use Exemption granted in accordance with Clause 9 (Therapeutic Use) or other acceptable justification.¹⁴

¹⁰ Demonstrating the "Attempted Use" of a Prohibited Substance requires proof of intent on the Player's part. The fact that intent may be required to prove this particular Anti-Doping Rule Violation does not undermine the strict liability principle established for violations of Clause 10(a) and violations of Clause 10(b) in respect of Use of a Prohibited Substance or Prohibited Method.

A Player's Use of a Prohibited Substance constitutes an Anti-Doping Rule Violation unless such substance is not prohibited Out-of-Competition and the Player's Use takes place Out-of-Competition. (However, the presence of a Prohibited Substance or its Metabolites or Markers in a Sample collected In-Competition is a violation of Clause 10(a) (Presence of a Prohibited Substance or its Metabolites or Markers) regardless of when that substance might have been administered.)

¹¹ Failure or refusal to submit to Sample collection after notification was prohibited in almost all pre-Code anti-doping rules. This Clause expands the typical pre-Code rule to include "otherwise evading Sample collection" as prohibited conduct. Thus, for example, it would be an Anti-Doping Rule Violation if it were established that a Player was hiding from a Doping Control official to evade notification or Testing. A violation of "refusing or failing to submit to Sample collection" may be based on either intentional or negligent conduct of the Player, while "evading" Sample collection contemplates intentional conduct by the Player.

¹² Separate Whereabouts Filing Failures and Missed Tests declared under the rules of the Player's International Federation, ASADA or any other Anti-Doping Organisation with authority to declare Whereabouts Filing Failures and Missed Tests in accordance with the International Standard for Testing shall be combined in applying this Clause. In appropriate circumstances, Missed Tests or Filing Failures may also constitute an Anti-Doping Rule Violation under Clause 10(c) or Clause 10(e).

¹³ This Clause prohibits conduct which subverts the Doping Control process but which would not otherwise be included in the definition of Prohibited Methods. For example, altering identification numbers on a Doping Control form during Testing, breaking the B bottle at the time of B Sample analysis or providing fraudulent information to an Anti-Doping Organisation.

¹⁴ Acceptable justification would not include, for example, buying or Possessing a Prohibited Substance for purposes of giving it to a friend or relative, except under justifiable medical circumstances where that Person had a physician's prescription, eg buying insulin for a diabetic child.

- (ii) Possession by an Official In-Competition of any Prohibited Method or any Prohibited Substance, or Possession by an Official Out-of-Competition of any Prohibited Method or any Prohibited Substance that is prohibited Out-of-Competition in connection with a Player or training, unless the Official establishes that the Possession is pursuant to a Therapeutic Use Exemption granted to a Player in accordance with Clause 9 (Therapeutic Use) or other acceptable justification.¹⁵
- (g) Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method.
- (h) Administration or Attempted administration to any Player In-Competition of any Prohibited Method or Prohibited Substance, or administration or Attempted administration to any Player Out-of-Competition of any Prohibited Method or any Prohibited Substance that is prohibited Out-of-Competition, or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an Anti-Doping Rule Violation or any Attempted Anti-Doping Rule Violation.
- (i) It is a breach of this Code for a Club to permit a Player to participate in the AFL Competition where the Player is ineligible to so participate under this Code.

11. AFL Treatment Rules

11.1 Application of This Clause

- (a) This clause 11 sets out the AFL's rules in relation to the Use of Treatments by, and Administration of Treatments to, various persons and is a key component of the AFL's integrity program.
- (b) This clause operates independently from the Anti-Doping Rule Violations set out in clause 10 and the sanctions that may be imposed by the AFL in accordance with clause 11.10 in relation to any contravention of this clause 11 are separate and independent from the sanctions which apply under clause 14.
- (c) For the avoidance of doubt, the AFL is responsible for implementation of, and monitoring compliance with, this clause 11 including issuing any sanctions for non-compliance and neither ASADA nor WADA has any power, function or jurisdiction in relation to the matters set out in this clause 11.
- (d) For the purposes of this clause 11, if a Player, Club or Official assists, encourages, aids, abets, covers up or is complicit in a breach of this clause, the relevant Player, Club or Official will be in breach of the relevant clause and liable to be sanctioned by the AFL in accordance with clause 11.10.

11.2 Certain Treatments and Providers Prohibited or Controlled

- (a) The General Counsel may determine from time to time, in its sole discretion and subject to such conditions as it deems fit, that:
 - (i) a Treatment or class of Treatment is to be an AFL Prohibited Treatment by including the relevant Treatment or class of Treatment on the AFL Prohibited Treatments List;

¹⁵ Acceptable justification would include, for example, a team doctor carrying Prohibited Substances for dealing with acute and emergency situations.

- (ii) a person or class of person is a Prohibited Provider by including the relevant person or class of person on the Prohibited Providers List;
 - (iii) a Treatment or class of Treatment is a Controlled Treatment by including the relevant Treatment or class of Treatment on the Controlled Treatments List;
- (b) The General Counsel may amend the AFL Prohibited Treatments List, the Controlled Treatments List and the Prohibited Providers List from time to time by giving notice in writing to each Club.

11.3 Offence to Use AFL Prohibited Treatments or Prohibited Providers

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

11.4 Offence to possess AFL Prohibited Treatments and Prohibited Substances

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

11.5 No Needles Policy

- (a) Subject to clause 11.5(b), no Player may Use, and no Official or Club by itself or its Officers, servants or agents, may permit or allow any Player to be Administered any substance by injection without the prior approval of the General Counsel.
- (b) Clause 11.5(a) does not apply to an injection that is:
 - (i) administered by an appropriately qualified medical professional in accordance with this clause 11; and
 - (ii) necessary to treat a legitimate medical condition – meaning that there is no reasonable alternative way of treating the legitimate medical condition other than by injection.

- (c) Save for the Club Medical Officer, no Person may have in their Possession any object or material used for an injection or any injectable substance without the prior approval of the General Counsel.
- (d) For the purpose of this clause 11, "injection" includes any type of injection including intravenous, intra-articular, subcutaneous, peri-articular, peri-tendonous, epidural, intradermal, etc, but does not include "dry needling".

11.6 Approval of Controlled Treatments by Club Medical Officer

- (a) Subject to clause 11.6(c) and (d), no Player may use, and no Official, or Club by itself or its Officers, servants or agents, may, fund, permit or allow any Player to be Administered any Controlled Treatment, unless the relevant Club Medical Officer has provided prior written approval of the Controlled Treatment in a meeting the criteria prescribed by the General Counsel.
- (b) Prior written approval referred to in clause 11.6(a) may be in terms general or specific as determined at the discretion of the Club Medical Officer.
- (c) Clause 11.6(a) does not apply to a medical emergency situation where it is not possible to first seek the approval of the Club Medical Officer.
- (d) Where it is not reasonably practicable for the Club Medical Officer to provide his or her prior approval in writing under clause 11.6(a), the Club Medical Officer may initially provide his or her approval verbally, with written approval to follow as soon as reasonably practicable and no later than 24 hours after the verbal approval is given.

11.7 Register of Controlled Treatments

- (a) Each Club must keep and maintain a complete, accurate and up to date Register of Controlled Treatments.
- (b) The Register of Controlled Treatments shall include in relation to each Club:
 - (i) a record of all Controlled Treatments Administered to Players which the Club funds or authorises.
 - (ii) such details as are prescribed by the General Counsel with respect to such Treatments.
- (c) The Register of Controlled Treatments shall be maintained in the form prescribed by the General Counsel from time to time.
- (d) A Club must procure from relevant Providers such details as are required to be maintained in the Register of Controlled Treatments.
- (e) The register outlined in this clause 11.7 must be made available to the AFL at all times.

