

Cricket Australia Anti-Doping Policy

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ARTICLE 1 - CRICKET AUSTRALIA'S POSITION ON DOPING

Cricket Australia condemns the *Use of Prohibited Substances and Prohibited Methods* in cricket. The *Use of Prohibited Substances and Prohibited Methods* is contrary to the ethics of cricket, potentially harmful to the health of *Players* and detrimental to the reputation of cricket as a sport.

The only legitimate *Use of Prohibited Substances and Prohibited Methods* is under the supervision of a physician for a clinically justified purpose in accordance with Article 7.4 of these Anti-Doping Rules.

Cricket Australia aims to stop *Doping* practices in cricket by:

- a) educating and informing *Players and Player Support Personnel* about these Anti-Doping Rules;
- b) supporting the drug testing programs and education initiatives of *ASDA* and other *Anti-Doping Organisations*; and
- c) imposing effective sanctions on *Players and Player Support Personnel* who commit *Anti-Doping Rule Violations*.

ARTICLE 2 - WHO DO THESE ANTI-DOPING RULES APPLY TO?

These Anti-Doping Rules apply to:

- a) *Members*;
- b) *Players*;
- c) *Player Support Personnel*; and
- d) employees and contractors of Cricket Australia and *Members*.

ARTICLE 3 - OBLIGATIONS

3.1 These Anti-Doping Rules, like competition rules, set out some of the conditions under which cricket is played. *Players and Player Support Personnel* accept these Anti-Doping Rules as a condition of being eligible to participate in cricket at all levels under the jurisdiction, auspices and control of Cricket Australia. These Anti-Doping Rules are not intended to be subject to or limited by the requirements and legal standards applicable to criminal proceedings or employment matters. The policies and minimum

standards implemented in these Anti-Doping Rules are modelled on the WADA Code, which represents the consensus of a broad spectrum of stakeholders with an interest in fair sport and should be respected by all courts and adjudicating bodies.

3.2 Roles and responsibilities – *Players*

Players must:

- a) read and be knowledgeable of and comply with these Anti-Doping Rules and the *Cricket Australia Prohibited List* as it relates to them;
- b) be available for *Sample* collection, *Testing* and provide whereabouts information in accordance with these Anti-Doping Rules for that purpose;
- c) take full responsibility, in the context of anti-doping, for what they ingest and *Use*;
- d) inform medical practitioners with whom they consult of their obligations not to *Use Prohibited Substances* and *Prohibited Methods* and to take responsibility to make sure that any medical treatment received does not violate these Anti-Doping Rules;
- e) not *Use* any *Prohibited Substances* or *Prohibited Methods* in violation of these Anti-Doping Rules;
- f) make themselves aware of the procedure for ASDA's *Sample* collection and *Testing* procedures and their rights during *Sample* collection and *Testing* process;
- g) set a responsible example on the issue of drug use in sport to members of the public, especially children interested in cricket;
- h) ensure that the requirements for prior notification of *Use* of *Prohibited Substance* or *Prohibited Methods* which are necessary for a *Therapeutic Use Exemption* are complied with;
- i) attend all drug education programs conducted by Cricket Australia, relevant *Members* and ASDA on behalf of Cricket Australia and relevant *Members*;
- j) submit to the jurisdiction of the *Cricket Australia Anti-Doping Committee* and *Appeals Committee*; and
- k) comply with all sanctions which may be imposed under these Anti-Doping Rules in the event an *Anti-Doping Rule Violation* is found to have occurred.

3.3 Roles and responsibilities – *Player Support Personnel*

Player Support Personnel must:

- a) read and be knowledgeable of and comply with these Anti-Doping Rules and the *Cricket Australia Prohibited List* as it relates to them;
- b) make themselves aware of the procedure for *ASDA's Sample* collection and *Testing* procedures and cooperate with *Player Testing*;
- c) use their influence on *Players'* values and behaviour to ensure compliance with these Anti-Doping Rules;
- d) set an appropriate example on the issue of drug use in sport to members of the public;
- e) submit to the jurisdiction of the *Cricket Australia Anti-Doping Committee* and *Appeals Committee*; and
- f) comply with all sanctions which may be imposed under these Anti-Doping Rules in the event an *Anti-Doping Rule Violation* is found to have occurred

3.4 Roles and responsibilities – *Cricket Australia*

Cricket Australia must:

- a) give *ASDA* timely and accurate *Player* whereabouts information in accordance with these Anti-Doping Rules;
- b) support and assist *ASDA* to conduct *Doping Control* in accordance with these Anti-Doping Rules;
- c) make these Anti-Doping Rules available to *Members, Players* and *Player Support Personnel*;
- d) develop and implement, in consultation with *ASDA*, drug education and information programs for *Players* and *Player Support Personnel*;
- e) ensure that all *Players* receive a copy of these Anti-Doping Rules and that all *Players* acknowledge receipt of the Anti-Doping Rules by signing a register created for that purpose;
- f) ensure that relevant medical and paramedical staff are familiar with procedures necessary for *Therapeutic Use Exemptions*;

- g) ensure that all relevant *Player Support Personnel* and ancillary staff are familiar with the content of these Anti-Doping Rules;
- h) give reasonable assistance to drug *Testing* personnel to enable them to carry out their *Testing* duties efficiently and effectively;
- i) ensure that *Team* coaches are aware that *Players* may be tested immediately following a match and every assistance is to be given to *Testing* personnel in carrying out their duties; and
- j) arrange for Cricket Australia *Player Support Personnel* or *State Cricket Association and Territory Cricket Association Player Support Personnel* or other relevant staff to attend meetings arranged by Cricket Australia to discuss any problems in relation to drug *Testing*.

3.5 *Players* and other *Persons* may be subject to investigation and disciplined under these Anti-Doping Rules. *Players* may be asked to provide a *Sample* at any time, whether *In-Competition* or *Out-of-Competition*, to or by any *Anti-Doping Organisation*.

3.6 Cricket Australia will not disclose or use information about an alleged *Anti-Doping Rule Violation* (except for a purpose permitted under these Anti-Doping Rules) until after:

- a) the *Cricket Australia Anti-Doping Committee* has made a determination;
- b) the *ADCO* has referred the matter to a hearing; or
- c) the information has become public knowledge.

ARTICLE 4 - DEFINITION OF DOPING

Doping is defined as the occurrence of one or more of the *Anti-Doping Rule Violations* set out in Article 5.1 through Article 5.8 of these Anti-Doping Rules.

ARTICLE 5 - ANTI-DOPING RULE VIOLATIONS

The following constitute *Anti-Doping Rule Violations*, provided, however, that each of the following *Anti-Doping Rule Violations* shall be deemed not to be *Anti-Doping Rule Violations* by a *Person* if the *Person* has previously obtained a *Therapeutic*

Use Exemption from the Cricket Australia Anti-Doping Medical Advisor or a Recognised Medical Authority in accordance with these Anti-Doping Rules.

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

5.1 The presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in a *Player's* bodily *Specimen*.

5.1.1 It is each *Player*'s personal duty to ensure that no *Prohibited Substance* enters his or her body. *Players* are responsible for any *Prohibited Substance* or its *Metabolites* or *Markers* found to be present in their bodily *Specimens*. Accordingly, subject to Article 12.6, 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 Article 5.1.

Note: These Anti-Doping Rules adopt the strict liability principle. Under the strict liability principle, an *Anti-Doping Rule Violation* occurs whenever a *Prohibited Substance* is found in a *Player's Sample*. The *Anti-Doping Rule Violation* occurs whether or not the *Player's Use* of a *Prohibited Substance* is intentional or whether the *Player* was negligent or otherwise at fault. There is ample justification for the strict liability principle, which includes, the fact that there would be unfairness to other players competing against a *Player* who has accidentally *Used* a performance enhancing substance. Moreover, it is likely intentional *Use*, in many cases, would escape sanction because of difficulty of proof of intent.

5.1.2 Excepting those substances for which a quantitative reporting threshold is specifically identified in the *Cricket Australia 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*.

5.1.3 As an exception to the general rule of Article 5.1, the *Cricket Australia Prohibited List* may establish special criteria for the evaluation of *Prohibited Substances* that can also be produced endogenously.

5.2 Use or Attempted Use of a Prohibited Substance or a Prohibited Method.

5.2.1: The success or failure of the *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.

