



Rugby Australia Ltd  
(ACN 002 898 544)

### **Anti-Doping Code**

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NSW 2021 Australia

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# Anti-Doping Code

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## INTRODUCTION

### Preface

This Anti-Doping Code (**Code**) is adopted and implemented by Rugby AU in accordance with Sport Integrity Australia's (**SIA**) and Rugby AU's responsibilities under the World Anti-Doping Code (the **WADA Code**), the *Sport Integrity Australia Act 2020* (Cth) (**SIA Act**), the *Sport Integrity Australia Regulations 2020* (Cth) (**SIA Regulations**), including the National Anti-Doping scheme (**NAD scheme**), and in furtherance of combined ongoing efforts to eradicate doping in sport in Australia.

This Code contains rules governing the conditions under which sport is played. Aimed at enforcing anti-doping principles in a global and harmonised manner, they are distinct in nature from criminal and civil laws, and are not intended to be subject to or limited by any national requirements and legal standards applicable to criminal or civil proceedings. When reviewing the facts and the law of a given case, all courts, arbitral tribunals and other adjudicating bodies should be aware of and respect the distinct nature of this Code implementing the WADA Code as well as Australian legislation, and the fact that these rules represent the consensus of a broad spectrum of stakeholders around the world as to what is necessary to protect and ensure fair sport.

Rugby AU has its own Code of Conduct. This is a separate policy document that is managed and enforced by Rugby AU and is binding on all Participants in Rugby. It is a document that covers conduct issues that either do not constitute a possible anti-doping rule violation, or have occurred as a consequence of behaviour that does constitute a possible anti-doping rule violation. The Rugby AU Code of Conduct will enable the separate management of conduct-related issues, including public disclosure, suspension or termination of contract and consequential sanctioning.

Rugby AU's Code of Conduct or other policy documents or rules shall not limit or change the effect of this Code. Where there is any ambiguity or conflict, this Code will prevail.

### Fundamental rationale for the WADA Code and the Code

Anti-Doping programmes seek to preserve what is intrinsically valuable about sport. This intrinsic value is often referred to as "the spirit of sport" and incorporates the essence of Olympism, the pursuit of human excellence through the dedicated perfection of each person's natural talents and the values of Rugby:

- Passion
- Integrity
- Discipline
- Respect
- Teamwork

Doping is fundamentally contrary to the spirit of sport and the values of Rugby.

Rugby AU adopted the World Anti-Doping Code (**WADA Code**) in June 2004. Following an international review of the WADA Code by all Signatories a new World Anti-Doping Code 2015 has been agreed with an effective implementation date of 1 January 2015.

All provisions of the WADA Code are mandatory in substance. The mandatory provisions and principles of the WADA Code have been adopted and incorporated into this Anti-Doping Code.

## **The National Anti-Doping Program**

SIA is a statutory agency that operates under the SIA Act and the SIA Regulations, including the NAD Scheme, which is contained in Schedule 1 to the Regulations. SIA is the independent NADO for Australia. As such, SIA has a number of responsibilities including:

- planning, coordinating, implementing, monitoring and advocating improvements in Doping Control;
- cooperating with relevant national organisations, agencies and other Anti-Doping Organisations;
- encouraging reciprocal Testing between NADOs;
- planning, implementing and monitoring anti-doping information, education and prevention programs;
- pursuing potential anti-doping rule violations within its jurisdiction, including investigating whether Players, Player Support Personnel or other Persons may have been involved in each case of doping, and ensuring proper enforcement of Consequences;
- conducting an automatic investigation of Player Support Personnel within its jurisdiction in the case of any anti-doping rule violation by a Minor and of any Player Support Personnel who has provided support to more than one Player found to have committed an anti-doping rule violation; and
- cooperating fully with WADA in connection with investigations conducted by WADA pursuant to Article 7.10 of the WADA Code.

## **Rugby AU Objectives**

The objectives of this Code are to:

1. comply with World Rugby Regulations, the WADA Code, SIA Act, SIA Regulations (including the NAD scheme) as amended from time to time; and
2. promote the integrity of game by deterring doping in Rugby.

## **Scope of this Code**

The scope of application of this Code is set out in Article 1.

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## 1. Application of the Anti-Doping Code

### 1.1. Application to Rugby AU

- 1.1.1. Rugby AU shall accept and abide by the spirit and terms of the Code, World Rugby Regulation 21, SIA's Anti-Doping Program and will adopt this Code as part of the rules of sport that bind its members and Participants.
- 1.1.2. As a condition of receiving financial and/or other assistance from the Australian Government and/or the National Australian Olympic Committee, Rugby AU shall accept and abide by the spirit and terms of SIA's Anti-Doping Program and this Anti-Doping Policy, and shall adopt this Code into its governing documents, including its Code of Conduct, as part of the rules of sport that bind their members and Participants.
- 1.1.3. Rugby AU recognises the authority and responsibility of WADA, World Rugby, SIA (under this Code and the SIA Act and SIA Regulations, including carrying out Testing). Rugby AU shall also recognise, abide by and give effect to the decisions made pursuant to this Code, including the decisions of hearing panels imposing sanctions on individuals under their jurisdiction.
- 1.1.4. Rugby AU agrees to be bound by the sporting administration body Rules as contained in clause 2.04 of the SIA Regulations.
- 1.1.5. Rugby AU agrees to be knowledgeable of, comply with, and be bound by the AOC Anti-Doping Law, as in force from time to time and as applicable<sup>1</sup>;
- 1.1.6. In addition to its Education obligations under Article 18 of this Anti-Doping Code, Rugby AU agrees, in collaboration with the AOC, to inform and educate the Persons listed in Articles 1.2.1.a) to 1.2.3 as applicable of their obligations under the AOC Anti-Doping By-Law, as in force from time to time, and of their rights foregone, in return for the privilege to participate in an Olympic sport.
- 1.1.7. The Persons listed in Articles 1.2.1.a) to 1.2.3 agree to be knowledgeable of, comply with, and be bound by the AOC Anti-Doping By-Law, as in force from time to time and as applicable.<sup>2</sup>

### 1.2. Application to Persons

- 1.2.1. This Code shall apply to the following Persons (including Minors), in each case, whether or not such Person is a citizen of or (temporary or permanent) resident in Australia
  - a) all Players and Player Support Personnel who are members of Rugby AU or of any member or affiliate organisation (including any clubs, teams, associations or Competitions); including without limitation all National-Level Players and International-Level Players;
  - b) all Players and Player Support Personnel and other Persons who participate in such capacity in Events, Competitions and other activities organised, convened, authorised or recognised by Rugby AU or any member or affiliate organisation (including any clubs, teams, associations or Competitions), wherever held;

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<sup>1</sup> AOC Anti-Doping By-Law is posted on the AOC website ([www.olympics.com.au](http://www.olympics.com.au) under "Reports and Documents" and under "Anti-Doping").

<sup>2</sup> As above.

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- c) any other Player or Player Support Personnel or other Person who, by virtue of an accreditation, registration or other contractual arrangement, or otherwise, is subject to the jurisdiction of Rugby AU or of any member or affiliate organisation (including any Clubs, Teams, local unions, associations or Competitions), for purposes of anti-doping;
  - d) Players who do not fall within one of these provisions of this Article 1.2 but who wish to be eligible to participate in International Events or National Events and such Players must be available for Testing under this Code. Players wishing to be eligible to participate in International Events must be available for Testing for the period of time specified by World Rugby. Players wishing to be eligible to participate in National Events must be available for Testing under this Code for at least six months before they will be eligible for such Events; and
  - e) any Player or Player Support Personnel or other Person shall be deemed to have agreed to be bound by and comply with this Code for a period of six months following the last time the Player or Player Support Person or other Person participated in or was scheduled to participate in any capacity recognised under this Code. For clarity, Players shall remain subject to Testing for that six-month period and be subject to results management (including hearings and appeals processes) in accordance with Article 17. The continuation of the application of this Code prevails regardless of retirement, contract termination, or any other cessation of arrangement with the sporting administration body.
- 1.2.2. This Code shall also apply to all other Persons over whom the WADA Code, SIA Act, SIA Regulations and NAD scheme give SIA jurisdiction in respect of compliance with the anti-doping rules as defined in the SIA Act, including all Players who are nationals of or resident in Australia, and all Players who are present in Australia, whether to compete or to train or otherwise.
- 1.2.3. Persons falling within the scope of Articles 1.2.1 or 1.2.2 are deemed to have accepted and to have agreed to be bound by this Code, World Rugby Regulation 21 and to have submitted to the authority of SIA and other Anti-Doping Organisations under this Code and to the jurisdiction of the hearing panels specified in Article 8 (Right to a Fair Hearing) and Article 13 (Appeals) to hear and determine cases and appeals brought under this Code, as a condition of their membership, accreditation and/or participation in sport.

## **2. Definition of Doping – Anti-Doping Rule Violations**

Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Article 2.1 through Article 2.10 of this Anti-Doping Code.

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

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

The following constitute anti-doping rule violations:

### **2.1. Presence of a Prohibited Substance or its Metabolites or Markers in a player's Sample**

- 2.1.1. 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 Samples. Accordingly, it is not necessary that

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intent, Fault, negligence or knowing Use on the Player's part be demonstrated in order to establish an anti-doping rule violation under Article 2.1 (Presence).<sup>3</sup>

- 2.1.2. Sufficient proof of an anti-doping rule violation under Article 2.1 is established by any of the following: presence of a Prohibited Substance or its Metabolites or Markers in the Player's A Sample where the Player waives analysis of the B Sample and the B Sample is not analysed; or, where the Player's B Sample is analysed and the analysis of the Player's B Sample confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the Player's A Sample; or, where the Player's B Sample is split into two bottles and the analysis of the second bottle confirms the presence of the Prohibited Substance or its Metabolites or Markers found in the first bottle.<sup>4</sup>
- 2.1.3. Excepting those substances for which a quantitative threshold is specifically identified in the Prohibited List, the presence of any quantity of a Prohibited Substance or its Metabolites or Markers in a Player's Sample shall constitute an anti-doping rule violation.
- 2.1.4. As an exception to the general rule of Article 2.1 (Presence), the Prohibited List or International Standards may establish special criteria for the evaluation of Prohibited Substances that can also be produced endogenously.

### 2.2. Use or Attempted Use by a Player of a Prohibited Substance or a Prohibited Method<sup>5</sup>

- 2.2.1. It is each Player's personal duty to ensure that no Prohibited Substance enters his or her body and that no Prohibited Method is Used. Accordingly, it is not necessary that intent, Fault, negligence or knowing Use on the Player's part be demonstrated in order to establish an anti-doping rule violation for Use of a Prohibited Substance or a Prohibited Method.
- 2.2.2. The success or failure of the Use or Attempted Use of a Prohibited Substance or Prohibited Method is not material. It is sufficient that the Prohibited Substance or Prohibited Method was Used or Attempted to be Used for an anti-doping rule violation to be committed.<sup>6</sup>

### 2.3. Evading, Refusing or Failing to Submit to Sample Collection

Evading Sample collection or, without compelling justification, refusing or failing to submit to Sample collection after notification as authorised in this Code, the NAD scheme or other

<sup>3</sup> An anti-doping rule violation is committed under this Regulation without regard to a Player's Fault. This rule has been referred to in various CAS decisions as "Strict Liability". A Player's Fault is taken into consideration in determining the Consequences of this anti-doping rule violation under Article 10. This principle has consistently been upheld by CAS.

<sup>4</sup> The Anti-Doping Organisation with results management responsibility may, at its discretion, choose to have the B Sample analysed even if the Player does not request the analysis of the B Sample.

<sup>5</sup> It has always been the case that Use or Attempted Use of a Prohibited Substance or Prohibited Method may be established by any reliable means. As noted in the Comment to Article 3.2, unlike the proof required to establish an anti-doping rule violation under Article 2.1, Use or Attempted Use may also be established by other reliable means such as admissions by the Player, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, including data collected as part of the Player Biological Passport, or other analytical information which does not otherwise satisfy all the requirements to establish "Presence" of a Prohibited Substance under Article 2.1 (Presence). For example, Use may be established based upon reliable analytical data from the analysis of an A Sample (without confirmation from an analysis of a B Sample) or from the analysis of a B Sample alone where the Anti-Doping Organisation provides a satisfactory explanation for the lack of confirmation in the other Sample.

<sup>6</sup> Demonstrating the "Attempted Use" of a Prohibited Substance or a Prohibited Method requires proof of intent on the Player's part. The fact that intent may be required to prove this particular anti-doping rule violation does not undermine the Strict Liability principle established for violations of Article 2.1 (Presence) and violations of Article 2.2 (Use or Attempted Use) in respect of Use of a Prohibited Substance or Prohibited Method. A Player's "Use" of a Prohibited Substance constitutes an anti-doping rule violation unless such substance is not prohibited Out-of-Competition and the Player's Use takes place Out-of-Competition. (However, the presence of a Prohibited Substance or its Metabolites or Markers in a Sample collected In-Competition is a violation of Article 2.1 (Presence) regardless of when that substance might have been administered).

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applicable anti-doping rules.<sup>7</sup>

## **2.4. Whereabouts Failures**

Any combination of three missed tests and/or filing failures, as defined in the International Standard for Testing and Investigations, within a twelve-month period by a Player in a Registered Testing Pool.

## **2.5. Tampering or Attempted Tampering with any part of Doping Control**

Conduct which subverts the Doping Control process but which would not otherwise be included in the definition of Prohibited Methods. Tampering shall include, without limitation, intentionally interfering or attempting to interfere with a Doping Control official, providing fraudulent information to an Anti-Doping Organisation or intimidating or attempting to intimidate a potential witness.<sup>8</sup>

## **2.6. Possession of a Prohibited Substance or a Prohibited Method**

2.6.1. Possession by a Player In-Competition of any Prohibited Substance or any Prohibited Method, or Possession by a Player Out-of-Competition of any Prohibited Substance or any Prohibited Method which is prohibited Out-of-Competition unless the Player establishes that the Possession is consistent with a Therapeutic Use Exemption (TUE) granted in accordance with Article 4.4 or other acceptable justification.<sup>9</sup>

2.6.2. Possession by a Player Support Person In-Competition of any Prohibited Substance or any Prohibited Method, or Possession by a Player Support Person Out-of-Competition of any Prohibited Substance or any Prohibited Method which is prohibited Out-of-Competition in connection with a Player, Competition or training, unless the Player Support Person establishes that the Possession is consistent with a TUE granted to a Player in accordance with Article 4.4 or other acceptable justification.<sup>10</sup>

## **2.7. Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method**

## **2.8. Administration or Attempted Administration to any Player In-Competition of any Prohibited Substance or Prohibited Method, or Administration or Attempted Administration to any Player Out-of-Competition of any Prohibited Substance or any Prohibited Method that is prohibited Out-of-Competition**

## **2.9. Complicity**

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity involving an anti-doping rule violation, Attempted anti-doping rule violation or violation of Article 10.12.1 by another Person.

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<sup>7</sup> For example, it would be an anti-doping rule violation of “evading Sample collection” if it were established that a Player was deliberately avoiding a Doping Control official to evade notification or Testing. A violation of “failing to submit to Sample collection” may be based on either intentional or negligent conduct of the Player, while “evading” or “refusing” Sample collection contemplates intentional conduct by the Player.

<sup>8</sup> For example, this Regulation would prohibit altering identification numbers on a Doping Control form during Testing, breaking the B bottle at the time of B Sample analysis, or altering a Sample by the addition of a foreign substance. Offensive conduct towards a Doping Control official or other Person involved in Doping Control which does not otherwise constitute Tampering shall be addressed pursuant to Regulation 20 and/or its equivalent in Unions’ or Tournament Organisers’ regulations.

<sup>9</sup> Acceptable justification would not include, for example, buying or Possessing a Prohibited Substance for purposes of giving it to a friend or relative, except under justifiable medical circumstances where that Person had a physician’s prescription, e.g., buying Insulin for a diabetic child.

<sup>10</sup> Acceptable justification would include, for example, a team doctor carrying Prohibited Substances for dealing with acute and emergency situations.



## 2.10. Prohibited Association

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

- 2.10.1. If subject to the authority of an Anti-Doping Organisation, is serving a period of Ineligibility; or
- 2.10.2. If not subject to the authority of an Anti-Doping Organisation, and where Ineligibility has not been addressed in a results management process pursuant to the WADA Code, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if WADA Code-compliant rules had been applicable to such Person. The disqualifying status of such Person shall be in force for the longer of six years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed; or
- 2.10.3. Is serving as a front or intermediary for an individual described in Article 2.10.1 or 2.10.2

In order for this provision to apply, it is necessary that the Player or other Person has previously been advised in writing by an Anti-Doping Organisation with jurisdiction over the Player or other Person, or by WADA, of the Player Support Person's disqualifying status and the potential Consequence of prohibited association and that the Player or other Person can reasonably avoid the association. The Anti-Doping Organisation shall also use reasonable efforts to advise the Player Support Person who is the subject of the notice to the Player or other Person that the Player Support Person may, within 15 days, come forward to the Anti-Doping Organisation to explain that the criteria described in Articles 2.10.1 and 2.10.2 do not apply to him or her. (Notwithstanding Article 17, this Article applies even when the Player Support Person's disqualifying conduct occurred prior to the effective date provided in Article 20.7).

The burden shall be on the Player or other Person to establish that any association with Player Support Personnel described in Article 2.10.1 or 2.10.2 is not in a professional or sport-related capacity.

Anti-Doping Organisations that are aware of Player Support Personnel who meet the criteria described in Article 2.10.1, 2.10.2 or 2.10.3, or 2.10.3 shall submit that information to WADA.

## 3. Proof of Doping

### 3.1. Burdens and Standards of Proof

Rugby AU, World Rugby or SIA (as applicable) shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether Rugby AU, World Rugby or SIA (as applicable) has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where this Code places the burden of proof upon the Player or other Person alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability.<sup>11</sup>

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<sup>11</sup> This standard of proof required to be met by Rugby AU, SIA or World Rugby is comparable to the standard which is applied in most countries to cases involving professional misconduct.

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### 3.2. Methods of Establishing Facts and Presumptions

Facts related to anti-doping rule violations may be established by any reliable means, including admissions. The following rules of proof shall be applicable in doping cases:<sup>12</sup>

- 3.2.1. Analytical methods or decision limits approved by WADA after consultation within the relevant scientific community and which have been the subject of peer review are presumed to be scientifically valid. Any Player or other Person seeking to rebut this presumption of scientific validity shall, as a condition precedent to any such challenge, first notify WADA of the challenge and the basis of the challenge. CAS on its own initiative may also inform WADA of any such challenge. At WADA's request, the CAS panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge. Within 10 days of WADA's receipt of such notice, and WADA's receipt of the CAS file, WADA shall also have the right to intervene as a party, appear amicus curiae, or otherwise provide evidence in such proceeding.
- 3.2.2. WADA accredited laboratories, and other laboratories approved by WADA, are presumed to have conducted Sample analysis and custodial procedures in accordance with the International Standard for Laboratories. The Player or other Person may rebut this presumption by establishing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the Adverse Analytical Finding. If the Player or other Person rebuts the preceding presumption by showing that a departure from the International Standard for Laboratories occurred which could reasonably have caused the Adverse Analytical Finding, then the Anti-Doping Organisation Rugby AU or World Rugby shall have the burden to establish that such departure did not cause the Adverse Analytical Finding.<sup>13</sup>
- 3.2.3. Departures from any other International Standard or other anti-doping rule or policy set forth in the WADA Code or this Code which did not cause an Adverse Analytical Finding or other anti-doping rule violation shall not invalidate such evidence or results. If the Player or other Person establishes a departure from another International Standard or other anti-doping rule or policy which could reasonably have caused an anti-doping rule violation based on an Adverse Analytical Finding or other anti-doping rule violation, then the Anti-Doping Organisation shall have the burden to establish that such departure did not cause the Adverse Analytical Finding or the factual basis for the anti-doping rule violation.
- 3.2.4. The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrebuttable evidence against the Player or other Person to whom the decision pertained of those facts unless the Player or other Person establishes that the decision violated principles of natural justice.
- 3.2.5. The hearing panel in a hearing on an anti-doping rule violation may draw an inference adverse to the Player or other Person who is asserted to have committed an anti-doping rule violation based on the Player's or other Person's refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in Person or telephonically as directed by the hearing panel) and to answer questions from the hearing panel or the Anti-Doping Organisation asserting the anti-doping rule violation.

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<sup>12</sup> For example, Rugby AU, SIA or World Rugby may establish an anti-doping rule violation under Article 2.2 based on the Player's admissions, the credible testimony of third Persons, reliable documentary evidence, reliable analytical data from either an A or B Sample as provided in the Comments to Article 2.2, or conclusions drawn from the profile of a series of the Player's blood or urine Samples, such as data from the Player Biological Passport.

<sup>13</sup> The burden is on the Player or other Person to establish, by a balance of probability, a departure from the International Standard for Laboratories that could reasonably have caused the Adverse Analytical Finding. If the Player or other Person does so, the burden shifts to World Rugby to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the Adverse Analytical Finding.

## 4. The Prohibited List

### 4.1. Incorporation, Publication and Revision of the Prohibited List<sup>14</sup>

This Code incorporates the Prohibited List which is published and revised by WADA as described in Article 4.1 of the WADA Code.<sup>15</sup>

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

### 4.2. Prohibited Substances and Prohibited Methods Identified on the Prohibited List

#### 4.2.1. Prohibited Substances and Prohibited Methods

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

#### 4.2.2. Specified Substances

For purposes of the application of Article 10, all Prohibited Substances shall be Specified Substances except substances in the classes of anabolic agents and hormones and those stimulants and hormone antagonists and modulators so identified on the Prohibited List. The category of Specified Substances shall not include Prohibited Methods.<sup>16</sup>

### 4.3. WADA's determination of the Prohibited List

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

### 4.4. Therapeutic Use Exemptions ("TUEs")

Players with a documented medical condition requiring the use of a Prohibited Substance or a Prohibited Method must first obtain a TUE. The International Standard for TUEs is set out in Schedule 3(a) and World Rugby TUE application forms are set out in Schedule 3(b) of this Code.

4.4.1. The presence of a Prohibited Substance or its Metabolites or Markers, and/or the Use or Attempted Use, Possession or Administration or Attempted Administration of a Prohibited Substance or Prohibited Method shall not be considered an anti-doping

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<sup>14</sup> Comment to Article 4.1: For the sake of predictability, a new *Prohibited List* will be published every year whether or not changes have been made. WADA will always have the most current *Prohibited List* published on its website. The current *Prohibited List* is available on WADA's website at [www.wada-ama.org](http://www.wada-ama.org).

<sup>15</sup> The Prohibited List appears in Schedule 2 to this Code and is also always available in its full updated form and in a range of languages on WADA's website at [www.wada-ama.org](http://www.wada-ama.org).

<sup>16</sup> The Specified Substances identified in Article 4.2.2 should not in any way be considered less important or less dangerous than other doping substances. Rather, they are simply substances which are more likely to have been consumed by a Player for a purpose other than the enhancement of sport performance.

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rule violation if it is consistent with the provisions of a TUE granted in accordance with the International Standard for Therapeutic Use Exemptions.