11.8 Doping Control Form Declarations

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

11.9 Conduct Unbecoming

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

11.10 Sanctions for AFL Treatment Rules

Where the AFL Commission or General Counsel determines that a Club or Person has committed a breach of this clause 11, the Club or Person will be sanctioned as the AFL Commission or General Counsel deems appropriate in their sole and absolute discretion, unless the AFL Commission or General Counsel determines such breach should be referred to the Tribunal for determination, in which case the Tribunal may determine the sanction in its sole and absolute discretion. For the avoidance of doubt, clause 14 of this Code will not apply to breaches of this clause 11.

11.11 Appeals Regarding Contravention of AFL Treatment Rules

A Player, Club or other person to whom the AFL Treatment Rules apply may appeal a decision of the AFL General Counsel in respect of a breach of the AFL Treatment Rules to the Appeals Board on a question of law only. For the avoidance of doubt, neither WADA nor ASADA shall have any right of appeal with respect to any matters involving the AFL Treatment Rules unless the conduct also falls under the Anti-Doping Violation section. For the avoidance of doubt, clause 17 of this Code will not apply to breaches of this clause 11.

12. Advice of Alleged Breach and Investigations

- (a) Anti-Doping Organisations will notify in writing the AFL General Counsel of the names and results of any Player or Person who returns an Adverse Analytical Finding for Doping or who fails to comply with the requirement to provide a Sample for Testing or who may have been involved in an Anti-Doping Rule Violation.
- (b) Players, Clubs, Officers and Officials must notify the AFL General Counsel of all facts and circumstances where the Player, Club, Officer or Official believes there is or may be an Anti-Doping Rule Violation or other breach of this Code.
- (c) Subject to the provisions of the ASADA Act, immediately upon receipt of notification from ASADA of the Adverse Analytical Finding for the A Sample, the Player concerned will advise the General Counsel and his Club in writing of this fact.
- (d) Subject to Clause 12(e) or unless otherwise determined by the AFL Commission in any case, a Player will be ineligible to participate in any Match from the earlier of:
 - (i) notification from ASADA to him of the Adverse Analytical Finding for the A Sample (where applicable); or
 - (ii) the issuing to him of an infraction notice by the AFL General Counsel under Clause 13;

until either:

- (iii) ASADA advising the Player and the AFL General Counsel of the result of the Testing of the B Sample, should that Testing fail to confirm the positive A Sample test result; or
 - (iv) the determination of the Tribunal.
- (e) Provisional Suspension
 - (i) Clause 12(d) only applies to an Adverse Analytical Finding for the A Sample or an infraction notice for or relating to any Prohibited Substance or Prohibited Method that is not a Specified Substance, with such ineligibility known as a Provisional Suspension. If the Adverse Analytical Finding for the A Sample or infraction notice does not relate to such substances or prohibited methods and does relate to some other substance, a Player may continue to participate in any Match until the determination of the Tribunal.
 - (ii) Where a Player remains eligible to participate in a Match by reason of sub-Clause 11.3(a) the AFL may, at its discretion, subject the Player to directed sampling and testing at any time up to the Tribunal hearing. If a further test is conducted and the Tribunal ultimately determines that Doping has occurred following the results of this further test, then that determination will be deemed to be a subsequent offence to any Anti-Doping Rule Violation already proven against the Player and he will be liable for the appropriate sanction described in Clause 14.1.
- (f) The AFL shall investigate the facts and/or circumstances surrounding any actual or alleged Anti-Doping Rule Violation, or any actual or alleged other breach of this Code. Where ASADA does not already have knowledge of the alleged Anti-Doping Rule Violation, the AFL will immediately advise ASADA of the matter.
- (g) Each Player, Club, Officer and Official must upon the request of the AFL:
 - (i) fully co-operate with any investigation;
 - (ii) fully and truthfully answer any question asked for the purpose of such investigation; and
 - (iii) provide any document in their possession or control relevant to such investigation.
- (h) No Player, Club, Officer or Official will provide to the AFL any information which is in any respect incomplete, false or misleading or likely to mislead.
- (i) Where the Player or person who is or may have been involved in an Anti-Doping Rule Violation is an Australian Institute of Sport Scholarship Holder or bound by the ASC Anti-Doping Policy, the ASC may jointly take part in the investigation and/or Tribunal hearing and following a Tribunal hearing may independently review the outcome of the process and take such further action as it considers appropriate under the ASC Anti-Doping Policy, including reviewing or appealing a decision of the Tribunal. The AIS may require the Player or other Person to repay all funding and grants received from the AIS subsequent to the occurrence of the Anti-Doping Rule Violation.

- (j) If a Player or other Person retires while a results management process is underway, the AFL and ASADA retain jurisdiction to complete their results management processes. If a Player or other Person retires before any results management process has begun, so long as the AFL and/or ASADA would have had results management jurisdiction over the Player or other Person at the time the Player or other Person committed an Anti-Doping Rule Violation, the AFL and ASADA will have jurisdiction to conduct results management.

13. Infraction Notice

- (a) As soon as possible after the AFL General Counsel has received notification from ASADA of an Adverse Analytical Finding or he believes on other grounds that there may have been committed an Anti-Doping Rule Violation or a breach of this Code (other than as described in Clauses 13(d) and 13(e), he will give to the Person an infraction notice, together with a copy of this Code, and refer the matter to the Tribunal for hearing and determination.
- (b) The infraction notice given pursuant to this Clause must:
 - (i) be in writing and be delivered to the Person's address as last known to the AFL;
 - (ii) set out the nature and particulars of the alleged Anti-Doping Rule Violation; and
 - (iii) state the date, time and place at which the Tribunal will conduct its hearing into the Anti-Doping Rule Violation.
- (c) In the event that a Player advises ASADA and the AFL General Counsel that he does not require the B Sample to be tested and admits the Anti-Doping Rule Violation, the Tribunal's hearing will be conducted solely as to the applicable sanction to be imposed.
- (d) Where the AFL General Counsel believes a Club and/or any other Person may have committed a breach of this Code as described in clause 14.6., he will give written notice thereof to the Club's Chief Executive Officer and/or the other Person concerned stating the relevant facts alleged by him to constitute such breach and requiring the Chief Executive Officer and/or the other person concerned to show cause within seven (7) days why the breach should not be established.
- (e) If the Club through its Chief Executive Officer and/or the other Person concerned fails to satisfy the AFL General Counsel that the breach should not be established or the Player or other Person waives their right to a hearing, the AFL General Counsel will give the Club and/or the other Person concerned written notice of the imposition of the automatic sanction.

14. Sanctions

Nothing in this clause 14 operates in relation to any breach of clause 11 of this Code.