Note: Proof of *Use* does not require proof of intent of the *Player*. Proof of *Attempted to be Used* does require proof of intent of the *Player*. The fact that intent is required to prove *Attempted to be Used* does not undermine the strict liability principle elsewhere in these Anti-Doping Rules.

5.3 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.

5.4 Violation of the requirements regarding Player availability for Out-of-Competition Testing including failure to provide required whereabouts information set forth in Article 8.3 (Player whereabouts requirements) and missed tests which are declared based on reasonable rules.

5.5 Tampering, or Attempting to Tamper, with any part of Doping Control.

5.6 Possession of Prohibited Substances or Prohibited Methods.

5.6.1 This Article applies to *Possession* by a *Player* at any time or place of a *Prohibited Substance* that is prohibited in *Out-of-Competition Testing* or a *Prohibited Method* unless the *Player* establishes that the *Possession* is pursuant to a *Therapeutic Use Exemption* granted in accordance with Article 7.4 (Therapeutic Use) or other acceptable justification.

5.6.2 This Article applies to *Possession* by *Player Support Personnel* of a *Prohibited Substance* that is prohibited in *Out-of-Competition Testing* or a *Prohibited Method* by *Player Support Personnel* in connection with a *Player* or training, unless the *Player Support*

Personnel establishes that the *Possession* is pursuant to a *Therapeutic Use Exemption* granted to a *Player* in accordance with Article 7.4 (Therapeutic Use) or other acceptable justification.

5.7 *Trafficking in any Prohibited Substance or Prohibited Method.*

Note: This Article 5.7 shall not include *Trafficking* for validated therapeutic purposes in the legal exercise of professional, medical and pharmaceutical treatment of a disease process.

5.8 *Administration or Attempted administration of a Prohibited Substance or Prohibited Method to any Player, or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an Anti-Doping Rule Violation or any Attempted Anti-Doping Rule Violation.*

ARTICLE 6 - PROOF OF DOPING

6.1 *Burdens and Standards of Proof.*

Cricket Australia has the burden of establishing that an *Anti-Doping Rule Violation* has occurred. The standard of proof is whether Cricket Australia has established an *Anti-Doping Rule Violation* to the satisfaction of the *Cricket Australia Anti-Doping Committee* bearing in mind the seriousness of the allegation being made. This standard of proof in all cases is by a balance of probabilities. Where these Anti-Doping Rules 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 is by a balance of probabilities.

6.2 *Methods of Establishing Facts and Presumptions.*

Facts related to *Anti-Doping Rule Violations* may be established by any reliable means, including admissions. The following rules of proof are applicable in *Doping* cases:

6.2.1 The *Australian Sports Drug Testing Laboratory* or any other WADA-accredited laboratories are presumed to have conducted *Sample* analysis and custodial procedures in accordance with the

International Standard for laboratory analysis. The *Player* may rebut this presumption by establishing that a departure from the *International Standard* occurred. If the *Player* rebuts the presumption, Cricket Australia has the burden to establish that the departure did not cause the *Adverse Analytical Finding*.

6.2.2 Departures from the *International Standard for Testing* that did not cause an *Adverse Analytical Finding* or other *Anti-Doping Rule Violation* will not invalidate the results. If the *Player* establishes that departures from the *International Standard* occurred during *Testing*, Cricket Australia has the burden of establishing that the departures did not cause the *Adverse Analytical Finding* or the factual basis for the *Anti-Doping Rule Violation*.

ARTICLE 7 - THE PROHIBITED LIST

7.1 Cricket Australia's Prohibited List.

For the purposes of these Anti-Doping Rules, Cricket Australia:

- a) will maintain a list of *Prohibited Substances* and *Prohibited Methods*, which shall be amended from time to time, to be known as the *Cricket Australia Prohibited List*;
- b) takes into account, when determining the *Cricket Australia Prohibited List*, the current *WADA Prohibited List* (a copy of which is attached as Annexure A), as amended from time to time and will only depart from the *WADA Prohibited List* when reasonable and appropriate for the sport of Cricket and individual liberties in general;
- c) determines (until further determination) that the *Cricket Australia Prohibited List* shall be the *WADA Prohibited List*;
- d) will determine, in circumstances where:
 - i) a *Player* holds a *Therapeutic Use Exemption* in respect of a particular *Prohibited Substance* or *Prohibited Method* on the *Cricket Australia Prohibited List*, and
 - ii) the *Player* establishes to the reasonable satisfaction of the *Cricket Australia Anti-Doping Medical Advisor* that the *Player* has not used the *Prohibited Substance* or *Prohibited Method* other than in accordance with the conditions (if any) of the *Therapeutic Use Exemption*,

that the *Cricket Australia Prohibited List* in so far as it applies to that *Player* shall be deemed not to include the substance or method the subject of the *Therapeutic Use Exemption*.

7.2 *Prohibited Substances and Prohibited Methods Identified on the Cricket Australia Prohibited List.*

All *Persons* and other entities listed in Article 2 shall be bound by any changes to the *Cricket Australia Prohibited List* provided Cricket Australia or any *Members* have taken reasonable steps to bring the amended *Cricket Australia Prohibited List* to the attention of the *Players* and *Player Support Personnel*. For the avoidance of doubt, publication on Cricket Australia's website (www.cricket.com.au) shall be deemed to satisfy the preceding sentence.

7.3 *Criteria for Including Prohibited Substances and Prohibited Methods on the Cricket Australia Prohibited List.*

Cricket Australia's determination of the *Prohibited Substances* and *Prohibited Methods* that will be included on the *Cricket Australia Prohibited List* shall be final and shall not be subject to challenge by a *Player* or other *Person*.

7.4 *Therapeutic Use.*

The *Use* of a *Prohibited Substance* or *Prohibited Method* shall not constitute or lead to any *Anti-Doping Rule Violation* provided the *Use* has been in accordance with the conditions (if any) of a *Therapeutic Use Exemption* current at the time of *Use*.

7.4.1 *Players* with a documented medical condition requiring the *Use* of a *Prohibited Substance* or a *Prohibited Method* must first obtain a *Therapeutic Use Exemption* from the *Cricket Australia Anti-Doping Medical Advisor* and/or a *Recognised Medical Authority* in accordance with the WADA International Standard for *Therapeutic Use Exemptions*.

7.4.2 *Players* must inform Cricket Australia immediately in writing upon obtaining a *Therapeutic Use Exemption*.

7.4.3 An application for a *Therapeutic Use Exemption* for the Use by a *Player* of a *Prohibited Substance* or *Prohibited Method* must be made by the *Cricket Australia Medical Officer* or *State Cricket Association Medical Officer*, to the *Cricket Australia Anti-Doping Medical Advisor* and must include:

- a) a relevant medical history;
- b) a description or diagnosis of the *Player's* medical condition;
- c) the proposed treatment, treatment level (i.e. dose) and length of the treatment;
- d) verification that there is no alternative medication suitable for treatment that does not contain *Prohibited Substances* or *Prohibited Methods*;
- e) consent for the transmission of all information pertaining to the application to the *Cricket Australia Anti-Doping Medical Advisor*, and/or a *Recognised Medical Authority* provided it is transmitted on the basis that it is to be used only in connection with the application and confidentiality respected so far as reasonably practicable; and
- f) details of any prior or pending requests for a *Therapeutic Use Exemption*.

Note: *So far as is practicable, all applications must use the standard Recognised Medical Authority form (as applicable from time to time). In urgent situations application may be made to the Cricket Australia Anti-Doping Medical Advisor by telephone (the mobile number for the Cricket Australia Anti-Doping Medical Advisor can be obtained from Cricket Australia's General Counsel or Legal Counsel (03 9653 9999)).*

7.4.4 The *Player* must bear all costs of any application for a *Therapeutic Use Exemption*.

7.4.5 The *Cricket Australia Anti-Doping Medical Advisor* and/or a *Recognised Medical Authority* may reasonably require the *Player* to provide additional information and may also require the *Player* to undergo a medical examination by the *Cricket Australia Anti-Doping Medical Advisor* or the nominee of the *Cricket Australia Anti-Doping Medical Advisor* and/or a *Recognised Medical Authority*.

7.4.6 The *Cricket Australia Anti-Doping Medical Advisor* may seek independent advice from a *Recognised Medical Authority* (or

elsewhere as thought appropriate) in determining whether to issue a *Therapeutic Use Exemption*.

