

Swimming Australia Limited

ANTI-DOPING POLICY

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ARTICLE 1 WHAT IS THE SWIMMING AUSTRALIA LIMITED (SAL) POSITION ON DOPING?

- 1.1** SAL condemns the *Use of Prohibited Substances and Methods* in sport. The *Use of Prohibited Substances and Methods* is contrary to the ethics of sport and potentially harmful to the health of *Athletes*.
- 1.2** The only legitimate *Use of Prohibited Substances and Methods* is under the supervision of a physician for a clinically justified purpose in accordance with Article 7.4 of this Anti-Doping Policy.
- 1.3** SAL aims to stop *Doping* practices in sport by:
- a. educating and informing *Persons* about doping in sport issues and pure performance in sport;
 - b. supporting the deterrence, detection and enforcement functions of ASADA and other *Anti-Doping Organisations*;
 - c. imposing effective sanctions, consistent with the *World Anti-Doping Code (Code)*, on *Persons* who commit *Anti-Doping Rule Violations* as they relate to this Anti-Doping Policy; and
 - d. promoting pure performance in our sport.
- 1.4** SAL acknowledges ASADA's functions and powers under the ASADA Act 2006¹ and the *National Anti-Doping (NAD) scheme* established under that Act. ASADA will, unless otherwise agreed with SAL, issue an infraction notice, convene hearings, present allegations of *Anti-Doping Rule Violations* and all matters incidental thereto.

ARTICLE 2 WHO DOES THIS ANTI-DOPING POLICY APPLY TO?

- 2.1** This Anti-Doping Policy applies to:
- a. *Members*;
 - b. *Athletes*;
 - c. *Athlete Support Personnel or Support Persons*;
 - d. Employees and contractors of SAL; and
 - e. any other *Person* who has agreed to be bound by this Anti-Doping Policy.

ARTICLE 3 OBLIGATIONS

- 3.1** The policies and minimum standards set forth in the *Code*² and implemented in this Anti-Doping Policy represent the consensus of a broad spectrum of stakeholders with an interest in fair sport. The persons identified in Article 2 are bound by this Anti-Doping Policy as a condition of their participation and/or involvement in the sport.

¹ In September 2006, the ASADA Act 2006 was accessible on the internet through the website of the *Australian Sports Anti-Doping Authority* (www.asada.gov.au). The *National Anti-Doping (NAD) scheme* is prescribed by Part 2 of the *ASADA Act, 2006*.

² In September 2006, the *WADA Code* was accessible on the internet through the website of the *World Anti-Doping Agency* (www.wada-ama.org).

3.2 Roles and responsibilities – *Members* must:

- 3.2.1** be knowledgeable of and comply with all anti-doping policies and rules applicable to them or the *Athletes* whom they support. This includes, but may not be limited to: this Anti-Doping Policy; the FINA Anti-Doping Rules; and the *National Anti-Doping (NAD)* scheme;
- 3.2.2** support and assist *Anti-Doping Organisations*, including ASADA to conduct *Doping Control*; and
- 3.2.3** use their influence on *Athletes*' values and behaviour to foster anti-doping attitudes;
- 3.2.4** immediately refer information about possible *Anti-Doping Rule Violations* to ASADA;
- 3.2.5** assist, cooperate and liaise with ASADA and other *Anti-Doping Organisations* in relation to the conduct of any investigation or hearing into an alleged *Anti-Doping Rule Violation*;
- 3.2.6** act in a discreet and confidential manner in discharging their obligations under this Policy; and
- 3.2.7** immediately notify the *Chief Executive Officer* of any breach of this Policy.

3.3 Roles and responsibilities – *Athletes*:

- 3.3.1** must be knowledgeable of and comply with all anti-doping policies and rules applicable to them. This includes, but may not be limited to: this Anti-Doping Policy; the FINA Anti-Doping Rules; and the *National Anti-Doping (NAD)* scheme;
- 3.3.2** must read and understand the *Prohibited List* as it relates to them;
- 3.3.3** must be available for *Sample* collection and provide accurate and up-to-date whereabouts information for this purpose when identified for inclusion in a *Registered Testing Pool*;
- 3.3.4** must take full responsibility, in the context of anti-doping, for what they ingest and *Use*;
- 3.3.5** must inform medical personnel 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 anti-doping policies and rules applicable to them;
- 3.3.6** must immediately refer information about possible *Anti-Doping Rule Violations* to ASADA;
- 3.3.7** must assist, cooperate and liaise with ASADA and other *Anti-Doping Organisations* in relation to the conduct of any investigation or hearing into an alleged *Anti-Doping Rule Violation*;
- 3.3.8** must act in a discreet and confidential manner in discharging their obligations under this Policy;

- 3.3.9 who are not regular *Members* of SAL must be available for *Sample* collection and provide accurate and up-to-date whereabouts information on a regular basis if required by the conditions of eligibility established by SAL, AOC, APC, FINA, ACGA, *Major Event Organiser* or as applicable; and
- 3.3.10 immediately notify the *Chief Executive Officer* of any *Adverse Analytical Finding* or notification of other *Anti-Doping Rule Violation* received by that *Athlete* and give a copy of documents relating to that *Adverse Analytical Finding* or other *Anti-Doping Rule Violation* to the *Chief Executive Officer*.

3.4 Roles and responsibilities – *Athlete Support Personnel* will:³

- 3.4.1 be knowledgeable of and comply with all anti-doping policies and rules applicable to them or the *Athletes* whom they support. This includes, but may not be limited to: this Anti-Doping Policy; the FINA Anti-Doping Rules; and the *National Anti-Doping (NAD)* scheme;
- 3.4.2 support and assist *Anti-Doping Organisations*, including ASADA to conduct *Doping Control*; and
- 3.4.3 use their influence on *Athletes*' values and behaviour to foster anti-doping attitudes;
- 3.4.4 immediately refer information about possible *Anti-Doping Rule Violations* to ASADA;
- 3.4.5 assist, cooperate and liaise with ASADA and other *Anti-Doping Organisations* in relation to the conduct of any investigation or hearing into an alleged *Anti-Doping Rule Violation*;
- 3.4.6 act in a discreet and confidential manner in discharging their obligations under this Policy.

3.5 Roles and responsibilities – *Australian Sports Anti-Doping Authority* will:

- 3.5.1 carry out its functions and powers in accordance with the ASADA Act 2006 (Cth) and the *NAD scheme*, as published from time to time. This includes but is not limited to:
- 3.5.2 coordinating results management processes, issuing infraction notices, convening hearings, presenting allegations of *Anti-Doping Rule Violations* at hearings and all matters incidental thereto unless otherwise agreed between the parties and outlined in this Policy;
- 3.5.3 providing and promoting the adoption and implementation of anti-doping policies and rules that conform with the *Code* and the *NAD* scheme;
- 3.5.4 coordinating the administration of national *Registered Testing Pools* and all athlete whereabouts requirements in consultation with NSOs;

³ Note: It is recognised that *Athlete Support Personnel* in certain professions may be subject to legal obligations with respect to confidentiality and disclosure. Guidance on obligations to act must be sought from the ASADA Chief Executive Officer. In seeking this guidance appropriate confidentiality will be maintained.

- 3.5.5 requesting *Athletes* to provide *Samples* and *Testing*, or arranging *Testing* of *Samples*;
- 3.5.6 investigating possible *Anti-Doping Rule Violations*;
- 3.5.7 making findings in relation to such investigations;
- 3.5.8 notifying the *Athlete*, *Support Person* and *NSO* of its findings and its recommendations as to the consequences of such findings;
- 3.5.9 issuing infraction notices, as agreed between the parties and outlined in this Policy;
- 3.5.10 convening hearings before the *Court of Arbitration for Sport (CAS)* and other *Sports Anti-Doping Tribunals (Tribunals)*;
- 3.5.11 presenting its findings and its recommendations as to consequences in hearings before the *CAS* and other *Tribunals*, either at an *NSO*'s request or on its own initiative;
- 3.5.12 notifying the results of hearings and all relevant incidental matters to relevant bodies including the *NSO* and its *IF* as agreed between the parties and outlined in this Policy. Any notification will be subject to the *ASADA Act 2006* and privacy legislation;
- 3.5.13 monitoring *NSO* compliance with their Anti-Doping policy and notifying the *ASC* about the extent of this compliance;
- 3.5.14 publishing reports about the extent of *NSO* compliance with their Anti-Doping Policy;
- 3.5.15 supporting and encouraging the sporting community to develop and implement comprehensive programs and education initiatives about pure performance in sport.