- 4.4.2. The TUE Committee for Australia is the Australian Sports Drug Medical Advisory Committee (ASDMAC). A TUE granted by ASDMAC is valid at national level only. Unless otherwise specified by ASDMAC in a notice posted on its website, any National-Level Player who needs to Use a Prohibited Substance or Prohibited Method for therapeutic purposes should apply to ASDMAC for a TUE as soon as the need arises and in any event (or where Article 4.3 of the International Standard for Therapeutic Use Exemptions applies in regard to retroactive TUEs) at least 30 days before the Player's next Competition, by completing the form at [www.asdmac.gov.au](http://www.asdmac.gov.au) with assistance from their doctor. ASDMAC will consider applications for the grant or recognition of TUEs. ASDMAC shall promptly evaluate and decide upon the application in accordance with the relevant provisions of the International Standard for Therapeutic Use Exemptions and the specific ASDMAC protocols posted on its website at <http://www.asdmac.gov.au>. ASDMAC's decision shall be final (except as outlined in Article 4.4.6) and where ASDMAC has granted a TUE, the decision shall be reported to WADA and other relevant Anti-Doping Organisations in accordance with the International Standard for Therapeutic Use Exemptions.
- 4.4.3. If an Anti-Doping Organisation chooses to test a Player who is not an International-Level or a National-Level Player, and that Player was not required to obtain a TUE in advance in accordance with 4.4.2, the Player may apply for a retroactive TUE for any Prohibited Substance or Prohibited Method that he/she is using for therapeutic reasons.
- 4.4.4. A Player who is or becomes an International-Level Player should do the following:
- 4.4.4.1 Where the Player already has a TUE granted by ASDMAC for the substance or method in question, the Player may apply to World Rugby to recognise that TUE, in accordance with Article 7 of the International Standard for Therapeutic Use Exemptions and Article 4.4.7.1 of this policy. If that TUE meets the criteria set out in the International Standard for Therapeutic Use Exemptions, then World Rugby shall recognise it for purposes of International-Level Competition as well. If World Rugby considers that the TUE granted by ASDMAC does not meet those criteria and so refuses to recognise it, World Rugby shall notify the International-Level Player and ASDMAC promptly with reasons. The International-Level Player and ASDMAC shall have 21 days from such notification to refer the matter to WADA for review. If the matter is referred to WADA for review in accordance with Article 4.4.6, the TUE granted by ASDMAC remains valid for national-level Competition and Out-of-Competition Testing (but is not valid for International-Level Competition) pending WADA's decision. If the matter is not referred to WADA for review, the TUE becomes invalid for any purpose when the 21-day review deadline expires.<sup>17</sup>
- 4.4.4.2 If the Player does not already have a TUE granted by ASDMAC for the substance or method in question, the Player must apply directly to World Rugby for a TUE in accordance with the process set out in the International Standard for Therapeutic Use Exemptions. If World Rugby grants the Player's application, it shall notify the Player and ASDMAC. If ASDMAC considers that the TUE granted by World Rugby does not meet the criteria

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<sup>17</sup> Comment to Article 4.4.4.1: Further to Articles 5.6 and 7.1(a) of the International Standard for Therapeutic Use Exemptions, an World Rugby may publish notice on its website that it will automatically recognise TUE decisions (or categories of such decisions, for example, as to particular substances or methods) made by National Anti-Doping Organisations. If a Player's TUE falls into a category of automatically recognised TUEs, then he/she does not need to apply to his/her World Rugby for recognition of that TUE. If an World Rugby refuses to recognise a TUE granted by ASDMAC only because medical records or other information are missing that are needed to demonstrate satisfaction of the criteria in the International Standard for Therapeutic Use Exemptions, the matter should not be referred to WADA. Instead, the file should be completed and re- submitted to World Rugby.

set out in the International Standard for Therapeutic Use Exemptions, it has 21 days from such notification to refer the matter to WADA for review. If ASDMAC refers the matter to WADA for review, the TUE granted by World Rugby remains valid for International-Level Competition and Out-of-Competition Testing (but is not valid for national-level Competition) pending WADA's decision. If ASDMAC does not refer the matter to WADA for review, the TUE granted by World Rugby becomes valid for national-level Competition as well when the 21-day review deadline expires.<sup>18</sup>

#### **4.4.5. Expiration, cancellation, withdrawal or reversal of a TUE**

- 4.4.5.1 A TUE granted pursuant to this Anti-Doping Policy: (a) shall expire automatically at the end of any term for which it was granted, without the need for any further notice or other formality; (b) may be cancelled if the Player does not promptly comply with any requirements or conditions imposed by the TUE Committee upon grant of the TUE; (c) may be withdrawn by the TUE Committee if it is subsequently determined that the criteria for grant of a TUE are not in fact met; or (d) may be reversed on review by WADA or on appeal.
- 4.4.5.2 In such event, the Player shall not be subject to any Consequences based on his/her Use or Possession or Administration of the Prohibited Substance or Prohibited Method in question in accordance with the TUE prior to the effective date of expiry, cancellation, withdrawal or reversal of the TUE. The review pursuant to Article 7.2 of any subsequent Adverse Analytical Finding shall include consideration of whether such finding is consistent with Use of the Prohibited Substance or Prohibited Method prior to that date, in which event no anti-doping rule violation shall be asserted.

#### **4.4.6. Reviews and appeals of TUE decisions**

- 4.4.6.1 If ASDMAC denies an application for a TUE, the Player may appeal exclusively to the national-level appeal body, the Therapeutic Use Exemption Review Committee (**TUERC**) described in Articles 13.2.2 and 13.2.3.
- 4.4.6.2 WADA shall review any decision by World Rugby not to recognise a TUE granted by ASDMAC that is referred to WADA by the Player or ASDMAC. In addition, WADA shall review any decision by World Rugby to grant a TUE that is referred to WADA by ASDMAC. WADA may review any other TUE decisions at any time, whether upon request by those affected or on its own initiative. If the TUE decision being reviewed meets the criteria set out in the International Standard for Therapeutic Use Exemptions, WADA will not interfere with it. If the TUE decision does not meet those criteria, WADA will reverse it.
- 4.4.6.3 Any TUE decision by WADA (or by ASDMAC where it has agreed to consider the application on behalf of an World Rugby) that is not reviewed by WADA, or that is reviewed by WADA but is not reversed upon review, may be appealed by the Player or ASDMAC exclusively to CAS, in accordance with Article 13.<sup>19</sup>

<sup>18</sup> Comment to Article 4.4.4.2: World Rugby and ASDMAC may agree that ASDMAC will consider TUE applications on behalf of World Rugby.

<sup>19</sup> Comment to Article 4.4.6.3: In such cases, the decision being appealed is World Rugby's TUE decision, not WADA's decision not to review the TUE decision or (having reviewed it) not to reverse the TUE decision. However, the time to appeal the TUE decision does not begin to run until the date that WADA communicates its decision. In any event, whether the decision has been reviewed by WADA or not, WADA shall be given notice of the appeal so that it may participate if it sees fit.

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- 4.4.6.4 A decision by WADA to reverse a TUE decision may be appealed by the Player, ASDMAC and/or World Rugby affected exclusively to CAS, in accordance with Article 13.
  - 4.4.6.5 A failure to take action within a reasonable time on a properly submitted application for grant recognition of a TUE or for review of a TUE decision shall be considered a denial of the application.

### **4.4.7. World Rugby Therapeutic Use Exemption Provisions for International Players**

- 4.4.7.2 Players included by World Rugby in its Registered Testing Pool or Testing Pool and other Players prior to their participation in any International Match, Series of International Matches or International Tournament organised by World Rugby (as set out in Article 5.3.3) must obtain a TUE from World Rugby's TUE Committee in advance of the administration of the Prohibited Substance, or provide World Rugby's TUE Committee with a copy of any existing TUE certificate and application for its review (pursuant to Article 4.5 (Mutual Recognition)) in accordance with Article 7 of the International Standard for Therapeutic Use Exemptions. TUEs granted by World Rugby shall be reported in writing to the Player via Rugby AU and in respect of International-Level Players to WADA. TUE requests shall be evaluated by World Rugby TUE Committee in accordance with the International Standard for TUEs set out in Schedule 3(a) of these Articles.<sup>20</sup>
- 4.4.7.3 World Rugby shall appoint a panel of physicians to its TUE Committee. Upon World Rugby's receipt of a TUE request, the Chair of World Rugby TUE Committee shall appoint one or more members of World Rugby TUE Committee (which may include the Chair) to consider such request. World Rugby TUE Committee member(s) so designated shall promptly evaluate such request in accordance with the International Standard for TUEs and render a decision on such request, which shall be the final decision of World Rugby. The Chairman of World Rugby TUE Committee may seek specialist advice from outside World Rugby TUE Committee members or appoint specialists to sit on World Rugby TUE Committee as and when deemed necessary for the purposes of evaluating a TUE.
- 4.4.7.4 Players in the World Rugby Registered Testing Pool and the World Rugby Testing Pool should apply to World Rugby for the TUE at the same time the Player first provides whereabouts information to World Rugby and, except in emergency situations, no later than 30 days before the Player's participation in an International Match, Series of International Matches, and/or International Tournament organised by World Rugby (as set out in Article 5.3.3).
- 4.4.7.5 Players participating in an International Match, Series of International Matches and/or International Tournament organised by World Rugby (as set out in World Rugby Article 5.3.3) who are not included in the World Rugby Registered Testing Pool or Testing Pool must, except in emergency situations, request a TUE from World Rugby no later than 30 days before the Player's participation in an International Match, Series of International Matches and/or International Tournament so organised by World Rugby.<sup>21,22</sup>

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<sup>20</sup> Further to Articles 5 – 6 and 4.1(a) of the International Standard for Therapeutic Use Exemptions, World Rugby may publish notice on its website that it will automatically recognise TUE decisions (or categories of such decisions, e.g., as to particular substances or methods) made by National Anti-Doping Organisations. If a Player's TUE falls into a category of automatically recognised TUEs, then he/she does not need to apply to World Rugby for recognition of that TUE. If World Rugby refuses to recognise a TUE granted by a National Anti-Doping Organisation only because medical records or other information are missing that are needed to demonstrate satisfaction of the criteria in the International Standard for Therapeutic Use Exemptions, the matter should not be referred to WADA. Instead, the file should be completed and re-submitted to World Rugby. World Rugby may agree with a National Anti-Doping Organisation that the National Anti-Doping Organisation will consider TUE applications on behalf of World Rugby.

<sup>21</sup> The submission of false or misleadingly incomplete information in support of a TUE application (including but not limited to the

- 4.4.7.6 Any International-Level Player who competes in the Tournaments listed in Article 5.3.3 and/or who is a member of the Registered Testing Pool or Testing Pool and who has been granted a TUE by another Anti-Doping Organisation TUE Committee that is current and valid must submit a copy of the application and the certificate of approval to World Rugby TUE Committee. This must be submitted in accordance with the timelines set out in Articles 4.4.6 and 4.4.7.5. In accordance with the recognition provisions set out in Article 4.4 of the WADA Code and Article 7 of the International Standard for TUEs such TUE approvals shall be accepted by World Rugby subject to the approval of World Rugby TUE Committee in accordance with Article 4.4.4. World Rugby has the right to review and appeal all TUE approvals submitted to World Rugby TUE Committee where approved by another Anti-Doping Organisation TUE Committee. World Rugby may publish as it considers appropriate a list of Anti-Doping Organisations whose TUE decisions, or certain categories of such decisions, it will automatically recognise in accordance with Article 7.1(a) of the International Standard for TUEs.

## 4.5. Nutritional Supplements and Medications

- 4.5.1. The use of nutritional supplements by Players is a risk. In many countries regulations either do not exist or are limited in nature in relation to the manufacturing and labelling of supplements. This may lead to a supplement containing an undeclared substance that is prohibited under this Code. Nutritional supplements may not be regulated or could be contaminated or suffer from cross contamination or may not have all the ingredients listed on the product label. Players are advised to exercise extreme caution regarding the use of nutritional supplements.
- 4.5.2. For the avoidance of doubt, the Rugby AU Sports Supplements Policy and Medical Policy applies to all Players and Support Personnel.

## 5. Testing and Investigations

### 5.1. Purpose of Testing and Investigations

Testing and investigations shall only be undertaken for anti-doping purposes. They shall be conducted in conformity with the provisions of the International Standard for Testing and Investigations, the Doping Control Procedural Guidelines in Schedule 1 to this Code which supplement that International Standard and (where relevant) the requirements of the SIA Act, SIA Regulations and NAD scheme, including the Australian Government Investigations Standards.

- 5.1.1. All Players must comply with any request for Testing by an Anti-Doping Organisation with Testing jurisdiction, including SIA. Testing shall be undertaken to obtain analytical evidence as to the Player's compliance (or non-compliance) with the strict WADA Code prohibition on the presence/Use of a Prohibited Substance or Prohibited Method. Rugby AU and World Rugby shall determine the number of random tests and target tests to be performed, in accordance with the criteria established by the International Standard for Testing and Investigations. All provisions of the International Standard for Testing and Investigations shall apply automatically in respect of all such Testing.
- 5.1.2. Investigations shall be undertaken:

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failure to advise of the unsuccessful outcome of a prior application to another Anti-Doping Organisation for such a TUE) may result in a charge of Tampering or Attempted Tampering under Article 2.5 (Tampering or Attempted Tampering). A Player should not assume that his/her application for grant or recognition of a TUE (or for renewal of a TUE) will be granted. Any Use or Possession or Administration of a Prohibited Substance or Prohibited Method before an application has been granted is entirely at the Player's own risk.

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5.1.2.1 in relation to Atypical Findings, Atypical Passport Findings and Adverse Passport Findings, in accordance with Articles 7.4 and 7.5 respectively, gathering intelligence or evidence (including, in particular, analytical evidence) in order to determine whether an anti-doping rule violation has occurred under Article 2.1 and/or Article 2.2; and

5.1.2.2 in relation to other indications of potential anti-doping rule violations, in accordance with Articles 7.6 and 7.7, gathering intelligence or evidence (including, in particular, non-analytical evidence) in order to determine whether an anti-doping rule violation has occurred under any of Articles 2.2 to 2.10.

5.1.3. Rugby AU, World Rugby and/or SIA may obtain, assess and process anti-doping intelligence from all available sources, to inform the development of an effective, intelligent and proportionate test distribution plan, to plan Target Testing, and/or to form the basis of an investigation into a possible anti-doping rule violation(s).

5.1.4. Rugby AU and SIA will act cooperatively and will refer all information and intelligence relating to all instances of possible anti-doping rule violations under this Code to the other.

### 5.2. Authority to Conduct Testing

- 5.2.1. Any Player (including any Player serving a period of Ineligibility) may be required to provide a Sample at any time and at any place by Rugby AU, World Rugby or Anti-Doping Organisation, including SIA, over whom it has Testing authority, with or without notice (No Advance Notice). Doping Control may be random or targeted and all Players shall submit to Doping Control at any time and any place whenever requested by an authorised official. For the avoidance of doubt, this includes both In-Competition and Out-of-Competition Doping Control. A Player may be selected to provide any number of Samples for Doping Control in any calendar year. Rugby AU, World Rugby and/or the Anti-Doping Organisation shall be entitled to undertake Target Testing of Players.<sup>22</sup>
- 5.2.2. WADA shall have In-Competition and Out-of-Competition Testing authority as set out in Article 20.7.8 of the WADA Code.
- 5.2.3. Rugby AU, World Rugby or Tournament Organiser (as the case may be) may appoint a doping control / governmental agency, SIA or any other third party that they deem suitable to collect Samples as part of Doping Control.
- 5.2.4. All Samples collected, whether by or for Rugby AU, World Rugby or any Tournament Organiser, or any other third party, shall be analysed at a WADA accredited laboratory.
- 5.2.5. All Samples collected by Rugby AU, World Rugby or their designee, and the results of the analysis of such Samples, shall remain the property of Rugby AU and/or World Rugby.
- 5.2.6. If Rugby AU, World Rugby or the Tournament Organiser delegates or contracts any part of Testing to SIA or another Anti-Doping Organisation (directly or through Rugby AU), SIA or that Anti-Doping Organisation may collect additional Samples or direct the laboratory to perform additional types of analysis at SIA or the Anti-Doping

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<sup>22</sup> Unless the Player has identified a 60-minute time-slot for Testing between the hours of 11pm and 6am, or has otherwise consented to Testing during that period, World Rugby will not test a Player during that period unless it has a serious and specific suspicion that the Player may be engaged in doping. A challenge to whether World Rugby had sufficient suspicion for Testing in that period shall not be a defence to an anti-doping rule violation based on such test or attempted test.



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Organisation's expense. If additional Samples are collected or additional types of analysis are performed, Rugby AU, World Rugby or Tournament Organiser shall be notified.

- 5.2.7. Where another Anti-Doping Organisation with Testing authority over a Player who is subject to this Code conducts Testing on that Player, the Anti-Doping Organisation and Rugby AU shall recognise such Testing in accordance with Article 15, and (where agreed with that other Anti-Doping Organisation or provided in Article 7 of the WADA Code) SIA and Rugby AU may bring proceedings against the Player pursuant to this Code for any anti-doping rule violation(s) arising in relation to such Testing.

### 5.3. Event Testing

- 5.3.1. Except as provided in Article 5.3 of the WADA Code, only a single organisation should be responsible for initiating and directing Testing at Event Venues during an Event Period. At International Events, the collection of Samples shall be initiated and directed by World Rugby (or any other international organisation which is the ruling body for the Event). At National Events, the collection of Samples shall be initiated and directed by Rugby AU and/or an Anti-Doping Organisation. At the request of the ruling body for an Event, any Testing during the Event Period outside of the Event Venues shall be coordinated with that ruling body.
- 5.3.2. If an Anti-Doping Organisation which would otherwise have Testing authority but is not responsible for initiating and directing Testing at an Event desires to conduct Testing of Players at the Event Venues during the Event Period, the Anti-Doping Organisation shall first confer with Rugby AU or World Rugby (or any other organisation which is the ruling body of the Event) to obtain permission to conduct and coordinate such Testing. If the Anti-Doping Organisation is not satisfied with the response from Rugby AU or World Rugby (or any other organisation which is the ruling body of the Event), the Anti-Doping Organisation may ask WADA for permission to conduct Testing and to determine how to coordinate such Testing, in accordance with the procedures set out in the International Standard for Testing and Investigations. WADA shall not grant approval for such Testing before consulting with and informing Rugby AU or World Rugby (or any other organisation which is the ruling body for the Event). WADA's decision shall be final and not subject to appeal. Unless otherwise provided in the authorisation to conduct Testing, such tests shall be considered Out-of-Competition tests. Results management for any such test shall be the responsibility of the Anti-Doping Organisation initiating the test unless provided otherwise in the rules of the ruling body of the Event. For the avoidance of doubt, where the Anti-Doping Organisation initiating the test is Rugby AU, Article 7.1.1 shall apply.
- 5.3.3. Notwithstanding Articles 5.3.1 and 5.3.2, World Rugby has exclusive responsibility for conducting or arranging Doping Controls including, but not limited to, determination of Sample collection during the Event Period, result management, the conduct of investigations and disciplinary proceedings and the imposition of sanctions for anti-doping rule violations, including cases where there has been no Doping Control carried out, in respect of:
- a) Rugby World Cup Qualifying and Finals Tournaments;
  - b) Rugby World Cup Sevens Qualifying and Finals Tournaments;
  - c) Olympic Games Qualifying and Finals Tournaments (save with respect to Sample collection in accordance with the applicable protocols of the International Olympic Committee);
  - d) World Rugby Sevens World Series;
  - e) Women's Rugby World Cup Qualifying and Finals Tournaments;
  - f) Junior World Championships;

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- g) Other World Rugby Tournaments;
  - h) Such other Matches or Tournaments as World Rugby shall from time to time determine; and
  - i) Such other occasions where World Rugby conducts Out-of-Competition Doping Controls.
- 5.3.4. For Matches, International Tournaments and International Matches organised by World Rugby which shall be deemed to include the Rugby World Cup and Olympic Games (including qualifiers), modified and/or additional procedures and rules to those set out in Articles 7 and 8.1 may be adopted by the Tournament Organiser or other body designated by World Rugby.
- 5.3.5. Subject to Article 5.3.6 below, in all other cases (except where Doping Control is carried out under the rules of another sporting body approved by World Rugby and the Unions concerned) the Union or Association (as determined by World Rugby) conducting or arranging the Doping Control, or in whose jurisdiction a Match, Tournament (including as part of a multi-sport games) or Series of Matches is held, will be responsible for the conduct of Doping Controls (subject to any applicable rules and Articles of the multi-sports games), results management, the conduct of investigations and disciplinary proceedings and the imposition of sanctions for anti-doping rule violations.
- 5.3.6. World Rugby's responsibility for conducting or arranging Doping Controls including, but not limited to, determination of Sample collection, results management, the conduct of investigations and disciplinary proceedings and the imposition of sanctions for anti-doping rule violations, including cases where there has been no Doping Control carried out, in respect of:
- a) International Matches; and
  - b) International Tours; may subject to strict compliance with this Anti- Doping Code and Guidelines be delegated to the Host Union; and in respect of;
  - c) International Tournaments (save as set out in Article 5.3.3 and 5.3.4 above); or
  - d) other Tournaments,

may, subject to strict compliance with this Code and Guidelines, and the consent of the Unions concerned be delegated to the International Tournament Organiser or other Tournament Organisers (as the case may be).

### 5.4. SIA Player whereabouts information

- 5.4.1. All Players identified for inclusion in a Registered Testing Pool must provide accurate whereabouts information to the relevant Anti-Doping Organisation/s in accordance with the WADA Code and International Standards, the NAD scheme, World Rugby Regulation 21, this Code, and any SIA Player whereabouts policy approved from time to time, and to keep this information updated at all times.
- 5.4.1.a.1. Where the Player is in SIA's Registered Testing Pool, the Player must provide whereabouts information in accordance with the requirements in the Code, International Standard for Testing and Investigation, NAD scheme and any Player whereabouts policy approved by SIA from time to time.
- 5.4.2. SIA shall make available, through ADAMS or another system approved by WADA, a list which identifies those Players included in its Registered Testing Pool by name. SIA shall coordinate with World Rugby the identification of such Players and the collection of their whereabouts information. Where a Player is included in the World Rugby Registered Testing Pool by World Rugby and in a national Registered Testing Pool by SIA, SIA and World Rugby shall agree between themselves which of them

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shall accept that Player's whereabouts filings; in no case shall a Player be required to make whereabouts filings to more than one of them. SIA shall review and update as necessary its criteria for including Players in its Registered Testing Pool, and shall revise the membership of its Registered Testing Pool from time to time as appropriate in accordance with those criteria. Players shall be notified before they are included in a Registered Testing Pool and when they are removed from that pool.

- 5.4.3. For purposes of Article 2.4, a Player's failure to comply with the requirements of the International Standard for Testing and Investigations or any Player whereabouts policy approved by SIA from time to time shall be deemed a filing failure or a missed test (as defined in the International Standard for Testing and Investigations or any Player whereabouts policy approved by SIA from time to time) where the conditions set forth in the International Standard for Testing and Investigations (or any Player whereabouts policy approved by SIA from time to time) for declaring a filing failure or missed test are met. Three of these filing failures in a 12-month period will constitute a possible anti-doping rule violation.
- 5.4.4. A Player who has been designated for inclusion in SIA's Registered Testing Pool will continue to be subject to the requirements set out in the International Standard for Testing and Investigations or any Player whereabouts policy approved by SIA from time to time unless and until:
- a) he or she retires from Competition in accordance with Article 5.4.5;
  - b) he or she has been given written notice by SIA that they are no longer in SIA's Registered Testing Pool.
- 5.4.5. A Player who is in SIA's Registered Testing Pool who wants to retire from Competition must do so by submitting to SIA a completed 'Retirement Notification Form' available at <https://www.sportintegrity.gov.au/>. A Player's retirement date will be the date on which SIA receives the fully completed form.
- 5.4.5.1 Upon receipt of a notification in accordance with Article 5.4.5, SIA will, as soon as reasonably practicable, provide the Player and the sporting administration body with a written confirmation of the Player's retirement.
- 5.4.6. Retirement does not:
- a) excuse the Player from giving a Sample requested on or before their retirement date, or a Sample required as part of an investigation commenced prior to their retirement date;
  - b) excuse the Player from assisting, cooperating and liaising with SIA and other Anti-Doping Organisations in relation to the conduct of any investigation or hearing into an alleged anti-doping rule violation;
  - c) prevent the analysis of a Sample given by the Player on or before their retirement date;
  - d) affect the results of Testing under 5.4.6(a) or 5.4.6(b).
  - e) affect the operation of Article 1.3.1.5.
- 5.4.7. A Player who wants to retire from the World Rugby Registered Testing Pool must follow World Rugby's retirement procedures.
- 5.4.8. Whereabouts information relating to an Player shall be shared with WADA and other Anti-Doping Organisations having authority to test that Player, shall be maintained in strict confidence at all times, shall be used exclusively for the purposes set out in

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Article 5.6 of the Code, and shall be destroyed in accordance with the International Standard for the Protection of Privacy and Personal Information, the *Australian Privacy Principles and the Archives Act 1983* (Cth) once it is no longer relevant for these purposes.

## **5.5. SIA Retired Players returning to competition**

- 5.5.1. If an International or National-Level Player in a Registered Testing Pool retires and then wishes to return to active participation in sport, the Player shall not compete in International Events or National Events until the Player has made himself or herself available for Testing, by giving six months prior written notice to World Rugby, where applicable, and SIA. WADA, in consultation with World Rugby and SIA, may grant an exemption to the six-month written notice rule where the strict application of that rule would be manifestly unfair to a Player. This decision may be appealed under Article 13. Any competitive results obtained in violation of this Article 5.5.1 shall be Disqualified.
- 5.5.2. If a Player retires from sport while subject to a period of Ineligibility the Player shall not resume competing in International Events or National Events until the Player has given six months prior written notice (or notice equivalent to the period of Ineligibility remaining as of the date the Player retired, if that period was longer than six months) to SIA and to World Rugby, where applicable of his/her intent to resume competing and has made him/herself available for Testing for that notice period, including (if requested) complying with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations.

## **5.6. World Rugby Test Distribution Planning**

Consistent with the International Standard for Testing and Investigations, and in coordination with other Anti-Doping Organisations conducting Testing on the same Players, World Rugby and SIA shall develop and implement effective, intelligent and proportionate test distribution plans that prioritises appropriately between fifteens and sevens, men's and women's, senior and age- grade Players, types of Testing, types of Samples collected, and types of Sample analysis, all in compliance with the requirements of the International Standard for Testing and Investigations. World Rugby and SIA shall provide WADA upon request with a copy of its current test distribution plan.

## **5.7. Coordination of World Rugby In Competition and Out-of-Competition Doping Controls**

- 5.7.1. Rugby AU is entitled to conduct both In Competition and Out-of-Competition Doping Control on a No Advance Notice basis or otherwise.
- 5.7.2. World Rugby, WADA, SIA and any Anti-Doping Organisation are entitled to conduct Out-of-Competition Doping Control on a No Advance Notice basis or otherwise on Players within or under Rugby AU's jurisdiction.
- 5.7.3. World Rugby, WADA, SIA and any Anti-Doping Organisations are entitled to conduct Doping Control on Players at Matches that form part of Rugby AU's national competitions or similar events.
- 5.7.4. The nature of Out-of-Competition Doping Control makes it desirable that no prior warning is given to the Player being tested. When an Out-of-Competition Doping Control is undertaken, reasonable efforts will be made to avoid interruption to a Player's training, however, neither Rugby AU, World Rugby or their designees, shall be liable for any inconvenience or loss resulting from Out-of-Competition Doping Control whether on a No Advance Notice basis or otherwise.
- 5.7.5. Rugby AU will assist World Rugby and, where applicable, other Unions in undertaking

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Doping Controls. Any Union preventing, hindering or otherwise obstructing the carrying out of such Doping Control shall be subject to disciplinary action by World Rugby. Any Rugby Body or Club that prevents, hinders or otherwise obstructs the carrying out of any Doping Control shall be subject to disciplinary action by Rugby AU.