7.4.7 The *Cricket Australia Anti-Doping Medical Advisor* and/or a *Recognised Medical Authority* shall take into account the following criteria when determining whether to issue a *Therapeutic Use Exemption*:

- a) whether the *Player* would experience significant impairment of, or risk to, his or her health if the *Prohibited Substance* and/or *Prohibited Method* were not used;
- b) whether any enhancement over and above the *Player's* level of performance (if not using the *Prohibited Substance* and/or *Prohibited Method*) would result from the use of the *Prohibited Substance* and/or *Prohibited Method* as medically prescribed;

Note: *The use of a Prohibited Substance and/or Prohibited Method to increase "low-normal" levels of any endogenous hormone is not considered an acceptable use for the purposes of a Therapeutic Use Exemption.*

- c) whether the *Player* would be readily able to use the *Prohibited Substance* and/or *Prohibited Method* if he or she were not competing in the *Competition*;
- d) whether a permitted alternative medication can be substituted for the *Prohibited Substance* and/or *Prohibited Method*;
- e) the WADA International Standard for *Therapeutic Use Exemptions*;
- f) the best interests of the game of cricket; and
- g) any other matters the *Cricket Australia Anti-Doping Medical Advisor* and/or a *Recognised Medical Authority* (as the case may be) considers appropriate.

Note: *A Therapeutic Use Exemption ought not, unless in the most exceptional cases, be issued for the Use of an anabolic androgenic steroid or peptide hormone or analogue. If a Therapeutic Use Exemption is sought for the Use of an anabolic androgenic steroid or peptide hormone or analogue, it must be referred to Recognised Medical Authority.*

7.4.8 The *Cricket Australia Anti-Doping Medical Advisor* and/or a *Recognised Medical Authority* (as the case may be) may in his, her or its absolute discretion issue a *Therapeutic Use Exemption* in accordance with the WADA International Standard for *Therapeutic*

Use Exemptions for the Use of the Prohibited Substance and/or Prohibited Method and may give such authorisation upon such terms and conditions as he, she or its (as the case may be) deems appropriate in his, her or its (as the case may be) absolute discretion.

Note: *The Therapeutic Use Exemption may, for example, specify the permitted dose, require the Prohibited Substance to be administered only by the Cricket Australia Medical Officer or the State Cricket Association Medical Officer, require the Cricket Australia Medical Officer or the State Cricket Association Medical Officer to certify that only the authorised dose has been administered and specify a regime for ongoing testing.*

7.4.9 *Where the Cricket Australia Anti-Doping Medical Advisor and/or a Recognised Medical Authority (as the case may be), as a condition of a Therapeutic Use Exemption, specifies a regime for ongoing testing, the Player must bear the cost of such testing.*

7.4.10 *If a Player does play after receipt of a Therapeutic Use Exemption, the act of playing is deemed to be his acceptance and agreement to the conditions, if any, attaching to the Therapeutic Use Exemption.*

7.4.11 *Any appeal by a Person (including Cricket Australia) from a determination by the Cricket Australia Anti-Doping Medical Advisor to deny or grant a Therapeutic Use Exemption to a Player must be to a Recognised Medical Authority in accordance with any current procedures of a Recognised Medical Authority. Any determination by a Recognised Medical Authority of the appeal should take into account the criteria in Article 7.4.7 above.*

7.4.12 *Any appeal by a Person (including Cricket Australia) from a determination by a Recognised Medical Authority to deny or grant a Therapeutic Use Exemption to a Player must be to the Appeals Committee. Any determination by Appeals Committee of the appeal should take into account the criteria in Article 7.4.7 above.*

7.4.13 *The Player must bear all costs of any appeal irrespective of the outcome.*

7.4.14 *A Player uses a Prohibited Substance and/or Prohibited Method for a therapeutic purpose if:*

- a) the *Player* had written approval prior to *Testing* from the *Cricket Australia Anti-Doping Medical Advisor* and/or a *Recognised Medical Authority* for the therapeutic use of the *Prohibited Substance* and/or *Prohibited Method* in accordance with these Anti-Doping Rules;
- b) the level of the *Prohibited Substance* in the *Sample* is consistent with the approved *Therapeutic Use Exemption* and the *Player* has complied with all conditions advised by the *Cricket Australia Anti-Doping Medical Advisor* and/or *Recognised Medical Authority* with respect to the therapeutic use of the *Prohibited Substance*; and
- c) the therapeutic use of the *Prohibited Substance* and/or *Prohibited Method* is not inconsistent with the Laws of Cricket.

7.4.15 Cricket Australia will promptly report any *Therapeutic Use Exemptions* obtained by a *Player* to ASDA, once the relevant *Player* reports the *Therapeutic Use Exemption* to Cricket Australia.

ARTICLE 8 - TESTING

8.1 Authority to Test.

All *Players* subject to *Doping Control* are liable to be selected for *In-Competition Testing* and *Out-of-Competition Testing* by an *Anti-Doping Organisation*. All *Players* subject to *Doping Control* agree to submit to *In-Competition Testing* and *Out-of-Competition Testing* (at any reasonable time or place, with or without advance notice) by an *Anti-Doping Organisation*. This includes after matches, at training, at home or any other suitable facility. *Players* are liable to be selected for any number of drug tests; there is no maximum number.

8.2 Testing Standards.

All *Testing* shall be conducted in conformity with the *WADA International Standard for Testing* (which can be viewed at www.WADA-ama.org).in force at the time of *Testing*.

8.3 Player Whereabouts Requirements.

- 8.3.1** *Players* who are under contract to Cricket Australia must provide to Cricket Australia accurate and up-to-date whereabouts information and keep this information updated so as to enable *Out-of-Competition Testing*. This information must include all relevant details while the *Player* is on any period of leave (annual, parental or otherwise).
- 8.3.2** *Players* who are under contract to a *State Cricket Association* must provide to that *State Association* accurate and up-to-date whereabouts information and keep this information updated so as to enable *Out-of-Competition Testing*. This information must include all relevant details while the *Player* is on any period of leave.
- 8.3.3** The ultimate responsibility for providing whereabouts information, including the current telephone number most frequently used by the player to receive telephone calls rests with each *Player*.
- 8.3.4** The applicable requirements for the purposes of Article 5.4 are that *Players* designated in Articles 8.3.1 and 8.3.2 must:
- 8.3.4.1** provide whereabouts information to Cricket Australia or the relevant State Association (as the case may be) at the beginning of each season;
 - 8.3.4.2** not deliberately or recklessly provide incorrect whereabouts information;
 - 8.3.4.3** not fail on more than three occasions to update the whereabouts information within 10 days of the whereabouts information previously provided to *Cricket Australia* or a *State Cricket Association* (as the case may be) becoming out of date;
 - 8.3.4.4** not refuse to update the whereabouts information previously provided to *Cricket Australia* or a *State Cricket Association* (as the case may be) within 3 days of being requested to do so;
 - 8.3.4.5** not be unavailable for *Out-of-Competition Testing* on a total of three (or more) occasions during a calendar year;

Note 1: *A player is unavailable for Out-of-Competition Testing if and only if the player for a period of 24 hours is not with his team, not at any of the places specified in the whereabouts information previously provided to Cricket Australia or a State Cricket Association (as the case may be) and does not answer the telephone when called on the current telephone number specified in the whereabouts information previously provided to Cricket Australia or a State Cricket Association (as the case may be) 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, Cricket Australia or their State Association 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, Cricket Australia or the relevant State Association (as the case may be), as to the circumstances of the 1st (or 2nd as the case may be) occasion.*

8.4 Selection of *Players* for Testing.

Players may be randomly or specifically selected for *In-Competition Testing* and *Out-of-Competition Testing* by the relevant *Anti-Doping Organisation*. This selection may be on any basis or without justification. *Target Testing* is fully acceptable.

8.5 Results of Testing

The results of all *In-Competition Testing* and *Out-of-Competition Testing* must be reported to Cricket Australia, which will act on the results of *In-*

Competition Testing and *Out-of-Competition Testing* conducted by the relevant *Anti-Doping Organisation*.

ARTICLE 9 - ANALYSIS OF SAMPLES

Doping Control Samples collected under these Anti-Doping Rules must be analysed in accordance with the following principles:

9.1 Conduct of Testing

9.1.1 *Doping Control Samples* collected pursuant to these Anti-Doping Rules and the carrying out of *Testing* must be in accordance with the relevant *International Standards*.

9.1.2 *Players* are obliged to comply with all appropriate requests of *Anti-Doping Organisation* that requested the *Sample*.