3.6 Roles and responsibilities – Australian Sports Commission will:

- 3.6.1 adopt and implement anti-doping policies and rules that conform with the *Code* and the *NAD scheme*;
- 3.6.2 require as a condition of funding or recognition that *NSO*'s anti-doping policies and rules are in compliance with the *ASC*'s terms and conditions of funding and that *NSOs* complies with those policies and the *NAD scheme*;
- 3.6.3 determine whether to withhold some or all funding and/or recognition to *NSOs* that are not in compliance with the *ASC*'s terms and conditions of funding and recognition, based on consideration of information from *ASADA* about *NSO* compliance;
- 3.6.4 immediately refer information about possible *Anti-Doping Rule Violations* to *ASADA*;
- 3.6.5 assist, cooperate, and liaise with *ASADA*, other relevant *Sporting Administration Bodies* and other *Anti-Doping Organisations* in relation to the conduct of any investigation or hearing into an alleged *Anti-Doping Rule Violation*;

- 3.6.6 act in a discreet and confidential manner in discharging their obligations under this Policy.

3.7 Roles and responsibilities – SAL will:

- 3.7.1 acknowledge ASADA's functions and powers under the ASADA Act 2006 and the *NAD scheme* established under that Act and will cooperate with ASADA and facilitate the execution of these functions and powers as reasonably required by ASADA;
- 3.7.2 adopt and implement Anti-Doping policies and rules which conform with the *Code*, the *NAD scheme*, FINA Anti-Doping Rules, ASC, AOC, APC, ACGA and the ASADA Anti-Doping Policy Core Provisions;
- 3.7.3 require as a condition of membership that the policies, rules and programs of *Member* organisations are in compliance with the *Code*, the *NAD scheme*, FINA Anti-Doping Rules, AOC, APC, ACGA, the ASC and this Anti-Doping Policy;
- 3.7.4 require all *Athletes* and *Athlete Support Personnel* within their jurisdiction to recognise and be bound by anti-doping rules in conformance with the *Code*, the *NAD scheme*, this Anti-Doping Policy, FINA Anti-Doping Rules, ASC, AOC, APC, ACGA and the anti-doping policy of any other relevant organisation;
- 3.7.5 make reasonable efforts to make this Anti-Doping Policy available to *Members*, *Athletes* and *Athlete Support Personnel* and any other *Person* who has agreed to be bound by this Anti-Doping Policy;
- 3.7.6 ensure that at all times SAL has the authority to enforce this Anti-Doping Policy;
- 3.7.7 abide by, implement and enforce this Anti-Doping Policy to the satisfaction of ASADA;
- 3.7.8 obtain ASADA approval for any amendments to this Anti-Doping Policy and advise ASADA of any change to the FINA Anti-Doping Rules;
- 3.7.9 develop and implement, in consultation with ASADA and FINA, comprehensive programs and education initiatives about pure performance in sport;
- 3.7.10 support the initiatives of and cooperate with ASADA, other *Anti-Doping Organisations* and *Sporting Administration Bodies (SABs)* to assist the achievement of pure performance in sport;
- 3.7.11 use its best efforts to assist *Athletes* to fulfil their responsibilities under this Anti-Doping Policy, including providing accurate and up-to-date *Athlete* whereabouts information;
- 3.7.12 support and assist *Anti-Doping Organisations*, including ASADA to conduct *Doping Control*, including the provision of information relating to *Registered Testing Pools* as requested;
- 3.7.13 where required, act upon the receipt of a reported *Anti-Doping Rule Violation*; and notification by ASADA of an entry onto the *ASADA Register* in respect of an *Athlete*, *Athlete Support Personnel*, *Member*, or other *Person* bound by this Anti-Doping Policy in consultation with ASADA;
- 3.7.14 immediately refer all instances of possible *Anti-Doping Rule Violations* to ASADA for investigation;

- 3.7.15 assist, cooperate, and liaise with ASADA and other *Anti-Doping Organisations* including in relation to the conduct of any investigations or hearing into an alleged *Anti-Doping Rule Violation*;
- 3.7.16 act in a discreet and confidential manner in discharging their obligations under this Policy;
- 3.7.17 not disclose or use any information about a person who is alleged to have, or has committed an *Anti-Doping Rule Violation* except as permitted under the ASADA Act 2006 and the *NAD scheme*;
- 3.7.18 recognise and enforce any sanction applied by the CAS and/or other sporting tribunals in respect of an *Anti-Doping Rule Violation*;
- 3.7.19 withhold some or all funding, during any period of his or her *Ineligibility*, to any *Athlete* or *Athlete Support Personnel* who has committed an *Anti-Doping Rule Violation*;
- 3.7.20 withhold some or all funding to its *Members* that are not in compliance with the *Code*.

ARTICLE 4 DEFINITION OF DOPING

- 4.1 *Doping* is defined as the occurrence of one or more of the *Anti-Doping Rule Violations* set forth in Article 5.1 through Article 5.8 of this Anti-Doping Policy.

ARTICLE 5 ANTI-DOPING RULE VIOLATIONS

The following constitute *Anti-Doping Rule Violations*:

- 5.1 **The presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's* bodily *Specimen*.**
 - 5.1.1 It is each *Athlete's* personal duty to ensure that no *Prohibited Substance* enters his or her body. *Athletes* are responsible for any *Prohibited Substance* or its *Metabolites* or *Markers* found to be present in their bodily *Specimens*. Accordingly, it is not necessary that intent, fault, negligence or knowing *Use* on the *Athlete's* part be demonstrated in order to establish an anti-doping violation under Article 5.1.
 - 5.1.2 Excepting those substances for which a quantitative reporting threshold is specifically identified in the *Prohibited List*, the detected presence of any quantity of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample* shall constitute an *Anti-Doping Rule Violation*.
 - 5.1.3 As an exception to the general rule of Article 5.1, the *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.

- 5.3 **Refusing, or failing without compelling justification, to submit to *Sample* collection after notification as authorised in this Anti-Doping Policy, or otherwise evading *Sample* collection.**
- 5.4 **Violation of the requirements regarding *Athlete* availability for *Out-of Competition Testing* including failure to provide required whereabouts information set forth in Article 8.3 (*Athlete* 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 and Methods*.**
 - 5.6.1 *Possession* by an *Athlete* at any time or place of a substance that is prohibited in *Out-of-Competition Testing* or a *Prohibited Method* unless the *Athlete* 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 *Possession* of a *Prohibited Substance* that is prohibited in *Out-of-Competition Testing* or a *Prohibited Method* by *Athlete Support Personnel* in connection with an *Athlete*, *Event* or training, unless the *Athlete Support Personnel* establishes that the *Possession* is pursuant to a *Therapeutic Use Exemption* granted to an *Athlete* in accordance with Article 7.4 (Therapeutic Use) or other acceptable justification.
- 5.7 ***Trafficking in any Prohibited Substance or Prohibited Method*.**
- 5.8 **Administration or Attempted administration of a *Prohibited Substance* or *Prohibited Method* to any *Athlete*, or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an *Anti-Doping Rule Violation* or any Attempted violation.**

ARTICLE 6 PROOF OF DOPING

- 6.1 **Burdens and Standards of Proof.**
 - 6.1.1 ASADA or FINA shall have the burden of establishing that an *Anti-Doping Rule Violation* has occurred. The standard of proof shall be whether ASADA or FINA has established an *Anti-Doping Rule Violation* to the comfortable satisfaction of the hearing body 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 policy places the burden of proof upon the *Athlete* or other *Person* alleged to have committed an *Anti-Doping Rule Violation* to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability.
- 6.2 **Methods of Establishing Facts and Presumptions.**
 - 6.2.1 Facts related to *Anti-Doping Rule Violations* may be established by any reliable means, including admissions. The following rules of proof shall be applicable in *Doping* cases:

- 6.2.1.1 WADA-accredited laboratories are presumed to have conducted *Sample* analysis and custodial procedures in accordance with the *International Standard for Laboratory Analysis*⁴. The *Athlete* may rebut this presumption by establishing that a departure from the *International Standard* occurred.
- 6.2.1.2 If the *Athlete* rebuts the preceding presumption by showing that a departure from the *International Standard* occurred, then FINA or ASADA shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.
- 6.2.1.3 Departures from the *International Standard for Testing*⁵ which did not cause an *Adverse Analytical Finding* or other *Anti-Doping Rule Violation* shall not invalidate such results. If the *Athlete* establishes that departures from the *International Standard* occurred during *Testing* then FINA or ASADA shall have the burden to establish that such 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 Incorporation of the *Prohibited List*.