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

The period of Ineligibility imposed for a violation of Clause 10(a) (presence of Prohibited Substance or its Metabolites or Markers), Clause 10(b) (Use or Attempted Use of Prohibited Substance or Prohibited Method) and Clause 10(f) (Possession of Prohibited Substances and Methods) shall be as follows, unless the conditions for eliminating or reducing the period of Ineligibility, as provided in Clauses 14.3 and 14.4, or the conditions for increasing the period of Ineligibility, as provided in Clause 14.5, are met:

First violation: Two (2) years' Ineligibility¹⁶

14.2 Ineligibility for Other Anti-Doping Rule Violations

The period of Ineligibility for Anti-Doping Rule Violations other than as provided in Clause 13(a) of this Code shall be:

- (a) For violations of Clause 10(c) (Refusing or Failing to Submit to Sample Collection) or Clause 10(e) (Tampering or Attempted Tampering with Doping Control) the period of Ineligibility imposed shall be two (2) years unless the conditions provided in Clause 14.4, or conditions provided in Clause 14.5 are met.
- (b) For violations of Clause 10(g) (Trafficking or Attempted Trafficking) or Clause 10(h) (Administration or Attempted Administration of Prohibited Substance or Prohibited Method), the period of Ineligibility imposed shall be a minimum of four (4) years and a maximum lifetime Ineligibility, unless the conditions provided in Clause 14.4 are met.
- (c) An Anti-Doping Rule Violation involving a Minor shall be considered a particularly serious violation and, if committed by an Official for violations other than Specified Substances shall result in lifetime Ineligibility for such Official. In addition, significant violations of Clauses 10(g) and 10(h) that also violate non-sporting laws and regulations may be reported to the competent administrative, professional or judicial authorities.¹⁷
- (d) For violations of Clause 10(d) (Whereabouts Filing Failures or Missed Tests), the period of Ineligibility shall be at a minimum one (1) year and at a maximum two (2) years based on the Player's degree of fault.¹⁸

¹⁶ 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 (eg artistic gymnastics) a two-year Disqualification has a much more significant effect on the athlete than in sports where careers are traditionally much longer (eg equestrian and shooting); in Individual Sports, the athlete is better able to maintain competitive skills through solitary practice during Disqualification than in other sports where practice as part of a team is more important. 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.

¹⁷ Those who are involved in doping Players or covering up doping should be subject to sanctions which are more severe than the Players who test positive. Since the authority of Sporting Organisations is generally limited to Ineligibility for credentials, membership and other sport benefits, reporting Officials to competent authorities is an important step in the deterrence of doping.

¹⁸ The sanction under this Clause shall be two years where all three Filing Failures or Missed Tests are inexcusable. Otherwise, the sanction shall be assessed in the range of two years to one year, based on the circumstances of the case.

14.3 Elimination or Reduction of Period of Ineligibility for Specified Substances under Specific Circumstances

Where a Player or other Person can establish how a Specified Substance entered his body or came into his Possession and that such Specified Substance was not intended to enhance the Player's sport performance or mask the Use of a performance-enhancing substance, the period of Ineligibility found in Clause 14.1 shall be replaced with the following:

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

To justify any elimination or reduction, the Player or other Person must produce corroborating evidence in addition to his word which establishes to the comfortable satisfaction of the hearing panel the absence of an intent to enhance sport performance or mask the Use of a performance-enhancing substance. The Player's or other Person's degree of fault shall be the criterion considered in assessing any reduction of the period of Ineligibility.¹⁹

14.4 Elimination or Reduction of Period of Ineligibility Based on Exceptional Circumstances

(a) No Fault or No Negligence

If the Player establishes in an individual case that he bears No Fault or Negligence for the violation, the otherwise period of Ineligibility shall be eliminated. When a Prohibited Substance or its Markers or Metabolites is detected in a Player's Sample in violation of Clause 10(a) (Presence of Prohibited Substance), the Player must also establish how the Prohibited Substance entered his system in order to have the period of Ineligibility eliminated. In the event this Clause is applied and the period of Ineligibility otherwise applicable is eliminated, the Anti-Doping Rule Violation shall not be considered a violation for the limited purpose of determining the period of Ineligibility for multiple violations under Clause 14.6.

(b) No Significant Fault or No Significant Negligence

If a Player or other Person establishes in an individual case that he or she bears No Significant Fault or Negligence, then the otherwise applicable period of Ineligibility may be reduced, but the reduced period of Ineligibility may not be less than one-half of the minimum period of Ineligibility otherwise applicable. If the otherwise applicable period of Ineligibility is a lifetime, the reduced period under

¹⁹ Specified Substances are not necessarily less serious agents for purposes of sports doping than other Prohibited Substances (for example, a stimulant that is listed as a Specified Substance could be very effective to a Player In Competition); for that reason, a Player who does not meet the criteria under this Clause would receive a two-year period of Ineligibility and could receive up to a four-year period of Ineligibility under Clause 14.5. However, there is a greater likelihood that Specified Substances, as opposed to other Prohibited Substances, could be susceptible to a credible, non-doping explanation. This Clause applies only in those cases where the Tribunal is comfortably satisfied by the objective circumstances of the case that the Player in taking or Possessing a Prohibited Substance did not intend to enhance his sport performance. Examples of the type of objective circumstances which in combination might lead a hearing panel to be comfortably satisfied of no performance-enhancing intent would include: the fact that the nature of the Specified Substance or the timing of its ingestion would not have been beneficial to the Player; the Player's open Use or disclosure of his Use of the Specified Substance; and a contemporaneous medical records file substantiating the non sport-related prescription for the Specified Substance. Generally, the greater the potential performance-enhancing benefit, the higher the burden on the Player to prove lack of an intent to enhance sport performance.

this section may be no less than eight (8) years. When a Prohibited Substance or its Markers or Metabolites is detected in a Player's Sample in violation of Clause 10(a) (Presence of Prohibited Substance), the Player must also establish how the Prohibited Substance entered his system in order to have the period of Ineligibility reduced.²⁰

(c) Substantial Assistance in Discovering or Establishing Anti-Doping Rule Violations

CAS or the Tribunal may, prior to a final appellate decision under Clause 17 or the expiration of the time to appeal, suspend a part of the period of Ineligibility imposed in an individual case where the Player or other Person has provided substantial assistance to the AFL, ASADA or another Anti-Doping Organisation which results in that organisation discovering or establishing an Anti-Doping Rule Violation by another Person which results in a criminal or disciplinary body discovering or establishing a criminal offence or the breach of professional rules by another Person. After a final appellate decision under Clause 17 or the expiration of time to appeal, the AFL may suspend part of the otherwise applicable period of Ineligibility but only with the approval of WADA. The extent to which the otherwise applicable period of Ineligibility may be suspended shall be based on the seriousness of the Anti-Doping Rule Violation committed by the Player or other Person and the significance of the Substantial Assistance provided by the Player or other Person to the effort to eliminate doping in sport. No more than three-quarters of the otherwise applicable period of Ineligibility may be suspended. If the otherwise applicable period of Ineligibility is a lifetime, the non-suspended period under this Clause may be no less than eight (8) years. If any part of the otherwise applicable period of Ineligibility is suspended under this

²⁰ The WADA Code provides for the possible reduction or elimination of the period of Ineligibility in the unique circumstance where the Player can establish that he had No Fault or Negligence, or No Significant Fault or Negligence, in connection with the violation. This approach is consistent with basic principles of human rights and provides a balance between those Anti-Doping Organisations that argue for a much narrower exception, or none at all, and those that would reduce a two-year suspension based on a range of other factors even when the Player was admittedly at fault. These Clauses apply only to the imposition of sanctions; they are not applicable to the determination of whether an Anti-Doping Rule Violation has occurred.

Clause 14.4(b) may be applied to any Anti-Doping Rule Violation even though it will be especially difficult to meet the criteria for a reduction for those Anti-Doping Rule Violations where knowledge is an element of the violation.

The Clauses are meant to have an impact only in cases where the circumstances are truly exceptional and not in the vast majority of cases.