9.1.3 *Players* will be given the opportunity to:

- a) disclose any medications recently taken; and
- b) record any comments in relation to the drug test, including any concerns in relation to the *Sample* collection process.

9.2 Substances Subject to Detection.

Laboratories must analyse *Doping Control Samples* and report results (which in no case shall include the names of any *Person*) in accordance with the relevant *International Standard*.

9.3 Minor Irregularities

Minor irregularities in *Testing*, which cannot reasonably be considered to have affected the results of otherwise valid tests, will have no effect on 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*.

ARTICLE 10 – INVESTIGATION OF AN ANTI-DOPING RULE VIOLATION

- 10.1** Where Cricket Australia receives information that a *Person* may have committed an *Anti-Doping Rule Violation*, the *ADCO* will investigate the matter.
- 10.2** Subject to Article 10.3, the *ADCO* will refer the matter to a hearing by the *Cricket Australia Anti-Doping Committee* if the *ADCO*:
- a) reasonably believes that a *Person* may have committed an *Anti-Doping Rule Violation*; or
 - b) receives a notice from an *Anti-Doping Organisation* that a *Person* may have committed an *Anti-Doping Rule Violation*.
- 10.3** The *ADCO* may decide not to refer the matter to a hearing by the *Cricket Australia Anti-Doping Committee* if the *Person* in writing:
- a) acknowledges that he has committed an *Anti-Doping Rule Violation*; and
 - b) waives the right to a hearing in relation to:
 - i) whether the *Person* committed an *Anti-Doping Rule Violation*; and
 - ii) what sanction will apply.
- Cricket Australia may then apply a sanction as set out in Article 12 and/or Article 13.
- 10.4** Where the *Person* is subject to the anti-doping policy of the *ASC*, the *ADCO* will consult the *ASC* about the *ASC*'s participation in any investigation and hearing. The *ADCO* and the *ASC* may agree to make a joint referral to a hearing.
- 10.5** If the *ADCO* refers the matter to a hearing under Article 10.2, the *ADCO* will send the *Person* a letter that:
- a) notifies the *Person* which of these Anti-Doping Rule(s) appear(s) to have been violated and the basis of the violation(s);
 - b) states that the *ADCO* will refer the matter to hearing unless the *Person* gives the *ADCO* a written waiver pursuant to Article 10.3;
 - c) specifies the proposed date, time and (if practicable) the place of the hearing (being not less than 14 days from the date of the letter); and

d) encloses a copy of these Anti-Doping Rules.

The proposed date, time and place of the hearing specified in the letter may be changed by the *ADCO* in his or her discretion at any time prior to the hearing having regard to relevant circumstances (such as the convenience of the members of the *Cricket Australia Anti-Doping Committee*). If the *Person* does not respond to the letter within 14 days a hearing can be held in absentia or Cricket Australia may apply a sanction in accordance with Article 12 and/or Article 13.

- 10.6** The *ADCO* may withdraw the referral to a hearing at any time until the hearing commences if the *Person* gives a written waiver under Article 10.3. A *Person* alleged to have committed an *Anti-Doping Rule Violation* has a right to a hearing unless the *Person* gives a written waiver under Article 10.3. Notwithstanding Article 10.3, a *Person* who has acknowledged that they have committed an *Anti-Doping Rule Violation* may request a hearing by the *Cricket Australia Anti-Doping Committee* on sanction only.
- 10.7** The *Cricket Australia Anti-Doping Committee* will determine:
- a) whether the *Person* has committed an *Anti-Doping Rule Violation* and, if so;
 - b) what sanction will apply; and
 - c) for how long the sanction will apply.
- 10.8** Hearings pursuant to this Article 10 shall be completed expeditiously and in all cases, unless there are exceptional circumstances, within three months of the date of the infraction notice described in Article 10.5.
- 10.9** Hearing decisions shall not be subject to further administrative review at the national level except as provided in Article 15 or required by applicable law.
- 10.10** Hearing decisions, whether as the result of a hearing or the *Player* or other *Person's* acceptance of sanctions, may be appealed as provided in Article 15.
- 10.11** Subject in all circumstances to Article 11.4, a *Person* alleged to have committed an *Anti-Doping Rule Violation* may continue to train, compete, coach or hold office until a hearing before the *Cricket Australia Anti-Doping Committee* is held, and pending any sanction which may be imposed by the

Cricket Australia Anti-Doping Committee. However, in the interests of fair play and the objects of these Anti-Doping Rules, Cricket Australia encourages *Players* to stop competing between the time of the allegation of the commission of an *Anti-Doping Rule Violation* and either the hearing before the *Cricket Australia Anti-Doping Committee* or the imposition of a sanction pursuant to Article 10.3 as the case may be.

10.12 Any irregularity in an infraction notice described in Article 10.5 shall not invalidate that notice unless the *Cricket Australia Anti-Doping Committee* determines that the irregularity is such as to give rise to genuine unfairness. If that occurs, a fresh notice may be issued.

ARTICLE 11 – CONDUCT OF HEARINGS

11.1 Subject to Article 6 of these Anti-Doping Rules, the *Cricket Australia Anti-Doping Committee*:

- a) will conduct the hearing in private and otherwise in the manner the *Cricket Australia Anti-Doping Committee* determines;
- b) will conduct the hearing:
 - i) with as little formality and technicality; and
 - ii) as quickly as proper consideration of the matter permits;
- c) may conduct the hearing by telephone or other conference facility;
- d) may examine and cross-examine witnesses;
- e) may appoint a legal representative or other person to assist it;
- f) may ask *the Cricket Australia Anti-Doping Medical Advisor* to act as an expert witness at the hearing; and
- g) may allow the person alleged to have committed an *Anti-Doping Rule Violation* to:
 - i) examine and cross-examine witnesses; and
 - ii) be assisted by a legal representative or other person.

The parties will bear their own costs of preparing for and attending the hearing. Cricket Australia will bear the costs of the *Cricket Australia Anti-Doping Committee* and other costs of an administrative nature (e.g. room hire, recording, etc) as it deems appropriate.

- 11.2** Subject to Article 6.2 of these Anti-Doping Rules, the *Cricket Australia Anti-Doping Committee* will accept the result of a test conducted by an *Anti-Doping Organisation*.
- 11.3** The *Cricket Australia Anti-Doping Committee* will give the *ADCO* a written statement of:
- a) the findings of the hearing;
 - b) what sanction (if any) will apply; and
 - c) how long the sanction (if any) will apply.
- 11.4** If the *ADCO* refers an alleged doping offence to a hearing under Article 10.2 but the *Player* is or may be selected to play in a cricket match before the date of that hearing, the *Cricket Australia Anti-Doping Committee* will, at the request of the *ADCO*, conduct a preliminary hearing to determine whether or not the *Player* should be subject to a *Provisional Suspension* pending the outcome of the substantive hearing. If the *Cricket Australia Anti-Doping Committee* decides that the *Player* should be subject to a *Provisional Suspension*, and the *Cricket Australia Anti-Doping Committee* finds that the *Player* would otherwise have been selected in matches the subject of the *Provisional Suspension*, the *Player* shall be stood down on full pay pending the outcome of the substantive hearing.

If a *Provisional Suspension* is imposed, either the hearing in accordance with this Article 11 shall be advanced to a date which avoids substantial prejudice to the *Person*, or the *Person* shall be given an opportunity for a *Provisional Hearing* before imposition of the *Provisional Suspension* or on a timely basis after imposition of the *Provisional Suspension*.

Cricket Australia may apply the *Provisional Suspension* from:

- a) the date of the infraction notice;
- b) following the 14-day submission period; or
- c) as deemed appropriate by Cricket Australia until the outcome of the substantive hearing.

If the *Cricket Australia Anti-Doping Committee* ultimately finds that the *Player* has committed an *Anti-Doping Rule Violation* and a sanction is imposed, the *Player* will forfeit his right to remuneration during the period in which he was ordered by the *Cricket Australia Anti-Doping Committee* not to play in any

cricket matches. If the circumstances of the case require, the Chairman of the *Cricket Australia Anti-Doping Committee* may conduct the preliminary hearing alone.

11.5 Where the *Player* has had the opportunity to challenge an entry on the ASDA Register (including a Positive Test Result) in the *AAT* (including any appeal from the *AAT* to the Federal Court of Australia) but has not done so or has done so unsuccessfully, the *Player* may not dispute the matters contained in the entry on the ASDA Register (including the Positive Test Result) in response to an allegation of an *Anti-Doping Rule Violation* or in any hearing under these Anti-Doping Rules.