- 7.1.1 This Anti-Doping Policy incorporates the *Prohibited List*⁶ which is published and revised by WADA as described in Article 4.1 of the *Code* and is available on WADA's website at www.wada-ama.org and changes from time to time.

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

- 7.2.1 Unless provided otherwise in the *Prohibited List* and/or a revision, the *Prohibited List* and revisions shall go into effect under this Anti-Doping Policy three months after publication of the *Prohibited List* by WADA or as amended by WADA from time to time without requiring any further action by SAL. In accordance with Article 4.2 of the *Code* the *Prohibited List* is the expanded List adopted by the FINA and the Monitoring Program is the Program including additional substances and methods adopted by FINA.

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

- 7.3.1 As provided in Article 4.4.3 of the *Code*, WADA's determination of the *Prohibited Substances* and *Prohibited Methods* that will be included on the *Prohibited List* shall be final and shall not be subject to challenge by an *Athlete* or other *Person*.

7.4 Therapeutic Use.

- 7.4.1 *Athletes* with a documented medical condition requiring the *Use* of a *Prohibited Substance* or a *Prohibited Method* must first obtain a *Therapeutic Use Exemption (TUE)* in accordance with the *WADA International TUE Standard*.⁷

⁴ In September 2006, the *International Standard for Laboratory Analysis* was accessible on the internet through the web site of the *World Anti-Doping Agency* (www.wada-ama.org).

⁵ In September 2006, the *International Standard for Testing* was accessible on the internet through the web site of the *World Anti-Doping Agency* (www.wada-ama.org).

⁶ In September 2006, the *WADA Prohibited List* was accessible on the internet through the web site of the *World Anti-Doping Agency* (www.wada-ama.org).

- a. *Athletes* included by FINA in its *Registered Testing Pool* and other *Athletes* prior to their participation in any *International Event* must obtain a *TUE* from FINA (regardless of whether the *Athlete* previously has received a *TUE* at the national level). *TUEs* granted by FINA shall be reported to SAL and to WADA. Other *Athletes* subject to *Testing* must obtain a *TUE* from ASDMAC or other *Recognised Medical Authority*. SAL shall promptly report any such *TUEs* to FINA and WADA, and other relevant *Anti-Doping Organisations* including ASADA. *TUEs* which are consistent with the *Code* and are within that *Signatory's* authority, shall be recognised and respected by all other *Signatories*.
- b. *International-Level Athletes* who are included in the *FINA Registered Testing Pool*, should apply to FINA through SAL for the *TUE* at the same time the *Athlete* first provides whereabouts information to FINA and, except in emergency situations, no later than 21 days before the *Athlete's* participation at an *International Event*. The *FINA Executive*, upon recommendation of the *FINA Doping Control Review Board (DCRB)*, may grant an *Athlete* a *TUE* without violating this Policy. Before such a *TUE* can be granted, the *Athlete* must convince the *DCRB* and the *FINA Executive* that the *TUE* is medically justified and will not create a competitive advantage. The *FINA Executive* may grant a *TUE* under such conditions as it deems appropriate to assure that no competitive advantage can be gained.
- c. *Athletes* participating in *International Events* who are not included in the *FINA Registered Testing Pool* must, except in emergency situations, request a *TUE* from FINA through SAL no later than 21 days before the *Athlete's* participation at an *International Event*.
- d. WADA, at the request of an *Athlete* or on its own initiation, may review the granting or denial of any *TUE* to an *International Level Athlete* or a national level *Athlete* that is included in a *Registered Testing Pool*. If WADA determines that the granting or denial of a *TUE* did not comply with the *International Standard for Therapeutic Use Exemptions* in force at the time then WADA may reverse that decision. Decisions on *TUEs* are subject to further appeal as provided in Article 16.

ARTICLE 8 TESTING

8.1 Authority to Test.

- 8.1.1 All *Athletes* subject to *Doping Control* agree to submit to *In-Competition Testing* and *Out-of-Competition Testing* (at any time or place, with or without advance notice) by an *Anti-Doping Organisation*.

8.2 Testing Standards.

- 8.2.1 All *Testing* shall be conducted in conformity with the *WADA International Standard for Testing* in force at the time of *Testing*.

⁷

In September 2006, the *WADA International Therapeutic Use Exemption Standard* was accessible on the internet through the web site of the World Anti-Doping Agency (www.WADA-ama.org).

8.3 Athlete Whereabouts Requirements.

- 8.3.1** SAL requires all *Athletes* identified for inclusion in a *Registered Testing Pool* to provide accurate whereabouts information to the relevant authority/ies in accordance with the *Code*, the *NAD scheme*, the FINA Doping Control Rules, and this Anti-Doping Policy, and to keep this information updated at all times.
- 8.3.2** The ultimate responsibility for providing whereabouts information rests with each *Athlete*. However, SAL shall use its best efforts to assist the relevant *Anti-Doping Organisation*, including ASADA and FINA, in obtaining whereabouts information as requested by an *Anti-Doping Organisation*, including ASADA.
- 8.3.3 International level athletes** – FINA shall establish a *Registered Testing Pool* of those *Athletes* who are required to provide accurate and up-to-date whereabouts information to FINA. FINA may revise its *Registered Testing Pool* from time to time in accordance with its criteria.
- a. Each *Athlete* in the FINA *Registered Testing Pool* shall provide whereabouts information in accordance with the applicable requirements as determined by FINA.
 - b. Each *Athlete* in the FINA *Registered Testing Pool* shall also provide whereabouts information to ASADA in accordance with Article 8.3.4.
 - c. An *Athlete* who fails to satisfy the FINA applicable requirements will have committed an *Anti-Doping Rule Violation* pursuant to Article 5.4 of this Anti-Doping Policy.
- 8.3.4 National level athletes** – ASADA shall establish a national *Registered Testing Pool* of those *Athletes* who are required to provide accurate and up to date whereabouts information to ASADA. The national level pool shall include *International Level Athletes* from Australia as well as other national level *Athletes*.
- a. SAL shall assist ASADA to establish the national-level *Registered Testing Pool*, as required. ASADA will make the final determination as to the make-up of the *Registered Testing Pool*.
 - b. ASADA shall define and document criteria for *Athletes* to be included in the national level *Registered Testing Pool* in accordance with the *International Testing Standard* and relevant legislation.
 - c. The criteria shall be reviewed at least annually and updated as required.
 - d. *Athletes* included in the national level *Registered Testing Pool* may be revised from time to time.
 - e. Each *Athlete* in the national level *Registered Testing Pool* shall provide whereabouts information in accordance with the applicable requirements as determined by ASADA.
 - f. An *Athlete* who fails to satisfy ASADA applicable requirements will have committed an *Anti-Doping Rule Violation* pursuant to Article 2.4 of the *Code* and Article 5.4 of this Anti-Doping Policy.
- 8.3.5** Whereabouts information provided pursuant to Articles 8.3.3 and 8.3.4 may be released to the following parties in circumstances as described by the *NAD*

scheme: the *International Olympic Committee or the International Paralympic Committee, WADA, other National and International Anti-Doping Organisations*, for the purposes of the implementation, coordination, administration, monitoring and enforcement of anti-doping programs in sport.