To illustrate the operation of Clause 14.4(a), an example where No Fault or Negligence would result in the total elimination of a sanction is where a Player could prove that, despite all due care, he was sabotaged by a competitor. Conversely, a sanction could not be completely eliminated on the basis of No Fault or Negligence in the following circumstances: (a) a positive test resulting from a mislabelled or contaminated vitamin or nutritional supplement (Players are responsible for what they ingest and have been warned against the possibility of supplement contamination); (b) the administration of a Prohibited Substance by the Player's personal physician or trainer without disclosure to the Player (Players are responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any Prohibited Substance); and (c) sabotage of the Player's food or drink by a spouse, coach, or other Person within the Player's circle of associates. (Players are responsible for what they ingest and for the conduct of those Persons to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction based on No Significant Fault or Negligence. (For example, reduction may well be appropriate in illustration (a) if the Player clearly establishes that the cause of the positive test was contamination in a common multiple vitamin purchased from a source with no connection to Prohibited Substances and the Player exercised care in not taking other nutritional supplements.) For purposes of assessing the Player's or other Person's fault under these clauses, the evidence considered must be specific and relevant to explain the Player's or other Person's departure from the expected standard of behaviour. Thus, for example, the fact that a Player would lose the opportunity to earn large sums of money during a period of Ineligibility or the fact that the Player only has a short time left in his career or the timing of the sporting calendar would not be relevant factors to be considered in reducing the period of Ineligibility under this Clause.

While Minors are not given special treatment per se in determining the applicable sanction, certainly youth and lack of experience are relevant factors to be assessed in determining the Player's or other Person's fault under Clause 14.4(b).

Clause 14.4(b) should not be applied in cases where Clauses 14.2(c) or 14.3 apply, as those Clauses already take into consideration the Player's or other Person's degree of fault for purposes of establishing the applicable period of Ineligibility.

Clause, the AFL shall promptly provide a written justification for its decision to each Anti-Doping Organisation having a right to appeal the decision. If any part of the suspended period of Ineligibility is subsequently reinstated because the Player or other Person has failed to provide the Substantial Assistance which was anticipated, the Player or other Person may appeal the reinstatement pursuant to Clause 17.²¹

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

Where a player or other Person voluntarily admits the commission of an Anti-Doping Rule Violation before having received notice of a Sample collection which could establish an Anti-Doping Rule violation (or, in the case of an Anti-Doping rule violation other than Clause 10(a), before first receiving notice of the admitted violation) and that admission is the only reliable evidence of the violation at the time of the admission, then the period of Ineligibility may be reduced, but not below one half of the period of Ineligibility otherwise applicable.²²

(e) Where a Player or Other Person Establishes Entitlements to Reduction in Sanction Under More than One Provision of this Clause

Before applying any reduction or suspension under Clause 14.4(b),(c) or (d), the otherwise applicable period of Ineligibility shall be determined in accordance with Clauses 14.1., 14.2, 14.3 or 14.5, then the period of Ineligibility may be reduced or suspended, but not below one quarter of the otherwise applicable period of Ineligibility.²³

²¹ The cooperation of Players, Officials and other Persons who acknowledge their mistakes and are willing to bring other Anti-Doping Rule Violations to light is important to clean sport.

Factors to be considered in assessing the importance of the Substantial Assistance would include, for example, the number of individuals implicated, the status of those individuals in the sport, whether a scheme involving Trafficking under Clause 10(g) or administration under Clause 10(h) is involved and whether the violation involved a substance or method which is not readily detectable in Testing. The maximum suspension of the Ineligibility period shall only be applied in very exceptional cases. An additional factor to be considered in connection with the seriousness of the Anti-Doping Rule Violation is any performance-enhancing benefit which the Person providing Substantial Assistance may be likely to still enjoy. As a general matter, the earlier in the results management process the Substantial Assistance is provided, the greater the percentage of the otherwise applicable period of Ineligibility may be suspended.

If the Player or other Person who is asserted to have committed an Anti-Doping Rule Violation claims entitlement to a suspended period of Ineligibility under this Clause in connection with the Player's or other Person's waiver of a hearing, the AFL shall determine whether a suspension of a portion of the period of Ineligibility is appropriate under this Clause. If the Player or other Person claims entitlement to a suspended period of Ineligibility before the conclusion of a hearing on the Anti-Doping Rule Violation, the Tribunal shall determine whether a suspension of a portion of the otherwise applicable period of Ineligibility is appropriate under this Clause at the same time the Tribunal decides whether the Player or other Person has committed an Anti-Doping Rule Violation. If a portion of the period of Ineligibility is suspended, the decision shall explain the basis for concluding the information provided was credible and was important to discovering or proving the Anti-Doping Rule Violation or other offence. If the Player or other Person claims entitlement to a suspended period of Ineligibility after a final decision finding an Anti-Doping Rule Violation has been rendered and is not subject to appeal, but the Player or other Person is still serving the period of Ineligibility, the Player or other Person may apply to AFL to consider a suspension in the period of Ineligibility under this Clause. Any such suspension of the otherwise applicable period of Ineligibility shall require the approval of WADA and AFL. If any condition upon which the suspension of a period of Ineligibility is based is not fulfilled, AFL, in consultation with ASADA, shall reinstate the period of Ineligibility which would otherwise be applicable. Decisions rendered by AFL under this Clause may be appealed.

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

²² This Clause is intended to apply when a Player or other Person comes forward and admits to an Anti-Doping Rule Violation in circumstances where no Anti-Doping Organisation is aware that an Anti-Doping Rule Violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the Player or other Person believes he is about to be caught.

²³ The appropriate sanction is determined in a sequence of four steps. First, the Tribunal determines which of the basic sanctions (Clause 14.1, Clause 14.2, Clause 14.3 or Clause 14.5) applies to the particular Anti-Doping Rule Violation. In a second step, the Tribunal establishes whether there is a basis for suspension, elimination or reduction of the sanction. Note, however, not all

grounds for suspension, elimination or reduction may be combined with the provisions on basic sanctions. For example, Clause 14.4(b) does not apply in cases involving Clause 14.2(c) or 14.3, since the Tribunal will already have determined the period of Ineligibility based on the Player's or other Person's degree of fault. In a third step, the Tribunal determines under Clause 14.4(e) whether the Player or other Person is entitled to elimination, reduction or suspension under more than one provision of Clause 14.4. Finally, the Tribunal decides on the commencement of the period of Ineligibility.

The following four examples demonstrate the proper sequence of analysis:

Example 1

Facts: An Adverse Analytical Finding involves the presence of an anabolic steroid; the Player promptly admits the Anti-Doping Rule Violation as asserted; the Player establishes No Significant Fault (Clause 14.4(b)); and the Player provides Substantial Assistance (Clause 14.4(c)).

Application of Clause 14:

1. The basic sanction would be two years under Clause 14.1. (Aggravating Circumstances (Clause 14.5) would not be considered because the Player promptly admitted the violation. Clause 14.3 would not apply because a steroid is not a Specified Substance.)
2. Based on No Significant Fault alone, the sanction could be reduced up to one-half of the two years. Based on Substantial Assistance alone, the sanction could be reduced up to three-quarters of the two years.
3. Under Clause 14.4(e), in considering the possible reduction for No Significant Fault and Substantial Assistance together, the most the sanction could be reduced is up to three-quarters of the two years. Thus, the minimum sanction would be a six-month period of Ineligibility.
4. Under Clause 14.7(b), because the Player promptly admitted the Anti-Doping Rule Violation, the period of Ineligibility could start as early as the date of Sample collection, but in any event the Player would have to serve at least one-half of the Ineligibility period (minimum three months) after the date of the hearing decision.

Example 2

Facts: An Adverse Analytical Finding involves the presence of an anabolic steroid; aggravating circumstances exist and the Player is unable to establish that he did not knowingly commit the Anti-Doping Rule Violation; the Player does not promptly admit the Anti-Doping Rule Violation as alleged; but the Player does provide Substantial Assistance (Clause 14.4(c)).