11.6 Subject to Article 11.7, in the event that there has been a hearing in the *AAT*, in response to an allegation of an *Anti-Doping Rule Violation* or in any hearing of the *Cricket Australia Anti-Doping Committee* or *Appeals Committee*, the *Player*:

(a) may not dispute any findings made by the *AAT*;

(b) may not dispute any decision made by the *AAT*; and

all material that went into evidence in the *AAT* is admissible and may be used as evidence in a hearing of the *Cricket Australia Anti-Doping Committee* or *Appeals Committee*.

11.7 In the event there is an appeal from the *AAT* to the Federal Court, in response to an allegation of an *Anti-Doping Rule Violation* or in any hearing of the *Cricket Australia Anti-Doping Committee* or *Appeals Committee*, the *Player*:

(a) may not dispute any findings made by the Federal Court;

(b) may not dispute any decision made by the Federal Court; and

all material that went into evidence in the *AAT* and the Federal Court is admissible and may be used as evidence in a hearing of the *Cricket Australia Anti-Doping Committee* or *Appeals Committee*.

11.8 Where:

(a) a document is sought to be used as evidence in a hearing of the *Cricket Australia Anti-Doping Committee* or *Appeals Committee*

and the document is of, or has been, created by the *Cricket Australia Anti-Doping Medical Advisor*, a *State Cricket Association Medical Officer* or an *Anti-Doping Organisation* (or a servant or agent acting in that capacity); and

- (b) a copy of the document has been made available a reasonable time prior to the hearing;

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

ARTICLE 12 - SANCTIONS ON INDIVIDUALS

12.1 Imposition of Ineligibility for Prohibited Substances and Prohibited Methods.

Subject to Article 12.5 and except, in all cases, for the *Specified Substances* identified in Article 12.2, the period of *Ineligibility* imposed for a violation of Article 5.1 (presence of *Prohibited Substance* or its *Metabolites* or *Markers*), Article 5.2 (*Use* or *Attempted Use* of *Prohibited Substance* or *Prohibited Method*) and Article 5.6 (*Possession* of *Prohibited Substances* and *Methods*) shall be:

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

Second violation: Lifetime *Ineligibility*.

However, the *Player* or other *Person* shall have the opportunity in each case, before a period of *Ineligibility* is imposed, to establish the basis for eliminating or reducing this sanction as provided in Article 12.6.

12.2 Specified Substances.

The *Cricket Australia Prohibited List* may identify *Specified Substances*, which are particularly susceptible to unintentional *Anti-Doping Rule Violations* because of their general availability in medicinal products or which are less likely to be successfully abused as *Doping* agents. Where a *Player* can establish that the *Use* of such a *Specified Substance* was not intended to enhance sport performance, the period of *Ineligibility* found in Article 12.1 shall be replaced with the following:

First violation for Specified Substance: At a minimum, a warning and reprimand and no period of *Ineligibility* from future *Events*, and at a maximum, one (1) year's *Ineligibility*.

Second violation for Specified Substance: Two (2) years' *Ineligibility*.

Third violation for Specified Substance: Lifetime *Ineligibility*.

However, the *Player* or other *Person* shall have the opportunity in each case, before a period of *Ineligibility* is imposed, to establish the basis for eliminating or reducing (in the case of a second or third violation) this sanction as provided in Article 12.6.

12.3 Additional Sanctions.

In addition to the sanctions outlined in Articles 12.1 and 12.2 that can be imposed on a *Person* for an *Anti-Doping Rule Violation*, the *Cricket Australia Anti-Doping Committee* (and any presiding *Appeals Committee*) may also impose any of the other *Consequences of Anti-Doping Rule Violations*.

Where the *Cricket Australia Anti-Doping Committee* or the *Appeals Committee* determines that an employee or contractor of Cricket Australia (other than a *Player*) has committed an *Anti-Doping Rule Violation*, Cricket Australia will take disciplinary action against the employee or contractor.

12.4 Ineligibility for Other Anti-Doping Rule Violations.

Subject to Articles 12.5 and 12.6, the period of *Ineligibility* for other violations of these Anti-Doping Rules shall be:

12.4.1 For violations of Article 5.3 (refusing or failing to submit to *Sample* collection) or Article 5.5 (*Tampering with Doping Control*), the *Cricket Australia Anti-Doping Committee* will impose all of the sanctions referred to in clauses (a) (i), (ii), (iii) and (iv) and (b) of the definition of *Consequences of Anti-Doping Rule Violations and the period of Ineligibility* imposed shall be:

First violation: A minimum of two (2) years *Ineligibility*.

Second violation: Lifetime *Ineligibility*.

12.4.2 For violations of Article 5.7 (*Trafficking*) or Article 5.8 (administration of *Prohibited Substance* or *Prohibited Method*), the *Cricket Australia Anti-Doping Committee* will impose all of the sanctions referred to in clauses (a) (i), (ii), (iii) and (iv) and (b) of the definition of *Consequences of Anti-Doping Rule Violations and the period of Ineligibility* imposed shall be:

First violation: A minimum of four (4) years.

Second violation: Lifetime *Ineligibility*.

An *Anti-Doping Rule Violation* involving a *Minor* shall be considered a particularly serious violation and, if committed by *Player Support Personnel* for violations other than specified substances referenced in Article 12.2, shall result in lifetime *Ineligibility* for such *Player Support Personnel*. In addition, violations of such Articles that also violate non-sporting laws and regulations may be reported to the competent administrative, professional or judicial authorities.

12.4.3 For violations of Article 5.4 (*Whereabouts Violations or Missed Tests*), the period of *Ineligibility* shall be:

First violation: Three (3) months to one (1) year *Ineligibility*.

Second and subsequent violations: Two (2) years' *Ineligibility*.

12.5 Specified Sanctions

12.5.1 Notwithstanding any other provision of this Article 12 (other than 12.4.2 and 12.10, in respect of which this Article 12.5 shall be subject to those provisions), where the *Anti-Doping Rule Violation* involves:

- a) anabolic agents;
- b) peptide hormones, *Mimetics* and analogues;
- c) a *Prohibited Method*; or
- d) a violation of Article 5.3 (refusing or failing to submit to *Sample* collection),

the *Cricket Australia Anti-Doping Committee* will impose, at least and without limitation, all of the sanctions referred to in clauses (a) (i), (ii), (iii) and (iv) and (b) of the definition of *Consequences of Anti-Doping Rule Violations* and, subject to Article 12.10, those sanctions will apply for the relevant period of *Ineligibility*.

12.5.2 Nothing in this clause prevents the *Cricket Australia Anti-Doping Committee* or the *Appeals Committee* from imposing the sanctions referred to in clauses (a) (v)-(vii) inclusive and (c) of the definition of *Consequences of Anti-Doping Rule Violations* in addition to those set out in clauses (a) (i), (ii), (iii) and (iv) and (b) inclusive of the definition of *Consequences of Anti-Doping Rule Violations*.

12.6 Elimination or Reduction of Period of Ineligibility.

12.6.1 If the *Player* establishes in an individual case involving an *Anti-Doping Rule Violation* under Article 5.1 (presence of *Prohibited Substance* or its *Metabolites* or *Markers*) or *Use of a Prohibited Substance* or *Prohibited Method* under Article 5.2 that he or she bears *No Fault or Negligence* for the violation, the otherwise applicable period of *Ineligibility* shall be eliminated. When a

Prohibited Substance or its *Markers* or *Metabolites* is detected in a *Player's Specimen* in violation of Article 5.1 (presence of *Prohibited Substance*), the *Player* must also establish how the *Prohibited Substance* entered his or her system in order to have the period of *Ineligibility* eliminated. In the event this Article is applied and the *Player* establishes *No Fault or Negligence*, then no period of *Ineligibility* shall be imposed on the *Player*.

12.6.2 This Article 12.6.2 applies only to *Anti-Doping Rule Violations* involving Article 5.1 (presence of *Prohibited Substance* or its *Metabolites* or *Markers*), *Use of a Prohibited Substance* or *Prohibited Method* under Article 5.2, failing to submit to *Sample* collection under Article 5.3, or administration of a *Prohibited Substance* or *Prohibited Method* under Article 5.8. If a *Player* establishes in an individual case involving such violations that he or she bears *No Significant Fault or Negligence*, then the 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 this section may be no less than 8 years. When a *Prohibited Substance* or its *Markers* or *Metabolites* is detected in a *Player's Specimen* in violation of Article 5.1 (presence of *Prohibited Substance*), the *Player* must also establish how the *Prohibited Substance* entered his or her system in order to have the period of *Ineligibility* reduced.