- 5.7.6. Without prejudice to Rugby AU's requirement to notify all anti-doping rule violations in accordance with the provisions of Article 7.12.3 and 7.12.4 Rugby AU will submit to World Rugby every 12 months and/or when requested by World Rugby a report of all Doping Controls undertaken and a summary of the results of those Doping Controls.
- 5.7.7. Rugby AU is responsible for ensuring in relation to its own anti-doping programme and the implementation of this Code that any and all applicable data regulation clearances and medical confidentiality clearances and consents relating to, without limitation, disclosure and distribution of whereabouts information, analysis results, medical information and findings and decisions of hearings are obtained for the benefit of and use by Rugby AU, World Rugby, WADA and SIA.
- 5.7.8. Where reasonably feasible, Testing shall be coordinated through ADAMS or another system approved by WADA in order to maximise the effectiveness of the combined Testing effort and to avoid unnecessary repetitive Testing.

### **5.8. Player Whereabouts for Out-of-Competition Testing - World Rugby**

- 5.8.1. World Rugby will establish an Out-of-Competition Testing programme based on the ranking of Unions that participate in World Rugby Tournaments (this may include but not be limited to Rugby World Cup, qualifying Tournaments for the Olympic Games, Rugby World Cup Sevens, Women's Rugby World Cup and World Rugby championships) and select a number of Players who are eligible for inclusion for Rugby AU. World Rugby shall develop a global whereabouts policy for the Game which shall be applied consistently across all Unions and Players involved in World Rugby's Out-of-Competition Testing programme. World Rugby will also establish criteria for Players to be placed into its Registered Testing Pool and Testing Pool who are subject to the provision of Player whereabouts information for the purpose of No Advance Notice Out-of-Competition Testing. Players in the World Rugby Registered Testing Pool will be required to comply with the whereabouts requirements of Annex I to the International Standard for Testing and Investigations. World Rugby shall make available through ADAMS, a list which identifies those Players included in its Registered Testing Pool either by name or by clearly defined, specific criteria. World Rugby shall coordinate with Rugby AU and SIA, the identification of such Players and the collection of their whereabouts information. World Rugby shall review and update as necessary its criteria for including Players in its Registered Testing Pool, and shall revise the membership of its Registered Testing Pool from time to time as appropriate in accordance with the set criteria.

#### **5.8.2. World Rugby Registered Testing Pool**

- a) The World Rugby Registered Testing Pool shall be considered a high risk pool of Players whose entry into this pool shall be based on their individual or collective behaviour in relation to doping and compliance with the whereabouts requirements of the World Rugby Testing Pool and Out-of-Competition Testing programme.
- b) Players shall be notified before they are included in the World Rugby Registered Testing Pool and when they are removed from that pool. Each Player in the World Rugby Registered Testing Pool shall do the following, in each case in accordance with Annex I to the International Standard for Testing and Investigations: (A) advise World Rugby of his or her whereabouts on a quarterly basis; (B) update that information as necessary so that it remains accurate and complete at all times; (C)

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make himself/herself available for Testing at such whereabouts (notwithstanding the requirement to be available for Sample collection at all times pursuant to Article 22.1.2).

- c) Players entered into the World Rugby Registered Testing Pool will be required to provide accurate, complete and updated whereabouts information to World Rugby for each day in the forthcoming quarter via Rugby AU and/or ADAMS (if applicable) for the purpose of No Advance Notice Out-of-Competition Testing. Such whereabouts information shall include, without limitation, the Player identifying where he/she will be living, training and competing so that he/she can be located for Testing during that quarter at the times and locations specified and, in addition, one specific 60-minute slot between 5am and 11pm each day where the Player will be available at a specific location for Testing, notwithstanding the provision of his or her whereabouts information outside of that 60-minute time slot.
- d) Entry into the World Rugby Registered Testing Pool will be based on the criteria outlined in Article 5.8.4. World Rugby may revise its Registered Testing Pool from time to time as appropriate.
- e) Players who are members of SIA's Registered Testing Pool shall remain part of the World Rugby Testing Pool unless those Players fulfil the criteria outlined in Article 5.8.4. World Rugby will liaise with SIA for the purposes of World Rugby's Out-of-Competition Testing programme to ensure a coordinated approach to the application of its global whereabouts policy and procedures.

### **5.8.3. World Rugby Testing Pool**

- a) In addition to the World Rugby Registered Testing Pool described in Article 5.8.2 above, World Rugby shall identify a World Rugby Testing Pool of International-Level Players who will be required to provide up to date whereabouts information to World Rugby for each quarter period via Rugby AU and/or ADAMS (if applicable) and/or SIA (if agreed by World Rugby) for the purpose of No Advance Notice Out-of-Competition Testing. World Rugby may revise its Testing Pool from time to time as appropriate.
- b) The World Rugby Testing Pool shall be the principal pool of Players eligible for Out-of-Competition Testing by World Rugby; and
- c) Players may be moved between the Registered Testing Pool and the Testing Pool or vice versa at World Rugby's discretion taking into account the criteria outlined at Article 5.8.4 and 5.8.5. Players who are moved into or transferred between the World Rugby Registered Testing Pool and/or World Rugby Testing Pool will be notified in writing by World Rugby via Rugby AU of their inclusion in the relevant Testing Pool.

### **5.8.4. World Rugby Registered Testing Pool Criteria**

Satisfaction of any one of the criteria below may result in a Player becoming part of the World Rugby Registered Testing Pool:

- a) Players who are members of the Registered Testing Pool of SIA and who would ordinarily be members of the Testing Pool may be included in the World Rugby Registered Testing Pool at the sole discretion of World Rugby;
- b) Players under World Rugby's jurisdiction who are serving periods of Ineligibility or who have recently completed a period of Ineligibility;
- c) Players who have committed at least three Whereabouts Failures (any combination of Filing Failures or Missed Tests) whilst part of the World Rugby Testing Pool within a 12-month period. The 12-month period starts to run on the date that the Player commits the first Whereabouts Failure being relied upon by World Rugby for the purpose of

elevating the Player to the World Rugby Registered Testing Pool. For the avoidance of doubt such Players shall not carry forward any Filing Failures or Missed Tests accumulated in the World Rugby Testing Pool on entering the World Rugby Registered Testing Pool;

- d) Any Player in respect of whom World Rugby undertakes an investigation following receipt of reliable intelligence regarding possible involvement in any aspect of doping; and
- e) Any other Players at the discretion of World Rugby.

## **5.8.5. World Rugby Testing Pool Criteria**

World Rugby shall nominate the number of International Level Players who are part of Rugby AU's national squad that shall become part of the World Rugby Testing Pool. For the avoidance of doubt, those Players who are part of the World Rugby Registered Testing Pool shall not also be members of the World Rugby Testing Pool. Additionally, World Rugby may add any other Player(s) to the World Rugby Testing Pool at its discretion.

## **5.8.6. Removal from the World Rugby Registered Testing Pool or World Rugby Testing Pool**

A Player shall remain part of the World Rugby Registered Testing Pool or World Rugby Testing Pool for the duration of the nominated quarter and subject to whereabouts requirements set out in this Code unless and until:

- a) The Player is given written notice by Rugby AU or World Rugby (in accordance with World Rugby's instructions) that he/she is no longer designated for inclusion in the World Rugby Registered Testing Pool or World Rugby Testing Pool;
- b) Subject to Article 5.9.6, the Player retires from competition and gives written notice to Rugby AU to that effect, who shall advise World Rugby immediately;
- c) World Rugby at its discretion accepts a replacement Whereabouts Filing by Rugby AU in respect of its National Squad for that quarter period.

## **5.8.7. Movement of Players from the World Rugby Registered Testing Pool to the World Rugby Testing Pool**

A Player may be moved from the World Rugby Registered Testing Pool to the World Rugby Testing Pool where:

- a) The Player has served a period of Ineligibility and has not given any cause to World Rugby, pursuant to Article 5.8.4 to remain in the World Rugby Registered Testing Pool;
- b) Player was previously elevated from the World Rugby Testing Pool into the World Rugby Registered Testing Pool as a result of incurring three Whereabouts Failures and did not record any Whereabouts Failures in the World Rugby Registered Testing Pool for a period of three consecutive quarters; and
- c) World Rugby considers in its discretion that it is appropriate to move the Player from the World Rugby Registered Testing Pool to the World Rugby Testing Pool.

## **5.8.8. World Rugby Provision of Whereabouts**

- a) International-Level Players entered into either the World Rugby Registered World Rugby Testing Pool or Testing Pool shall provide accurate and complete Player whereabouts information every quarter via Rugby AU and/or ADAMS (or such other centralised database of similar functionality and security which World Rugby has

access to and has approved) ("Database") to World Rugby (and/or the Anti-Doping Organisation). Such information shall be forwarded to World Rugby by Rugby AU (and/or the Anti-Doping Organisation) and/or via ADAMS (or such other Database) by the due dates outlined in Article 5.8.10. A failure by a Player in the World Rugby Registered Testing Pool to submit his or her Player whereabouts by the deadline may amount to a Filing Failure and consequently a Whereabouts Failure as per Article 2.4. It shall not be a defence to an allegation of a Filing Failure under Article 2.4 (Whereabouts Failures) that the Player delegated such responsibility to a third party and that such third party failed to comply with the applicable requirements. A failure by a Player in the World Rugby Testing Pool to submit his or her Player whereabouts by the deadline may amount to a Filing Failure but will only count towards elevation of the Player into the World Rugby Registered Testing Pool.

- b) World Rugby will also request an update on Player whereabouts from Rugby AU where World Rugby becomes aware that a Player's whereabouts details are incorrect (whether following an unsuccessful attempt or otherwise). Players and Rugby AU shall also update World Rugby (and/or SIA as agreed by World Rugby) as soon as practicably possible with any changes to or additional information in relation to the provided Player whereabouts that occur within the quarter period.

### **5.8.9. World Rugby Whereabouts Filing Requirements**

Before the last day of each quarter and prior to the first day of the following quarter (i.e. 1 January, 1 April, 1 July, 1 October respectively) a Player in either the World Rugby Registered Testing Pool or the World Rugby Testing Pool must file a Whereabouts Filing with World Rugby or its nominee (as agreed) via Rugby AU and/or ADAMS (if applicable) that contains at least the following information:

- a) A complete mailing address where correspondence may be sent to the Player via Rugby AU for formal notice purposes. Any notice or other item sent by courier or registered post to that address will be deemed to have been received by the Player either by confirmed receipt of an email or fax from the Player (or his or her nominee) or Rugby AU or when proof of actual receipt is provided by the delivery service or otherwise five working days after it was deposited in the mail. The availability of such information does not relieve Rugby AU from fulfilling their notification obligations pursuant to World Rugby Regulation 21;
- b) For each day during the following quarter, the full address of the place where the Player will be residing (e.g. home, temporary lodgings, hotel or holiday location, etc.). Where a Player's place of residence is situated within a restricted and/or secure location without ready access from the street to the residence the Player must provide instructions in his or her whereabouts filing setting out how authorised Doping Control Officers (**DCOs**) can gain access to the restricted and/or secure location with No Advance Notice. An unsuccessful attempt to test the Player as a result of the DCO not being able to gain entry to the restricted and/or secure location where the Player resides may be considered a Missed Test;
- c) For each day during the following quarter, the name and address of each location where the Player will train individually or as part of a Team Activity under the supervision of the Team management (which may include for example gym work, physiotherapy, and/or medical treatment) this includes both his or her club and national Team schedules, work or conduct of any other regular activity (e.g. university or study), as well as the usual time-frames and venues for such regular activities; and
- d) The Player's competition schedule for the following quarter, including the name and address of each location where the Player is scheduled to compete during the quarter and the date(s) on which he/she is scheduled to compete at such location(s). This includes both his or her club and national Team schedules.



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### **5.8.10. Whereabouts Filing for World Rugby Registered Testing Pool Players – 1 Hour Rule**

In addition to the requirements of Article 5.8.9 above, the Whereabouts Filing for all Players who are part of the World Rugby Registered Testing Pool must also include, for each day during the following quarter, one specific 60-minute slot between 5am and 11pm each day where the Player will be available and accessible for Testing at a specific location. This 60-minute time slot may be during any Team Activity, (individual or group) conducted on the day in question.

### **5.8.11. Whereabouts Filing for World Rugby Testing Pool Players – Off Season Period**

Notwithstanding the requirements of Article 5.8.9 above:

- a) The Whereabouts Filing for Players who are part of the World Rugby Testing Pool during the off season period must for each day during the off season period (starting from the specified date in which the Player is relieved from any scheduled Team activities and ending upon the date he or she returns to scheduled Team activities), provide a nominated residence and the dates in which the Player will be present at the nominated residence. The provisions at (c) and (d) below shall apply equally to such Players;
- b) Should a Player not be available at his or her normal nominated residence then an additional residence(s) and corresponding dates shall be provided. This includes any holiday locations such as hotels;
- c) The default time in which a DCO shall attempt to test a Player at the Player's nominated residence shall be between 6am and 7am (default hour). If the Player is not available during the default hour the DCO will make reasonable attempts to obtain additional information during the default hour in an attempt to locate the Player during that attempt. However, failure to be available for Testing during the default hour at the nominated residence and following reasonable attempts by the DCO to obtain further information in order to test the Player during that test attempt, may be deemed a Missed Test which shall go towards the elevation of the Player into the World Rugby Registered Testing Pool;
- d) If a Player knows he/she will not be available at the nominated residence during the default hour period on any particular day(s), then the Player shall update his or her whereabouts (either to World Rugby or if agreed to SIA) prior to the start of the default hour to avoid the possibility of recording a Missed Test. The Player shall specify an alternate one-hour period where he/she will be available for Testing at a nominated residence or location. If the Player cannot be located during the nominated one-hour period, the DCO shall make reasonable attempts to obtain additional information during the nominated hour in an attempt to locate the Player during that test attempt. However, failure to be available for Testing during the nominated hour at the nominated residence or location and following reasonable attempts by the DCO to obtain further information to test the Player (during that test attempt) may be deemed a Missed Test which shall go towards the elevation of the Player into the World Rugby Registered Testing Pool.

### **5.8.12. Whereabouts Filing for World Rugby Testing Pool Players – Periods of Absence from Scheduled Team Activities**

A Player in the World Rugby Testing Pool who is not present at scheduled Team activities due to injury, illness or for any personal or other reasons during the season or where there is a break from scheduled Team activities during the season shall be required to be available and accessible for Testing at their nominated residence. The provisions at (c) and (d) above shall apply equally to such Players.

### **5.8.13. Provision of Fraudulent Whereabouts Filing Information**

Any Player who provides fraudulent information in his or her Whereabouts Filing, whether in relation to his or her location during the specified daily 60-minute time slot, or in relation to his or her whereabouts outside that time slot, or otherwise, thereby commits an anti-doping rule violation under Article 2.3 (evading Sample collection) and/or Article 2.5 (Tampering or Attempted Tampering with Doping Control).

#### **5.8.14. Player Responsibility for Whereabouts**

- a) The ultimate responsibility for providing whereabouts information rests with each Player. Players when making a Whereabouts Filing, are solely responsible for ensuring that they provide all of the information required accurately and in sufficient detail to enable Rugby AU, World Rugby or the Anti-Doping Organisation to locate the Player for Testing on any given day in the quarter.
- b) It is the Player's responsibility to be available for Testing at all times in accordance with the whereabouts information declared on his or her Whereabouts Filing regardless of whether the Player makes the Whereabouts Filing personally or delegates it to a third party.

#### **5.8.15. Responsibilities of Rugby AU with respect to Whereabouts Filings**

- a) Without prejudice to Article 5.8.14 above, it shall be the responsibility of Rugby AU to use their best efforts to assist World Rugby (and the Anti-Doping Organisation) in obtaining and providing updates of whereabouts information as changes occur and/or when requested by World Rugby and in assisting World Rugby in the implementation of its Out-of-Competition Testing programme.
- b) If Rugby AU fails to provide timely Player whereabouts information as identified in Articles 5.8.9 to 5.8.12 (whether to World Rugby and/or Anti-Doping Organisation as applicable) and/or which fails to assist World Rugby in the implementation of its Out- of-Competition Testing programme, it may be required to pay a fine and/or World Rugby's costs of any unsuccessful attempt to test in accordance with Article 12.2 and/or may be subject to disciplinary action in accordance with World Rugby Regulation 18.

#### **5.8.16. Unsuccessful Attempt to Test**

- a) If a Player in either a World Rugby Registered Testing Pool or World Rugby Testing Pool is not available for Testing following attempt(s) by a DCO (duly documented and as outlined in Article 5.8.23 or 5.8.25) and has not updated his or her Whereabouts Filing prior to the DCO attempting to test at the location(s) specified in the available Whereabouts Filing, that shall amount to an unsuccessful attempt.
- b) World Rugby or SIA shall review each unsuccessful attempt for Players in the World Rugby Registered Testing Pool to determine whether the unsuccessful attempt meets the criteria for a Missed Test outlined in Article 5.8.23 or Filing Failure in accordance with Article 5.8.18. Each Missed Test or Filing Failure constitutes a Whereabouts Failure for the purposes of Article 2.4 (Whereabouts Failures).
- c) World Rugby or SIA shall review each unsuccessful attempt for Players in the World Rugby Testing Pool to determine whether the unsuccessful attempt meets the criteria for a Missed Test outlined in Article 5.8.25 or a Filing Failure in accordance with Article 5.8.18. Each Testing Pool Missed Test or Filing Failure will be considered for the purposes of determining if the Player meets the criteria in Article 5.8.4 for elevation to the World Rugby Registered Testing Pool. Any Missed Tests or Filing Failures accumulated by a Player in the World Rugby Testing Pool will not be counted for the purposes of Article 2.4 (Whereabouts Failures) if the Player is elevated to the World

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Rugby Registered Testing Pool.

- d) It shall not be a defence to an allegation of a Missed Test under Article 2.4 (Whereabouts Failures) that the Player had delegated responsibility for filing his or her whereabouts information for the relevant period to a third party and that third party had failed to file the correct information or failed to update previously filed information to ensure that the whereabouts information in the Whereabouts Filing for the day in question was current and accurate.

## **5.8.17. Consequences of Whereabouts Failures**

- a) World Rugby Registered Testing Pool: Any Player in a World Rugby Registered Testing Pool who commits a total of three Whereabouts Failures (which may be any combination of Filing Failures and/or Missed Tests adding up to three in total) within a 12-month period, (irrespective of which Anti-Doping Organisation(s) has/have declared the Whereabouts Failures in question) shall be considered to have committed an anti-doping rule violation pursuant to Article 2.4.
- b) World Rugby Testing Pool: Any Player in a World Rugby Testing Pool who commits a total of three Whereabouts Failures (which may be a combination of a Filing Failure(s) and/or Missed Test(s)) within a 12-month period shall be automatically transferred from the Testing Pool to the Registered Testing Pool. Upon the occurrence of such an event any Missed Test(s) or Filing Failure(s) incurred in the Testing Pool will not be carried forward into the Registered Testing Pool. Once the Player enters the Registered Testing Pool he/she will be subject to the supplemental whereabouts provisions of Article 5.6.10.

The 12-month period referred to in (a) and (b) above starts to run on the date that the Player commits the first Whereabouts Failure being relied upon by World Rugby for the purpose of elevating the Player to the World Rugby Registered Testing Pool or alleging an anti-doping rule violation pursuant to Article 2.4. It is not affected by any successful Sample collection conducted with respect to that Player during the 12-month period, i.e. if three Whereabouts Failures occur during the 12-month period then an anti-doping rule violation is committed in accordance with Article 2.4 (Whereabouts Failures) irrespective of any Samples successfully collected from a Player during that 12-month period. However, if a Player who has committed one Whereabouts Failure does not go on to commit a further two Whereabouts failures within 12 months of the first, at the end of that 12-month period the first Whereabouts Failure “expires” for the purpose of Article 5.6.17. For the purposes of determining whether a Whereabouts Failure has occurred within the 12-month period referred to in Article 5.6.17:

- i. A Filing Failure shall be deemed to have occurred on the first day of the quarter for which the Player fails to make the required filing or the date a filing failure was discovered following an unsuccessful attempt to test, or in the case of any subsequent Filing Failure in the same quarter following notice of the previous Filing Failure where the Player failed to rectify that Filing Failure by the deadline specified in that notice; and
  - ii. A Missed Test will be deemed to have occurred on the date that the Sample collection was unsuccessfully attempted.
- c) Where the Player has recorded a Missed Test or Filing Failure, World Rugby may seek to recoup from the Player and/or Rugby AU a fee equating to the costs associated with any attempted Sample collection and the administration associated with the Missed Test or Filing Failure. In the event of default or non-payment by the Player upon request, Rugby AU shall be liable for the payment of the relevant fee. This provision is without limitation to action pursuant to Article 12.2 and/or World Rugby Regulation 18.

## **5.8.18. Filing Failure Pre-Conditions**

A Player may only be declared to have committed a Filing Failure where Rugby AU, World Rugby or SIA following the results management procedure set out in Article 5.8.27, can establish each of the following:

- a) That the Player was duly notified via Rugby AU (i) that he/she was designated for inclusion in a World Rugby Registered Testing Pool or World Rugby Testing Pool, (ii) of the consequent requirement to make and update accurate Whereabouts Filings, and (iii) of the consequences of any failure to comply with that requirement;
- b) That the Player failed to comply with any or all of the requirements to make and update accurate Whereabouts Filings by the applicable deadline or at any time during the quarter if the circumstances and/or location(s) in relation to his or her whereabouts changed;
- c) That in the case of a second or third Filing Failure in the same quarter, the Player was given notice of the previous Filing Failure via Rugby AU in accordance with Article 5.8.27 and failed to rectify that Filing Failure by the deadline specified in that notice; and
- d) That the Player's failure to comply was at least negligent. For these purposes, the Player will be presumed to have committed the failure negligently upon proof that he/she was notified of the requirement yet failed to comply with it. That presumption may only be rebutted by the Player establishing that no negligent behaviour on his or her part caused or contributed to the failure.

## **5.8.19. Third Party Provision of Whereabouts Filings**

- a) A Player in a World Rugby Registered Testing Pool or World Rugby Testing Pool may choose to delegate the making of some or all of his or her Whereabouts Filings required under Article 5.8.9 to 5.8.12 (and/or any updates to his or her Whereabouts Filings required under Article 5.8.22) to a third party such as Rugby AU or his or her Team management or club provided that the third party agrees to such delegation. This may include periods of Team Activity but also in respect of periods where the Player is not with the Team, provided the Team management or Rugby AU agrees. Without prejudice to Articles 7.12 to 7.14.4 and 23, Rugby AU shall be responsible for the collection of such information from the Player, the Player's club and/or Team prior to it being forwarded to World Rugby or its nominee save where ADAMS is applicable.
- b) For Players in a World Rugby Registered Testing Pool or World Rugby Testing Pool, where Rugby AU makes the Whereabouts Filing, liability for Filing Failures shall be determined in accordance with Article 5.8.18, and liability for Missed Tests shall be determined in accordance with Article 5.8.23 or 5.8.24 (as appropriate).

## **5.8.20. Consequence of Third-Party Filing Failures**

- a) If Rugby AU or other authorised third party does not make a required Whereabouts Filing, or makes the Whereabouts Filing but does not include all of the required information, then (subject to the requirements of Article 5.8.18) the Player will be liable for a Filing Failure.
- b) If any of the required information changes after a Whereabouts Filing is made, then in accordance with Article 5.8.22, an update must be filed by an authorised third party so that the Whereabouts Filing remains accurate at all times.
- c) For Players in the World Rugby Registered Testing Pool, if an update is not made by

an authorised third party, and as a result an attempt to test the Player during the 60-minute time slot is unsuccessful then (subject to the requirements of Article 5.8.23) the Player will remain liable for a Missed Test under Article 5.8.27.

- d) For Players in the World Rugby Testing Pool if an update to a Whereabouts Filing is not made by an authorised third party, and as a result an attempt to test the Player within a 24-hour period is unsuccessful, then (subject to the requirements of Article 5.8.24) the Player will remain liable for a Missed Test under Article 5.8.27.

### **5.8.21. Availability for Testing – World Rugby Registered Testing Pool and World Rugby Testing Pool**

- a) A Player in the World Rugby Registered Testing Pool must specifically be present and available for Testing on any given day in the relevant quarter for the 60-minute time slot specified for that day in his or her Whereabouts Filing, at the location that the Player has specified for that time slot in such filing. If a Player fails to remain at the nominated location for the full 60-minute period he or she runs the risk of a potential Missed Test if the DCO arrives during the 60-minute period but after the Player's departure.
- b) A Player in the World Rugby Testing Pool must specifically be present and available for Testing at any one of his or her specified locations in his or her Whereabouts Filing during the nominated time period over a 24-hour period on any given day during the season. This shall include at a minimum nominated Team Activities (Club, Rugby Body and/or national Team) and nominated residential address. The 24-hour period is deemed to commence from when the DCO arrives at the first specified location in the Whereabouts Filing. The DCO shall ordinarily only visit each whereabouts location once unless the DCO obtains additional information which may result in the Player being located at a later time within that 24-hour period.
- c) A Player in the World Rugby Testing Pool must be present and available at his or her nominated residence or location in accordance with Article 5.8.11(c) and (d) and 5.8.12 for Testing during his or her off season and during any period of the season where he/she is not present at scheduled Team activities due to injury, illness or for any personal or other reasons or where there is a break from scheduled Team activities. The default hour in which a DCO shall attempt to test a Player at his or her nominated residence shall be between 6am and 7am unless otherwise advised by the Player.