Application of Clause 14:

1. The basic sanction would be between two and four years Ineligibility as provided in Clause 14.5.
2. Based on Substantial Assistance, the sanction could be reduced up to three-quarters of the maximum four years.
3. Clause 14.4(e) does not apply.
4. Under Clause 14.7(b), the period of Ineligibility would start on the date of the hearing decision.

Example 3

Facts: An Adverse Analytical Finding involves the presence of a Specified Substance; the Player establishes how the Specified Substance entered his body and that he had no intent to enhance his sport performance; the Player establishes that he had very little fault; and the Player provides Substantial Assistance (Clause 14.4(c)).

Application of Clause 14:

1. Because the Adverse Analytical Finding involved a Specified Substance and the Player has satisfied the other conditions of Clause 14.4, the basic sanction would fall in the range between a reprimand and two years Ineligibility. The Tribunal would assess the Player's fault in imposing a sanction within that range. (Assume for illustration in this example that the Tribunal would otherwise impose a period of Ineligibility of eight months.)
2. Based on Substantial Assistance, the sanction could be reduced up to three-quarters of the eight months. (No less than two months.) No Significant Fault (Clause 14.4(b)) would not be applicable because the Player's degree of fault was already taken into consideration in establishing the eight-month period of Ineligibility in step 1.
3. Clause 14.4(e) does not apply.
4. Under Clause 14.7(b), because the Player promptly admitted the Anti-Doping Rule Violation, the period of Ineligibility could start as early as the date of Sample collection, but in any event, the Player would have to serve at least half of the Ineligibility period after the date of the hearing decision. (Minimum one month.)

Example 4

14.5 Aggravating Circumstances Which May Increase the Period of Ineligibility

- (a) If the AFL establishes in an individual case involving an Anti-Doping Rule Violation other than violations under Clause 10(g) (Trafficking or Attempted Trafficking) and 10(h) (Administration or Attempted Administration) that aggravating circumstances are present which justify the imposition of a period of Ineligibility greater than the standard sanction, then the period of Ineligibility otherwise applicable shall be increased up to a maximum of four (4) years unless the Player or other Person can prove to the comfortable satisfaction of the Tribunal that he did not knowingly commit the Anti-Doping Rule Violation.
- (b) A Player or other Person can avoid the application of this Clause by admitting the Anti-Doping Rule Violation as asserted promptly after being confronted with the Anti-Doping Rule Violation by ASADA or the AFL.²⁴

14.6 Multiple Violations

- (a) Second Anti-Doping Rule Violation

Facts: A Player who has never had an Adverse Analytical Finding or been confronted with an Anti-Doping Rule Violation spontaneously admits that he intentionally Used multiple Prohibited Substances to enhance his performance. The Player also provides Substantial Assistance (Clause 14.4(c)).

Application of Clause 14:

1. While the intentional Use of multiple Prohibited Substances to enhance performance would normally warrant consideration of aggravating circumstances (Clause 14.5), the Player's spontaneous admission means that Clause 14.5 would not apply. The fact that the Player's Use of Prohibited Substances was intended to enhance performance would also eliminate the application of Clause 14.4 regardless of whether the Prohibited Substances Used were Specified Substances. Thus, Clause 14.1 would be applicable and the basic period of Ineligibility imposed would be two years.

2. Based on the Player's spontaneous admissions (Clause 14.4(d)) alone, the period of Ineligibility could be reduced up to one-half of the two years. Based on the Player's Substantial Assistance (Clause 14.4(c)) alone, the period of Ineligibility could be reduced up to three-quarters of the two years.

3. Under Clause 14.4(e), in considering the spontaneous admission and Substantial Assistance together, the most the sanction could be reduced would be up to three-quarters of the two years. (The minimum period of Ineligibility would be six months.)

4. If Clause 14.4(d) was considered by the Tribunal in arriving at the minimum six-month period of Ineligibility at step 3, the period of Ineligibility would start on the date the Tribunal imposed the sanction. If, however, the Tribunal did not consider the application of Clause 14.4(d) in reducing the period of Ineligibility in step 3, then under Clause 14.7(b), the commencement of the period of Ineligibility could be started as early as the date the Anti-Doping Rule Violation was committed, provided that at least half of that period (minimum of three months) would have to be served after the date of the hearing decision.

²⁴ Examples of aggravating circumstances which may justify the imposition of a period of Ineligibility greater than the standard sanction are: the Player or other Person committed the Anti-Doping Rule Violation as part of a doping plan or scheme, either individually or involving a conspiracy or common enterprise to commit Anti-Doping Rule Violations; the Player or other Person Used or Possessed multiple Prohibited Substances or Prohibited Methods or Used or Possessed a Prohibited Substance or Prohibited Method on multiple occasions; a normal individual would be likely to enjoy the performance-enhancing effects of the Anti-Doping Rule Violation(s) beyond the otherwise applicable period of Ineligibility; the Player or Person engaged in deceptive or obstructing conduct to avoid the detection or adjudication of an Anti-Doping Rule Violation.

For the avoidance of doubt, the examples of aggravating circumstances described in this above are not exclusive and other aggravating factors may also justify the imposition of a longer period of Ineligibility. Violations under Clause 10(g) (Trafficking or Attempted Trafficking) and 10(h) (Administration or Attempted Administration) are not included in the application of Clause 14.5 because the sanctions for these violations (from four years to lifetime Ineligibility) already build in sufficient discretion to allow consideration of any aggravating circumstance.

For a Player's or other Person's first Anti-Doping Rule Violation, the period of Ineligibility is set forth in Clause 14.1 and 14.2 (subject to elimination, reduction or suspension under Clause 14.4(b) or 14.4(c), or to increase under Clause 14.5). For a second Anti-Doping Rule Violation the period of Ineligibility shall be within the range set forth in the table below.²⁵

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

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

RS (Reduced sanction for Specified Substance under Clause 14.3): The Anti-Doping Rule Violation was or should be sanctioned by a reduced sanction under Clause 15.3 because it involved a Specified Substance and the other conditions under Clause 14.3 were met.²⁶

FFMT (Filing Failures and/or Missed Tests): The Anti-Doping Rule Violation was or should be sanctioned under Clause 10(d) (Filing Failures and/or Missed Tests).

NSF (Reduced sanction for No Significant Fault or Negligence): The Anti-Doping Rule Violation was or should be sanctioned by a reduced sanction under Clause 15.4(b) because No Significant Fault or Negligence under Clause 14.4(b) was proved by the Player.

St (Standard sanction under Clauses 14.1 or 14.2(a): The Anti-Doping Rule Violation was or should be sanctioned by the standard sanction of two (2) years under Clauses 14.1 or 14.2(a).

AS (Aggravated sanction): The Anti-Doping Rule Violation was or should be sanctioned by an aggravated sanction under Clause 14.5 because AFL established the conditions set forth under Clause 14.5.

²⁵ The table is applied by locating the Player's or other Person's first Anti-Doping Rule Violation in the left-hand column and then moving across the table to the right to the column representing the second violation. By way of example, assume a Player receives the standard period of Ineligibility for a first violation and then commits a second violation for which he receives a reduced sanction for a Specified Substance. The table is used to determine the period of Ineligibility for the second violation. The table is applied to this example by starting in the left-hand column and going down to the fourth row which is "St" for standard sanction, then moving across the table to the first column which is "RS" for reduced sanction for a Specified Substance, thus resulting in a 2-4 year range for the period of Ineligibility for the second violation. The Player's or other Person's degree of fault shall be the criterion considered in assessing a period of Ineligibility within the applicable range.

²⁶ See Article 25.4 of the WADA Code with respect to application of this Clause to pre-WADA-Code Anti-Doping Rule Violations.