12.6.3 The *Cricket Australia Anti-Doping Committee* may also reduce the period of *Ineligibility* in an individual case where the *Player* has provided substantial assistance to Cricket Australia which results in Cricket Australia (or the *Cricket Australia Anti-Doping Committee*, as the case may be) discovering or establishing an *Anti-Doping Rule Violation* by another *Person* involving *Possession* under Article 5.6.2 (*Possession by Player Support Personnel*), Article 5.7 (*Trafficking*), or Article 5.8 (administration to a *Player*). The reduced period of *Ineligibility* may not, however, be less than one-half of the minimum period of *Ineligibility* otherwise applicable. If period of *Ineligibility* is a lifetime, the reduced period under this Article may be no less than 8 years.

12.7 Rules for Certain Potential Multiple Violations.

- 12.7.1** For purposes of imposing sanctions under Articles 12.1, 12.2, 12.3 and 12.4, a second *Anti-Doping Rule Violation* may be considered for purposes of imposing sanctions only if Cricket Australia 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 Cricket Australia made a reasonable attempt to give notice, of the first *Anti-Doping Rule Violation*; if Cricket Australia cannot establish this, the violations shall be considered as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction.
- 12.7.2** Where a *Player*, based on the same *Doping Control*, is found to have committed an *Anti-Doping Rule Violation* involving both a specified substance under Article 12.2 and another *Prohibited Substance* or *Prohibited Method*, the *Player* shall be considered to have committed a single *Anti-Doping Rule Violation*, but the sanction imposed shall be based on the *Prohibited Substance* or *Prohibited Method* that carries the most severe sanction.
- 12.7.3** Where a *Player* is found to have committed two separate *Anti-Doping Rule Violations*, one involving a specified substance governed by the sanctions set forth in Article 12.2 (specified substances) and the other involving a *Prohibited Substance* or *Prohibited Method* governed by the sanctions set forth in Article 12.1 or a violation governed by the sanctions in Article 12.4.1, the period of *Ineligibility* imposed for the second offence shall be at a minimum two years' *Ineligibility* and at a maximum three years' *Ineligibility*. Any *Player* found to have committed a third *Anti-Doping Rule Violation* involving any combination of specified substances under Article 12.2 and any other *Anti-Doping Rule Violation* under Article 12.1 or 12.4.1 shall receive a sanction of lifetime *Ineligibility*.

12.8 Commencement of Ineligibility Period.

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* to be served. Where required by fairness, such as delays in the hearing process or other aspects of *Doping Control* not attributable to the *Player*, the *Cricket Australia Anti-Doping Committee* (or Cricket Australia if a sanction is imposed without a hearing in accordance with these Anti-Doping Rules) may start the period of *Ineligibility* at an earlier date commencing as early as the date of *Sample* collection.

12.9 Status During Ineligibility.

No *Person* who has been declared Ineligible may, during the period of *Ineligibility*, participate in any capacity in any *Event* or activity (other than authorised anti-doping education or rehabilitation programs and any *Events* or activities relating to the *Person's* achievements prior to his or her *Anti-Doping Rule Violation*) authorised or organised by Cricket Australia or any *Member* during the *Ineligibility* period. This would include, but not be limited to, the *Person* being barred from all of the conduct referred to in paragraph (a) of *Consequences of Anti-Doping Rule Violations*.

In addition, for any *Anti-Doping Rule Violation* not involving specified substances described in Article 12.2, some or all sport-related financial support or other sport-related benefits received by such *Person* will be withheld by Cricket Australia and the *Members*.

12.10 No Breach of the Anti-Doping Rules.

12.10.1 Notwithstanding any provision of this Article 12, no *Anti-Doping Rule Violation* shall be deemed to have been committed by a *Person* and no period of *Ineligibility* shall be imposed on a *Person* if that *Person* has previously obtained a *Therapeutic Use Exemption* from the *Cricket Australia Anti-Doping Medical Adviser* or a *Recognised Medical Authority* in accordance with these Anti-Doping Rules with respect to the *Prohibited Substance* or a *Prohibited Method* in issue.

12.10.2 Notwithstanding this Article 12.10, where *the Cricket Australia Anti-Doping Committee* (or the *Appeals Committee*, as the case may be):

- a) determines that a *Person* has not committed an *Anti-Doping Rule Violation* because the *Person* used a *Prohibited Substance* pursuant to a *Therapeutic Use Exemption* granted in accordance with these Anti-Doping Rules; but
 - b) considers that the *Person* had an unfair advantage (because of the presence of the *Prohibited Substance*) in a *Competition* or *Event* conducted under the jurisdiction or the auspices of Cricket Australia,
- the *Cricket Australia Anti-Doping Committee* (or the *Appeals Committee*, as the case may be) may withdraw individual awards, records and placings won by the *Person* in that *Competition* or *Event*.

12.11 Enforcement of Sanctions.

Cricket Australia will, and will ensure that the *Members* will, enforce any sanctions applied by the *Cricket Australia Anti-Doping Committee* or the *Appeals Committee* if those sanctions are consistent with these Anti-Doping Rules.

12.12 Notifications

- a) Cricket Australia:
 - i) shall notify *ASDA*, *ASC* and *Members*; and
 - ii) may notify any other person, organisation or body which it believes should be informed,of the decision of the *Cricket Australia Anti-Doping Committee* and any sanctions imposed and subsequently notify the outcome of any appeal or review of sanctions.
- b) If the *Cricket Australia Anti-Doping Committee* provides written reasons for its decision (which it is expressly not required to do so), the *ADCO* may, in his or her discretion, release those reasons to such persons as he or she sees fit (with or without the omission of sensitive material that may be contained in the reasons).

12.13 Press Releases

Cricket Australia, via the *CEO* or otherwise, has the right to issue a press release regarding any decisions of the *Cricket Australia Anti-Doping*

Committee and Appeals Committee (including with respect to any Provisional Hearing) and to publish any reasons for such decisions.

ARTICLE 13 - CONSEQUENCES TO TEAMS

13.1 Where more than one *Player* in a *Team* has been notified of a possible *Anti-Doping Rule Violation* under Article 10 in connection with an *Event*, the *Team* shall be subject to *Target Testing* for the *Event*. If more than one *Player* in a *Team* is found to have committed an *Anti-Doping Rule Violation* during the *Event*, the team may be subject to *Disqualification* or other disciplinary action at the absolute discretion of the *Cricket Australia Anti-Doping Committee*.

ARTICLE 14 - REVIEW OF A FINDING OF AN ANTI-DOPING RULE VIOLATION OR A SANCTION

14.1 A *Person* may make an application to the *ADCO* for review of a finding of an *Anti-Doping Rule Violation* or a sanction where new and relevant information becomes available which was:

- a) not considered by the *Cricket Australia Anti-Doping Committee* at the hearing; and
- b) not available to the *Person* at the time of the hearing.

14.2 The application must:

- a) be in writing; and
- b) set out the new and relevant information.

14.3 The *ADCO* will consider the application and if the *ADCO* considers it more probable than not that the new information would have altered either the finding of an *Anti-Doping Rule Violation* or the sanction, the *ADCO* will refer the application to the *Cricket Australia Anti-Doping Committee* to:

- a) review the finding that the *Person* committed the *Anti-Doping Rule Violation*; and
- b) decide whether to reduce or withdraw the sanction.

14.4 Any review conducted pursuant to Article 14.3 will apply Articles 4, 5, 6, 7 and 12 of these Anti-Doping Rules.

14.5 A sanction will remain in force during the review unless the *Cricket Australia Anti-Doping Committee* decides otherwise.

14.6 The *ADCO* must inform:

- a) the *Person*;
- b) the relevant *Member*;
- c) the *ASC*;
- d) *ASDA*; and
- e) Cricket Australia,

of any change to the original determination as a result of the review. The *ADCO* may then inform other *Persons* or organisations as the *ADCO* deems appropriate.

ARTICLE 15 - APPEALS

15.1 Decisions Subject to Appeal.

Unless, expressed otherwise in these Anti-Doping Rules, decisions made under these Anti-Doping Rules may be appealed as set forth below in Articles 15.2 through 15.4. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review authorised in Article 10.9 must be exhausted.