5.8.22. It is a Player's responsibility to ensure (including by updates, where necessary) that the whereabouts information provided in his or her Whereabouts Filing is sufficient to enable Rugby AU or World Rugby (or their nominees) or SIA to locate him or her for Testing within the periods specified in Article 5.8.21(a) or (b). Where any change in circumstances means that the information previously provided by or on behalf of the Player (whether in the initial Whereabouts Filing or in any subsequent update) is no longer accurate or complete the Player must update his or her Whereabouts Filing so that the information on file becomes accurate and complete. The Player must make such update as soon as possible, and for those Players in a Registered Testing Pool prior to the 60-minute time slot specified in his or her filing for that day. A failure to do so shall have the following consequences:

- a) If, as a result of such failure, Rugby AU or World Rugby (or their nominees) or SIA's attempt to test the Player (who is part of a World Rugby Registered Testing Pool) during the 60-minute time slot is unsuccessful, then the unsuccessful attempt shall be pursued as an apparent Missed Test in accordance with Article 5.8.27;
- b) If, as a result of such failure, Rugby AU or World Rugby (or their nominees) or SIA's attempt to test the Player (who is part of the World Rugby Testing Pool) at all of his or her nominated whereabouts locations specified in his or her Whereabouts Filing within a 24-hour period is unsuccessful, (or at the default hour or nominated one hour period

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during the off season or period of injury or illness) then the unsuccessful attempt shall be pursued as an apparent Missed Test in accordance with Article 5.8.27;

- c) If the circumstances so warrant, the failure may be pursued as evasion of Sample collection under Article 2.3 (Evading) and/or Tampering or Attempted Tampering with Doping Control under Article 2.5 (Tampering); and
- d) In any event, Rugby AU or World Rugby (or their nominees) or SIA shall consider Target Testing of the Player.

### **5.8.23. Missed Test – World Rugby Registered Testing Pool**

A Player in the Registered Testing Pool may only be declared to have committed a Missed Test where Rugby AU, World Rugby or SIA, following the results management procedure set out in Article 5.8.27, can establish each of the following:

- a) That the Player who is in the World Rugby Registered Testing Pool was given notice (including via Rugby AU) that he/she had been designated for inclusion in the Registered Testing Pool and was advised of his or her liability for a Missed Test if he/she was unavailable for Testing during the 60-minute time slot specified in his or her Whereabouts Filing at the location specified for that time slot;
  - b) That the DCO attempted to test the Player who is in the Registered Testing Pool on a given day in the quarter, during the 60-minute time slot specified in the Player's Whereabouts Filing for that day, by visiting the location specified for that time slot;
  - c) That during that specified 60-minute time slot, the DCO did what was reasonable in the circumstances (i.e. given the nature of the specified location) to try to locate the Player, short of giving the Player any Advance Notice of the test;
  - d) That the provisions of Article 5.8.25 (if applicable) have been met; and
- 5.8.24. That the Player's failure to be available for Testing at the specified location during the specified 60-minute time slot was at least negligent. For these purposes, the Player will be presumed to have been negligent upon proof of the matters set out at Article 10.23 (a) to (d). That presumption may only be rebutted by the Player establishing that no negligent behaviour on his or her part caused or contributed to him or her (i) being unavailable for Testing at such location during such time slot; and (ii) failing to update his or her most recent Whereabouts Filing to give notice of a different location where he/she would instead be available for Testing during a specified 60-minute time slot on the relevant day.

### **5.8.25. Missed Test – World Rugby Testing Pool**

A Player in the World Rugby Testing Pool may only be declared to have committed a Missed Test where Rugby AU, World Rugby or SIA, following the results management procedure set out in Article 5.8.27, can establish each of the following:

- a) That the Player who is in the World Rugby Testing Pool was given notice that he/she had been designated for inclusion in the World Rugby Testing Pool and was advised of his or her liability for a Missed Test if he/she was unavailable for Testing at all of his or her nominated whereabouts locations specified in his or her Whereabouts Filing within a 24-hour period during the season or at the default hour or nominated one hour period during the off season or period of injury or illness;
- b) That the DCO attempted to test the Player who is in the World Rugby Testing Pool within a 24-hour period in the quarter at all of his or her whereabouts locations as specified in his or her Whereabouts Filing, by visiting the specified locations at the specified times during the season or at the default or nominated one-hour period

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during the off season or period of injury or illness;

- c) That within the 24-hour period (or during the default hour or nominated one hour period for the off season or period of injury or illness), the DCO did what was reasonable in the circumstances (i.e. given the nature of the specified locations) to try to locate the Player, with No Advance Notice of the test;
- d) That the provisions of Article 5.8.25 (if applicable) have been met; and
- e) That the Player's failure to be available for Testing at the specified locations during the specified dates/times within a 24-hour period (or at the default hour or nominated one-hour period during the off season or period of injury or illness) was at least negligent. For these purposes, the Player will be presumed to have been negligent upon proof of the matters set out at Article 5.8.24 (a) to (d). That presumption may only be rebutted by the Player establishing that no negligent behaviour on his or her part caused or contributed to him (i) being unavailable for Testing at any location within any 24-hour period (or at the default hour or nominated one-hour period during the off season or period of injury or illness; and (ii) failing to update his or her most recent Whereabouts Filing to give notice of a different location/s, time period where he/she would instead be available for Testing on the relevant day.

5.8.26. To ensure fairness to the Player, where an unsuccessful attempt has been made to test a Player in accordance with the provisions for the World Rugby Registered Testing Pool or World Rugby Testing Pool any subsequent attempt to test that Player by Rugby AU or World Rugby (or their nominees) or SIA or any other Anti-Doping Organisation including WADA) may only be counted as an additional Missed Test against that Player if that subsequent attempt takes place after the Player has received notice, in accordance with this Article of the original unsuccessful attempt and given the opportunity to update his or her Whereabouts Filing within 24 hours of having received written notice of his or her apparent Missed Test. For the avoidance of doubt, where the Player does not update his or her Whereabouts Filing within such 24-hour period this may be considered to be a Filing Failure pursuant to Article 5.8.18(b).

### **5.8.27. Results Management for Filing Failures**

- a) If it appears that all of the Article 5.8.18 requirements relating to Filing Failures are satisfied, then ordinarily no later than 14 days after the date of discovery of the apparent Filing Failure World Rugby shall send notice in writing to the Player via Rugby AU of the apparent Filing Failure, inviting a response within 14 days of the date of the notice. In the notice, World Rugby shall warn the Player:
  - i. That unless the Player persuades World Rugby that there has not been any Filing Failure, then (subject to the remainder of the results management process set out below) an alleged Whereabouts Failure will be recorded against the Player; and
  - ii. (If applicable) that there are other Whereabouts Failures that have been alleged against him or her in the 12-month period prior to this alleged Whereabouts Failure; and
  - iii. Of the consequences to the Player if a designee of World Rugby or a Judicial Officer or Judicial Committee in the case of a third Whereabouts Failure, upholds the alleged Whereabouts Failure.
- b) Where the Player disputes the apparent Filing Failure, World Rugby must re-assess whether all of the Article 5.8.18 requirements are met. World Rugby must advise the Player and/or Rugby AU, by letter sent ordinarily no later than 14 days after receipt of the Player's response, whether or not it maintains that there has been a Filing Failure.

- c) If no response is received from the Player by the relevant deadline, or if World Rugby maintains (notwithstanding the Player's response) that there has been a Filing Failure, World Rugby shall send notice to the Player and/or Rugby AU that an alleged Filing Failure is to be recorded against him or her. Further:
  - i. In respect of World Rugby Registered Testing Pool Players only, World Rugby shall at the same time advise the Player that he/she has the right to request an administrative review of the alleged Missed Test;
  - ii. In respect of World Rugby Testing Pool Players, there is no administrative review as the Filing Failure will only count for the purposes of elevating the Player to the World Rugby Registered Testing Pool; and
  - iii. Upon entry into the World Rugby Registered Testing Pool all World Rugby Testing Pool Filing Failures of the relevant Player shall be erased and do not count for the purposes of Article 2.4.
- d) Where it is requested by the Player, such administrative review shall be conducted by a designee of World Rugby who was not involved in the previous assessment of the alleged Filing Failure. The review shall be based on written submissions only, and shall consider whether all of the requirements of Article 5.8.18 are met. The review shall be completed within 14 days of receipt of the Player's request and the decision shall be communicated to the Player by letter sent no more than seven days after the decision is made;
- e) If it appears, upon such review, that the requirements of Article 5.8.18 have not been met, then the alleged Filing Failure shall not be treated as a Whereabouts Failure for any purpose;
- f) If the Player does not request an administrative review of the alleged Filing Failure by the relevant deadline, or if the administrative review leads to the conclusion that all of the requirements of Article 5.8.18 have been met, then World Rugby shall record an alleged Filing Failure against the Player and shall notify the Player and/or Rugby AU and (on a confidential basis) WADA and all other relevant Anti-Doping Organisations of that alleged Filing Failure and the date of its occurrence.

### **5.8.28. Results Management for Missed Tests**

- a) The DCO shall file an Unsuccessful Attempt Report with World Rugby or its nominee (or SIA as the case may be), setting out the details of the attempted Sample collection, including the exact date and time of the attempt, the names of all the location(s) visited, the exact arrival and departure times at each of the location(s), the step(s) taken at the location(s) to try to find the Player, including details of any contact made with third parties (including their names, positions, relationship to the Player, information on the possible location of the Player if the Player is not present at the nominated residence or location and contact details), and any other relevant details about the attempted Sample collection.
- b) If it appears that all of the Article 5.8.23 or 5.8.24 requirements (depending upon which testing pool the Player belongs to) relating to Missed Tests are satisfied, then ordinarily no later than 14 days after the date of the Unsuccessful Attempt Report being received by World Rugby, World Rugby must send notice to the Player via Rugby AU of the unsuccessful attempt, inviting a response within 14 days of receipt of the notice. The Unsuccessful Attempt Report shall be provided to the Player at this point. In the notice, World Rugby should warn the Player:
  - i. That unless the Player persuades World Rugby that there has not been any Missed Test, then (subject to the remainder of the results management



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- process set out below) an alleged Missed Test will be recorded against the Player;
- ii. (If applicable) that there are other Whereabouts Failures that have been alleged against him or her in the 12-month period prior to this alleged Whereabouts Failure; and
  - iii. Of the consequences to the Player if the designee of World Rugby or a Judicial Officer or Judicial Committee in the case of a third Whereabouts Failure upholds the alleged Missed Test.
- c) Where the Player disputes the apparent Missed Test, World Rugby must re-assess whether all of the requirements in Article 5.8.23 or 5.8.24 (depending upon which testing pool the Player belongs to) are met. World Rugby must advise the Player and/or Rugby AU, by letter sent ordinarily no later than 14 days after receipt of the Player's response, whether or not it maintains that there has been a Missed Test.
- d) If no response is received from the Player by the relevant deadline, or if World Rugby maintains (notwithstanding the Player's response) that there has been a Missed Test, World Rugby shall send notice to the Player and/or Rugby AU that an alleged Missed Test is to be recorded against him or her. Further:
- i. In respect of World Rugby Registered Testing Pool Players only, World Rugby shall at the same time advise the Player that he/she has the right to request an administrative review of the alleged Missed Test.
  - ii. In respect of World Rugby Testing Pool Players, there is no administrative review as the Missed Test will only count for the purposes of elevating the Player to the World Rugby Registered Testing Pool.
  - iii. Upon entry into the World Rugby Registered Testing Pool all World Rugby Testing Pool Missed Tests cease to count for the purposes of Article 2.4.

## **5.8.29. Administrative Review – Missed Test for World Rugby Registered Testing Pool Players**

- a) Where requested, such administrative review shall be conducted by a designee of World Rugby who was not involved in the previous assessment of the alleged Missed Test, shall be based on written submissions only, and shall consider whether all of the requirements of Article 5.8.23 are met. If necessary, the relevant DCO may be asked to provide further information to World Rugby. The review shall be completed within 14 days of receipt of the Player's request and the decision shall be communicated to the Player by letter sent no more than seven days after the decision is made.
- b) If it appears upon such review that the requirements of Article 5.8.23 have not been met, then the unsuccessful attempt to test the Player shall not be treated as a Missed Test for any purpose.
- c) If the Player does not request an administrative review of the alleged Missed Test by the relevant deadline, or if the administrative review leads to the conclusion that all of the requirements of Article 5.8.23 have been met, then World Rugby shall record an alleged Missed Test against the Player and shall notify the Player and/or Rugby AU and (on a confidential basis) WADA and all other relevant Anti-Doping Organisations of that alleged Missed Test and the date of its occurrence.

## 5.8.30. Confidentiality – Whereabouts Failures

- a) When Rugby AU or World Rugby (or their nominees), or SIA declares, or receives notice of, a Whereabouts Failure in respect of a Player it shall not disclose that information beyond those persons with a need to know unless and until that Player is found to have committed an anti-doping rule violation under Article 2.4 (Whereabouts Failures) based on (among other things) such Whereabouts Failure. Such persons who need to know shall also maintain the confidentiality of such information until the same point of this process.
- b) Whereabouts information relating to a Player shall be shared (through ADAMS or other Database) with WADA and other Anti-Doping Organisations having authority to test that Player, shall be maintained in strict confidence at all times, shall be used exclusively for the purposes set out in Article 5.6 of the WADA Code, and shall be destroyed in accordance with the International Standard for the Protection of Privacy and Personal Information, the Australian Privacy Principles and the *Archives Act 1983* (Cth) once it is no longer relevant for these purposes.

## 5.8.31. Judicial Proceedings

World Rugby shall keep a record of all Whereabouts Failures alleged in respect to each Player within either its Registered Testing Pool or Testing Pool. Where it is alleged that such a Player has committed three Whereabouts Failures within any 12-month period:

- a) Where two or more of those Whereabouts Failures were alleged by Rugby AU, World Rugby or the Anti-Doping Organisation that had the Player in the World Rugby Registered Testing Pool subject to this WADA Code at the time of those failures, then that Anti-Doping Organisation (whether Rugby AU, World Rugby or the Anti-Doping Organisation) shall be the Responsible Anti-Doping Organisation for the purposes of bringing proceedings against the Player under Article 2.4. If the Whereabouts Failures were alleged by three different Anti-Doping Organisations then the Responsible Anti-Doping Organisation for these purposes will be the Anti-Doping Organisation whose Registered Testing Pool, the Player was in as of the date of the third Whereabouts Failure. If the Player was in both the World Rugby Registered Testing Pool and the SIA Registered Testing Pool as of that date, the Responsible Anti-Doping Organisation for these purposes shall be World Rugby.
- b) Where the responsible Anti-Doping Organisation fails to bring proceedings against a Player under Article 2.4 (Whereabouts Failures) within 30 days of WADA receiving notice of that Player's third alleged Whereabouts Failure in any 12-month period, then it shall be deemed that the responsible Anti-Doping Organisation has decided that no anti-doping rule violation was committed, for the purposes of triggering the appeal rights set out at Article 13 (in particular Article 13.2).

5.8.32. A Player alleged to have committed an anti-doping rule violation under Article 2.4 (Whereabouts Failures) shall have the right to have such allegation determined by a Judicial Committee or the NST in accordance with Article 8.2. The Judicial Committee or the NST shall not be bound by any determination made during the results management process, whether as to the adequacy of any explanation offered for a Whereabouts Failure or otherwise. Instead, the burden shall be on World Rugby to establish all of the requisite elements of each alleged Whereabouts Failure.

- a) The Judicial Committee or the NST shall consider whether or not a Provisional Suspension should be imposed on the Player pending the outcome of proceedings, in accordance with Article 7.9.
- b) If the Judicial Committee or the NST decides that one (or two) alleged Whereabouts

Failures have been established to the required standard, but that the other alleged Whereabouts Failure(s) has/have not, then no anti-doping rule violation shall be found to have occurred. However, if the Player then commits one (or, as applicable, two) further Whereabouts Failures within the relevant 12-month period, new proceedings may be brought based on a combination of the Whereabouts Failure(s) established to the satisfaction of the Judicial Committee or the NST in the previous proceedings (in accordance with Article 3.24) and the Whereabouts Failure(s) subsequently committed by the Player.

- c) A finding that a Player has committed an anti-doping rule violation under Article 2.4 (Whereabouts Failures) shall have the applicable consequences as outlined in Article 10.
- d) The impact of any Article 2.4 (Whereabouts Failures) anti-doping rule violation by an individual Player on the results of any Team for which that Player has played during the relevant period shall be determined in accordance with Article 11.

### **5.9. Retired and Suspended Players**

- 5.9.1. A Player in the World Rugby Registered Testing Pool who has given notice of retirement to World Rugby may not resume competing in International Events or National Events until he/she has given World Rugby via Rugby AU written notice of his or her intent to resume competing and has made himself/herself available for Testing for a period of six months before returning to Competition, including (if requested) complying with the whereabouts requirements of Article 5.6 and Annex I to the International Standard for Testing and Investigations. WADA, in consultation with World Rugby and SIA, may grant an exemption to the six-month written notice rule where the strict application of that rule would be manifestly unfair to a Player. This decision may be appealed under Article 13. Any competitive results obtained in violation of this Article 5.9.1 shall be Disqualified.
- 5.9.2. If a Player retires from sport while subject to a period of Ineligibility, the Player shall not resume competing in International Events or National Events until the Player has given six months' prior written notice (or notice equivalent to the period of Ineligibility remaining as of the date the Player retired, if that period was longer than six months) to World Rugby via Rugby AU of his or her intent to resume competing and has made himself/herself available for Testing for that notice period, including (if requested) complying with the whereabouts requirements of Article 5.6 and Annex I to the International Standard for Testing and Investigations.
- 5.9.3. A Player who is not in The World Rugby Registered Testing Pool who has given notice of retirement to World Rugby may not resume competing unless he/she notifies World Rugby via Rugby AU at least six months before he/she wishes to return to Competition and makes himself/herself available for unannounced Out-of-Competition Testing, including (if requested) complying with the whereabouts requirements of Article 5.6 and Annex I to the International Standard for Testing and Investigations, during the period before actual return to Competition.
- 5.9.4. Where a Player has been suspended, other than for life, and wishes to resume competing after his or her period of Ineligibility has expired, he/she must make himself/herself available for Out-of-Competition Doping Control during that period of suspension. If a Player commits an anti-doping rule violation during the course of a suspension the matter shall be treated as a separate anti-doping rule violation.
- 5.9.5. A Player who has been identified by World Rugby for inclusion in the World Rugby Registered Testing Pool or World Rugby Testing Pool shall continue to be subject to this Anti-Doping Code including the obligation to be available for No Advance Notice Out-of-Competition Testing unless and until the Player gives written notice to World Rugby via Rugby AU that he/she has retired or until he/she no longer satisfies the

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criteria for inclusion in the Registered Testing Pool or Testing Pool and has been so informed by World Rugby.

- 5.9.6. A Player who has given notice of retirement to World Rugby from International Match level participation, but who continues to play the Game at or below National Event-level, and who elects to stay in the World Rugby Testing Pool, or be transferred to the Testing Pool from the World Rugby Registered Testing Pool, may resume competing at International Event-level upon notification to World Rugby via Rugby AU.
- 5.9.7. If a Player or other Person retires while a results management process is underway, the Anti-Doping Organisation conducting the results management process retains jurisdiction to complete its results management process. If a Player or other Person retires before any results management process has begun, the Anti-Doping Organisation which would have had results management jurisdiction over the Player or other Person at the time the Player or other Person committed an anti-doping rule violation, has jurisdiction to conduct results management.<sup>23</sup>
- 5.9.8. Rugby AU shall establish similar requirements for retirement and returning to competition for Players in the national Registered Testing Pool and may establish similar requirements for other Players under their jurisdiction.

### 5.10. Independent Observer Program

World Rugby and the organising committees for World Rugby Events, as well as Rugby AU, shall authorise and facilitate the Independent Observer Program at such Events.

## 6. Analysis of Samples, Research & Investigations

Samples shall be analysed in accordance with the following principles.

### 6.1. Use of Accredited and Approved Laboratories

For purposes of Article 2.1, Samples shall be analysed only in laboratories accredited or otherwise approved by WADA. The choice of the WADA-accredited or WADA-approved laboratory used for the Sample analysis shall be determined exclusively by the Anti-Doping Organisation responsible for results management.<sup>24</sup>

### 6.2. Purpose of Analysis of Samples

- 6.2.1. Samples shall be analysed to detect Prohibited Substances and Prohibited Methods and other substances as may be directed by WADA pursuant to the monitoring program described in Article 4.5 of the WADA Code; or to assist Rugby AU, World Rugby, an Anti-Doping Organisation and Tournament Organisers in profiling relevant parameters in a Player's urine, blood or other matrix, including DNA or genomic profiling; or for any other legitimate anti-doping purpose. Samples may be collected and stored for future analysis.<sup>25</sup>
- 6.2.2. Rugby AU, World Rugby, an Anti-Doping Organisation and Tournament Organisers shall ask laboratories to analyse Samples in conformity with Article 6.4 of the WADA Code and Article 4.7 of the International Standard for Testing and Investigations.

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<sup>23</sup> Conduct by a Player or other Person before the Player or other Person was subject to the jurisdiction of any Anti-Doping Organisation would not constitute an anti-doping rule violation but could be a legitimate basis for denying the Player or other Person membership in a sports organisation.

<sup>24</sup> Violations of Article 2.1 (Presence) may be established only by Sample analysis performed by a laboratory accredited or otherwise approved by WADA. Violations of other Regulations may be established using analytical results from other laboratories so long as the results are reliable.

<sup>25</sup> For example, relevant profile information could be used to direct Target Testing or to support an anti-doping rule violation proceeding under Article 2.2 (Use or Attempted Use), or both.

## 6.3. Research on Samples

No Sample may be used for research without the Player's written consent. Samples used for purposes other than Article 6.2 shall have any means of identification removed such that they cannot be traced back to a particular Player.

## 6.4. Standards for Sample Analysis and Reporting

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

- 6.4.1. Rugby AU, World Rugby, an Anti-Doping Organisation and Tournament Organisers may request that laboratories analyse its Samples using more extensive menus than those described in the Technical Document.
- 6.4.2. Rugby AU, World Rugby, an Anti-Doping Organisation and Tournament Organisers may request that laboratories analyse their Samples using less extensive menus than those described in the Technical Document only if Rugby AU, World Rugby, an Anti-Doping Organisation and Tournament Organisers (as applicable) has satisfied WADA that, because of the particular circumstances of its sport, as set out in the their test distribution plan, less extensive analysis would be appropriate.
- 6.4.3. As provided in the International Standard for Laboratories, laboratories at their own initiative and expense may analyse Samples for Prohibited Substances or Prohibited Methods not included on the Sample analysis menu described in the Technical Document or specified by the Testing authority. Results from any such analysis shall be reported and have the same validity and consequence as any other analytical result.<sup>26</sup>

## 6.5. Further Analysis of Samples

- 6.5.1. Any Sample may be stored and subsequently subjected to further analysis for the purposes set out in Article 6.2: (a) by WADA at any time; and/or (b) by World Rugby (or where the Sample was taken by Rugby AU, an Anti-Doping Organisation or Tournament Organiser, that Rugby AU, Anti-Doping Organisation or Tournament Organiser) at any time before both the A and B Sample analytical results (or A Sample result where B Sample analysis has been waived or will not be performed) have been communicated by World Rugby (or, as applicable, Rugby AU, the Anti-Doping Organisation or Tournament Organiser) to the Player as the asserted basis for a Article 2.1 (Presence) anti-doping rule violation. Such further analysis of Samples shall conform with the requirements of the International Standard for Laboratories and the International Standard for Testing and Investigations.

## 6.6. Investigations (other than SIA)

- 6.6.1. In accordance with Article 6A.1, Rugby AU, World Rugby may carry out investigations into the activities of any Player, Person, Union, Association, Rugby Body or Club who it has reasonable cause to believe may have committed an anti-doping rule violation. Any such Player, other Person, Union, Association, Rugby Body or Club shall co-operate with any such Board investigation.

<sup>26</sup> The objective of this Regulation is to extend the principle of "intelligent Testing" to the Sample analysis menu so as to most effectively and efficiently detect doping. It is recognised that the resources available to fight doping are limited and that increasing the Sample analysis menu may, in some sports and countries, reduce the number of Samples which can be analysed.

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- 6.6.2. A Player, other Person, Union, Association, Rugby Body or Club under investigation for an alleged anti-doping rule violation by Rugby AU, World Rugby, the Anti-Doping Organisation or Tournament Organiser may be Provisionally Suspended and not allowed to participate in any aspect of the Game pending the outcome of such investigation and resolution of the case.
- 6.6.3. Without limiting the effect of Article 7.9, solely in circumstances where Rugby AU, World Rugby consider that further investigation is required to determine whether an anti-doping rule violation may have been committed, the following procedures shall apply, subject to such modifications and additional procedures as Rugby AU, World Rugby may consider necessary having regard to the facts and circumstances of the particular case and other relevant circumstances:
- a) Any investigation shall be carried out as soon as reasonably practicable after Rugby AU, World Rugby (or their designees), becomes aware of the alleged anti-doping rule violation.
  - b) Rugby AU, World Rugby (or their designees) may request that additional information be provided and may also call upon such assistance and expert and/or specialist advice including (without limitation) legal advice as it considers appropriate, whether in the form of witness testimony or otherwise.
  - c) Rugby AU, World Rugby (or their designees) shall determine whether it believes that an anti-doping rule violation may have been committed.
  - d) Where it is decided that there are no grounds to conclude that an anti-doping violation may have been committed no further action will be taken and any Provisional Suspension shall be automatically lifted.
  - e) As soon as it is determined that an anti-doping rule violation may have been committed, Rugby AU, World Rugby (or their designees) shall notify the applicable party concerned. The applicable party shall be placed on Provisional Suspension, if he/she has not been already, pending resolution of the case. In addition, the applicable party shall be notified that the matter shall be referred to a Judicial Committee or the NST.