TRA (Trafficking or Attempted Trafficking and administration or Attempted administration): The Anti-Doping Rule Violation was or should be sanctioned by a sanction under Clause 14.2(b)

(b) Application of Clauses 14.4(c) and 14.4(d) to Second Anti-Doping Rule Violation

Where a Player or other Person who commits a second Anti-Doping Rule Violation establishes entitlement to suspension or reduction of a portion of the period of Ineligibility the Tribunal shall first determine the otherwise applicable period of Ineligibility within the range established in the table in Clause 14.6(a), and then apply the appropriate suspension or reduction of the period of Ineligibility. The remaining period of Ineligibility, after applying any suspension or reduction must be at least one-fourth of the otherwise applicable period of Ineligibility.

(c) Third Anti-Doping Rule Violation

A third Anti-Doping Rule Violation will always result in a lifetime period of Ineligibility, except if the third violation fulfils the condition for elimination or reduction of the period of Ineligibility under Clause 14.3 or involves a violation of Clause 10(d) (Filing Failures and/or Missed Tests). In these particular cases, the period of Ineligibility shall be from eight (8) years to life ban.

(d) Additional rules for Certain Potential Multiple Violations

(i) For purposes of imposing sanctions under Clause 14.6, an Anti-Doping Rule Violation will only be considered a second violation if the AFL can establish that the Player or other Person committed the second Anti-Doping Rule Violation after the Player or other Person received notice, or after AFL made reasonable efforts to give notice, of the first Anti-Doping Rule Violation; if the AFL cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction; however, the occurrence of multiple violations may be considered as a factor in determining aggravating circumstances (Clause 14.5).

(ii) If, after the resolution of a first Anti-Doping Rule Violation, AFL discovers facts involving an Anti-Doping Rule Violation by the Player or other Person which occurred prior to notification regarding the first violation, then the AFL shall impose an additional sanction based on the sanction that could have been imposed if the two violations would have been adjudicated at the same time. To avoid the possibility of a finding of aggravating circumstances (Clause 14.5) on account of the earlier-in-time but later-discovered violation, the Player or other Person must voluntarily admit the earlier Anti-Doping Rule Violation on a timely basis after notice of the violation for which he is first charged. The same rule shall also apply when AFL discovers facts involving another prior violation after the resolution of a second Anti-Doping Rule Violation.²⁷

²⁷ In a hypothetical situation, a Player commits an Anti-Doping Rule Violation on January 1, 2008, which the Anti-Doping Organisation does not discover until December 1, 2008. In the meantime, the Player commits another Anti-Doping Rule Violation on March 1, 2008, and the Player is notified of this violation by the Anti-Doping Organisation on March 30, 2008, and a Tribunal rules on June 30, 2008 that the Player committed the March 1, 2008 Anti-Doping Rule Violation. The later-discovered violation which occurred on January 1, 2008 will provide the basis for aggravating circumstances because the Player did not voluntarily admit the violation in a timely basis after the Player received notification of the later violation on March 30, 2008.

(e) Multiple Anti-Doping Rule Violations During an Eight-Year Period

For purposes of Clause 14.6, each Anti-Doping Rule Violation must take place within the same eight (8) year period in order to be considered multiple violations.

14.7 Commencement of Ineligibility Period

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

(a) 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 Player or other Person, the Tribunal determining the sanction may start the period of Ineligibility at an earlier date commencing as early as the date of Sample collection or the date on which another Anti-Doping Rule Violation last occurred.

(b) Timely Admission

Where the Player or other Person promptly (which, in all events, for a Player means before the Player competes again) admits the Anti-Doping Rule Violation after being confronted with the Anti-Doping Rule Violation by ASADA, the period of Ineligibility may start as early as the date of Sample collection or the date on which another Anti-Doping Rule Violation last occurred. In each case, however, where this Clause is applied, the Player or other Person shall serve at least one-half of the period of Ineligibility going forward from the date the Player or other Person accepted the imposition of a sanction, the date of a hearing decision imposing a sanction, or the date the sanction is otherwise imposed.²⁸

(c) If a Provisional Suspension is imposed and respected by the Player, then the Player shall receive a credit for such period of Provisional Suspension against any period of Ineligibility which may ultimately be imposed.

(d) If a Player voluntarily accepts a Provisional Suspension in writing from the AFL and thereafter refrains from competing, the Player 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 Player's voluntary acceptance of a Provisional Suspension shall be provided promptly to each party entitled to receive notice of a potential Anti-Doping Rule Violation under the Code.²⁹

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

²⁸ This Clause shall not apply where the period of Ineligibility already has been reduced under Clause 14.4(d)(Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence).

²⁹ A Player's voluntary acceptance of a Provisional Suspension is not an admission by the Player and shall not be used in any way as to draw an adverse inference against the Player.

14.8 Drug Rehabilitation Program

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

14.9 AFL Sanctions

(a) Where the AFL General Counsel determines that a Club and/or any other person has committed a breach of:

- (i) clause 3(b);
- (ii) clause 5(a);
- (iii) clause 7(d);
- (iv) clause 7(g);
- (v) clause 9(h);
- (vi) clause 12(b);
- (vii) clause 12(c);
- (viii) clause 12(g); or
- (ix) clause 12(h),

of this Code, the Club and/or the other person concerned are subject to a fine of 10 Penalty Units, provided that if the AFL General Counsel believes a greater sanction ought apply, he may refer the matter to the Tribunal for its determination as to whether any greater sanction ought be imposed.

(b) Where the AFL General Counsel determines that a Club has committed a breach of clause 10(i), the Club is subject to a fine of up to 100 Penalty Units and may be excluded from one or more selections at the next National Draft Selection Meeting as determined by the AFL General Counsel in his sole and absolute discretion, provided that if the AFL General Counsel believes a greater sanction ought apply, he may refer the matter to the Tribunal for its determination as to whether any greater sanction ought be imposed.

(c) Where the Tribunal determines a Club has committed a breach of this Code other than as described in clause 14.9 or clause 11, or where the AFL General Counsel has referred a matter to the Tribunal pursuant to Clause 14.9, the Club is liable for the following sanctions:

- (i) in the case of a Anti-Doping Rule Violation or in the case of a referral under clause 14.9(b):
 - (A) a fine of up to 200 Penalty Units; and/or

- (B) excluded from one or more selections at the next National Draft Selection Meeting;
 - (ii) otherwise:
 - (A) a fine of at least 10 Penalty Units but not more than 200 Penalty Units; and/or
 - (B) excluded from one or more selections in a Draft Selection Meeting;
- as the Tribunal determines and considers appropriate in its absolute discretion.
- (d) Where the Tribunal determines that a Person (other than a Club) has committed a breach of this Code other than a Anti-Doping Rule Violation or a breach of clause 11, or where the AFL General Counsel has referred a matter to the Tribunal pursuant to clause 14.9, the Person is liable for a sanction of at least 10 Penalty Units and suspension or disqualification from holding any office with the AFL and a Club for such period as the Tribunal considers appropriate in its absolute discretion.

14.10 Status During Ineligibility

- (a) Prohibition Against Participation During Ineligibility
 - (i) No Player 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 by the AFL or AFL Clubs, any Signatory or Signatory's member organisation or a club or other member organisation of a Signatory's member organisation, or in competitions organised by any professional league or any international or national level event organisation. A Player or other Person subject to a period of Ineligibility longer than four (4) years may after completing four years of the period of Ineligibility, participate in local sports events in a sport other than the sport in which the person committed the Anti-Doping Rule Violation, but only so long as the local sport event is not at a level that could otherwise qualify such Person directly or indirectly to compete in a national championship or international event.
 - (ii) A Player or other Person subject to a period of Ineligibility shall remain subject to Testing.
- (b) Violation of the Prohibition of Participation During Ineligibility

Where a Player or other Person who has been declared Ineligible violates the prohibition against participation during Ineligibility described in Clause 14.10., the results of such participation shall be disqualified and the period of Ineligibility which was originally imposed shall start over again as of the date of the violation. The new period of Ineligibility may be reduced under Clause 14.4(b) if the Player or other Person establishes he bears No Significant Fault or Negligence for violating the prohibition against participation. The determination of whether a Player has violated the prohibition against participation, and whether a reduction under Clause 14.4(b) is appropriate, shall be made by the Anti-Doping Organisation whose results management led to the imposition of the initial period of Ineligibility.