8.4 Retirement and Return to Competition.

- 8.4.1** An *Athlete* who has been identified by FINA for inclusion in the FINA *Registered Testing Pool* shall be subject to the FINA retirement and return to *Competition* requirements.
- 8.4.2** Any other *Athlete* who satisfies the definition of *Athlete* under the ASADA Act 2006 shall be subject to the following requirements:
- a. An *Athlete* who wants to retire from *Competition* must do so by notifying the ASADA *Chair* by fully completing and forwarding to him or her the ASADA "RETIREMENT NOTIFICATION FORM" (retirement notification)⁸. (Retirement notifications that are not fully completed will not be accepted and will be returned to the *Athlete* for completion). An *Athlete's* retirement date will be the date the ASADA *Chair* receives the fully completed retirement notification.
 - b. Upon receipt of a notification in accordance with clause 8.4.2a, the ASADA *Chair* will, as soon as reasonably practicable, provide the *Athlete* and SAL with a written confirmation of the *Athlete's* retirement .
 - c. Retirement does not:
 - i. excuse the *Athlete* from giving a *Sample* requested on or before their retirement date;
 - ii. prevent the analysis of a *Sample* given by the *Athlete* on or before their retirement date;
 - iii. affect the results of *Testing* under (i) or (ii) above; or
 - iv. exempt the *Athlete* from this Policy in relation to an *Anti-Doing Rule Violation* committed on or before their retirement date.
 - d. An *Athlete* who has retired in accordance with clause 8.4.2a, and who wishes to return to competition, must do so by notifying the ASADA *Chair* by fully completing and forwarding to him or her the ASADA "REQUEST FOR REINSTATEMENT FORM" (reinstatement request)⁹. (Reinstatement requests that are not fully completed will not be accepted and will be returned to the *Athlete* for completion). The *Athlete's* reinstatement request date will be the date the ASADA *Chair* receives the fully completed reinstatement request. Reinstatement will be at the discretion of SAL in consultation with ASADA.
 - e. Upon receipt of notification in accordance with clause 8.4.2d, the ASADA *Chair* will, as soon as reasonably practicable:
 - i. provide the *Athlete* with a written confirmation of the outcome of the *Athlete's* reinstatement request;
 - ii. if the reinstatement request is approved, provide SAL and, in the case of *Athletes* who were listed in the *FINA Registered Testing Pool* immediately

⁸ In September 2006, the ASADA RETIREMENT NOTIFICATION FORM was accessible on the internet through the website of the *Australian Sports Anti-Doping Authority* (www.asada.gov.au).

⁹ In September 2006, the ASADA REQUEST FOR REINSTATEMENT FORM was accessible on the internet through the website of the *Australian Sports Anti-Doping Authority* (www.asada.gov.au).

prior to retirement, FINA with a written confirmation of the *Athlete's* reinstatement.

- f. If reinstatement is granted then this Policy will apply to the *Athlete* from the date of their reinstatement request. An *Athlete* who is reinstated pursuant to clause 8.4.2d may not compete in *Competitions* and *Events* conducted by or under the auspices of SAL or FINA until the following periods expire:
 - i. **For international *Competitions* and *Events***
9 months from the date of the reinstatement request.
 - ii. **For national *Competitions* and *Events***
6 months from the date of the reinstatement request.
- g. An *Athlete* must be available for unannounced *Out-of-Competition Testing* in accordance with this Anti-Doping Policy from the date of their reinstatement request. (Being available for *Out-of-Competition Testing* means that any *Athlete* who is eligible to be listed on the FINA and/or national *Registered Testing Pool* has been: listed on the FINA and/or national *Registered Testing Pool* for the relevant reinstatement period; has provided current and accurate and up-to-date whereabouts information as required under the FINA Anti-Doping Rules and reinstatement request and Article 8.3; and has complied with any request by an *Anti-Doping Organisation* to provide a *Sample*).
- h. The decision of SAL to reinstate an *Athlete* may be appealed to the CAS or the FINA Appeals division by the *Athlete* or ASADA.

8.5 New Members

- 8.5.1** Any new *Member* of SAL who satisfies the definition of *Athlete* under the ASADA Act 2006 and who wishes to compete in national or international *Competitions* and *Events* must also satisfy the requirements of 8.4.2f and 8.4.2g.

8.6 Selection of Athletes for Testing.

- 8.6.1** Where required by FINA or SAL, *Athletes* shall be selected for *Testing In-Competition* in accordance with the applicable rules of FINA or SAL.
- 8.6.2** Notwithstanding any FINA regulations, ASADA may test any *Athlete*, any time, anywhere.

ARTICLE 9 ANALYSIS OF SAMPLES

Doping Control Samples collected under this Anti-Doping Policy shall be analysed in accordance with the following principles:

9.1 WADA Approved Analysis.

- 9.1.1** *Doping Control Samples* collected under this Anti-Doping Policy must be analysed by WADA-accredited laboratories or as otherwise approved by WADA.

9.2 Substances Subject to Detection.

- 9.2.1** Laboratories shall analyse *Doping Control Samples* and report results in accordance with the relevant *WADA International Standard/s*.

ARTICLE 10 INVESTIGATIONS

- 10.1** When the *Anti-Doping Control Officer (ADCO)* or any other *Person* bound by this Policy has information relevant to a possible *Anti-Doping Rule Violation*, the *ADCO* or other *Person* must immediately pass such information to *ASADA*. The *ADCO* or other *Person* must act in a discreet and confidential manner in discharging their obligations under this Policy.
- 10.2** Where an investigation is required to determine whether an *Anti-Doping Rule Violation* may have occurred under this Anti-Doping Policy, *ASADA* will conduct the investigation.
- 10.3** *ASADA* will conduct investigations in accordance with the *Code*, the *ASADA Act 2006* and the *NAD scheme*, as published from time to time.
- 10.4** Where *ASADA* believes it is appropriate to do so, *ASADA* may, in its discretion, advise *SAL* of an *ASADA* investigation. *ASADA* may also consult affected/interested parties about their participation in any investigation. Any disclosure of information regarding an investigation will be in accordance with the *Code*, the *ASADA Act 2006* and the *NAD scheme*, as published from time to time.
- 10.5** *SAL* may, with prior agreement with *ASADA*, carry out its own investigative functions into the matter or related matters, provided *SAL* does so in coordination with any investigation being undertaken by *ASADA*;
- 10.6** All *Persons* subject to this Anti-Doping Policy and *SAL* must assist, cooperate, and liaise with *ASADA* in relation to any investigation into an alleged *Anti-Doping Rule Violation*. They must also act in a discreet and confidential manner in discharging their obligations under this Policy.

ARTICLE 11 RESULTS MANAGEMENT

- 11.1** *SAL* will recognise the results of laboratory analysis of *Samples* conducted by *WADA* accredited laboratories in accordance with the *WADA International Standard for Testing*.
- 11.2** *SAL* shall recognise any determination or finding by *ASADA* or another *Anti-Doping Organisation* that an *Anti-Doping Rule Violation* may have occurred.
- 11.3** Results shall be managed in accordance with Article 7 of the *Code*, the *ASADA Act 2006* and the *NAD scheme*, as published from time to time.
- 11.4** *ASADA* will conduct any follow up investigation in accordance with the *Code*, the *ASADA Act 2006* and the *NAD scheme*, as published from time to time.
- 11.5** *ASADA* shall be responsible for notification of an alleged *Anti-Doping Rule Violation* and all matters incidental thereto in accordance with the *ASADA Act 2006* and the *NAD scheme*.
- 11.6** *ASADA* will issue an infraction notice. *ASADA* will advise *SAL* and any other relevant parties that *ASADA* is issuing an infraction notice prior to issuing the infraction notice.
- 11.7** The infraction notice shall:
- a. notify the *Person* of the anti-doping rule/s which appear/s to have been violated and the basis for the violation;