### 6A. Non-Analytical Investigation Process

#### 6A.1. Obligation on Persons

When Rugby AU or any Person bound by this Code has information relevant to a possible anti-doping rule violation, that Person must immediately pass such information to SIA.

- 6.A.1.1.** Rugby AU or the Person must act in a discreet and confidential manner in discharging their obligations under this Code. The deliberate or wilful withholding of information relevant to a potential anti-doping rule violation by a Player or other Person may constitute an anti-doping rule violation or a breach to be dealt with under Rugby AU's Code of Conduct (where applicable).

#### 6A.2. Roles and responsibilities of other parties

SIA will conduct the investigation, in consultation with Rugby AU.

- 6.A.2.1.** Where SIA believes it is appropriate to do so, SIA may, in its discretion, advise Rugby AU of a SIA investigation. SIA and Rugby AU may also consult affected or interested parties about their participation in any investigation.
- 6.A.2.2.** Where SIA and Rugby AU agree to Rugby AU commencing its own investigation, Rugby AU must do so in coordination with any investigation being undertaken by

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SIA and seek SIA's input into such investigation undertaken by Rugby AU;

**6.A.2.3.** All Persons bound by this Code and Rugby AU must assist, cooperate, and liaise with SIA in relation to any investigation into a potential anti-doping rule violation (or Rugby AU). Specifically, all Persons must cooperate with and assist SIA or Rugby AU (where relevant), including by:

- a) attending an interview to fully and truthfully answer questions;
- b) giving information; and
- c) producing documents or things,

in an investigation being conducted by SIA or Rugby AU (where relevant), even if to do so might tend to incriminate them or expose them to a penalty, sanction or other disciplinary measure.

For the avoidance of doubt, the common law privileges against self-incrimination and self-exposure to a penalty are abrogated by this Article.

## 7. Results Management

### 7.1. Responsibility for Conducting Results Management

7.1.1. SIA, in consultation with Rugby AU, shall take responsibility for results management of all potential anti-doping rule violations under this Code in accordance with Article 7 of the WADA Code, the SIA Act, the SIA Regulations, and the NAD scheme as in force from time to time. This includes any matters referred to the sporting administration body by other Anti-Doping Organisations for results management.

7.1.2. Where an Anti-Doping Organisation elects to collect additional Samples in the circumstances set out in Article 5.2.4, then it shall be considered the Anti-Doping Organisation that initiated and directed Sample collection and will have results management responsibility. However, where the Anti-Doping Organisation only directs the laboratory to perform additional types of analysis at the Anti-Doping Organisation's expense, then World Rugby or Major Event Organisation shall be considered the Anti-Doping Organisation that initiated and directed Sample collection and will have results management responsibility. Further, World Rugby will take responsibility for conducting results management in respect of anti-doping rule violations involving Players and other Persons under its jurisdiction in accordance with Article 5.3.3 of this Code.

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

### 7.2. Preliminary Review of Adverse Analytical Findings

Results management in respect of the results of tests initiated by an Anti-Doping Organisation (including World Rugby and including tests performed by WADA pursuant to agreement with World Rugby) shall proceed as follows:

7.2.1. The results from all analyses must be sent to World Rugby in encoded form, in a report signed by an authorised representative of the laboratory. All communication must be conducted confidentially and in conformity with ADAMS.

7.2.2. Upon receipt of an Adverse Analytical Finding, SIA or World Rugby (as applicable)

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shall initiate a preliminary review in accordance with Article 7.2.3 to determine whether: (a) an applicable TUE has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions, or (b) there is any apparent departure from the International Standard for Testing and Investigations or International Standard for Laboratories that caused the Adverse Analytical Finding.

- 7.2.3. The preliminary review set out in Article 8.2.2 shall be undertaken to establish if a TUE has been granted that explains the Adverse Analytical Finding or if there is any apparent departure from the International Standard for Testing and Investigations and/or if there is any apparent departure from the International Standard for Laboratories as evidenced by the documents in respect of the particular case under consideration provided by the laboratory which undermines the validity of the Adverse Analytical Finding. Such preliminary review shall be undertaken by a representative or representatives of World Rugby's Anti-Doping Advisory Committee and/or World Rugby Anti-Doping Judicial Panel (as applicable) and would ordinarily, be completed within three days. The representative or representatives undertaking the preliminary review may make further enquiries or investigations as it or they consider appropriate solely in relation to the existence or otherwise of a TUE or apparent departures from the International Standard for Testing and Investigations and/or the International Standard for Laboratories as evidenced by the documents in respect of the particular case under consideration provided by the laboratory. If the review does reveal an applicable TUE or departure from the International Standard for Testing and Investigations and/or applicable provisions of the International Standard for Laboratories on the foregoing basis that caused the Adverse Analytical Finding, then the entire test shall be considered negative and the Player and Rugby AU, NADO and WADA shall be informed.

### **7.3. Notification after Preliminary Review Regarding Adverse Analytical Findings**

- 7.3.1. If the preliminary review of an Adverse Analytical Finding under Article 7.2.3 does not reveal an applicable TUE or entitlement to a TUE as provided in the International Standard for Therapeutic Use Exemptions, or departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Adverse Analytical Finding, SIA or World Rugby, as applicable, shall promptly notify the Player, and simultaneously Rugby AU and WADA, in the manner set out in Article 14.1, of: (a) the Adverse Analytical Finding; (b) the anti-doping rule violated; (c) the Player's right to promptly request the analysis of the B Sample or, failing such request, that the B Sample analysis may be deemed waived; (d) the scheduled date, time and place for the B Sample analysis if the Player or SIA, or World Rugby, as applicable, chooses to request an analysis of the B Sample; (e) the opportunity for the Player and/or the Player's representative to attend the B Sample opening and analysis in accordance with the International Standard for Laboratories if such analysis is requested; and (f) the Player's right to request copies of the A and B Sample laboratory documentation package which includes information as required by the International Standard for Laboratories. If SIA or World Rugby, as applicable, decides not to bring forward the Adverse Analytical Finding as an anti-doping rule violation, it shall so notify the Player, Rugby AU, SIA or World Rugby, as applicable, and WADA.
- 7.3.2. Where requested by the Player, SIA, or World Rugby, as applicable, arrangements shall be made to analyse the B Sample in accordance with the International Standard for Laboratories. A Player may accept the A Sample analytical results by waiving the requirement for B Sample analysis. SIA or World Rugby, as applicable, may nonetheless elect to proceed with the B Sample analysis.
- 7.3.3. The Player and/or his or her representative shall be allowed to be present at the analysis of the B Sample. Also, a representative of SIA or World Rugby, as applicable, as well as a representative of Rugby AU shall be allowed to be present.



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- 7.3.4. If the B Sample analysis does not confirm the A Sample analysis, then (unless SIA or World Rugby, as applicable, takes the case forward as an anti-doping rule violation under Article 2.2) the entire test shall be considered negative and the Player, Rugby AU, SIA or World Rugby, as applicable, and WADA shall be so informed.
  - 7.3.5. If the B Sample analysis confirms the A Sample analysis, the findings shall be reported to the Player, Rugby AU, SIA, or World Rugby, as applicable, and WADA.

### 7.4. Review of Atypical Findings

- 7.4.1. As provided in the International Standard for Laboratories, in some circumstances laboratories are directed to report the presence of Prohibited Substances, which may also be produced endogenously, or identified by WADA, as Atypical Findings, i.e., as findings that are subject to further investigation.
- 7.4.2. Upon receipt of an Atypical Finding, SIA or World Rugby, as applicable, shall conduct a review to determine whether: (a) an applicable TUE has been granted or will be granted as provided in the International Standard for Therapeutic Use Exemptions; (b) there is any apparent departure from the International Standard for Testing and Investigations or International Standard for Laboratories that caused the Atypical Finding; and/or (c) World Rugby is aware of any historical test data with respect to the Player which explains the Atypical Finding as arising from a permitted source.
- 7.4.3. If the review of an Atypical Finding under Article 7.4.2 reveals an applicable TUE and/or a departure from the International Standard for Testing and Investigations or the International Standard for Laboratories and/or historical test data that caused the Atypical Finding and/or explains the Atypical Finding as arising from a permitted source, the entire test shall be considered negative and the Player, Rugby AU, SIA or World Rugby, as applicable, and WADA shall be so informed.
- 7.4.4. If that review does not reveal an applicable TUE or a departure from the International Standard for Testing and Investigations or the International Standard for Laboratories and/or historical test data that caused the Atypical Finding and/or explains the Atypical Finding as arising from a permitted source, World Rugby or SIA, as applicable, shall conduct the required investigation or cause it to be conducted. This investigation may involve without limitation the requirement of the Player to undergo medical testing to ascertain the presence or otherwise of a pathological or other medical explanation for the Atypical Finding. After the investigation is completed, either the Atypical Finding will be brought forward as an Adverse Analytical Finding, in accordance with Article 7.3.1, or else the Player, Rugby AU, SIA or World Rugby, as applicable, and WADA shall be notified that the Atypical Finding will not be brought forward as an Adverse Analytical Finding.
- 7.4.5. SIA or World Rugby, as applicable, will not provide notice of an Atypical Finding until it has completed its investigation and has decided whether it will bring the Atypical Finding forward as an Adverse Analytical Finding unless one of the following circumstances exists:
  - 7.4.5.a.1. If SIA or World Rugby, as applicable, determines the B Sample should be analysed prior to the conclusion of its investigation, it may conduct the B Sample analysis after notifying the Player, with such notice to include a description of the Atypical Finding and the information described in Article 7.3.1(d)-(f).
  - 7.4.5.a.2. If SIA or World Rugby, as applicable, is asked (a) by a Major Event Organisation shortly before one of its International Events, or (b) by a sport organisation responsible for meeting an imminent deadline for selecting

team members for an International Event, to disclose whether any Player identified on a list provided by the Major Event Organisation or sport organisation has a pending Atypical Finding, SIA or World Rugby, as applicable, shall so advise the Major Event Organisation or sports organisation after first providing notice of the Atypical Finding to the Player.

- 7.4.5.a.3. The investigation of SIA or World Rugby, as applicable, requires the Player to undergo medical testing to ascertain the presence or otherwise of a pathological explanation for the Atypical Finding.

## **7.5. Review of Atypical Passport Findings and Adverse Passport Findings**

Review of Atypical Passport Findings and Adverse Passport Findings shall take place as provided in the International Standard for Testing and Investigations and International Standard for Laboratories. At such time as SIA or World Rugby, as applicable, is satisfied that an anti-doping rule violation has occurred, it shall promptly give the Player (and simultaneously, Rugby AU, World Rugby or SIA, as applicable and WADA) notice of the anti-doping rule violation asserted and the basis of that assertion.

## **7.6. Review of Whereabouts Failures**

SIA or World Rugby, as applicable, shall review potential filing failures and missed tests, as defined in the International Standard for Testing and Investigations in respect of Players who file their whereabouts information with SIA or World Rugby, as applicable, in accordance with Annex I to the International Standard for Testing and Investigations. At such time as SIA or World Rugby, as applicable, is satisfied that a violation of Article 2.4 (Whereabouts Failures) has occurred, it shall promptly give the Player (and simultaneously Rugby AU, SIA or World Rugby, as applicable, and WADA) notice that it is asserting a violation of Article 2.4 (Whereabouts Failures) and the basis of that assertion.

## **7.7. Review of Other Anti-Doping Rule Violations Not Covered by Articles 7.2–7.6**

SIA or World Rugby, as applicable shall conduct any follow-up investigation required into a possible anti-doping rule violation not covered by Articles 7.2 - 7.6. At such time as World Rugby or SIA, as applicable is satisfied that an anti-doping rule violation has occurred, it shall promptly give the Player or other Person (and simultaneously Rugby AU, SIA or World Rugby, as applicable, and WADA) notice of the anti-doping rule violation asserted and the basis of that assertion.

## **7.8. Identification of Prior Anti-Doping Rule Violations**

Before giving a Player or other Person notice of an asserted anti-doping rule violation as provided above, World Rugby or SIA, as applicable, shall refer to ADAMS and contact WADA and other relevant Anti-Doping Organisations to determine whether any prior anti-doping rule violation exists.

## **7.9. Provisional Suspensions**

- 7.9.1. When SIA, World Rugby, Rugby AU, Association or Tournament Organiser (as the case may be) receives an Adverse Analytical Finding in respect of a Player's "A" Sample or when SIA, World Rugby, Rugby AU, Association or Tournament Organiser believes or becomes aware that an anti-doping rule violation whether or not it involves the provision of a Sample, may have been committed, that Player or other Person shall, subject to Articles 7.2.2 and 7.2.3, in the case of an "A" Sample Adverse Analytical Finding and subject to Article 16.3, in the case where there is no Sample, be Provisionally Suspended by SIA, World Rugby, Tournament Organiser, and/or Rugby AU or Association pending the resolution of the case.
- 7.9.2. The Player or other Person has a right to appeal the Provisional Suspension in accordance with Article 13.2 (save as set out in Article 7.9.3).

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- 7.9.3. The Provisional Suspension may be lifted if the Player demonstrates to the hearing panel that the violation is likely to have involved a Contaminated Product. A hearing panel's decision not to lift a Provisional Suspension on account of the Player's assertion regarding a Contaminated Product shall not be appealable.
- 7.9.4. A Player or other Person subject to a Provisional Suspension shall be provided the opportunity for an expedited final hearing in accordance with Article 8 on a timely basis.
- 7.9.5. If a Provisional Suspension is imposed based on an A Sample Adverse Analytical Finding and subsequent analysis of the B Sample does not confirm the A Sample analysis, then the Player shall not be subject to any further Provisional Suspension on account of a violation of Article 2.1 (Presence). In circumstances where the Player (or the Player's team) has been removed from a Competition based on a violation of Article 2.1 (Presence) and the subsequent B Sample analysis does not confirm the A Sample finding, then if it is still possible for the Player or team to be reinserted, without otherwise affecting the Competition, the Player or team may continue to take part in the Competition. In addition, the Player or team may thereafter take part in other Competitions in the same Event.
- 7.9.6. In any case where a Player or other Person has been notified of an anti-doping rule violation but a Provisional Suspension has not been imposed on him or her, the Player or other Person shall be offered the opportunity to accept a Provisional Suspension voluntarily pending the resolution of the matter.<sup>27</sup>

### **7.9A. Infraction Notices**

Once the SIA CEO makes an assertion of a possible anti-doping rule violation in accordance with the SIA Act and NAD scheme, unless otherwise agreed in writing between SIA and Rugby AU, SIA will:

- 7.9A.1. Notify the Player or Player Support Person, Rugby AU, World Rugby, WADA, and relevant Anti-Doping Organisations of the assertion;
- 7.9A.2. Issue the Player or Player Support Person with an Infraction Notice under this Article. The Infraction Notice will:
- a) notify the Person of the asserted anti-doping rule violations under this Code and the basis for the violation;
  - b) state that the Person has a right to a hearing in relation to the asserted anti-doping rule violation/s;
  - c) state that in the event the Person elects to have a hearing, the Person must file their application (however described) for a hearing with the Judicial Committee or the NST within 14 days of receipt of the infraction notice;
  - d) state that if the Person does not respond within 14 days of receipt of the infraction notice, or files an application for a hearing with the Judicial Committee or the NST after the end of the 14 days referred to in 7.9A.2(c), they will be deemed to have waived their right to a hearing and Rugby AU, in consultation with SIA and other relevant parties, where applicable, may apply a sanction in accordance with Article 10;
  - e) be provided to the Player or Player Support Person, Rugby AU, World Rugby,

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<sup>27</sup> Players and other Persons shall receive credit for a Provisional Suspension against any period of Ineligibility which is ultimately imposed. See Articles 10.11.3.1 and 10.11.3.2.

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WADA, and relevant Anti-Doping Organisation in accordance with the WADA Code.

- f) Note: Players and other Persons are responsible for keeping their contact details up to date with Rugby AU. Delivery to the last known address is sufficient in circumstances where the current whereabouts of the Person are not known. In addition, members of Rugby AU should refer to Article 14.1.1.

### **7.9B. Lower-Level Players**

7.9B.1 In the case where the SIA CEO decides, under the NAD scheme, that a possible anti-doping rule violation (except a violation of Article 2.1, Article 2.3 or Article 2.5) by a Lower-Level Player does not warrant action, the SIA CEO may give written notification to Rugby AU so it can consider whether disciplinary or other action should be taken against the Lower-Level Player.

7.9B.2 The SIA CEO's written notification may recommend that Rugby AU takes certain action against the Lower-Level Player, including, but not limited to, requiring the Lower-Level Player to undertake anti-doping education, or taking disciplinary action against the Lower-Level Player under Rugby AU's Code of Conduct.

### **7.10. Resolution Without a Hearing**

7.10.1. A Player or other Person against whom an anti-doping rule violation is asserted may admit that violation at any time, waive a hearing and/or accept the Consequences that are mandated by this Code or (where some discretion as to Consequences exists under this Code) that have been or are asserted by Rugby AU, World Rugby or SIA. The chairman of the Anti-Doping Judicial Panel may appoint either a legal member of the Panel set out in Article 8.2 (for the avoidance of doubt, the chairman may also appoint him/herself) or a Judicial Committee to review the matter on the papers and impose the Consequences as appropriate. Where the Player or other Person waives his or her right to a hearing but wishes to make submissions in relation to sanction, he/she shall have seven days in which to make such submissions in writing. In any case World Rugby shall be entitled to make submissions in writing to the Judicial Officer or Judicial Committee as applicable.

7.10.2. If the Player or other Person against whom an anti-doping rule violation is asserted fails to dispute that assertion within 14 days, then he/she shall be deemed to have admitted the violation and to have waived his or her right to an oral hearing, and to have accepted the Consequences that are mandated by this Code or (where some discretion as to Consequences exists under this Code) that have been offered by SIA or Rugby AU. In such case the Player or other Person shall have seven days in which to make submissions in writing in relation to the sanctions to be applied. In the absence of a response the chairman of the Anti-Doping Judicial Panel may appoint either a legal member of the Anti-Doping Judicial Panel set out in Article 8.2 (for the avoidance of doubt, the chairman may also appoint him/herself) or a Judicial Committee to review the matter on the papers and impose the Consequences as appropriate. World Rugby shall be entitled to make submissions in writing to the Judicial Officer or Judicial Committee as applicable.

### **7.11. Notification of Results Management Decisions**

In all cases where World Rugby or SIA, as applicable, has asserted the commission of an anti-doping rule violation, withdrawn the assertion of an anti-doping rule violation, imposed a Provisional Suspension, or proceeded with an imposition of Consequences by a Judicial Officer without an oral hearing, World Rugby or SIA, as applicable, shall give notice thereof in accordance with Article 14.2.1 to other Anti-Doping Organisations with a right to appeal under Article 13.2.3.

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### **7.12. Results Management by Rugby AU, Associations and Tournament Organisers**

- 7.12.1. Where an anti-doping rule violation arises out of a Doping Control conducted or arranged by Rugby AU, an Association or Tournament Organiser, or Rugby AU, an Association or Tournament Organiser believes or becomes aware that another anti-doping rule violation may have been committed by one of its members or a Player or other Person under its jurisdiction, Rugby AU, an Association or Tournament Organiser shall:
- a) Deal with the matter in accordance with its own anti-doping procedures which shall be in compliance with these Anti-Doping Articles;
  - b) Notify World Rugby and Rugby AU of the Player or other Person concerned; and
  - c) Notify SIA in accordance with Article 1.1.3.
- 7.12.2. As a minimum requirement, each Player or other Person alleged to have committed an anti-doping rule violation shall have the right to a hearing before the Judicial Committee or the NST or a suitably- qualified disciplinary body established by Rugby AU or an Association before a final decision is reached unless that Player or other Person waives that right. Where the Player or other Person so waives this right, he/she may make submissions in writing in relation to the applicable sanctions, which may be imposed in accordance with this Code. The disciplinary body shall consist of not less than three individuals, one of whom shall have knowledge of Doping Control procedures and the WADA Code. The disciplinary body shall deal with the matter in accordance with the national law and the Articles of Rugby AU and/or the place of establishment of the Association which shall be in compliance with these Code. All decisions by the disciplinary body must be produced in writing and incorporate the reasoning behind the findings and decisions.
- 7.12.3. Rugby AU, the Associations and/or Tournament Organisers must keep World Rugby fully apprised as to the status of pending cases and provide the results of all hearings within 72 hours of a final written decision having been made. World Rugby shall have the right to attend Rugby AU, the Association and Tournament Organiser hearings as an observer and shall in the event of an appeal to CAS or the Appeals Division of the NST or a reference to any other arbitral body have the right to participate, including but not limited to, making submissions, representations, adducing evidence and calling witnesses in such proceedings.
- 7.12.4. Hearings held by Rugby AU, the Associations, Tournament Organisers and/or any other body purporting to hear cases involving anti-doping rule violations shall be completed expeditiously and in all cases within three months of the date of notification of the "A" Sample or the date of admission or the date the alleged anti- doping rule violation came to the attention of Rugby AU, the Association and/or Tournament Organiser (save were World Rugby has determined there are exceptional circumstances) or the date of completion of the results management process or other applicable investigation procedure. Hearings may be conducted on an expedited process.

### **7.13. National Sports Tribunal**

- 7.13.1. Where, on approval by SIA, Rugby AU elects not to utilise a Judicial Committee as described in article 8.2 but rather to utilise the services of the NST, Rugby AU shall ensure that the following pre-conditions are complied with:
- a) All anti-doping cases whether arising out of an Adverse Analytical Finding or otherwise shall be determined in accordance with this Code;
  - b) The first instance hearing of all anti-doping cases arising out of an Adverse Analytical

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Finding or otherwise shall be considered by the NST, subject always to prior notification in writing to World Rugby and compliance with World Rugby Regulation 21;

- c) The jurisdiction of World Rugby and Rugby AU to be represented and participate as a party to a Rugby AU anti-doping case before the NST and without limitation for World Rugby (including its Anti-Doping Advisory Committee) to appeal a matter to the Appeals Division of the NST sitting as a post-hearing review body pursuant to Article 13.8 and 25), shall be recognised at each stage of Rugby AU's anti-doping judicial process;
- d) Where the services of the NST are utilised by Rugby AU (whether on appeal or in accordance with (b) above), Rugby AU shall ensure that:
  - i. In the case of a first instance hearing, such body recognises the remit of World Rugby to review every decision arising from or connected to the Game and as appropriate to accept the decision of such body and/or Rugby AU or remit the decision to the applicable review body (including without limitation the Appeals Division of the NST or a post-hearing review body) in accordance with Article 13.8; and
  - ii. In the case of an appeal, such body shall recognise the remit of World Rugby to review every appeal decision of Rugby AU and/or the Appeals Division of the NST acting on behalf of Rugby AU and as appropriate to accept the appeal decision of such body and/or Rugby AU or refer the appeal decision for consideration to CAS.

### **7.14. Notification by Rugby AU**

- 7.14.1. When Rugby AU receives an Adverse Analytical Finding or where Rugby AU, believes, or becomes aware, that an anti-doping rule violation may have been committed, Rugby AU must notify the Anti-Doping Manager - Results and Compliance of World Rugby immediately. The Anti-Doping Manager (or his or her designee) shall be entitled to receive from Rugby AU such additional information, as he/she may consider necessary in relation to any alleged anti-doping rule violation. In any event, the Anti-Doping Manager (or his or her designee) is entitled to receive from and shall be provided with a full report of all hearings including (without limitation) the written decision of the hearing body(ies) of Rugby AU and/or the NST appointed by Rugby AU (as the case may be) incorporating the reasoning behind the findings and decisions in respect of anti-doping rule violations as soon as practicable and in any event within 72 hours of a final written decision having been made.
- 7.14.2. Subject to Articles 5.3.5 and 5.3.6 where the conduct of a Doping Control results in an Adverse Analytical Finding or other anti-doping rule violation (involving a Player and/or other Person) or where an anti-doping rule violation arises other than through the conduct of a Doping Control in respect of a Player who is not a member of the organisation that conducted or was responsible for arranging the Doping Control, then the organisation that had jurisdiction over the Player and/or other Person (as the case may be) at the time the test was conducted or investigation into the alleged anti-doping rule violation commenced shall report the results of such Doping Controls to the organisation that normally exercises jurisdiction over such Player and/or Person (as the case may be) and to World Rugby.
- 7.14.3. The Player or other Person may elect to have Rugby AU, conduct the appropriate investigation and hearing procedures (and where an anti-doping rule violation is found to have been committed, impose the applicable sanctions) if, and only if in the case where there has been an Adverse Analytical Finding, the Player acknowledges

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in writing, that no issue will be taken at the hearing as to the:

- a) Qualifications or authority of any official of any Doping Control/collection agency or WADA accredited laboratory;
  - b) Sample collection procedures;
  - c) Custody or transmission of any Sample; and
  - d) Analysis of any Sample by a WADA Accredited laboratory.
- 7.14.4. Where a Player or other Person elects to have Rugby AU conduct the appropriate investigation and hearing pursuant to Article 7.14.2, such election by a Player or other Person must be confirmed to Rugby AU as applicable within 14 days of being notified of the Adverse Analytical Finding and/or the alleged anti-doping violation. Rugby AU must notify the visited Union of any such election. If a Player or other Person does not elect to have the hearing procedures carried out by Rugby AU, then the visited Union where the Doping Control was conducted shall have jurisdiction and shall conduct the investigation and hearing procedures (and where an anti-doping rule violation is found to have been committed, impose the applicable sanctions).