(c) **Withholding of Financial Support during Ineligibility**

In addition for any Anti-Doping Rule Violation not involving Specified Substances, some or all sport related financial support or other sport related benefits received by such Player will be withheld by the AFL or the AFL Club.

14.11 Reinstatement Testing

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

15. Proof of Doping

15.1 Burden and Standard of Proof

AFL shall have the burden of establishing that an Anti-Doping Rule Violation has occurred. The standard of proof shall be whether AFL has established an Anti-Doping Rule Violation to the comfortable satisfaction of CAS or the Tribunal bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability, but less than proof beyond a reasonable doubt. Where this Code places the burden of proof upon the Player or other Person alleged to have committed an Anti-Doping Rule Violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability, except as provided in Clauses 14.3 and 14.5 where the Player must satisfy a higher burden of proof.³⁰

15.2 Methods of Establishing Facts and Presumptions

- (a) Facts related to Anti-Doping Rule Violations may be established by any reliable means, including admissions.³¹ The following rules of proof shall be applicable in Doping cases:
- (i) WADA accredited laboratories are presumed to have conducted Sample analysis and custodial procedures in accordance with the International Standard for Laboratories. The Player or other Person may rebut this presumption by establishing that a departure from the International Standard occurred which could reasonably have caused the Adverse Analytical Finding. If the Player or other Person rebuts the preceding presumption by showing that a departure from the International Standard

³⁰ 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. It has also been widely applied by courts and hearing panels in doping cases. See, for example, the CAS decision in N, J, Y, W v FINA, CAS 98/208, 22 December 1998.

³¹ For example, an Anti-Doping Organisation may establish an Anti-Doping Rule Violation under Clause 11.2 (Use or Attempted Use of a Prohibited Substance or Prohibited Method) based on the Player's admissions, the credible testimony of third Persons, reliable documentary evidence, reliable analytical data from either an A or B Sample or conclusions drawn from the profile of a series of the Player's blood or urine Samples.

occurred, then AFL shall have the burden to establish that such departure did not cause the Adverse Analytical Finding.³²

- (ii) Departures from any other International Standard or other anti-doping rule or policy which did not cause an Adverse Analytical Finding or other Anti-Doping Rule Violation shall not invalidate such results. If the Player or other Person establishes that a departure from the International Standard or other anti-doping rule or policy which could have reasonably have caused the Adverse Analytical Finding or other Anti-Doping Rule Violation occurred, then AFL shall have the burden to establish that such departure did not cause the Adverse Analytical Finding or the factual basis for the Anti-Doping Rule Violation.
 - (iii) The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrebuttable evidence against the Player or other Person to whom the decision pertained of those facts unless the Player or other Person establishes that the decision violated principles of natural justice.
 - (iv) The Tribunal in a hearing on an Anti-Doping Rule Violation may draw an inference adverse to the Player or other Person who is asserted to have committed an Anti-Doping Rule Violation based on the Player's or other Person's refusal, after a request made in a reasonable time in advance of the Tribunal, to appear at the Tribunal (either in person or telephonically as directed by the Tribunal panel) and to answer questions from the Tribunal or the Anti-Doping Organisation asserting the Anti-Doping Rule Violation.³³
- (b) Where a Person admits to having committed an Anti-Doping Rule Violation or other breach of this Code, then that admission constitutes proof of the Anti-Doping Rule Violation or other breach of this Code (as the case may be) by that Person.

16. Nature of Hearing

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

³² The burden is on the Player or other Person to establish, by a balance of probability, a departure from the International Standard for Laboratories that could reasonably have caused the Adverse Analytical Finding. If the Player or other Person does so, the burden shifts to the Anti-Doping Organisation to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the Adverse Analytical Finding.

³³ Drawing an adverse inference under these circumstances has been recognised in numerous CAS decisions

- (iv) or any combination of these factors. This Clause will not apply where the Player has admitted the Anti-Doping Rule Violation and Clause 10(i) applies.
- (b) An entry on the Register of Findings by ASADA under the ASADA Act will be recognised by the Tribunal as proof, and without the need for further enquiry, that the applicable procedures have been observed.
- (c) A Person may appear in Person or by a Players' Advocate, an Officer of a Club appointed according to the AFL Player Rules or a Legal Practitioner. The AFL may be represented by a Reporting Officer or Legal Practitioner. The costs and expenses of any such advocate (including a Legal Practitioner) will be borne by the Person on whose behalf they appear. The costs and expenses of any Official of a Club or Officer in attending a hearing of the Tribunal will be borne by the relevant Club even if such attendance was at the request or direction of the AFL.
- (d) All hearings before the Tribunal in relation to this Code will be conducted in private unless otherwise authorised by the Tribunal Chairman.
- (e) All hearings and appeals conducted will respect in principle the rules applicable to the Tribunal and Appeals Board.
- (f) If a Player or other Person retires while a result management process is underway, the AFL retains the jurisdiction to complete its results management process. If the Player or other Person retires before any results management process has begun, the AFL will have jurisdiction to conduct results management.

17. Appeals³⁴

Nothing in this clause 17 operates in relation to any breach of clause 11 of this Code.

17.1 Decisions Subject to Appeal

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

- (a) WADA Not Required to Exhaust Internal Remedies

Where WADA has a right to appeal under this Clause and no other party has appealed a final decision within the process set out in this Code, WADA may appeal such decision directly to CAS without having to exhaust other remedies set out in this Code.³⁵

³⁴ The object of the WADA Code and this Code is to have anti-doping matters resolved through fair and transparent internal processes with a final appeal. Specified Persons and organisations, including WADA, are then given the opportunity to appeal those decisions. Note that the definition of interested Persons and organisations with a right to appeal under this Clause does not include Players, or their federations, who might benefit from having another competitor disqualified.

³⁵ Where a decision has been rendered before the final stage of an Anti-Doping Organisation's process (for example, a first hearing) and no party elects to appeal that decision to the next level of the Anti-Doping Organisation's process (e.g., the Appeals tribunal), then WADA may bypass the remaining steps in the Anti-Doping Organisation's internal process and appeal directly to CAS.

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

A decision that an Anti-Doping Rule Violation was committed, a decision imposing Consequences for an Anti-Doping Rule Violation, or a decision that no Anti-Doping Rule Violation was committed; a decision that an Anti-Doping Rule Violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision under Clause 14.10(b) (Violation of the Prohibition of Participation during Ineligibility); a decision that AFL lacks jurisdiction to rule on an alleged Anti-Doping Rule Violation or its Consequences; a decision by ASADA or AFL not to bring forward an Adverse Analytical Finding or an Atypical Finding as an Anti-Doping Rule Violation after an investigation; and a decision to impose a Provisional Suspension may be appealed exclusively as provided in this sub-Clause.

(a) Appeals Involving International Events

In cases arising from participation in an international event, the decision may be appealed exclusively to CAS in accordance with the provisions applicable before such court.