- b. enclose a copy of this Anti-Doping Policy or the web site address where this Policy can be located;
 - c. state that ASADA will refer the matter to a hearing within 14 days (unless the *Person* gives a written waiver under clause 11.9); and
 - d. state that if the *Person* does not respond within 14 days a hearing can be held in absentia or SAL and other relevant parties, where applicable, may apply sanction in accordance with Article 14.
- 11.8** SAL and any other relevant parties will only disclose or use information about a *Person* who is alleged to have, or has committed an *Anti-Doping Rule Violation* as permitted under the ASADA Act 2006 and the *NAD scheme*.
- 11.9** ASADA will refer the matter to hearing in accordance with Article 12 unless the *Person* in writing:
- 11.9.1**
 - a. acknowledges they have admitted the *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.
 - 11.9.2 If the *Person* does not respond within 14 days a hearing can be held in absentia or SAL and other relevant parties, where applicable, may apply sanction in accordance with Article 14.
- 11.10 Provisional Suspensions.**
- 11.10.1** SAL may, following consultation with ASADA, impose a *Provisional Suspension* on any *Person* whose *Sample* is the subject of an *Adverse Analytical Finding* or who is issued with an infraction notice or who is subject to an investigation of an alleged *Anti-Doping Rule Violation*.
 - 11.10.2** SAL may, following consultation with ASADA, impose the following *Provisional Suspension*:
 - a. suspend financial or other assistance to the *Person*;
 - b. suspend the *Person* from *Competition in Events* and *Competitions* conducted by or under the auspices of SAL;
 - 11.10.3** SAL may, following consultation with ASADA, apply the *Provisional Suspension*:
 - a. from the date of the notification of an alleged *Anti-Doping Rule Violation*;
 - b. from the date of the infraction notice; or
 - c. as deemed appropriate by the SAL or FINA,
 until the determination of the hearing or a determination by ASADA not to refer the matter to hearing.
 - 11.10.4** A *Provisional Suspension* may not be imposed unless the *Person* is given either:
 - a. an opportunity for a *Provisional Hearing* either before imposition of the *Provisional Suspension* or on a timely basis after imposition of the *Provisional Suspension*; or
 - b. an opportunity for an expedited hearing in accordance with Article 12. The hearing can be held in absentia.
 - 11.10.5** ASADA will convene any *Provisional Hearing* and will present the case at any *Provisional Hearing* unless otherwise agreed between the parties.
 - 11.10.6** As a general rule, the *Provisional Suspension* of a *Person* will not be publicly disclosed. However, SAL may, if it considers it appropriate, publicly disclose

the *Provisional Suspension* so long as such disclosure will not be unfairly prejudicial to the interests of the *Person*. ASADA must be consulted prior to any such disclosure.

ARTICLE 12 RIGHT TO A FAIR HEARING

12.1 Principles of a Fair Hearing.

- 12.1.1** All hearings conducted pursuant to this Article 12 will respect the following principles:
- a. a timely hearing;
 - b. a fair and impartial hearing body;
 - c. the right to be represented by counsel at the *Person's* own expense;
 - d. the right to be fairly and timely informed of the asserted *Anti-Doping Rule Violation*;
 - e. the right to respond to the asserted *Anti-Doping Rule Violation* and resulting consequences;
 - f. the right of each party to present evidence, including the right to call and question witnesses (subject to the hearing body's discretion to accept testimony by telephone or written submission);
 - g. the *Person's* right to an interpreter at the hearing, with the Doping Panel to determine the identity of, and bear responsibility for the cost of the interpreter; and
 - h. a timely, written, reasoned decision.

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

12.2 ASADA will convene the hearing and present the case at the hearing in accordance with the ASADA Procedures for *Tribunals*.

12.3 ASADA will wait 14 days (or a shorter period agreed between ASADA and the *Person*) after sending an infraction notice and then will appoint CAS to conduct the hearing:

12.4 CAS Determination.

- 12.4.1** The CAS will determine:
- a. if the *Person* has committed a violation of this Anti-Doping Policy;
 - b. if so, what sanction will apply; and
 - c. any other issues such as, but not limited to, reimbursement of costs and funding.

12.4.2 Sanctions will be in accordance with Article 14.

12.4.3 The CAS shall have discretion, where fairness requires, to establish an instalment plan for repayment of any funding or costs awarded pursuant to Article 12.4.1c. For the avoidance of doubt, the schedule of payments pursuant to such plan may extend beyond any period of *Ineligibility* imposed upon the *Person*.

12.5 The CAS will give ASADA and SAL a written statement of:

- a. the findings of the hearing and brief reasons for the findings;
- b. what sanction (if any) will apply; and
- c. any other issues such as, but not limited to, reimbursement of costs, funding.

12.6 ASADA shall report the outcome of all *Anti-Doping Rule Violations* in accordance with the *Code*, the ASADA Act 2006 and the *NAD scheme*, as published from time to time.

- 12.7** Hearings pursuant to this Article shall be completed as soon as reasonably practicable. Matters may be marked for “urgent” hearing where required. Factors to be considered when determining whether or not a matter should be marked for urgent hearing include but are not limited to the proximity of upcoming *Events* or *Competitions*, including training and qualifying for such *Events* or *Competitions*, the nature of the *Anti-Doping Rule Violation*, and whether or not a *Provisional Suspension* has been imposed.
- 12.8** SAL, the ASC, AOC, APC, ACGA, the relevant State or Territory Institute or Academy of Sport, FINA, WADA shall have the right to attend hearings as an observer or interested /affected party. It shall be the duty of ASADA to inform those relevant parties of such right to attend as an observer or interested/affected party.
- 12.9** Decisions by the CAS at first instance may be appealed as provided in Article 16.
- 12.10** Decisions by the CAS at first instance shall not be subject to further administrative review at the national level except as provided in Article 16 or required by applicable national law.
- 12.11** If, during a hearing, a party to the hearing process implicates a third party to an *Anti-Doping Rule Violation*, then ASADA may use any information that arises as a result of the CAS process without having to first seek the permission of the parties. [This clause overrides R43 of the CAS Code of Sports-related Arbitration to the extent of any inconsistency.]

ARTICLE 13 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS

- 13.1** A violation of this Anti-Doping Policy in connection with an *In-Competition* test automatically leads to *Disqualification* of the individual result obtained in that *Competition* with all resulting consequences, including forfeiture of any medals, points and prizes.

ARTICLE 14 SANCTIONS ON INDIVIDUALS

- 14.1 Disqualification of Results in Event During which an *Anti-Doping Rule Violation* Occurs.**
- 14.1.1** An *Anti-Doping Rule Violation* occurring during or in connection with an *Event* may lead to *Disqualification* of all of the *Athlete's* individual results obtained in that *Event* with all consequences, including forfeiture of all medals, points and prizes, except as provided in Article 14.1.2.
- 14.1.2** If the *Athlete* establishes that he or she bears *No Fault or Negligence* for the violation, the *Athlete's* individual results in the other *Competition* shall not be disqualified unless the *Athlete's* results in *Competition* other than the *Competition* in which the *Anti-Doping Rule Violation* occurred were likely to have been affected by the *Athlete's Anti-Doping Rule Violation*.
- 14.2 Imposition of *Ineligibility* for *Prohibited Substances* and *Prohibited Methods*.**
- 14.2.1** Except for the specified substances identified in Article 14.3, 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 *Athlete* 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 14.6.

14.3 Specified Substances.

14.3.1 The *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 an *Athlete* can establish that the *Use* of such a specified substance was not intended to enhance sport performance, the period of *Ineligibility* found in Article 14.2 shall be replaced with the following:

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

Third violation: Lifetime *Ineligibility*.

However, the *Athlete* 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 14.6.

14.4 Additional Sanction.

14.4.1 SAL and/or the ASC, AOC, APC, ACGA, relevant State or Territory Institute or Academy of Sport may require the *Athlete* or other *Person* to repay all funding and grants received from SAL, ASA, ASC, AOC, APC, ACGA, relevant State or Territory Institute or Academy of Sport subsequent to the occurrence of the *Anti-Doping Rule Violation*. The CAS can make a determination of this following submissions from the relevant parties.

14.4.2 The CAS may determine, in addition to applying the sanction outlined in Article 14.1 – 14.3, that a *Person* who has committed an *Anti-Doping Rule Violation*, is required to go to counselling for a specified period.

14.4.3 Where the hearings or appeals body determines that an employee or contractor of SAL has committed an *Anti-Doping Rule Violation*, SAL will take disciplinary action against the employee or contractor.

14.5 Ineligibility for Other Anti-Doping Rule Violations.

The period of *Ineligibility* for other violations of this Anti-Doping Policy shall be:

14.5.1 For violations of Article 5.3 (refusing or failing to submit to *Sample* collection) or Article 5.5 (*Tampering with Doping Control*), the *Ineligibility* periods set forth in Article 14.2 shall apply.

14.5.2 For violations of Article 5.7 (*Trafficking*) or Article 5.8 (administration of *Prohibited Substance* or *Prohibited Method*), the period of *Ineligibility* imposed

shall be a minimum of four (4) years up to lifetime *Ineligibility*. An *Anti-Doping Rule Violation* involving a *Minor* shall be considered a particularly serious violation, and, if committed by *Athlete Support Personnel* for violations other than specified substances referenced in Article 14.3, shall result in lifetime *Ineligibility* for such *Athlete 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.