## **7.15. Retirement from Sport**

- 7.15.1. If a Player or other Person retires while Rugby AU, World Rugby or SIA (or another Anti-Doping Organisation) is conducting the results management process, Rugby AU, World Rugby or SIA (or the other Anti-Doping Organisation) retains jurisdiction to complete its results management and hearing and appeals process. If a Player or other Person retires before any results management process has begun, and Rugby AU, World Rugby or SIA or another Anti-Doping Organisation would have had results management authority over the Player or other Person at the time the Player or other Person committed an anti-doping rule violation, Rugby AU, World Rugby or SIA or another Anti-Doping Organisation has authority to conduct results management in respect of that anti-doping rule violation.

## **8. Right to a Fair Hearing**

### **8.1. Hearing Procedures**

- 8.1.1. The hearing body for the purposes of this Article 8 at first instance is the Judicial Committee or the NST. Subject to Article 13.3, any appeal from a first-instance decision by the NST will be heard initially by the Appeals Division of the NST. Any appeal from the Appeals Division of the NST will be heard by the Appeals Division of CAS in accordance with the provisions applicable before such court.
- 8.1.2. Should the Player or other Person elect to have a hearing in the NST in accordance with Article 8 or Article 7.9.3, the Player or other Person will be responsible for filing their application for a hearing with the NST and paying any applicable fees.
- 8.1.3. SIA and Rugby AU are both entitled to present evidence, file submissions, cross-examine witnesses and do any other thing necessary for the enforcement of this Anti-Doping Code at any hearing under this Article. Unless otherwise agreed in writing between SIA and Rugby AU, SIA will take the lead in presenting the matter in any hearing.
- 8.1.4. Where the matter is referred to a Judicial Committee or the NST the Player, or other Person concerned shall:
- a) Be notified that the matter has been referred to a Judicial Committee or the NST;

- b) Be provided with relevant reports and documentation in relation to the anti-doping rule violation (including the WADA accredited laboratory documentation package where requested by the Player); and
  - c) Be invited, together with any legal representative he/she may wish to appoint, to attend a hearing before the Judicial Committee or the NST to present relevant material and submissions.
- 8.1.5. The hearing before the Judicial Committee or the NST shall be held without unnecessary delay and shall be expedited where the circumstances warrant it.<sup>28</sup>

## **8.2. Judicial Committees Dealing with Anti-Doping Rule Violations**

- 8.2.1. Rugby AU's CEO shall appoint a panel of individuals comprising specialists with knowledge of doping in sport and the WADA Code (the "Anti-Doping Judicial Panel"). The Anti-Doping Judicial Panel shall comprise of such numbers as Rugby AU's CEO shall think fit.
- 8.2.2. A Judicial Panel, appointed in accordance with Article 8.2.1, to hear cases involving anti-doping rule violations shall ordinarily comprise three members, all of whom shall be independent of Rugby AU. The appointed members shall be selected from the Anti-Doping Judicial Panel and shall comprise:
- a) A senior legal practitioner who shall act as chairman; and
  - b) An experienced medical practitioner; and
  - c) Either a second person from category (a) or (b) above or an ex-Player or current or ex-rugby administrator.
- 8.2.3. If one or more members of the Judicial Committee is/are unable or unwilling, for whatever reason, to hear the case, then Rugby AU may, at its absolute discretion:
- a) Appoint a replacement(s);
  - b) Appoint a new Judicial Committee; or
  - c) Allow the remaining member(s) of the Judicial Committee to hear the case.
- 8.2.4. Judicial Committees shall be entitled to call on experts to provide specialist advice, including legal advice
- 8.2.5. Judicial Committees may request that a Rugby AU representative attend and present information in relation to the anti-doping rule violation.
- 8.2.6. Subject to Article, 8.2.3, Judicial Committees shall have the power to regulate their own procedure, in each case. However, subject to this power to regulate their own procedure Judicial Committees shall conform generally with the procedural guidelines set out below:
- a) As soon as reasonably practicable following the referral of the matter the Judicial Committee chairman, or his or her designee, shall notify the Player, or other Person of the date, place and time of the hearing. The Player, or other Person shall be

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<sup>28</sup> For example, a hearing could be expedited on the eve of a major Event where the resolution of the anti-doping rule violation is necessary to determine the Player's eligibility to participate in the Event, or during an Event where the resolution of the case will affect the validity of a team's results or continued participation in the Event.



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informed that he/she is required to attend the hearing.

- b) A Player, or other Person who is alleged to have committed an anti-doping rule violation shall be entitled to be represented by an official of Rugby AU, Rugby Body/Club, or by legal counsel. Where necessary an independent interpreter shall be present at a hearing of the Judicial Committee.
  - c) In the interests of time and minimising inconvenience a Player, or other Person whose hearing is pending can be required by the Judicial Committee, prior to the hearing, to supply it with full particulars of the case that will be presented on his or behalf at the hearing.
  - d) The Judicial Committee shall have the power to postpone or adjourn proceedings.
  - e) The Judicial Committee shall be entitled to receive such evidence as it thinks fit (including evidence in writing) notwithstanding that evidence may not be legally admissible, and shall be entitled to attach such weight to that evidence as it sees fit.
  - f) Generally, the Judicial Committee shall apply the “best evidence rule”. This means that first-hand accounts from persons present at the hearing as to their observations/knowledge of the alleged anti-doping rule violation in question should be preferred. Hearsay evidence may be accepted. However, caution shall be exercised before hearsay evidence is accepted in preference to first-hand evidence and generally less weight is likely to be given to hearsay evidence. Further, as a general rule, Judicial Committees should not permit the introduction of opinion evidence other than expert opinion evidence. Expert opinion evidence is only likely to be permitted when the evidence falls outside the everyday knowledge of members of the Judicial Committee.
  - g) The Judicial Committee shall be entitled to determine whether witnesses that give evidence are able to remain in the room in which the hearing is being heard after their evidence has been given.
  - h) The Judicial Committee shall endeavour to ensure that proceedings are not heard in the absence of the Player, or other Person subject to the proceedings. However, the non-attendance of a Player, or other Person or his or her representative, after notice of the hearing has been provided, will not prevent the Judicial Committee from proceeding with the hearing in his or her absence. In arriving at its decision, the Judicial Committee may, however, take into account any written statement submitted by the Player, or other Person or his or her representatives.
  - i) At any hearing the Judicial Committee will not be bound by judicial rules governing the procedure or the admissibility of evidence, however, the hearing shall be conducted in a fair manner with a reasonable opportunity for the Player or other Person who is alleged to have committed an anti-doping rule violation to submit evidence, address the Judicial Committee and present his or her case.
  - j) In respect of any hearing in relation to an anti-doping rule violation before a Judicial Committee the following will apply:
    - i. The hearing shall be held in private;
    - ii. Decisions may be made by majority; and
    - iii. The Judicial Committee’s deliberations on its decision shall take place in private.
- 8.2.7. The decision of the Judicial Committee shall be advised to all parties as soon as practicable after the conclusion of the hearing. When it considers it appropriate, the Judicial Committee may deliver a short oral decision at the conclusion of the hearing

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with its reasons to be put in writing and communicated to the parties at a later date, or it may reserve its decision. The decision of the Judicial Committee shall be binding upon notification to the Player, or other Person concerned and/or Rugby AU.

- 8.2.8. In the event that the Judicial Committee establishes that an anti-doping rule violation has been committed, the Judicial Committee shall impose sanctions on the Player, or other Person concerned in accordance with Article 10. The Judicial Committee shall also invalidate other Player awards including forfeiture of any medals and prizes.
- 8.2.9. A Player's or other Person's costs associated with any proceedings before a Judicial Committee dealing with an anti-doping rule violation shall ordinarily be borne by the Player, or other Person, including travel/accommodation costs of the Player or other Person, his or her representatives and his or her witnesses, as well as his or her legal costs.
- 8.2.10. A Judicial Committee dealing with an anti-doping rule violation may, in its discretion, make an award of costs against the Player, or other Person in respect of costs incurred by the Judicial Committee or other costs in relation to the investigation and/or proceedings where a sanction is imposed on the Player or other Person by the Judicial Committee.
- 8.2.11. Notwithstanding the provisions of Articles 8.2.9 and 8.2.10 above, the Judicial Committee shall retain absolute discretion in relation to the awarding of costs associated with the case and may make such order as to costs as it sees fit.
- 8.2.12. Where a Player or other Person is adversely affected by a decision of the Judicial Committee in relation to an anti-doping rule violation, the Player or other Person shall be advised by the Judicial Committee of his or her right to request a review of the decision by a Post-Hearing Review Body.
- 8.2.13. Any deviation or deviations from the procedures set out in this Article 8.2 shall not invalidate any finding or decision of a Judicial Committee unless it was such as to cast real doubt on the reliability of such finding or decision.
- 8.2.14. The minimum requirements for first instance hearings held under the jurisdiction of Rugby AU, Tournament Organisers or Anti-Doping Organisation in relation to alleged anti-doping rule violations are set out in Articles 7.12.1 to 7.13. The procedural guidelines set out in Article 8.2 may also be applied to such first instance hearings.
- 8.2.15. Rugby AU may appoint an Anti-Doping Organisation to act on Rugby AU's behalf in presenting a case before the Judicial Committee or any subsequent appeal body.

### **8.3. Use of Information Arising During Hearings**

- 8.3.1. If, during a hearing, a party to the hearing process implicates a third party in a potential anti-doping rule violation, then SIA (or any other Anti-Doping Organisation) may use any such information that arises as a result of the hearing process without having to first seek the permission of Rugby AU or the parties.

### **8.4. Single Hearing Before CAS**

Cases asserting anti-doping rule violations against International-Level Players or National-Level Players may be heard directly at CAS, with no requirement for a prior hearing, with the consent of the Player, SIA, WADA, and any other Anti-Doping Organization that would have had a right to appeal a first instance hearing decision.

## 9. Automatic Disqualification of Individual Results

An anti-doping rule violation in Individual Sports in connection with an In-Competition test automatically leads to Disqualification of the result obtained in that Competition with all resulting Consequences, including forfeiture of any medals, points and prizes.<sup>29</sup>

## 10. Sanctions on Individuals

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

An anti-doping rule violation occurring during or in connection with an Event may, upon the decision of the ruling body of the Event, lead to Disqualification of all of the Player's individual results obtained in that Event with all Consequences, including forfeiture of all medals, points and prizes, except as provided in Article 10.1.1.

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

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

### 10.2. Ineligibility for Presence, Use or Attempted Use, or Possession of a Prohibited Substance or Prohibited Method

The period of Ineligibility for a violation of Articles 2.1 (Presence), 2.2 (Use or Attempted Use) or 2.6 (Possession) shall be as follows, subject to potential reduction or suspension pursuant to Articles 10.4, 10.5 or 10.6:

- 10.2.1. The period of Ineligibility shall be four years where:
  - 10.2.1.a.1. The anti-doping rule violation does not involve a Specified Substance, unless the Player or other Person can establish that the anti-doping rule violation was not intentional.
  - 10.2.1.a.2. The anti-doping rule violation involves a Specified Substance and Rugby AU (or World Rugby, SIA, Tournament Organiser handling the case as applicable) can establish that the anti-doping rule violation was intentional.
- 10.2.2. If Article 10.2.1 does not apply, the period of Ineligibility shall be two years.
- 10.2.3. As used in Articles 10.2 and 10.3, the term "intentional" is meant to identify those Players who cheat. The term therefore requires that the Player or other Person engaged in conduct which he or she knew constituted an anti-doping rule violation or knew that there was a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk. An anti-doping rule violation resulting from an Adverse Analytical Finding for a substance which is only prohibited In-Competition shall be rebuttably presumed to be not intentional if the

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<sup>29</sup> Any awards received by Players or other Persons will be Disqualified. However, Disqualification of the team will be as provided in Article 11.

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substance is a Specified Substance and the Player can establish that the Prohibited Substance was Used Out-of-Competition. An anti-doping rule violation resulting from an Adverse Analytical Finding for a substance which is only prohibited In- Competition shall not be considered intentional if the substance is not a Specified Substance and the Player can establish that the Prohibited Substance was Used Out-of-Competition in a context unrelated to sport performance.

### 10.3. Ineligibility for Other Anti-Doping Rule Violations

The period of Ineligibility for anti-doping rule violations other than as provided in Article 10.2 shall be as follows, unless Articles 10.5 or 10.6 are applicable:

- 10.3.1. For violations of Article 2.3 (Evading) or Article 2.5 (Tampering), the period of Ineligibility shall be four years unless, in the case of failing to submit to Sample collection, the Player can establish that the commission of the anti-doping rule violation was not intentional (as defined in Article 10.2.3), in which case the period of Ineligibility shall be two years.
- 10.3.2. For violations of Article 2.4, the period of Ineligibility shall be two years, subject to reduction down to a minimum of one year, depending on the Player's degree of Fault. The flexibility between two years and one year of Ineligibility in this Article is not available to Players where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the Player was trying to avoid being available for Testing.
- 10.3.3. For violations of Articles 2.7 (Trafficking) or 2.8 (Administration), the period of Ineligibility shall be a minimum of four years up to lifetime Ineligibility, depending on the seriousness of the violation. An Article 2.7 (Trafficking) or 2.8 (Administration) violation involving a Minor shall be considered a particularly serious violation and, if committed by Player Support Personnel for violations other than for Specified Substances, shall result in lifetime Ineligibility for Player Support Personnel. In addition, significant violations of Articles 2.7 (Trafficking) or 2.8 (Administration) which may also violate non-sporting laws and Articles, shall be reported to the competent administrative, professional or judicial authorities.<sup>30</sup>
- 10.3.4. For violations of Article 2.9 (Complicity), the period of Ineligibility imposed shall be a minimum of two years, up to four years, depending on the seriousness of the violation.
- 10.3.5. For violations of Article 2.10 (Prohibited Association), the period of Ineligibility shall be two years, subject to reduction down to a minimum of one year, depending on the Player or other Person's degree of Fault and other circumstances of the case.<sup>31</sup>

### 10.4. Elimination of the Period of Ineligibility where there is No Fault or Negligence

If a Player or other Person establishes in an individual case that he or she bears No Fault or Negligence, then the otherwise applicable period of Ineligibility shall be eliminated.<sup>32</sup>

<sup>30</sup> Those who are involved in doping Players or covering up doping should be subject to sanctions which are more severe than the Players who test positive. Since the authority of sport organisations is generally limited to Ineligibility for accreditation, membership and other sport benefits, reporting Player Support Personnel to competent authorities is an important step in the deterrence of doping

<sup>31</sup> Where the "other Person" referenced in Article 2.10 (Prohibited Association) is an entity and not an individual, that entity may be disciplined as provided in World Rugby Regulation 12 and/or World Rugby Regulation 18.

<sup>32</sup> This Regulation and Article 10.5.2 apply only to the imposition of sanctions; they are not applicable to the determination of whether an anti-doping rule violation has occurred. They will only apply in exceptional circumstances, for example where a Player could prove that, despite all due care, was sabotaged by a competitor. Conversely, No Fault or Negligence would not apply in the following circumstances: (a) a positive test resulting from a mislabelled or contaminated vitamin or nutritional supplement (Players are responsible for what they ingest (Article 2.1) and have been warned against the possibility of supplement contamination); (b) the Administration of a Prohibited Substance by the Player's personal physician or trainer without disclosure to the Player (Players

## **10.5. Reduction of the Period of Ineligibility based on No Significant Fault or Negligence**

10.5.1. Reduction of Sanctions for Specified Substances or Contaminated Products for Violations of Articles 2.1 (Presence), 2.2 (Use or Attempted Use) or 2.6 (Possession).

### 10.5.1.a.1. Specified Substances

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

### 10.5.1.a.2. Contaminated Products

In cases where the Player or other Person can establish No Significant Fault or Negligence and that the detected Prohibited Substance came from a Contaminated Product, then the period of Ineligibility shall be, at a minimum, a reprimand and no period of Ineligibility, and at a maximum, two years Ineligibility, depending on the Player's or other Person's degree of Fault.<sup>33</sup>

10.5.2. Application of No Significant Fault or Negligence beyond the Application of Article 10.5.1

If a Player or other Person establishes in an individual case where Article 10.5.1 is not applicable that he or she bears No Significant Fault or Negligence, then, subject to further reduction or elimination as provided in Article 10.6, the otherwise applicable period of Ineligibility may be reduced based on the Player or other Person's degree of Fault, but the reduced period of Ineligibility may not be less than one-half of the period of Ineligibility otherwise applicable. If the otherwise applicable period of Ineligibility is a lifetime, the reduced period under this Article may be no less than eight years.<sup>34</sup>

## **10.6. Elimination, Reduction, or Suspension of Period of Ineligibility or other Consequences for Reasons Other than Fault**

10.6.1. Substantial Assistance in Discovering or Establishing Anti-Doping Rule Violations

10.6.1.a.1. Rugby AU (or World Rugby, SIA, Tournament Organiser handling the case as applicable) may, prior to a final appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the period of Ineligibility imposed in an individual case in which it has results management authority where the Player or other Person has provided Substantial Assistance to an Anti-Doping Organisation, criminal authority or professional disciplinary body which results in: (i) the Anti-Doping Organisation discovering or bringing forward an anti-doping rule violation by another Person, or (ii) which results in

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are responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any Prohibited Substance); and (c) sabotage of the Player's food or drink by a spouse, coach or other Person within the Player's circle of associates (Players are responsible for what they ingest and for the conduct of those Persons to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction under Article 10.5 based on No Significant Fault or Negligence.

<sup>33</sup> In assessing that Player's degree of Fault, it would, for example, be favourable for the Player if the Player had declared the product which was subsequently determined to be contaminated on his or her Doping Control form.

<sup>34</sup> Article 10.5.2 may be applied to any anti-doping rule violation except those Regulations where intent is an element of the anti-doping rule violation (e.g., Regulations 2.1.5 (Tampering or Attempted Tampering), 2.7 (Trafficking), 2.8 (Administration) or 2.1.9 (Complicity)) or an element of a particular sanction (e.g., Article 10.2.1 (Use)) or a range of Ineligibility is already provided in a Regulation based on the Player or other Person's degree of Fault.

a criminal or disciplinary body discovering or bringing forward a criminal offense or the breach of professional rules committed by another Person and the information provided by the Person providing Substantial Assistance is made available to Rugby AU (or World Rugby, SIA, Tournament Organiser handling the case as applicable).

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

10.6.1.a.2. To further encourage Players and other Persons to provide Substantial Assistance to Anti-Doping Organisations, at the request of Rugby AU (or World Rugby SIA, Tournament Organiser handling the case as applicable) or at the request of the Player or other Person who has (or has been asserted to have) committed an anti-doping rule violation, WADA may agree at any stage of the results management process, including after a final appellate decision under Article 13, to what it considers to be an appropriate suspension of the otherwise-applicable period of Ineligibility and other Consequences. In exceptional circumstances, WADA may agree to suspensions of the period of Ineligibility and other Consequences for Substantial Assistance greater than those otherwise provided in this Article, or even no period of Ineligibility, and/or no return of prize money or payment of fines or costs. WADA's approval shall be subject to reinstatement of sanction, as otherwise provided in this Article. Notwithstanding Article 13, WADA's decisions in the context of this Article may not be appealed by any other Anti-Doping Organisation.

10.6.1.a.3. If Rugby AU (or World Rugby, SIA, Tournament Organiser handling the case as applicable) suspends any part of an otherwise applicable sanction because of Substantial Assistance, then notice providing justification for the decision shall be provided to the other Anti-Doping Organisations with a right to appeal under Article 13.2.3 as provided in Article 14.2. In unique circumstances where WADA determines that it would be in the best interest of anti-doping, WADA may authorise Rugby AU (or World Rugby, SIA, Tournament Organiser handling the case as applicable) to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the Substantial Assistance agreement or the nature of Substantial Assistance being provided.<sup>35</sup>

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

<sup>35</sup> The cooperation of Players, Player Support Personnel and other Persons who acknowledge their mistakes and are willing to bring other anti-doping rule violations to light is important to clean sport. This is the only circumstance under the Code where the suspension of an otherwise applicable period of Ineligibility is authorised.

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Where a Player or other Person voluntarily admits the commission of an anti-doping rule violation before having received notice of a Sample collection which could establish an anti-doping rule violation (or, in the case of an anti-doping rule violation other than Article 2.1, before receiving first notice of the admitted violation pursuant to Article 7) and that admission is the only reliable evidence of the violation at the time of admission, then the period of Ineligibility may be reduced, but not below one-half of the period of Ineligibility otherwise applicable.<sup>36</sup>

### 10.6.3. Prompt Admission of an Anti-Doping Rule Violation after being Confronted with a Violation Sanctionable under Article 10.2.1 or Article 10.3.1

A Player or other Person potentially subject to a four-year sanction under Article 10.2.1 or 10.3.1 (for evading or refusing Sample Collection or Tampering with Sample Collection), by promptly admitting the asserted anti-doping rule violation after being confronted by Rugby AU (or World Rugby, SIA, Tournament Organiser handling the case as applicable), and also upon the approval and at the discretion of both WADA and Rugby AU (or World Rugby, SIA, Tournament Organiser handling the case as applicable), may receive a reduction in the period of Ineligibility down to a minimum of two years, depending on the seriousness of the violation and the Player or other Person's degree of Fault.

### 10.6.4. Application of Multiple Grounds for Reduction of a Sanction

Where a Player or other Person establishes entitlement to reduction in sanction under more than one provision of Article 10.4, 10.5 or 10.6, before applying any reduction or suspension under Article 10.6, the otherwise applicable period of Ineligibility shall be determined in accordance with Article 10.2, 10.3, 10.4, and 10.5. If the Player or other Person establishes entitlement to a reduction or suspension of the period of Ineligibility under Article 10.6, then the period of Ineligibility may be reduced or suspended, but not below one-fourth of the otherwise applicable period of Ineligibility.<sup>37</sup>

### 10.6.5. Lower Level Players

Where a Lower-Level Player commits an anti-doping rule violation (other than a violation of Articles 2.1, 2.3, 2.5), the SIA CEO may, depending on the Lower-Level Player's degree of Fault and other circumstances of the case, recommend a sanction ranging from a reprimand and compulsory anti-doping education, through to the maximum period of ineligibility that may be imposed for the violation.

Where a Lower-Level Player commits a violation of one or more of Articles 2.1, 2.3 and 2.5, this anti-doping policy applies in the same way as it does to a National-Level Player or an International-Level Player who commits one of those violations.

## 10.7. Multiple Violations

10.7.1. For a Player or other Person's second anti-doping rule violation, the period of Ineligibility shall be the greater of:

- a) six months;

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<sup>36</sup> This Regulation is intended to apply when a Player or other Person comes forward and admits to an anti-doping rule violation in circumstances where no Anti-Doping Organisation is aware that an anti-doping rule violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the Player or other Person believes he or she is about to be caught. The amount by which Ineligibility is reduced should be based on the likelihood that the Player or other Person would have been caught had he/she not come forward voluntarily.

<sup>37</sup> The appropriate sanction is determined in a sequence of four steps. First, the hearing panel determines which of the basic sanctions (Regulations 10.2, 10.3, 10.4, or 10.5) apply to the particular anti-doping rule violation. Second, if the basic sanction provides for a range of sanctions, the hearing panel must determine the applicable sanction within that range according to the Player or other Person's degree of Fault. In a third step, the hearing panel establishes whether there is a basis for elimination, suspension, or reduction of the sanction (Article 10.6). Finally, the hearing panel decides on the commencement of the period of Ineligibility under Article 10.11. Several examples of how Article 10 is to be applied are found in Appendix 2 to the Code.

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

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

- 10.7.2. A third anti-doping rule violation will always result in a lifetime period of Ineligibility, except if the third violation fulfils the condition for elimination or reduction of the period of Ineligibility under Article 10.4 or 10.5, or involves a violation of Article 2.4. In these particular cases, the period of Ineligibility shall be from eight years to lifetime Ineligibility.
- 10.7.3. An anti-doping rule violation for which a Player or other Person has established No Fault or Negligence shall not be considered a violation for purposes of this Article.
- 10.7.4. Additional Rules for Certain Potential Multiple Violations
  - 10.7.4.a.1. For purposes of imposing sanctions under Article 10.7, an anti-doping rule violation will only be considered a second violation if Rugby AU (or World Rugby, SIA, Tournament Organiser handling the case as applicable) can establish that the Player or other Person committed the second anti-doping rule violation after the Player or other Person received notice pursuant to Article 7, or after Rugby AU (or World Rugby, SIA, Tournament Organiser handling the case as applicable) made reasonable efforts to give notice of the first anti-doping rule violation. If Rugby AU (or World Rugby, SIA, Tournament Organiser handling the case as applicable) cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction.
  - 10.7.4.a.2. If, after the imposition of a sanction for a first anti-doping rule violation, Rugby AU (or World Rugby, SIA, Tournament Organiser handling the case as applicable) discovers facts involving an anti-doping rule violation by the Player or other Person which occurred prior to notification regarding the first violation, then Rugby AU (or World Rugby, SIA, Tournament Organiser handling the case as applicable) shall impose an additional sanction based on the sanction that could have been imposed if the two violations had been adjudicated at the same time. Results in all Competitions dating back to the earlier anti-doping rule violation will be Disqualified as provided in Article 10.8.