(b) All other appeals shall be to the Appeals Board, constituted differently than for the original hearing and shall respect the following principles:

- (i) a timely hearing;
- (ii) a fair, impartial and independent Tribunal;
- (iii) the right to be represented by a counsel at the Person's expense; and
- (iv) a timely, written, reasoned decision.

(c) The determination of the Appeals Board will be final and binding on the parties to the appeal and no Person may institute or maintain proceedings in any court or tribunal.

(d) AFL must inform any Person or organisation informed of the original determination the outcome of any appeal within seven (7) days of the release by the Appeals Board of the written decision of the appeal.

(e) Persons Entitled to Appeal

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

- (i) the Player or other Person who is the subject of the decision being appealed;
- (ii) the other party to the case in which the decision was rendered;
- (iii) AFL;
- (iv) ASADA; and
- (v) WADA.

ASADA, WADA and a Player shall also have the right to appeal to CAS with respect to the decision of the Appeals Board. Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the Anti-Doping Organisation whose decision is being appealed and the information shall be provided if CAS so directs.

17.3 Failure to Render a Timely Decision by an Anti-Doping Organisation

Where, in a particular case, an Anti-Doping Organisation fails to render a decision with respect to whether an Anti-Doping Rule Violation was committed within a reasonable deadline set by WADA, WADA may elect to appeal directly to CAS as if the Anti-Doping Organisation had rendered a decision finding no Anti-Doping Rule Violation.³⁶

17.4 Appeals from Decisions Granting or Denying a Therapeutic Use Exemption

- (a) Decisions by WADA reversing the grant or denial of a TUE may be appealed exclusively to CAS by the Player or ASDMAC or other TUE Committee whose decision was reversed. Decisions denying TUEs which are not reversed by WADA, may be appealed by the Player to the Tribunal. If the Tribunal reverses the decision to deny a TUE, that decision may be appealed to the CAS by WADA. Before an appeal is commenced under this Clause, any review of the TUE as authorised under this Code must be exhausted.
- (b) When WADA, ASDMAC, or other TUE Committee fails to take action on a properly submitted TUE application within a reasonable time, the failure to decide may be considered a denial for purposes of the appeal rights provided in this Clause.

17.5 Time for Filing Appeals

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

18. Confidentiality

- (a) The identity of any Player or other Person who is asserted to have committed an Anti-Doping Rule Violation may only be Publicly Disclosed by the AFL or ASADA in accordance with this Code, the WADA Code, the ASADA Act, the NAD scheme, the Tribunal rules or the terms of the Confidentiality Undertaking signed between the AFL and ASADA.

³⁶ 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.

- (b) The AFL or ASADA, or any official of either, will not publicly comment on the specific facts of a pending case (as opposed to general description of process and science) except in response to public comments attributed to the Player, other Person or their representatives.

19. Notification and Public Disclosure

Upon the imposition of a sanction for an Anti-Doping Rule Violation, the AFL will send details of the Anti-Doping Rule Violation and the sanction imposed to:

- (a) the Responsible Authority for any sport in which the AFL believes the Player or person also competes, participates or is otherwise involved;
- (b) ASADA;
- (c) ASC; and
- (d) any other person or organisation the AFL believes should be informed.

In addition, no later than twenty (20) days after it has been determined in a hearing in accordance with this Code that an Anti-Doping Rule Violation has occurred and the time to appeal such decision has expired, or such hearing has been waived and the time to appeal the decision has expired, or the assertion of an Anti-Doping Rule Violation has not been challenged in a timely fashion, the AFL must Publicly Disclose at least: the disposition of the anti-doping matter including the sport, the anti-doping rule violated, the name of the Player or other Person committing the violation, the Prohibited Substance or Prohibited Method involved and the Consequences imposed. The AFL must also Publicly Disclose within twenty (20) days any appeal decision concerning Anti-Doping Rule Violations. The AFL or ASADA will also, within the time period for publication, send all hearing and appeal decisions to WADA

20. ASADA

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

21. Statistical Analysis

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

22. Consequences to Teams

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

23. Retirement of Players

- (a) A Player who wants to retire from AFL Competition must do so by notifying the AFL as required under the AFL Player Rules.
- (b) Upon receipt of the notification in accordance with clause 23(a), the AFL will, as soon as reasonably practicable, provide ASADA with notification of the retirement of the Player.
- (c) Retirement does not:
 - (i) excuse a Player from giving a Sample requested on or before their retirement date, or a Sample required as part of an investigation commenced prior to their retirement date;
 - (ii) excuse a Player from assisting, cooperating and liaising with the AFL, ASADA or other Anti-Doping Organisation in relation to conduct of any investigation or hearing into an alleged Anti-Doping Rule Violation;
 - (iii) prevent analysis of a Sample given by the Player on or before their retirement date;
 - (iv) affect the results of Testing under (i) or (ii) above;
 - (v) exempt the player from this Code in relation to an Anti-Doping Rule Violation committed on or before their retirement date; or
 - (vi) affect the AFL's power to conduct results management.
- (d) A Player who has retired in accordance with clause 23(a) and who wishes to return to AFL Competition must do so by notifying the AFL in accordance with the AFL Player Rules. The Player's reinstatement request date will be the date the AFL approves the Player's return to AFL Competition.
- (e) Upon receipt of notification under clause 23(d), the AFL will, as soon as reasonably practicable, notify ASADA of the reinstatement date.

- (f) If reinstatement is granted, then this Code will apply to the Player from the date of their reinstatement.
- (g) A Player who is reinstated pursuant to clause 23(d) may not compete in the AFL Competition for a period of three (3) months from the date of reinstatement.
- (h) Subject to consultation with ASADA, the AFL may reduce or extend the time period stated in clause 23(g), at its absolute discretion, in circumstances where the AFL considers special treatment is required.
- (i) A Player must be available for unannounced Out Of Competition Testing in accordance with this Code from the date of their reinstatement.

24. Mutual Recognition

- (a) Subject to the right to appeal under Clause 17, the Testing, TUE's and hearing results or other financial adjudications of any Signatory to the WADA Code which are consistent with the WADA Code and are within that Signatory's authority, shall be recognised and respected by the AFL.
- (b) The AFL may recognise the same determinations of other bodies which have not accepted the WADA Code if the rules of those bodies are otherwise consistent with the WADA Code. On being advised of such determination, the AFL shall take all necessary action to render the determination effective.

25. Statute of Limitations

No action may be commenced under this Code against a Player or other person for an a breach of this Code unless such action is commenced within eight (8) years from the date the breach is asserted to have occurred.

26. Interpretation of the WADA Code

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

- (f) The Purpose, Scope and Organisation of the World Anti-Doping Program and the WADA Code and APPENDIX I DEFINITIONS shall be considered integral parts of the WADA Code.

27. AFL Screening and Risk Analysis

- (a) Notwithstanding any other provision of this Code, the AFL may conduct its own sample collection from Players and the screening/analysis of such samples for intelligence purposes and developing the strategic direction of the AFL's anti-doping program.
- (b) Samples not collected and Tested in accordance with clause 8 of this Code cannot be used to establish a violation of this Code.

28. Notification

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

Annexure A – Whereabouts Form

Player's Contact Details:

Player's Name:

Club:

Address:

.....

.....

.....

Telephone home:

Mobile telephone:

Email:

I hereby authorise my Club to provide details of my whereabouts, including match/training venues, schedules and times, to all relevant Anti-Doping Organisations and the AFL Medical Commissioners.

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

Player's signature:

Date:

Annexure B – WADA Prohibited List

Refer to WADA Website:

<http://www.wada-ama.org/en/World-Anti-Doping-Program/Sports-and-Anti-Doping-Organizations/International-Standards/Prohibited-List/>