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

First violation: Three (3) months to two (2) years *Ineligibility*.

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

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

14.6.1 If the *Athlete* 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 an *Athlete's Specimen* in violation of Article 5.1 (presence of *Prohibited Substance*), the *Athlete* must also establish how the *Prohibited Substance* entered his or her system in order to have the period of *Ineligibility* eliminated. In the event this Article is applied and the period of *Ineligibility* otherwise applicable is eliminated, the *Anti-Doping Rule Violation* shall not be considered a violation for the limited purpose of determining the period of *Ineligibility* for subsequent violations under Article 14.2, 14.3 and 14.5, and multiple violations under Article 14.7.

14.6.2 This Article 14.6.2 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 an *Athlete* 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 an *Athlete's Specimen* in violation of Article 5.1 (presence of *Prohibited Substance*), the *Athlete* must also establish how the *Prohibited Substance* entered his or her system in order to have the period of *Ineligibility* reduced.

14.6.3 The CAS may also reduce the period of *Ineligibility* in an individual case where the *Athlete* has provided substantial assistance to ASADA or another *Anti-Doping Organisation* which results in ASADA or another *Anti-Doping Organisation* discovering or establishing an *Anti-Doping Rule Violation* by another *Person* involving *Possession* under Article 5.6.2 (*Possession by Athlete Support Personnel*), Article 5.7 (*Trafficking*), or Article 5.8 (administration to an *Athlete*). The reduced period of *Ineligibility* may not, however, 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 Article may be no less than 8 years.

14.7 Rules for Certain Potential Multiple Violations.

- 14.7.1** For purposes of imposing sanctions under Article 14.2, 14.3, 14.4 and 14.5, a second *Anti-Doping Rule Violation* may be considered for purposes of imposing sanctions only if FINA or ASADA can establish that the *Athlete* or other *Person* committed the second *Anti-Doping Rule Violation* after the *Athlete* or other *Person* received notice, or after FINA or ASADA made a reasonable attempt to give notice, of the first *Anti-Doping Rule Violation*; if FINA or ASADA 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.
- 14.7.2** Where an *Athlete*, based on the same *Doping Control*, is found to have committed an *Anti-Doping Rule Violation* involving both a specified substance under Article 14.3 and another *Prohibited Substance* or *Prohibited Method*, the *Athlete* 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.
- 14.7.3** Where an *Athlete* is found to have committed two separate *Anti-Doping Rule Violations*, one involving a specified substance governed by the sanctions set forth in Article 14.3 (specified substances) and the other involving a *Prohibited Substance* or *Prohibited Method* governed by the sanctions set forth in Article 14.2 or a violation governed by the sanctions in Article 14.5.1, 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 *Athlete* found to have committed a third *Anti-Doping Rule Violation* involving any combination of specified substances under Article 14.3 and any other *Anti-Doping Rule Violation* under Article 14.2 or 14.5.1 shall receive a sanction of lifetime *Ineligibility*.

14.8 Disqualification of Results in Competitions Subsequent to Sample Collection.

- 14.8.1** In addition to the automatic *Disqualification* of the results in the *Competition* which produced the positive *Sample* under Article 13 (Automatic *Disqualification* of Individual Results), all other competitive results obtained from the date a positive *Sample* was collected (whether *In-Competition* or *Out-of-Competition*), or other *Doping* violation occurred, through the commencement of any *Provisional Suspension* or *Ineligibility* period, shall, unless fairness requires otherwise, be Disqualified with all of the resulting consequences including forfeiture of any medals, points and prizes.

14.9 Commencement of Ineligibility Period.

- 14.9.1** 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 *Athlete*, the CAS determining the sanction may start the period of *Ineligibility* at an earlier date commencing as early as the date of *Sample* collection.

14.10 Status During *Ineligibility*.

14.10.1 No *Person* who has been declared *Ineligible* may, during the period of *Ineligibility*, participate in any capacity in an *Event* or activity (other than authorised anti-doping education or rehabilitation programs) authorised or organised by any *Signatory* or *Signatory's* member organisation, *IF* or any *NSO* or their *Members*.

This would preclude, but not be limited to:

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

14.10.2 In addition, for any *Anti-Doping Rule Violation* not involving specified substances described in Article 14.3, some or all sport-related financial support or other sport-related benefits received by such *Person* will be withheld by FINA or SAL. A *Person* subject to a period of *Ineligibility* longer than four years may, after completing four years of the period of *Ineligibility*, participate in local sport *Events* in a sport other than sports subject to the jurisdictions of *FINA* or SAL, 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 (or accumulate points toward) a national championship or International *Event*.

14.11 Reinstatement *Testing*.

14.11.1 As a condition to regaining eligibility at the end of a specified period of *Ineligibility*, an *Athlete* must, during any period of *Provisional Suspension* or *Ineligibility*, make him or herself available for *Out-of-Competition Testing* by FINA or SAL, and any other *Anti-Doping Organisation* having *Testing* jurisdiction, and must provide current and accurate whereabouts information as provided in Article 8.3. If an *Athlete* subject to a period of *Ineligibility* retires from sport and is removed from *Registered Testing Pools* and later seeks reinstatement, the *Athlete* shall not be eligible for reinstatement until the *Athlete* has notified ASADA (who will notify FINA and SAL and has been subject to *Out-of-Competition Testing* for a period of time equal to the longer of the period set forth in Article 8.4 or the period of *Ineligibility* remaining as of the date the *Athlete* had retired).

14.12 Other Reinstatement Requirements.

- 14.12.1** Once the period of a *Person's Ineligibility* has expired and the *Person* has fulfilled the conditions for reinstatement, then provided that the *Person* has: paid all forfeiture penalties in full due under Article 12.4.1c above; and has satisfied in full any award of costs made against the *Person* by the CAS and any other requirements under Article 12.4.1c, the *Person* will become automatically re-eligible and no application for reinstatement will be necessary. If, however, further forfeited amounts become due after the *Person's* period of *Ineligibility* has expired (as a result of an instalment plan established pursuant to Article 12.4.3), then any failure by the *Person* to pay all outstanding amounts on or before their respective due dates shall entitle SAL to deny the *Person's* access to further *Competitions* and *Events* or any other SAL activity until the amounts due are paid in full unless otherwise agreed by both parties.

ARTICLE 15 CONSEQUENCES TO TEAMS

- 15.1** If a member of a relay team or a duet or a team is found to have committed a violation of this Anti-Doping Policy during an *Event*, the relay team or duet or team shall be Disqualified from the *Event*.

ARTICLE 16 APPEALS

16.1 Decisions Subject to Appeal.

- 16.1.1** Decisions made under this Anti-Doping Policy may be appealed as set forth below in Article 16.2 through 16.4. 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 12.9 must be exhausted.

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

- 16.2.1** 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 that FINA or SAL lacks jurisdiction to rule on an alleged *Anti-Doping Rule Violation* or its consequences, and a decision to impose a *Provisional Suspension* as a result of a *Provisional Hearing* or otherwise in violation of Article 11.3 may be appealed exclusively as provided in this Article 16.2. Notwithstanding any other provision herein, the only *Person* that may appeal from a *Provisional Suspension* is the *Athlete* or other *Person* upon whom the *Provisional Suspension* is imposed.
- 16.2.2** In cases arising from *Competition* in an International *Event* or in cases involving International-Level *Athletes*, the decision may be appealed exclusively to the CAS in accordance with the provisions applicable before such court. Any such appeal will apply Articles 4, 5, 6, 7, 13 and 14 of this Anti-Doping Policy.
- 16.2.3** In cases involving *Athletes* who do not have a right to appeal under Article 16.2.2, the appeal shall be to the CAS Appeals Division, constituted differently than for the original hearing, and 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. Any such appeal will apply Articles 4, 5, 6, 7, 13 and 14 of this Anti-Doping Policy.

16.2.3.1 Any appeal from a determination of the CAS must be solely and exclusively resolved by the CAS Appeals Division. The determination of the CAS Appeals Division 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 CAS Appeals Division.

16.2.3.2 ASADA must inform any *Person* or organisation informed of the original determination the outcome of any appeal within 7 days of the release by the CAS Appeals Division of the written decision of the appeal.