### 10.7.5. Multiple Anti-Doping Rule Violations during Ten-Year Period

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

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

In addition to the automatic Disqualification of the results in the Competition which produced the positive Sample under Article 9, all other competitive results of the Player obtained from the date a positive Sample was collected (whether In-Competition or Out-of-Competition), or other anti-doping rule violation occurred, through the commencement of any Provisional Suspension or Ineligibility period, shall, unless fairness requires otherwise, be Disqualified with all of the resulting



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Consequences including forfeiture of any medals, points and prizes.<sup>38</sup>

## **10.9. Allocation of CAS Cost Awards and Forfeited Prize Money**

The priority for repayment of CAS cost awards and forfeited prize money shall be: first, payment of costs awarded by CAS; and second, reimbursement of the expenses of Rugby AU (or World Rugby, SIA, Tournament Organiser handling the case as applicable).

## **10.10. Financial Consequences**

Where a Player or other Person commits an anti-doping rule violation, Rugby AU (or World Rugby, SIA, Tournament Organiser handling the case as applicable) may, in its discretion and subject to the principle of proportionality, elect to recover from the Player or other Person costs associated with the anti-doping rule violation, regardless of the period of Ineligibility imposed. The recovery of costs shall not be considered a basis for reducing the Ineligibility or other sanction which would otherwise be applicable under this Code or the WADA Code.

## **10.11. Commencement of Ineligibility Period**

Except as provided below, the period of Ineligibility shall start on the date of the final hearing decision providing for Ineligibility or, if the hearing is waived or there is no hearing, on the date Ineligibility is accepted or otherwise imposed.

### **10.11.1. Delays Not Attributable to the Player or other Person**

Where there have been substantial delays in the hearing process or other aspects of Doping Control not attributable to the Player or other Person, Rugby AU (or World Rugby, SIA, Tournament Organiser handling the case as applicable) may start the period of Ineligibility at an earlier date commencing as early as the date of Sample collection or the date on which another anti-doping rule violation last occurred. All competitive results achieved during the period of Ineligibility, including retroactive Ineligibility, shall be Disqualified.<sup>39</sup>

### **10.11.2. Timely Admission**

Where the Player or other Person promptly (which, in all events, for a Player means before the Player competes again) admits the anti-doping rule violation after being confronted with the anti-doping rule violation by Rugby AU (or World Rugby, SIA, Tournament Organiser handling the case as applicable), the period of Ineligibility may start as early as the date of Sample collection or the date on which another anti-doping rule violation last occurred. In each case, however, where this Article is applied, the Player or other Person shall serve at least one-half of the period of Ineligibility going forward from the date the Player or other Person accepted the imposition of a sanction, the date of a hearing decision imposing a sanction, or the date the sanction is otherwise imposed. This Article shall not apply where the period of Ineligibility has already been reduced under Article 10.6.3.

### **10.11.3. Credit for Provisional Suspension or Period of Ineligibility Served**

10.11.3.a.1. If a Provisional Suspension is imposed and respected by the Player or other Person, then the Player or other Person shall receive a credit for such period of Provisional Suspension against any period of Ineligibility which may ultimately be imposed. If a period of Ineligibility is served pursuant to a decision that is subsequently appealed, then the Player or other Person shall

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<sup>38</sup> Nothing in this Code precludes clean players or other Persons who have been damaged by the actions of a Person who has committed an anti-doping rule violation from pursuing any right which they would otherwise have to seek damages from such Person.

<sup>39</sup> In cases of anti-doping rule violations other than under Regulation 10.2.1, the time required for an Anti-Doping Organisation to discover and develop facts sufficient to establish an anti-doping rule violation may be lengthy, particularly where the Player or other Person has taken affirmative action to avoid detection. In these circumstances, the flexibility provided in this Regulation to start the sanction at an earlier date should not be used.

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receive a credit for such period of Ineligibility served against any period of Ineligibility which may ultimately be imposed on appeal.

10.11.3.a.2. If a Player or other Person voluntarily accepts a Provisional Suspension in writing from Rugby AU (or World Rugby, SIA, Tournament Organiser handling the case as applicable) and thereafter respects the Provisional Suspension, the Player or other Person shall receive a credit for such period of voluntary Provisional Suspension against any period of Ineligibility which may ultimately be imposed. A copy of the Player or other Person's voluntary acceptance of a Provisional Suspension shall be provided promptly to each party entitled to receive notice of an asserted anti-doping rule violation under Article 14.1.<sup>40</sup>

10.11.3.a.3. No credit against a period of Ineligibility shall be given for any time period before the effective date of the Provisional Suspension or voluntary Provisional Suspension regardless of whether the Player elected not to compete or was suspended by his or her team.

10.11.3.a.4. In Team Sports, where a period of Ineligibility is imposed upon a team, unless fairness requires otherwise, the period of Ineligibility shall start on the date of the final hearing decision providing for Ineligibility or, if the hearing is waived, on the date Ineligibility is accepted or otherwise imposed. Any period of team Provisional Suspension (whether imposed or voluntarily accepted) shall be credited against the total period of Ineligibility to be served.<sup>41</sup>

## 10.12. Status During Ineligibility

### 10.12.1. Prohibition Against Participation During Ineligibility

No Player or other Person who has been declared Ineligible may, during the period of Ineligibility, participate in any capacity in a Competition or activity (other than authorized anti-doping education or rehabilitation programmes) authorised or organised by Rugby AU, World Rugby or any Member Union, Association or a Club, Rugby Body or other member organisation of World Rugby or any Association or Member Union, or in Competitions authorised or organised by any professional league or any international- or national-level Event organisation or any elite or national-level sporting activity funded by a governmental agency.

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

A Player or other Person subject to a period of Ineligibility shall remain subject to Testing.<sup>42</sup>

### 10.12.2. Return to Training

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<sup>40</sup> A Player's voluntary acceptance of a Provisional Suspension is not an admission by the Player and shall not be used in any way as to draw an adverse inference against the Player.

<sup>41</sup> Article 10.11 makes clear that delays not attributable to the Player, timely admission by the Player and Provisional Suspension are the only justifications for starting the period of Ineligibility earlier than the date of the final hearing decision.

<sup>42</sup> For example, subject to Article 10.12.2, an Ineligible Player cannot participate in a training camp, exhibition or practice organised by Rugby AU or Club, Rugby Body or any entity which is a member of that National Federation or which is funded by a governmental agency. Further, an Ineligible Player may not compete in a non-Signatory professional league (e.g., the National Hockey League, the National Basketball Association, the National Football League etc.), Events organised by a non-Signatory International Event organisation or a non-Signatory national-level event organisation without triggering the Consequences set forth in Article 10.12.3. The term "activity" also includes, for example, administrative activities, such as serving as an official, director, officer, employee, or volunteer of the organisation described in this Regulation. Ineligibility imposed in one sport shall also be recognised by other sports (see Article 15.1, Mutual Recognition).

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As an exception to Article 10.12.1, a Player may return to train with a team or to use the facilities of a Union, Club, Rugby Body or other member organisation of World Rugby, an Association or a Union during the shorter of: (1) the last two months of the Player's period of Ineligibility, or (2) the last one-quarter of the period of Ineligibility imposed.<sup>43</sup>

### 10.12.3. Violation of the Prohibition of Participation During Ineligibility

Where a Player or other Person who has been declared Ineligible violates the prohibition against participation during Ineligibility described in Article 10.12.1, the results of such participation shall be Disqualified and a new period of Ineligibility equal in length up to the original period of Ineligibility shall be added to the end of the original period of Ineligibility. The new period of Ineligibility may be adjusted based on the Player or other Person's degree of Fault and other circumstances of the case. The determination of whether a Player or other Person has violated the prohibition against participation, and whether an adjustment is appropriate, shall be made by Rugby AU (or World Rugby, Tournament Organiser handling the case as applicable). This decision may be appealed under Article 13.

Where a Player Support Person or other Person assists a Person in violating the prohibition against participation during Ineligibility, Rugby AU (or World Rugby, Tournament Organiser handling the case as applicable) shall impose sanctions for a violation of Article 2.9 (Complicity) for such assistance.

### 10.12.4. Withholding of Financial Support during Ineligibility

In addition, for any anti-doping rule violation not involving a reduced sanction as described in Article 10.4 or Article 10.5, some or all sport-related financial support or other sport-related benefits received by such Person will be withheld by Rugby AU (or World Rugby and Member Unions).

## 10.13. Automatic Publication of Sanction

A mandatory part of each sanction shall include automatic publication, as provided in Article 14.3.<sup>44</sup>

## 11. Consequences to Teams

### 11.1. Testing of Team Sports

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

### 11.2. Consequences for Team Sports

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

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<sup>43</sup> In many Team Sports and some individual sports, a Player cannot effectively train on his/her own so as to be ready to compete at the end of the Player's period of Ineligibility. During the training period described in this Regulation, an Ineligible Player may not compete or engage in any activity described in Article 10.12.1 other than training.

<sup>44</sup> Harmonisation of sanctions has been one of the most discussed and debated areas of anti-doping. Harmonisation means that the same rules and criteria are applied to assess the unique facts of each case. Arguments against requiring harmonisation of sanctions are based on differences between sports including, for example, the following: in some sports the Players are professionals making a sizable income from the sport and in others the Players are true amateurs; in those sports where a Player's career is short, a standard period of Ineligibility has a much more significant effect on the Player than in sports where careers are traditionally much longer. A primary argument in favour of harmonisation is that it is simply not right that two Players from the same country who test positive for the same Prohibited Substance under similar circumstances should receive different sanctions only because they participate in different sports. In addition, flexibility in sanctioning has often been viewed as an unacceptable opportunity for some sporting organisations to be more lenient with dopers. The lack of harmonisation of sanctions has also frequently been the source of jurisdictional conflicts between World Rugby and National Anti-Doping Organisations.

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sanction) in addition to any Consequences imposed upon the individual Players committing the anti-doping rule violation.

### **11.3. Event Ruling Body May Establish Stricter Consequences for Team Sports**

The ruling body for an Event may elect to establish rules for the Event which impose Consequences for Team Sports stricter than those in Article 11.2 for purposes of the Event.<sup>45</sup>

## **12. Sanctions and Costs Assessed Against Rugby AU**

**12.1.** World Rugby has the authority to withhold some or all funding or other non-financial support to Rugby AU if it is not in compliance with this Code and/or in order to meet the amounts of any fine pursuant to Article 12.2 which have not been paid by Rugby AU within the time period stipulated by World Rugby and/or Judicial Officer or Judicial Committee, as applicable. Similarly, World Rugby may withhold from Rugby AU any amount not paid by the Player or other Person pursuant to Article 10.10 and Rugby AU may seek this amount in turn from the Player or other Person under its direct jurisdiction.

**12.2.** Where Rugby AU fails to make diligent efforts to keep World Rugby informed about a Player's whereabouts after receiving a request for that information from World Rugby and/or fails to submit Therapeutic Use Exemption requests at least 30 days, or such other time as stipulated by World Rugby, in advance of a competition without reasonable excuse, World Rugby may impose a fine administratively upon Rugby AU in an amount up to £500 pounds sterling per Player in addition, in any case, to meeting all of World Rugby's costs incurred in unsuccessfully attempting to test Rugby AU's Players. Notwithstanding the foregoing, in the event that the failures by Rugby AU are such that World Rugby seeks to impose a fine in an amount above £500 pounds sterling per Player pursuant to this Article 12.2 it may do so pursuant to an order of a Judicial Officer or Judicial Committee following disciplinary action against Rugby AU under World Rugby Regulation 18.

**12.3.** Notwithstanding Articles 12.1 and 12.2 above, World Rugby may instigate an investigation into the compliance of Rugby AU with this Code which Rugby AU shall facilitate. As a result of such investigation World Rugby may direct Rugby AU to take certain action to bring itself into compliance with this Anti-Doping Code. A failure by Rugby AU to comply with such direction(s) within the stipulated period may give rise to disciplinary action which shall be dealt with pursuant to World Rugby Regulation 18.

**12.4.** SIA may request Sport Australia (Australian Sports Commission), the Australian Olympic Committee or Commonwealth Games Australia to take additional disciplinary action against a sporting administration body with respect to recognition, the eligibility of its officials and Players to participate in International Events, and fines based on the following:

12.4.1. Four or more violations of this Anti-Doping Policy (other than violations involving Article 2.4) are committed by Players or other Persons affiliated with the sporting administration body within a 12-month period.

12.4.2. More than one Player or other Person from the sporting administration body commits an anti-doping rule violation during an International Event.

12.4.3. The sporting administration body has failed to make diligent efforts to keep SIA informed about a player's whereabouts after receiving a request for that information from SIA.

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<sup>45</sup> For example, the International Olympic Committee could establish rules which would require Disqualification of a team from the Olympic Games based on a lesser number of anti-doping rule violations during the period of the Games.

## 13. Appeals and Post-Hearing Reviews

### 13.1. Decisions Subject to Appeal

Decisions made under this Code may be appealed as set forth below in Article 13.2 through Article 13.7 or as otherwise provided in this Code, the WADA Code or the International Standards. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, the post-decision review procedure provided in Article 13.8 must be exhausted, provided that such review respects the principles set forth in Article 13.2.2 below (except as provided in Article 13.1.3).

#### 13.1.1. Scope of Review Not Limited

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

#### 13.1.2. The NST or CAS Shall Not Defer to the Findings Being Appealed

In making its decision, the NST or CAS need not give deference to the discretion exercised by the body whose decision is being appealed.<sup>46</sup>

#### 13.1.3. WADA Not Required to Exhaust Internal Remedies

Where WADA has a right to appeal under Article 13 and no other party has appealed a final decision within World Rugby's process, WADA may appeal such decision directly to CAS without having to exhaust other remedies in World Rugby's process.<sup>47</sup>

### 13.2. Appeals from Decisions Regarding Anti-Doping Rule Violations, Consequences, Provisional Suspensions, Recognition of Decisions and Jurisdiction

A decision that an anti-doping rule violation was committed, a decision imposing Consequences or not imposing Consequences for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed; a decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription); a decision by WADA not to grant an exception to the six months' notice requirement for a retired Player to return to Competition under Article 5.7.1; a decision by WADA assigning results management under Article 7.1 of the WADA Code; a decision by Rugby AU or World Rugby not to bring forward an Adverse Analytical Finding or an Atypical Finding as an anti-doping rule violation, or a decision not to go forward with an anti-doping rule violation after an investigation under Article 7.7; a decision to impose a Provisional Suspension as a result of a Provisional Hearing; a failure by Rugby AU, World Rugby, or Tournament Organiser to comply with Article 7.9; a decision that Rugby AU or World Rugby, lacks jurisdiction to rule on an alleged anti-doping rule violation or its Consequences; a decision to suspend, or not suspend, a period of Ineligibility or to reinstate, or not reinstate, a suspended period of Ineligibility under Article 10.6.1; a decision under Article 10.12.3; and a decision by Rugby AU, World Rugby, Union, or Tournament Organiser not to recognise another Anti-Doping Organisation's decision under Article 15, may be appealed exclusively as provided in Articles 13.2 to 13.7.

#### 13.2.1. Appeals Involving International-Level Players or International Events

In cases arising from participation in an International Event or in cases involving International-Level Players, the decision may be appealed exclusively to CAS.<sup>48</sup>

<sup>46</sup> CAS proceedings are de novo. Prior proceedings do not limit the evidence or carry weight in the hearing before CAS.

<sup>47</sup> Where a decision has been rendered before the final stage of World Rugby's process (for example, a first hearing) and no party elects to submit that decision to a post-hearing review, then WADA may bypass the remaining steps in World Rugby's internal process and appeal directly to CAS.

<sup>48</sup> CAS decisions are final and binding except for any review required by law applicable to the annulment or enforcement of arbitral

### 13.2.2. Appeals Involving Other Players or Other Persons

In cases where Article 13.2.1 is not applicable, the decision may be appealed initially to the Appeals Division of the NST in accordance with the process set out in the NST Act and instruments made under it. Decisions from the Appeals Division of the NST may be appealed to the Appeals Division of CAS in accordance with the provisions applicable before such court. The rules for such appeal shall respect the following principles: a timely hearing; a fair and impartial hearing panel; the right to be represented by counsel at the Person's own expense; and a timely, written, reasoned decision.

### 13.2.3. Persons Entitled to Appeal

In cases under Article 13.2.1, the following parties shall have the right to appeal to CAS: (a) the Player 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) World Rugby; (d) SIA; (e) 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 (f) WADA.

In cases under Article 13.2.2, the parties having the right to appeal to the NST and CAS at a minimum, shall include the following parties: (a) the Player 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) World Rugby; (d) SIA; (e) 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 (f) WADA. For cases under Article 13.2.2, WADA, the International Olympic Committee, the International Paralympic Committee, and World Rugby shall also have the right to appeal to CAS with respect to the decision of the national-level appeal body. Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the Anti-Doping Organisation whose decision is being appealed and the information shall be provided if CAS so directs.

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

### 13.2.4. Cross Appeals and other Subsequent Appeals Allowed

Cross appeals and other subsequent appeals by any respondent named in cases brought to CAS under the WADA Code are specifically permitted. Any party with a right to appeal under this Article 13 must file a cross appeal or subsequent appeal at the latest with the party's answer.<sup>49</sup>

## 13.3. Failure to Render a Timely Decision

13.3.1. Where, in a particular case, World Rugby fails to render a decision with respect to whether an anti-doping rule violation was committed within a reasonable deadline set by WADA, WADA may elect to appeal directly to CAS as if Rugby AU or World Rugby had rendered a decision finding no anti-doping rule violation. If the CAS hearing panel determines that an anti-doping rule violation was committed and that WADA acted reasonably in electing to appeal directly to CAS, then WADA's costs and attorney fees in prosecuting the appeal shall be reimbursed to WADA by World Rugby.<sup>50</sup>

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awards.

<sup>49</sup> This provision is necessary because since 2011, CAS rules no longer permit a Player the right to cross appeal when an Anti-Doping Organisation appeals a decision after the Player's time for appeal has expired. This provision permits a full hearing for all parties.

<sup>50</sup> Given the different circumstances of each anti-doping rule violation investigation and results management process, it is not feasible

13.3.2. Where, in a particular case, Rugby AU, Association or Tournament Organiser fails to render a decision with respect to whether an anti-doping rule violation was committed within three months (save where World Rugby has determined there are exceptional circumstances), World Rugby may elect to bring the case directly before a Board Judicial Committee at the expense of Rugby AU, Association or Tournament Organiser concerned. As a minimum requirement decisions by Rugby AU, Associations or Tournament Organisers in relation to anti-doping rule violations shall be subject to a post-hearing review process substantially in compliance with the process set out in Article 13.8. Thereafter the appeal procedures set out in Articles 13.1 to 13.7 may be applied.

## **13.4. Appeals Relating to TUEs**

TUE decisions may be appealed exclusively as provided in Article 4.4.

## **13.5. Notification of Appeal Decisions**

Any Anti-Doping Organisation that is a party to an appeal shall promptly provide the appeal decision to the Player or other Person and to the other Anti-Doping Organisations that would have been entitled to appeal under Article 13.2.3 as provided under Article 14.2.

## **13.6. Appeal from Decisions Pursuant to Article 12**

Decisions by World Rugby pursuant to Article 12 may be appealed exclusively to CAS by Rugby AU (subject to submission of the matter to the post-hearing review procedures set out in Article 13.8).

## **13.7. Time for Filing Appeals**

### **13.7.1. Appeals to CAS or to the Appeals Division of the NST**

The time to file an appeal shall be 21 days from the date of receipt of the written decision by the appealing party. Save for in the case of an appeal directly to CAS by WADA from a first-instance decision, the decision for this purpose shall refer to the decision of the post-hearing review body pursuant to Article 13.8. The above notwithstanding, the following shall apply in connection with appeals filed by a party entitled to appeal, but which was not a party to the proceedings that led to the decision being appealed:

- a) Within 15 days from notice of the decision, such party/ies shall have the right to request a copy of the case file from the body that issued the decision;
- b) If such a request is made within the 15-day period, then the party making such request shall have twenty-one days from receipt of the file to file an appeal to CAS or to the Appeals Division of the NST.

The above notwithstanding, the filing deadline for an appeal filed by WADA shall be the later of:

- a) 21 days after the last day on which any other party in the case could have appealed; or
- b) 21 days after WADA's receipt of the complete file relating to the decision.

### **13.7.2. Appeals Under Article 13.2.2**

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to establish a fixed time period for World Rugby to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with World Rugby and give World Rugby an opportunity to explain why it has not yet rendered a decision.

The time to file an appeal to an independent and impartial body established at national (or Association) level shall be 21 days from the date that the written decision was sent to the appealing party.

The above notwithstanding, the filing deadline for an appeal or intervention filed by WADA shall be the later of:

- c) 21 days after the last day on which any other party in the case could have appealed, or
- d) 21 days after WADA's receipt of the complete file relating to the decision.

## **13.8. Post-Hearing Review Procedure**

### **Referrals to Rugby AU Post-Hearing Review Body**

- 13.8.1. A Player or other Person who has been found by a Judicial Committee to have committed an anti-doping rule violation shall be entitled to have the finding and/or sanction referred to the Post-Hearing Review Body. In circumstances where the Player has been subject to a period of Ineligibility then pending the decision of the Post-Hearing Review Body, the Player or other Person shall not be entitled to participate in the Game or in any activities, such participation includes but is not limited to coaching, officiating, selection, Team management, administration or promotion of the Game, playing, training as part of a Team or squad, or involvement in the Game in any other capacity in any Union. Rugby AU, World Rugby or SIA, as applicable, shall also be entitled to refer a case dealt with by a Judicial Committee to the Post-Hearing Review Body whether the Player or other Person in the case concerned has been found to have committed an anti-doping rule violation or otherwise.
- 13.8.2. Subject to Article 25.1 in the case of World Rugby, a referral to the Post-Hearing Review Body must be made within seven days from the date of notification of the decision of the Judicial Committee. A notice of review signed by the party seeking review must be lodged with the Anti-Doping Manager within seven days from the date of notification to the Player or other Person of the decision of the Judicial Committee and shall specify:
- a) The name of the party seeking the review;
  - b) The decision to be the subject of the review;
  - c) The date of the decision; and
  - d) The specific grounds for the referral request. Except as provided, no specific form of a notice of review is required.
- 13.8.3. The Post-Hearing Review Body shall be made up of three members all of whom shall have knowledge of doping in sport and the WADA Code, and shall ordinarily comprise:
- a) A senior legal practitioner who shall act as chairman;
  - b) An experienced medical practitioner; and
  - c) Either a second person from category (a) or (b) above or an ex-Player or rugby administrator.
- 13.8.4. If one or more members of the Post-Hearing Review Body is/are unable or unwilling, for whatever reason, to conduct the review, then World Rugby may in its absolute discretion:



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- a) Appoint a replacement(s);
  - b) Appoint a new Post-Hearing Review Body; or
  - c) Allow the remaining member(s) of the Post-Hearing Review Body to conduct the review.
- 13.8.5. The Post-Hearing Review Body shall determine the basis upon which any review will proceed. It may, however, in its discretion rehear the whole or any part of the evidence given before the Judicial Committee as it considers appropriate. Pending the decision of the Post-Hearing Review Body the decision of the Judicial Committee remains in full force and effect.
- 13.8.6. Where any question of fact arises on any review before the Post-Hearing Review Body it may be determined by reference to the record of proceedings before the Judicial Committee. However, the Post-Hearing Review Body, in its discretion, may rehear or receive written evidence in respect of the whole or any part of the evidence given before the Judicial Committee as it considers appropriate.
- 13.8.7. The Post-Hearing Review Body shall have the power to conduct and regulate the review proceedings as it sees fit having regard to the circumstances of the case. Although the Post-Hearing Review Body is entitled to regulate its own procedure it shall conform to the procedures stated in these Anti-Doping Articles and with the procedural guidelines set out below:
- a) The review shall be conducted in a timely fashion;
  - b) The parties shall have the right to be represented by counsel at their own expense; and
  - c) The decision shall be timely, written and reasoned.
- 13.8.8. Post-Hearing Review Body shall be entitled to call on experts to provide specialist advice, including legal advice.
- 13.8.9. The Post-Hearing Review Body shall have full discretionary power to hear and receive such further evidence as it thinks fit, provided it is established by the party wishing to lead such new evidence that such evidence was not, on reasonable enquiry, available at the time of the original hearing.
- 13.8.10. In any case where a witness required by the Post-Hearing Review Body refuses or fails to attend before the Post-Hearing Review Body, the Post-Hearing Review Body may decide whether or not to allow the evidence of that witness to be given in any other form.
- 13.8.11. Save where the Post-Hearing Review Body decides to hear the entire case de novo (in which circumstances the applicable first instance standards and burdens shall apply), the party seeking review shall have the burden of proving that the decision being challenged should be overturned or varied.
- 13.8.12. The Post-Hearing Review Body may request that a Board representative attend the hearing before the Post-Hearing Review Body.
- 13.8.13. The decision of the Post-Hearing Review Body shall be advised to the parties as soon as practicable after the conclusion of the hearing. When it considers it appropriate, the Post-Hearing Review Body may deliver a short oral decision at the conclusion of the hearing with its reasons to be put in writing and communicated to the parties at a later date, or it may reserve its decision.

13.8.14. Costs associated with any proceedings before the Post-Hearing Review Body shall, ordinarily, be borne by the party seeking review. The Post-Hearing Review Body shall, however, have full discretion in relation to the costs of Post-Hearing Review Body proceedings and may order any party or parties to pay some or all of the costs of proceedings under this Article 13.8 including the cost of holding the review, the cost of any interpreters and/or the legal and/or travel/accommodation costs of the members of the Post-Hearing Review Body and/or the parties.

13.8.15. In exercising its jurisdiction the Post-Hearing Review Body shall have power to quash, suspend, vary or increase the decisions and/or sanction reviewed, subject always to the provisions of Article 10.