15.2 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 of an Anti-Doping Rule Violation*, a decision that no *Anti-Doping Rule Violation* was committed, a decision by the *Cricket Australia Anti-Doping Medical Officer* or by a *Recognised Medical Authority* to deny or grant *Therapeutic Use Exemptions* and a decision to impose a *Provisional Suspension* as a result of a *Provisional Hearing* or otherwise in violation of Article 11.5 may be appealed exclusively as provided in this Article 15.2. Notwithstanding any other provision herein, the only *Person* that may appeal from a *Provisional Suspension* is the *Player* or other *Person* upon whom the *Provisional Suspension* is imposed.

- 15.2.1** Any appeal by a *Person* (including Cricket Australia) from a determination of the *Cricket Australia Anti-Doping Committee* under these Anti-Doping Rules must be solely and exclusively resolved by the *Appeals Committee*.
- 15.2.2** Cricket Australia may appeal against a decision of the *Cricket Australia Anti-Doping Committee* if the *ADCO* believes the sanction imposed on any *Person* by the *Cricket Australia Anti-Doping Committee* is inconsistent with these Anti-Doping Rules.
- 15.2.3** The *Appeals Committee* shall respect the following principles of natural justice: a timely hearing; a fair and impartial hearing body; the right to be represented by a counsel at the *Person's* expense; and a timely, written, reasoned decision.
- 15.2.4** The *Person* must give written notice to the *ADCO*, within twenty (20) days of receiving the relevant decision, of his or her intention to appeal the decision. The notice must specify the findings of fact or law upon which the appeal is based.
- 15.2.5** The *Appeals Committee* will rehear the matters appealed against. Any such appeal will apply Articles 4, 5, 6, 7 and 12 of these Anti-Doping Rules as if the reference to the *Anti-Doping Committee* were a reference to the *Appeals Committee*.
- 15.2.6** A party to the appeal may:
- a) appear in person (a body corporate may be represented by any of its officers); or
 - b) be represented by a legal or other representative.
- 15.2.7** The sanction imposed by the *Cricket Australia Anti-Doping Committee* at first instance will remain in force during the appeal unless the *Appeals Committee* decides otherwise.
- 15.2.8** The *Appeals Committee* has the power to make an award of costs against the party who initiates the appeal if that party is unsuccessful and the *Appeals Committee* deems such an award to be appropriate in the circumstances.

- 15.2.9** The determination of the *Appeals Committee* will be final and binding on the parties to the appeal and no *Person* may institute or maintain proceedings in any court or tribunal other than the *Appeals Committee*. In particular, and without restricting the generality of the foregoing and for further and better assurance, notwithstanding that such provisions have no applicability, neither party will have the right of appeal under Section 3 of the Commercial Arbitration Act of any of the Australian States or to apply for the determination of a question of law under Section 39(1) (a) of such Act.
- 15.2.10** The *ADCO* must inform any *Person* or organisation informed of the original determination of any change to the original determination as a result of the appeal.
- 15.2.11** The *ADCO* may then inform other *Persons* or organisations as the *ADCO* thinks appropriate, including those with rights of appeal with respect to these cases.

ARTICLE 16 - RECOGNITION OF DECISIONS BY OTHER ORGANISATIONS

Cricket Australia will recognise and enforce *Testing, Therapeutic Use Exemptions* and hearing results or other final adjudications properly imposed on a *Person* who has committed an *Anti-Doping Rule Violation* under these Anti-Doping Rules of:

- a) the *ICC*;
- b) any Full Member of the *ICC*; and
- c) another organisation recognised by the *ASC*,

where the violation would be an *Anti-Doping Rule Violation* under these Anti-Doping Rules.

ARTICLE 17 - STATUTE OF LIMITATIONS

No action may be commenced under these Anti-Doping Rules against a *Player* or other *Person* for a violation of an Anti-Doping Rule unless such action is commenced within eight years from the date the violation occurred.

ARTICLE 18 – RETIREMENTS AND COMEBACKS

- 18.1** A *Player* may retire from *Competition* by notifying Cricket Australia in writing.
- 18.2** The *Player's* retirement date will be the date Cricket Australia receives the notice.
- 18.3** Retirement does not:
- a) excuse the person from giving a *Sample* requested before his retirement;
 - b) prevent the analysis of a *Sample* given by the person on or before his retirement;
 - c) affect the results of *Testing* under (a) or (b) above; or
 - d) affect the undertaking of any disciplinary proceedings pursuant to these Anti-Doping Rules.
- 18.4** A *Person* may make a written request to Cricket Australia for reinstatement after their retirement. The request is taken to be made on the date Cricket Australia receives the request.
- 18.5** Reinstatement will be at the discretion of Cricket Australia.
- 18.6** These Anti-Doping Rules will apply to the *Person* from the date of his reinstatement request.
- 18.7** During the six month period following the reinstatement request the person may be tested:
- a) as required by Cricket Australia; and
 - b) at the discretion of *ASDA*.

ARTICLE 19 - AMENDMENT AND INTERPRETATION OF ANTI-DOPING RULES

- 19.1** These Anti-Doping Rules may be modified, updated or generally amended from time to time by Cricket Australia. These Anti-Doping Rules are current as at 1 November 2005 and will come into force (and apply to tests carried out) on and from 1 November 2005, on which date these

Anti-Doping Rules will be posted on the Cricket Australia website, currently www.cricket.com.au. For the period up to 1 November 2005, the Cricket Australia Anti-Doping Policy applicable during the 2004/2005 season will continue to apply and any tests conducted up to and immediately prior to 1 November 2005 will be dealt with under that Anti-Doping Policy.

- 19.2** Except as provided in Article 19.5, these Anti-Doping Rules shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.
- 19.3** The headings used for the various Parts and Articles of these Anti-Doping Rules are for convenience only and shall not be deemed part of the substance of these Anti-Doping Rules or to affect in any way the language of the provisions to which they refer.
- 19.4** Article 1 and the Appendix 1 DEFINITIONS shall be considered integral parts of these Anti-Doping Rules.
- 19.5** These Anti-Doping Rules shall not apply retrospectively to matters pending before the date these Anti-Doping Rules came into effect.
- 19.6** Words in the singular include the plural and vice versa.
- 19.7** A *Person* includes a body corporate.
- 19.8** Reference to “including” and similar words are not words of limitation.
- 19.9** A word denoting any gender includes all genders.

APPENDIX 1 - DEFINITIONS

AAT. Means the Administrative Appeals Tribunal established by the *Administrative Appeals Tribunal Act, 1975* (Cth).

Adverse Analytical Finding. Means the report from a laboratory or other approved *Testing* entity that identifies in a *Specimen* 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*.

ADCO. Means the *Anti-Doping Control Officer* appointed by Cricket Australia from time to time to give effect to these Anti-Doping Rules and, if no *Person* is appointed the Chief Executive of Cricket Australia.

Anti-Doping Organisation. Means *ASDA* or any other agency:

- a) appointed by Cricket Australia that:
 - (i) operates under its own statute, rules and regulations, and
 - (ii) has *Samples* analysed by an *ASC*-approved or a *WADA* accredited laboratory, or
- (b) that conducts *Testing* on *Players* for the detection of *Prohibited Substances* where:
 - (i) the methods of *Testing* substantially accord with *ASC* or *WADA* procedures, and
 - (ii) the *Sample* is analysed by an *ASC*-approved or a *WADA* accredited laboratory.

Anti-Doping Rule Violation. Means a breach of these Anti-Doping Rules pursuant to Articles 5.1-5.8.

Appeals Committee. Means the appeals committee appointed by the National Sports Dispute Centre Pty Ltd from time to time at the request of Cricket Australia.

Attempt. Purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of an *Anti-Doping Rule Violation*. Provided, however, there shall be no *Anti-Doping Rule Violation*

based solely on an *Attempt* to commit a violation if the *Person* enunciates the *Attempt* prior to it being discovered by a third party not involved in the *Attempt*.

ASC. Means the *Australian Sports Commission* established by the *Australian Sports Commission Act 1989*.

ASDA. Means the *Australian Sports Drug Agency* established by the *Australian Sports Drug Agency Act 1990*.

ASDMAC. Means the *Australian Sports Drug Medical Advisory Committee* established by the *Australian Sports Drug Agency Act 1990*.