- 16.2.4** In cases under Article 16.2.2, the following parties shall have the right to appeal to the CAS:
- a. the *Athlete* or other *Person* who is the subject of the decision being appealed;
 - b. the other party to the case in which the decision was rendered;
 - c. ASADA;
 - d. any other affected parties;
 - e. FINA and any other *Anti-Doping Organisation* under whose rules a sanction could have been imposed;
 - f. the *International Olympic Committee* or *International Paralympic Committee*, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and
 - g. WADA.
- 16.2.5** In cases under Article 16.2.3, the parties having the right to appeal to the national-level reviewing body, at a minimum, shall include:
- a. the *Athlete* or other *Person* who is the subject of the decision being appealed;
 - b. the other party to the case in which the decision was rendered;
 - c. SAL (if SAL is not the other party);
 - d. ASADA;
 - e. any other affected parties;
 - f. FINA; and
 - g. WADA.
- 16.2.6** For cases under Article 16.2.3, ASADA, the ASC, WADA and FINA, AOC, APC, ACGA shall also have the right to appeal to the CAS with respect to the decision of the national-level reviewing body.

16.3 Appeals from Decisions Granting or Denying a *Therapeutic Use Exemption*.

16.3.1 Decisions by WADA reversing the grant or denial of a *TUE* may be appealed exclusively to the CAS by the *Athlete*, FINA or SAL or other body designated by SAL which granted or denied the exemption. Decisions to deny *TUEs*, and which are not reversed by WADA, may be appealed by *International-Level Athletes* to the CAS and by other *Athletes* to the national level reviewing body described in Article 16.2.3. If the national level reviewing body reverses the decision to deny a *TUE*, that decision may be appealed to the CAS by WADA.

16.4 Time for Filing Appeals.

16.4.1 The time to file an appeal to the CAS shall be within twenty one (21) days of the release by the CAS of the written decision of the initial hearing.

ARTICLE 17 CONFIDENTIALITY AND REPORTING

17.1 Incorporation of Relevant Anti-Doping Rules.

17.1.1 SAL shall comply with the FINA Doping Control Rules in so far as they are consistent with this Anti-Doping Policy. Any procedural rules necessary to effectively implement this Anti-Doping Policy shall be deemed to be included in them. The Rules of each *Member Organisation* shall specifically provide that all *Athletes, Athlete Support Personnel* and other *Persons* under the jurisdiction of the *Member Organisation* shall be bound by this Anti-Doping Policy.

17.2 Public Disclosure.

17.2.1 Except as provided for in clause 11.10.6, unless and until a *Person* publicly discloses that he or she has been notified of an *Anti-Doping Rule Violation* or a possible *Anti-Doping Rule Violation* or is subject to investigation and/or has authorised ASADA or affected/interested parties to make public comments, ASADA and SAL and any other notified parties must not publicly disclose the identity of a *Person* who is suspected of an *Anti-Doping Rule Violation* until it has been determined in a hearing in accordance with Article 12 that an *Anti-Doping Rule Violation* has occurred, or such hearing has been waived, or the assertion of an *Anti-Doping Rule Violation* has not been timely challenged.

17.2.2 No later than twenty one (21) days after an Anti-Doping matter has been finally determined at a hearing, ASADA must *Publicly Report* the result including any sanction imposed and any other information in accordance with the CAS rules following consultation with SAL and other relevant parties. SAL and other relevant parties may also elect to make a public statement in relation to the matter, following consultation with ASADA.

17.2.3 All hearing and appeal awards regarding alleged *Anti-Doping Rule Violations* shall be made public unless both parties agree that it should remain confidential.

17.3 Recognition of Decisions by IF and other National Sporting Organisations.

17.3.1 Any decision of an *Anti-Doping Organisation* regarding a violation of this Anti-Doping Policy shall be recognised by all *Sporting Administration Bodies*, which shall take all necessary action to render such results effective.

ARTICLE 18 RECOGNITION OF DECISIONS BY OTHER ORGANISATIONS

18.1 Subject to the right to appeal provided in Article 16, the *Testing, TUEs* and hearing results or other final adjudications of any organisation recognised by ASADA, the ASC, FINA, the AOC, the APC, ACGA, WADA, other NSOs or IFs, or *Signatory* to the *Code* which are consistent with the *Code* and are within the ASADA, ASC, FINA, AOC, APC, ACGA, WADA or *Signatory's* authority, shall be recognised and respected by SAL. SAL may recognise the same actions of other bodies which have not accepted the *Code* if the rules of those bodies are otherwise consistent with the *Code*, the *NAD scheme* and or the ASC's position.

ARTICLE 19 MANAGEMENT OF ALLEGED ANTI-DOPING RULE VIOLATIONS NOT COVERED BY AN ANTI-DOPING POLICY

- 19.1** In the case of a *Person* who has committed an *Anti-Doping Rule Violation* or has committed conduct which would have amounted to an *Anti-Doping Rule Violation* if the *Person* was bound by a *Code* compliant Anti-Doping Policy and the *Person* has not been sanctioned by the *CAS* or a *Tribunal* because the *Person* was not bound by a *Code* compliant Anti-Doping Policy, SAL will:
- a. prevent that *Person* from competing in *SAL Competitions, Events* and activities if the *Person* is an *Athlete*;
 - b. prevent that *Person* (so far as reasonably possible) from having any involvement in *SAL Competitions, Events* and activities;
 - c. not employ, engage or register that *Person*;

unless and until that *Person* agrees to be retrospectively bound by this Anti-Doping Policy from the occurrence of the *Anti-Doping Rule Violation*.

ARTICLE 20 STATUTE OF LIMITATIONS

- 20.1** No action may be commenced under this Anti-Doping Policy against an *Athlete* or other *Person* for a violation of an Anti-Doping Rule contained in this Anti-Doping Policy unless such action is commenced within eight years from the date the violation occurred.

ARTICLE 21 DOPING CONTROL FOR ANIMALS COMPETING IN SPORT

- 21.1** “*Article 21 intentionally left blank.*”

ARTICLE 22 AMENDMENT AND INTERPRETATION OF ANTI-DOPING POLICY

- 22.1** This Anti-Doping Policy may be amended from time to time by SAL subject to ASADA approval. A copy of the amended Policy must be provided to both ASADA and the ASC.
- 22.2** Except as provided in Article 22.5, this Anti-Doping Policy shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.
- 22.3** The headings used for the various Parts and Articles of this Anti-Doping Policy are for convenience only and shall not be deemed part of the substance of this Anti-Doping Policy or to affect in any way the language of the provisions to which they refer.
- 22.4** The INTRODUCTION and the APPENDIX 1 DEFINITIONS shall be considered integral parts of this Anti-Doping Policy.
- 22.5** This Anti-Doping Policy has been adopted pursuant to the applicable provisions of the *Code* and shall be interpreted in a manner that is consistent with applicable provisions of the *Code*. The comments annotating various provisions of the *Code* may, where applicable, assist in the understanding and interpretation of this Anti-Doping Policy.
- 22.6** This Anti-Doping Policy shall apply from the date the Policy became effective.
- 22.7** Words in the singular include the plural and vice versa.
- 22.8** A *Person* includes a body corporate.

- 22.9** Words not defined in this policy have the meaning ascribed to them in the *Code* unless a contrary meaning appears from the context.
- 22.10** Reference to “including” and similar words are not words of limitation.
- 22.11** Minor irregularities in the application of this Anti-Doping Policy which cannot be reasonably be considered to have affected the determination of an *Anti-Doping Rule Violation* will not affect such determination.

APPENDIX 1 DEFINITIONS

Adverse Analytical Finding. Means a 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*.

Anti-Doping Control Officer (ADCO). Means the *Anti-Doping Control Officer* appointed by the SAL to give effect to this Policy and, if no *Person* is appointed the Chief Executive or equivalent officer of SAL.

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*, and other *Major Event Organisations* that conduct *Testing* at their *Events*, WADA, *International Federations*, and *National Anti-Doping Organisations*.

Anti-Doping Rule Violation. Meaning as outlined in Article 5.

ASA means the Australian Swimmers' Association.