CEO. Means the Chief Executive Officer appoint by Cricket Australia.

Code. The World Anti-Doping Code.

Competition. Means any cricket match conducted under the jurisdiction or auspices of Cricket Australia.

Consequences of Anti-Doping Rule Violations. A *Player's*, *Player Support Personnel's* or other *Person's* violation of these Anti-Doping Rules may result in:

- a) that *Player*, *Player Support Personnel* or *Person* being barred pursuant to *Ineligibility* from any of the following:
 - (i) selection to represent Australia or any *State Cricket Association* or *Territory Cricket Association* in any international or domestic *Competitions*;
 - (ii) competing or participating in any *Events* and *Competitions* conducted under the jurisdiction or the auspices of Cricket Australia or any *State Cricket Association* or *Territory Cricket Association*;
 - (iii) receiving direct or indirect funding or assistance from Cricket Australia or any *State Cricket Association* or *Territory Cricket Association*;
 - (iv) holding (or continuing to hold) any position with Cricket Australia or any *State Cricket Association* or *Territory Cricket Association* or a *Premier Grade Club* (including as a consultant, a coach, an officer or employee);

- (v) receiving payment from Cricket Australia, a *State Cricket Association* or *Territory Cricket Association* or a *Premier Grade Club* in respect of his/her personal services;
 - (vi) acting as a coach of any *Team* or as an official of any *Team* or an official in any *Competition* or *Event*;
 - (vii) attending any practice or training session with a *Team* or any member of a *Team*; and/or
 - (viii) using facilities or equipment owned or controlled by Cricket Australia, a *State Cricket Association* or *Territory Cricket Association* or a *Premier Grade Club*.
- (b) that *Player*, *Player Support Personnel* or *Person* being required to remain on ASDA's register of athletes for the purpose of *Out-of-Competition Testing*; and/or
- (c) the *Cricket Australia Anti-Doping Committee* (or *Appeals Committee*, as the case may be):
- (i) recommending that:
 - (I) Cricket Australia or any *State Cricket Association* or *Territory Cricket Association*; or
 - (II) the ASC,require the *Player*, *Player Support Personnel* or *Person* to repay financial assistance given by such organizations to the *Player*, *Player Support Personnel* or *Person* from the date of the *Anti-Doping Rule Violation*;
 - (ii) requiring the *Player*, *Player Support Personnel* or *Person* go to counselling for a specified period;
 - (iii) withdrawing individual awards, placings and records won in *Events* and *Competitions* conducted under the jurisdiction or the auspices of Cricket Australia or any *State Cricket Association* or *Territory Cricket Association* from the date of the *Anti-Doping Rule Violation*;
 - (iv) fining the *Player*, *Player Support Personnel* or *Person*; and/or
 - (v) reprimanding the *Player*, *Player Support Personnel* or *Person*.

Cricket Australia Anti-Doping Committee. Means the Cricket Australia Anti-Doping Committee appointed by Cricket Australia from time to time.

Cricket Australia Anti-Doping Medical Advisor. Means the *Cricket Australia Anti-Doping Medical Advisor* appointed by Cricket Australia from time to time. The duties of the Cricket Australia Anti-Doping Medical Advisor include suggesting amendments to, and implementation of, the requirements of these Anti-Doping Rules.

Cricket Australia Medical Officer. Means the registered medical practitioner, or practitioners, appointed by Cricket Australia from time to time to be responsible for relevant matters pursuant to these Anti-Doping Rules.

Cricket Australia's Prohibited List. Means the list identifying the *Prohibited Substances* and *Prohibited Methods* maintained by Cricket Australia and amended from time to time.

Doping. Has the meaning given to it by Article 4 of these Anti-Doping Rules.

Doping Control. Means the process including test distribution planning, *Sample* collection and handling, laboratory analysis, results management, hearings and appeals.

Event. Means any official function or event organised by or under the control of or conducted, authorised or recognised by, Cricket Australia.

In-Competition. For purposes of differentiating between *In-Competition* and *Out-of-Competition Testing*, an *In-Competition* test is a test where a *Player* is selected for *Testing* in connection with a specific *Competition* and the test is conducted on the day of the *Competition*.

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

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

Marker. A compound, group of compounds or biological parameters that indicates the *Use of a Prohibited Substance or Prohibited Method*.

Member. A person who, or body which, is a member of Cricket Australia (ie *State Cricket Associations*) or is affiliated with Cricket Australia (ie *Territory Cricket Associations*), or a person who is a member of a body which is a member of or affiliated with Cricket Australia.

Metabolite. Any substance produced by a biotransformation process.

Mimetic. A substance with pharmacological effect similar to that of another substance, regardless of the fact that it has a different chemical structure.

Minor. A natural *Person* who has not reached the age of majority as established by the applicable laws of his or her State in Australia.

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

No Significant Fault or Negligence. The *Player's* establishing that his or her fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for *No Fault or Negligence*, was not significant in relationship to the *Anti-Doping Rule Violation*.

Out-of-Competition. Any *Doping Control* that is not *In-Competition*.

Person. A natural *Person* or an organisation or other entity, including a *Player*, *Player Support Personnel* and a *Member*.

Player. Means a *Person* who participates (whether *In-Competition* or *Out of Competition*) in the sport of cricket under the jurisdiction or auspices of Cricket Australia or uses the facilities of Cricket Australia.

Player Support Personnel. Any coach, trainer, manager, agent, team staff, official, medical or para-medical personnel (where such personnel are employees or agents of Cricket Australia or any *Member*) working with or treating *Players* participating in or preparing for a *Competition* or any other *Person* who administers, manages, assists or is otherwise involved in or associated with any sporting activity conducted, authorised or recognised by Cricket Australia other than as a *Player*.

Positive Test Result. Has the meaning given to that term in the *Australian Sports Drug Agency Act 1990*.

Possession. 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* no longer intends to have *Possession* and has renounced the *Person's* previous *Possession*.

Prohibited Method. Any method so described on the *Cricket Australia Prohibited List*.

Prohibited Substance. Any substance so described on the *Cricket Australia Prohibited List*.

Provisional Hearing. Means, for the purposes of Article 11.4, an expedited abbreviated hearing occurring prior to a hearing under Article 10 that provides the *Player* with notice and an opportunity to be heard in either written or oral form.

Provisional Suspension. Means a *Player* being barred from competing or participating in any *Events* or *Competitions* conducted under the jurisdiction or auspices of Cricket Australia.

Recognised Medical Authority. Means *ADSMAC* or an authority recognised by the *ASDMAC*, which may authorise the *Use of a Prohibited Substance* and/or *Prohibited Method* for a therapeutic purpose.

Sample/Specimen. Any biological material collected for the purposes of *Doping Control*.

Specified Substance. Means substances identified as specified substances in the *Cricket Australia Prohibited List*.

State Cricket Association. Means each of the following:

- (a) Cricket New South Wales;
- (b) Queensland Cricket;
- (c) South Australian Cricket Association;
- (d) Tasmanian Cricket Association;
- (e) Cricket Victoria; and
- (f) Western Australian Cricket Association

State Cricket Association Medical Officer. Means the registered medical practitioner, or practitioners, appointed by a *State Cricket Association* from time to time to be responsible for relevant matters pursuant to these Anti-Doping Rules.

Tampering. Altering for an improper purpose or in an improper way; bringing improper influence to bear; interfering improperly to alter results or prevent normal procedures from occurring.

Target Testing. 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.

Team. Means the team from time to time officially selected to represent Australia or any *State Cricket Association* or *Territory Cricket Association* during a *Competition*.

Territory Cricket Association. Means each of Northern Territory Cricket and ACT Cricket.

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

Therapeutic Use Exemption (TUE). Means *Therapeutic Use Exemption* in accordance with the WADA International Standard for *Therapeutic Use Exemptions*.

Trafficking. To sell, give, administer, transport, send, deliver or distribute a *Prohibited Substance* or *Prohibited Method* to a *Player* either directly or through one or more third parties, but excluding the sale or distribution (by medical

personnel or by *Persons* other than a *Player's Support Personnel*) of a *Prohibited Substance* for genuine and legal therapeutic purposes.

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

WADA. The *World Anti-Doping Agency*.

WADA Prohibited List. Means the 'Prohibited List' promulgated by WADA, as amended from time to time, a current version of which is attached as Annexure A to these Anti-Doping Rules.

Annexure A – WADA Prohibited List