Athlete. Means:

- (a) For purposes of *Doping Control*, any *Person* who participates in sport at the international level (as defined by each *International Federation*) or national level (as defined by each *National Anti-Doping Organisation*) and any additional *Person* who participates in sport at a lower level if designated by the *Person's* *National Anti-Doping Organisation*. For purposes of anti-doping information and education, any *Person* who participates in sport under the authority of any *Signatory*, government, or other sports organisation accepting the *Code*; or
- (b) any *Person* who:
 - (i) is registered with SAL or one of its *Members*; or
 - (ii) participates, or has in the previous eight years participated, in any sporting activity conducted, authorised, recognised or controlled, either directly or indirectly, by SAL or a body affiliated with SAL; or
 - (iii) is defined as an *Athlete* under the *NAD scheme*; or
 - (iv) has otherwise agreed to be bound by this Anti-Doping Policy.

Athlete Support Personnel (or Support Persons). Means any coach, trainer, manager, agent, team staff member, official, medical or para-medical *personnel* working with or treating *Athletes* participating in or preparing for sporting activities.

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*.

Australian Commonwealth Games Association (ACGA). Means the *Australian Commonwealth Games Association Inc.*

Australian Olympic Committee (AOC). Means the *Australian Olympic Committee Inc.*

Australian Paralympic Committee (APC). Means the *Australian Paralympic Committee Inc.*

Australian Sports Anti-Doping Authority (ASADA). Means the *Australian Sports Anti-Doping Authority* established by the *Australian Sports Anti-Doping Authority Act, 2006 (Cth)*.

Australian Sports Anti-Doping Authority (ASADA) Register (Register). Means the register of findings maintained by ASADA under the *NAD scheme*.

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

Australian Sports Drug Medical Advisory Committee (ASDMAC). Means the *Australian Sports Drug Medical Advisory Committee* established by the *Australian Sports Drug Agency Act 1990* and continued by the *ASADA Act 2006*.

Chair. Means the Chair of ASADA or such person exercising the functions of the Chair of ASADA from time to time.

Code. Means the *World Anti-Doping Code*.

Competition. Means a single race, match, game or singular athletic contest. For example, the finals of the Olympic 100-metre dash. For stage races and other athletic contests where prizes are awarded on a daily or other interim basis the distinction between a *Competition* and an *Event* will be as provided in the rules of the applicable *International Federation*.

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

- (a) Disqualification. Means the *Athlete's* results in a particular *Competition* or *Event* are invalidated, with all resulting consequences including forfeiture of any medals, points and prizes;
- (b) Ineligibility. Means the *Athlete* or other *Person* is barred for a specified period of time from participating in any *Competition* or other activity or funding as provided in Article 14; and
- (c) Provisional Suspension. Means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* prior to the final decision at a hearing conducted under Article 12 (Right to a Fair Hearing).

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

Disqualification. Meaning as outlined in *Consequences of Anti-Doping Rules Violations* above.

Doping. Means the occurrence of one or more of the *Anti-Doping Rule Violations* set forth in Article 5.1 through Article 5.8 of this Anti-Doping Policy.

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

Endogenous. Means a substance which is capable of being produced by the body naturally.

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

Exogenous. Means a substance which is not capable of being produced by the body naturally.

FINA means the *Federation Internationale de Natation Amateur*;

In-Competition. For purposes of differentiating between *In-Competition* and *Out-of-Competition Testing*, unless provided otherwise in the rules of an *International Federation* or other relevant *Anti-Doping Organisation*, an *In-Competition* test means a test where an *Athlete* is selected for *Testing* in connection with a specific *Competition*.

Independent Observer Program. Means a team of observers, under the supervision of *WADA*, who observe the *Doping Control* process at certain *Events* and report on observations. If *WADA* is *Testing In-Competition* at an *Event*, the observers shall be supervised by an independent organisation.

Ineligibility. Meaning as outlined in *Consequences of Anti-Doping Rules 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 sport organisation is the ruling body for the *Event* or appoints the technical officials for the *Event*.

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

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

International Standard. Means a standard adopted by *WADA* in support of the *Code*. 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.

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 parameters that indicates the *Use* of a *Prohibited Substance* or *Prohibited Method*.

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

Metabolite. Means any substance produced by a biotransformation process.

Minor. Means a natural *Person* who has not reached the age of majority as established by the applicable laws of his or her country of residence.

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. The Australian Government has designated the Australian Sports Anti-Doping Authority as Australia's *NADO*.

National Anti-Doping (NAD) scheme (NAD scheme). Means the *National Anti-Doping scheme* as defined under the *ASADA Act 2006*.

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

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

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

National Sporting Organisation [NSO]. Means a national or regional entity which is a *Member* of or is recognised by an International Sporting Federation as the entity governing that International Federation's sport in that nation or region or is recognised by the ASC as a *National Sporting Organisation*. This includes *National Sporting Organisations* for *Athletes* with a Disability.

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

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

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

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

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

Person. Means a natural *Person* or an organisation or other entity, including but not limited to: an *Athlete*, *Athlete Support Personnel* and *Member*.

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/Method* or the premises in which a *Prohibited Substance/Method* exists); provided, however, that if the *Person* does not have exclusive control over the *Prohibited Substance/Method* or the premises in which a *Prohibited Substance/Method* exists, constructive possession shall only be found if the *Person* knew about the presence of the *Prohibited Substance/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 List. Means the List identifying the *Prohibited Substances* and *Prohibited Methods* which is published and revised by WADA as described in Article 4.1 of the Code.

Prohibited Method. Means any method so described on the *Prohibited List*.

Prohibited Substance. Means any substance so described on the *Prohibited List*.

Provisional Hearing. Means, for purposes of Article 11.10.4, an expedited abbreviated hearing occurring prior to a hearing under Article 12 (Right to a Fair Hearing) that provides the *Athlete* with notice and an opportunity to be heard in either written or oral form.

Provisional Suspension. Meaning as outlined in Consequences of an *Anti-Doping Violation* above.

Publicly Disclose or Publicly Report. Means to disseminate or distribute information to the general public or *Persons* beyond those *Persons* entitled to earlier notification in accordance with Article 17.

Recognised Medical Authority. Means the *Australian Sports Drug Medical Advisory Committee (ASDMAC)*, or an authority recognised by the ASDMAC, which may authorise the *Use of a Prohibited Substance* and/or *Prohibited Method* for a therapeutic purpose.

Registered Testing Pool. Means the pool of top level *Athletes* established separately by each *International Federation* and *National Anti-Doping Organisation* who are subject to both *In-Competition* and *Out-of-Competition Testing* as part of that *International Federation's* or *Organisation's* test distribution plan.

SAL. means Swimming Australia Limited, its members and affiliated organisations including Australian Water Polo Inc, the Australian Diving Association Inc and Australian Synchronised Swimming Inc;

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

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

Sports Anti-Doping Tribunal (Tribunal). Means the body approved by ASADA which shall convene from time to time to hear allegations of *Anti-Doping Rule Violations* against *Athletes*, *Athlete Support Personnel* and other *Persons*; to determine whether an *Anti-Doping Rule Violation* has occurred; to determine appropriate sanctions where an *Anti-Doping Rule Violation* is found to have been committed; and to hear appeals, except in the case where an appeal must be to the CAS. [N.B. In the case of an appeal, and where the CAS is not being used for appeals, a new *Tribunal* will be convened, i.e., no members of the *Tribunal* at the original hearing will hear the appeal].

Sporting Administration Body. Means an organisation in Australia that is: (a) a national sporting organisation; or (b) a sporting organisation, as defined in the *ASADA Act 2006*. [For the avoidance of doubt, the *Australian Sports Commission* is considered a *Sporting Administration Body*].

Sporting Organisation. Means the *Australian Olympic Committee*, *Australian Commonwealth Games Association*, *Australian Paralympic Committee* and any organisation recognised, assisted or funded by the ASC and includes their *Members* and affiliated organisations.

State or Territory Institute or Academy of Sport (SIS/SAS). Means the state or territory institute or academy of sport, jointly or severally, as appropriate.

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

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

Team Sport. Means a sport in which the substitution of players is permitted during a *Competition*.

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

Trafficking. Means to sell, give, administer, transport, send, deliver or distribute a *Prohibited Substance* or *Prohibited Method* to an *Athlete* either directly or through one or more third parties, but excluding the sale or distribution (by medical personnel or by *Persons* other than an *Athlete's* Support Personnel) of a *Prohibited Substance* for genuine and legal therapeutic purposes.

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

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