### **Rugby AU, SIA Post-Hearing Review Procedures**

13.8.15.a.1. Rugby AU and SIA must ensure that as a minimum requirement the parties having the right to refer a case to the post-hearing review body of Rugby AU or SIA (as the case may be) shall include the Player or other Person subject to the decision being reviewed, Rugby AU or SIA (as the case may be), World Rugby (including without limitation representative(s) of its Anti-Doping Advisory Committee pursuant to Article 25.1) and WADA. The written decision of the post-hearing review body shall be notified to World Rugby within 72 hours of it being communicated to the Player or other Person concerned.

### **13.9. CAS Fees**

In the case of any appeals before CAS each party shall bear in equal proportions any upfront fee of CAS (excluding the initial CAS application fee which shall be borne by the party applying). Should it be found that no anti-doping rule violation has been committed, SIA shall reimburse the Athlete or other Person their application fee and their portion of the upfront fee. Each party shall otherwise bear their own costs.

## **14. Confidentiality and Reporting**

### **14.1. Information Concerning Adverse Analytical Findings, Atypical Findings, and Other Asserted Anti-Doping Rule Violations**

#### **14.1.1. Notice of Anti-Doping Rule Violations to Players and other Persons**

Notice to Players or other Persons of anti-doping rule violations asserted against them shall occur as provided under Articles 7 and 14 of this Code. Notice to a Player or other Person may be accomplished by delivery of the notice to Rugby AU.

#### **14.1.2. Notice of Anti-Doping Rule Violations to Rugby AU and SIA and WADA**

Notice of the assertion of an anti-doping rule violation to SIA and WADA shall occur as provided under Articles 7 and 14 of this Code, simultaneously with the notice to the Player or other Person.

#### **14.1.3. Content of an Anti-Doping Rule Violation Notice**

Notification of an anti-doping rule violation under Article 2.1 (Presence) shall include: the Player's name, country, discipline (e.g. fifteen-a-side, seven-a-side or other form of the Game and/or age-grade), the Player's competitive level, whether the test was In-Competition or Out-of-Competition, the date of Sample collection, the analytical result reported by the laboratory, and other information as required by the International Standard for Testing and Investigations.

Notice of anti-doping rule violations other than under Article 2.1 (Presence) shall include the rule violated and the basis of the asserted violation.

### 14.1.4. Status Reports

Except with respect to investigations which have not resulted in notice of an anti-doping rule violation pursuant to Article 14.1.1, SIA and WADA shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Articles 7, 8 or 13 and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

### 14.2. Notice of Anti-Doping Rule Violation Decisions and Request for Files

14.2.1. Anti-doping rule violation decisions rendered pursuant to Article 7.11, 8.2, 10.4, 10.5, 10.6, 10.12.3 or 13.5 shall include the full reasons for the decision, including, if applicable, a justification for why the greatest possible Consequences were not imposed. Where the decision is not in English, Rugby AU, Association or Tournament Organiser shall provide a short English summary of the decision and the supporting reasons and/or a full translation as requested by World Rugby.

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

### 14.3. Public Disclosure

14.3.1. Where an anti-doping rule violation may have been committed, Rugby AU, World Rugby, SIA, Association and/or Tournament Organiser concerned shall take reasonable steps to maintain confidentiality of the Player(s) or other Person(s) involved until the testing and analysis has been completed, the Judicial Committee hearing decision has been reached and the Player, or Person and Rugby AU have been informed. Where the circumstances warrant it, the identity of the Player or other Person(s) who is formally alleged to have committed the anti-doping rule violation, may be publicly disclosed by Rugby AU (after reasonable notice to the Player and/or Person) if non-disclosure could potentially damage the reputation of the Player or Person's Union or Player or Person's team always having due regard to the Player or Person's own reputation.

14.3.2. No later than 20 days after it has been determined in a final appellate decision under Article 13.2.1 or 13.2.2, or such appeal has been waived, or a hearing in accordance with Article 8 has been waived, or the assertion of an anti-doping rule violation has not been timely challenged, Rugby AU, World Rugby, SIA, Association or Tournament Organiser as applicable must Publicly Report the disposition of the matter, including without limitation the anti-doping rule violated, the name of the Player or other Person committing the violation, the name of Rugby AU, the Prohibited Substance or Prohibited Method involved (if any), and the Consequences imposed. Rugby AU, World Rugby, SIA, Association or Tournament Organiser must also Publicly Report within 20 days the results of final appeal decision and post-hearing review decision (where it is not appealed) concerning anti-doping rule violations, including the information described above.

14.3.3. In any case where it is determined, after a hearing or appeal, that the Player or other Person did not commit an anti-doping rule violation, the decision may be Publicly Disclosed only with the consent of the Player or other Person who is the subject of the decision save where it is published in an anonymised form. Rugby AU, World Rugby, SIA, Association or Tournament Organiser shall use reasonable efforts to obtain such consent. If consent is obtained, Rugby AU, World Rugby, SIA, Association or Tournament Organiser shall Publicly Disclose the decision in its entirety or in such redacted form as the Player or other Person may approve.

14.3.4. Publication shall be accomplished at a minimum by placing the required information

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on Rugby AU, World Rugby, SIA, Association or Tournament Organiser's website or publishing it through other means and leaving the information up for the longer of one month or the duration of any period of Ineligibility.

14.3.5. None of Rugby AU, World Rugby, SIA, Association or Tournament Organiser, nor any official of either body, shall publicly comment on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed to the Player or other Person against whom an anti-doping rule violation is asserted, or their representatives.

14.3.6. The mandatory Public Reporting required in Article 14.3.2 shall not be required where the Player or other Person who has been found to have committed an anti-doping rule violation is a Minor. Any optional Public Reporting in a case involving a Minor shall be proportionate to the facts and circumstances of the case.

### **14.4. Statistical Reporting**

14.4.1. World Rugby shall publish at least annually a general statistical report of its Doping Control activities, with a copy provided to WADA.

### **14.5. Doping Control Information Clearinghouse**

14.5.1. To facilitate coordinated test distribution planning and to avoid unnecessary duplication in Testing by the various Anti-Doping Organisations, World Rugby shall report all In-Competition and Out-of-Competition tests on such Players to the WADA clearinghouse, using ADAMS, as soon as possible after such tests have been conducted. This information will be made accessible, where appropriate and in accordance with the applicable rules, to the Player, the SIA and any other Anti-Doping Organisations with Testing authority over the Player.

### **14.6. Data Privacy**

14.6.1. Rugby AU, SIA and World Rugby may collect, store, process or disclose personal information relating to Players and other Persons where necessary and appropriate to conduct their anti-doping activities under the SIA Act, SIA Regulations, the NAD Scheme, WADA Code, the International Standards (including specifically the International Standard for the Protection of Privacy and Personal Information) and this Code as in force from time to time.

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

## **15. Application and Recognition of Decisions**

15.1. Subject to the right to appeal provided in Article 13, Testing, hearing results or other final adjudications of any Signatory which are consistent with the WADA Code and are within that Signatory's authority shall be applicable worldwide and shall be recognised and respected by Rugby AU, World Rugby and its Member Unions, Associations and SIA.<sup>51</sup>

15.2. Rugby AU, World Rugby and its Member Unions and Associations, and SIA, shall recognise

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<sup>51</sup> The extent of recognition of TUE decisions of other Anti-Doping Organisations shall be determined by Article 4.4 and the International Standard for Therapeutic Use Exemptions.

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the measures taken by other bodies which have not accepted the WADA Code if the rules of those bodies are otherwise consistent with the WADA Code.<sup>52</sup>

- 15.3.** Subject to the right to appeal provided in Article 13, any decision of World Rugby regarding a violation of this Code shall be recognised by all Member Unions and Associations, which shall take all necessary action to render such decision effective.

### **16. Incorporation of World Rugby Anti-Doping Rules and Obligations of Rugby AU**

- 16.1.** Rugby AU and their members shall comply with this Code. Rugby AU and other members shall include in their Articles the provisions necessary to ensure that Rugby AU, World Rugby and SIA may enforce this Code directly as against Players and other Persons under their anti-doping jurisdiction (including National-Level Players). This Code shall also be incorporated either directly or by reference into Rugby AU and each Member Union's rules so that Rugby AU and each Member Union may enforce them itself directly as against Players and other Persons under its anti-doping jurisdiction (including National-Level Players).
- 16.2.** Rugby AU and the Member Unions shall establish rules requiring all Players and each Player Support Personnel who participates as coach, trainer, manager, team staff, official, medical or paramedical personnel in a Competition or activity authorised or organised by Rugby AU or Member Union or Association or one of its or their member organisations to agree to be bound by this Code and to submit to the results management authority of the Anti-Doping Organisation responsible under the WADA Code as a condition of such participation.
- 16.3.** Rugby AU and all Member Unions shall report any information suggesting or relating to an anti-doping rule violation to World Rugby and SIA and shall cooperate with investigations conducted by any Anti-Doping Organisation with authority to conduct the investigation.
- 16.4.** Rugby AU and all Member Unions shall have disciplinary rules in place to prevent Player Support Personnel who are Using Prohibited Substances or Prohibited Methods without valid justification from providing support to Players under the jurisdiction of Rugby AU, World Rugby or SIA.
- 16.5.** Rugby AU shall be required to conduct anti-doping education in coordination with SIA, as applicable.

### **17. Statute of Limitations**

No anti-doping rule violation proceeding may be commenced against a Player or other Person unless he or she has been notified of the anti-doping rule violation as provided in Article 7, or notification has been reasonably attempted, within 10 years from the date the violation is asserted to have occurred.

### **18. Compliance**

This article has been removed by SIA.

### **19. Education**

Rugby AU, in collaboration with World Rugby and SIA shall plan, implement, evaluate and monitor information, education and prevention programmes for doping-free sport on at least the issues listed at Article 18.2 of the WADA Code, and shall support active participation by Players and Player Support Personnel in such programmes.

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<sup>52</sup> Where the decision of a body that has not accepted the Code is in some respects Code compliant and in other respects not Code compliant, World Rugby and Rugby AU shall attempt to apply the decision in harmony with the principles of the Code. For example, if in a process consistent with the Code a non-Signatory has found a Player to have committed an anti-doping rule violation on account of the presence of a Prohibited Substance in his/her body but the period of Ineligibility applied is shorter than the period provided for in this Code, then World Rugby shall recognise the finding of an anti-doping rule violation and may conduct a hearing consistent with Article 8 to determine whether the longer period of Ineligibility provided in this Code should be imposed.

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Rugby AU shall within its means and in co-operation with its constituents, plan, implement, evaluate and monitor information and education programmes for doping-free rugby and shall support the programmes of World Rugby set out above.

### **20. Amendment and Interpretation of Code**

- 20.1.** This Code may be amended from time to time by Rugby AU.
- 20.2.** This Code shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.
- 20.3.** The headings (with the exception of Article 2) used for the various Parts and Articles of this Code are for convenience only and shall not be deemed part of the substance of this Anti-Doping or to affect in any way the language of the provisions to which they refer.
- 20.4.** The WADA Code and the International Standards shall be considered integral parts of this Code and shall prevail in case of conflict. In addition to the WADA Code and this Code, adherence to the International Standards are mandatory. WADA may revise the International Standards from time to time. Any changes to WADA's International Standards will be deemed to be effective as at the date prescribed by WADA. The mandatory standards in force are available at [www.wada-ama.org](http://www.wada-ama.org).
- 20.5.** This Code has been adopted pursuant to the applicable provisions of the WADA Code and shall be interpreted in a manner that is consistent with applicable provisions of the WADA Code. The Introduction shall be considered an integral part of this Code.
- 20.6.** The comments annotating various provisions of the WADA Code shall be used to interpret this Code. These comments may be incorporated by reference into any anti-doping rules produced by Unions, Tournament Organisers and/or World Rugby for the purposes of particular Tournaments.
- 20.7.** This Code has come into full force and effect on 1 January 2015 (the "Effective Date"). They shall not apply retroactively to matters pending before the Effective Date; provided, however, that:
- 20.7.1. Anti-doping rule violations taking place prior to the Effective Date count as "first violations" or "second violations" for purposes of determining sanctions under Article 10 for violations taking place after the Effective Date.
- 20.7.2. The retrospective period in which prior violations can be considered for purposes of multiple violations under Article 10.7.5 and the statute of limitations set forth in Article 17 are procedural rules and should be applied retroactively; provided, however, that Article 17 shall only be applied retroactively if the statute of limitations period has not already expired by the Effective Date. Otherwise, with respect to any anti-doping rule violation case which is pending as of the Effective Date and any anti-doping rule violation case brought after the Effective Date based on an anti-doping rule violation which occurred prior to the Effective Date, the case shall be governed by the substantive anti-doping rules in effect at the time the alleged anti-doping rule violation occurred unless the panel hearing the case determines the principle of "lex mitior" appropriately applies under the circumstances of the case.
- 20.7.3. Any Article 2.4 whereabouts failure (whether a Filing Failure or a Missed Test, as those terms are defined in the International Standard for Testing and Investigations) prior to the Effective Date shall be carried forward and may be relied upon, prior to expiry, in accordance with the International Standard for Testing and Investigation, but it shall be deemed to have expired 12 months after it occurred.

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20.7.4. With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the Player or other Person is still serving the period of Ineligibility as of the Effective Date, the Player or other Person may apply to the Anti-Doping Organisation which had results management responsibility for the anti-doping rule violation to consider a reduction in the period of Ineligibility in light of this Code. Such application must be made before the period of Ineligibility has expired. The decision rendered may be appealed pursuant to Article 13.2. This Code shall have no application to any case where a final decision finding an anti-doping rule violation has been rendered and the period of Ineligibility has expired.

20.7.5. For purposes of assessing the period of Ineligibility for a second violation under Article 10.7.1, where the sanction for the first violation was determined based on rules in force prior to the Effective Date, the period of Ineligibility which would have been assessed for that first violation had this Anti-Doping been applicable, shall be applied.

### **21. Interpretation of the WADA Code**

- 21.1. The official text of the WADA Code shall be maintained by WADA and shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.
- 21.2. The comments annotating various provisions of the WADA Code shall be used to interpret the WADA Code.
- 21.3. The WADA Code shall be interpreted as an independent and autonomous text and not by reference to the existing law or statutes of the Signatories or governments.
- 21.4. The headings used for the various Parts and Articles of the WADA Code are for convenience only and shall not be deemed part of the substance of the WADA Code or to affect in any way the language of the provisions to which they refer.
- 21.5. The WADA Code shall not apply retroactively to matters pending before the date the WADA Code is accepted by a Signatory and implemented in its rules. However, pre-WADA Code anti-doping rule violations would continue to count as "first violations" or "second violations" for purposes of determining sanctions under Article 10 of the WADA Code and Article 10 for subsequent post-WADA Code violations.
- 21.6. The Purpose, Scope and Organisation of the World Anti-Doping Programme and the WADA Code and the WADA Code's Appendix 1, Definitions shall be considered integral parts of the WADA Code.

### **22. Additional Roles and Responsibilities of Players and Other Persons**

#### **22.1. Roles and Responsibilities of Players**

- 22.1.1. To be knowledgeable of and comply with this Code including the Guidelines.
- 22.1.2. To be available for Sample collection at all times.<sup>53</sup>
- 22.1.3. To take responsibility, in the context of anti-doping, for what they ingest and Use and, specifically, to ensure that no Prohibited Substance is found to be present in his or her body and that Prohibited Methods are not used.

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<sup>53</sup> With due regard to a Player's human rights and privacy, legitimate anti-doping considerations sometimes require Sample collection late at night or early in the morning. For example, it is known that some Players use low doses of EPO during these hours so that it will be undetectable in the morning.

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- 22.1.4. To inform medical personnel of their obligation not to Use Prohibited Substances and Prohibited Methods and to take responsibility to make sure that any medical treatment received does not violate this Code.
  - 22.1.5. To ensure that he or she does not commit any other anti-doping rule violation.
  - 22.1.6. To disclose to SIA, Rugby AU and World Rugby any decision by a non-Signatory finding that the Player committed an anti-doping rule violation within the previous 10 years and/or has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if WADA Code-compliant rules had been applicable to such Person.
  - 22.1.7. To cooperate with Anti-Doping Organisations investigating anti-doping rule violations.
  - 22.1.8. Failure by any Player to cooperate in full with Rugby AU or World Rugby and/or any other Anti-Doping Organisation(s) investigating anti-doping rule violations may amount to Misconduct. In such circumstances, Rugby AU or World Rugby may accordingly bring a Misconduct charge against such Player pursuant to this Article 22.1.8 and World Rugby Regulation 20 which shall be determined in accordance with World Rugby Regulation 18. Rugby AU and/or other Anti-Doping Organisation may bring a Misconduct or similar appropriate charge pursuant to the Rugby AU Code of Conduct or applicable disciplinary regulations.

### **22.2. Roles and Responsibilities of Player Support Personnel**

- 22.2.1. To be knowledgeable of and comply with this Code including the Guidelines.
- 22.2.2. To cooperate with the Player Testing programme.
- 22.2.3. To use their influence on Player values and behaviour to foster anti-doping attitudes.
- 22.2.4. To educate and counsel Players regarding anti-doping policies and these Anti-Doping Articles.
- 22.2.5. To ensure that he or she does not commit any other anti-doping rule violation.
- 22.2.6. To disclose to Rugby AU, SIA and World Rugby any decision by a non-Signatory finding that he or she committed an anti-doping rule violation within the previous ten years and/or has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if WADA Code-compliant rules had been applicable to such Person.
- 22.2.7. To cooperate with Anti-Doping Organisations investigating anti-doping rule violations.
- 22.2.8. Player Support Personnel shall not Use or Possess any Prohibited Substance or Prohibited Method without valid justification.
- 22.2.9. Failure by any Player Support Personnel to cooperate in full with Rugby AU, World Rugby and/or any other Anti-Doping Organisation(s) investigating anti-doping rule violations and/or Use or Possession of a Prohibited Substance or Prohibited Method by a Player Support Personnel without valid justification may amount to Misconduct. In such circumstances, Rugby AU or World Rugby may accordingly bring a Misconduct charge against the Player Support Personnel pursuant to this Article 22.2.9 and World Rugby Regulation 20 which shall be determined in accordance with World Rugby Regulation 18. Rugby AU and/or other Anti-Doping Organisation may bring a Misconduct or similar appropriate charge pursuant to the Rugby AU Code of Conduct or applicable disciplinary regulations.



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### 23. Additional Roles and Responsibilities of Rugby AU

In addition to the roles and responsibilities of Rugby AU set out throughout this Code, Rugby AU is also responsible for ensuring (and must ensure) that:

- 23.1. It has in place this Code and that all national level Testing on Players complies with this Code.
- 23.2. It shall seek to obtain the written acknowledgement of all Players subject to Doping Control and Player Support Personnel for such Players (i.e. acknowledgement that they are bound by the relevant anti-doping regulations).
- 23.3. All Players, Player Support Personnel and other Persons under the jurisdiction of Rugby AU shall be bound by this Code.
- 23.4. It takes appropriate action to inform each and every one of its members, Players and other Persons of this Code. Rugby AU must further inform its members, Players and other Persons that they must comply with this Code and the anti-doping regulations of the Union under whose jurisdiction they are participating.

World Rugby may at its absolute discretion withhold some or all of its funding to Rugby AU if not in compliance with this Code.

### 24. World Rugby Anti-Doping Advisory Committee

- 24.1. World Rugby shall appoint an Anti-Doping Advisory Committee to provide World Rugby with general advice and assistance on doping issues and related matters, including the application of this Code. The Anti-Doping Advisory Committee shall report to the Council.
- 24.2. In addition to this general role, the Anti-Doping Advisory Committee, or a member or members thereof may be requested to undertake specific tasks as part of the implementation of this Code.
- 24.3. Members of the Anti-Doping Advisory Committee may sit on World Rugby TUE Committee, Judicial Committees and on Post-Hearing Review Bodies from time to time.
- 24.4. The Anti-Doping Advisory Committee and/or World Rugby shall be entitled to call on experts to provide specialist advice, undertake certain activities and assist in the implementation of this Code including but not limited to undertaking preliminary reviews of cases pursuant to Article 7.2.2.

### 25. Reporting Requirements

- 25.1. Without limiting the reporting and notification requirements set out in Articles 7.12.4, 7.14.1 and 13.8.17 Rugby AU shall submit to World Rugby Anti-Doping Manager a full report of the proceedings and conclusions of all hearings resulting from anti-doping rule violations arising out of or within its jurisdiction within 72 hours of the final written decision on the anti-doping rule violation having been made. Such cases shall be considered by World Rugby Anti-Doping Manager who, on behalf of World Rugby shall be entitled to (a) request the case file, and/or (b) accept the result and decision or (c) refer the matter to a representative(s) of World Rugby's Anti-Doping Advisory Committee who on behalf of World Rugby may accept the result and decision or subject to this Code refer the matter to a post-hearing review body or appeal the matter to CAS, through World Rugby. Following the referral of a first instance decision by World Rugby Anti-Doping Manager to a representative(s) of World Rugby's Anti-Doping Advisory Committee, the representative(s) of the Anti-Doping Advisory Committee shall undertake the review as expeditiously as possible and in the event that he/they elects to refer the matter to a post-hearing review body or appeal to CAS he/they shall do so no later than 28 days from receipt of the case file by World Rugby from Rugby AU and/or SIA,

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as applicable. Notwithstanding the foregoing, both World Rugby Anti-Doping Manager or representatives of World Rugby's Anti-Doping Advisory Committee may take such other steps and/or make such other recommendations to World Rugby as they deem appropriate.

- 25.2.** If the CEO of World Rugby or his/her nominee believes that Rugby AU is not applying, or in a particular case did not apply, this Code and/or the Guidelines, or failed to apply this Code properly or in good faith, Rugby AU renders itself liable to disciplinary action.
- 25.3.** World Rugby shall publish annually a general statistical report of its Doping Control activities during the calendar year with a copy provided to WADA and World Rugby may periodically publish testing data received from Rugby AU.
- 25.4.** Rugby AU shall report to World Rugby at the end of every year the results of all Doping Controls within their jurisdiction sorted by Player and identifying each date on which the Player was tested, the entity conducting the test, and whether the test was In Competition or Out-of-Competition.
- 25.5.** World Rugby shall provide to WADA information supplied by Rugby AU and SIA in relation to this Code. World Rugby shall in the case of an Adverse Analytical Finding or anti-doping rule violation notify WADA upon completion of the initial hearing before a Judicial Committee and upon notification by Rugby AU or SIA of the findings/decisions of its hearing bodies.
- 25.6.** World Rugby will report to WADA on its compliance with the WADA Code every second year.

### **26. Exceptional Circumstances**

- 26.1.1.** In exceptional circumstances where it has grounds to believe that there has been a misapplication of the applicable anti-doping rules and acting on the advice of the Anti-Doping Advisory Committee, World Rugby shall be entitled to require as it deems fit that Rugby AU provisionally suspend such Players or other Person(s) from any involvement in the Game pending the final determination of the matter.
- 26.1.2.** It is the responsibility of Rugby AU to ensure that in such circumstances it is able by reference to this Code or otherwise, to effect and/or recognise such Provisional Suspension of the Players or other Person(s) concerned.

### **27. Unforeseen Circumstances**

- 27.1.1.** In the event that a doping-related incident arises for which there is no provision in this Code then the CEO of World Rugby or his/her nominee may take such action that he/she considers appropriate in the circumstances in accordance with general principles of natural justice and fairness.

### **28. General**

- 28.1.** Any deviation or deviations from this Code and/or the Guidelines does not invalidate any finding, decision or Adverse Analytical Finding unless such deviation or deviations are such as to cast material doubt on any finding, decision or Adverse Analytical Finding.
  - 28.1.1.** Representatives of the Anti-Doping Advisory Committee shall on behalf of World Rugby and on behalf of Rugby AU recognise anti-doping rule violations arising out of anti-doping programmes carried out by Signatories to the WADA Code.
  - 28.1.2.** The Anti-Doping Advisory Committee may, on behalf of World Rugby and Rugby AU, recognise anti-doping rule violations arising out of, and sanctions imposed under anti-doping programmes of a sporting body other than Rugby AU, World Rugby or Tournament Organisers, or Signatories (or by a member of another sporting body), under rules and procedures different from those of World Rugby, as long as the applicable rules and procedures are consistent with the provisions of the WADA Code.

28.1.3. Rugby AU shall recognise anti-doping rule violations committed, and sanctions imposed, under the rules of another sporting body and make provision to ensure that the Persons who are subject to such sanctions are unable to play, coach, train or provide any other assistance in any other capacity in connection with the Game. This is applicable at any level of the Game and for the same period of Ineligibility sanctioned in relation to the sport in respect of which the anti-doping rule violation was committed. For the avoidance of doubt, the burden is on a person who is subject to a suspension imposed under the rules of another sporting body to prove that he/she should be entitled to play the Game on the grounds that the suspension he/she has received was improperly complied with.

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## APPENDIX 1 DEFINITIONS

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

Administration: Providing, supplying, supervising, facilitating, or otherwise participating in the Use or Attempted Use by another Person of a Prohibited Substance or Prohibited Method. However, this definition shall not include the actions of bona fide medical personnel involving a Prohibited Substance or Prohibited Method used for genuine and legal therapeutic purposes or other acceptable justification and shall not include actions involving Prohibited Substances which are not prohibited in Out-of-Competition Testing unless the circumstances as a whole demonstrate that such Prohibited Substances are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

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

Adverse Passport Finding: A report identified as an Adverse Passport Finding as described in the applicable International Standards.

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

Archives Act 1983 (Cth): is the Commonwealth legislation that governs the retention and disposal of Commonwealth records. SIA's Disposal Authority document is approved pursuant to that legislation, and it categorises types of records and classifies how long those records must be retained, and how they must be stored.

ASDMAC: Australian Sports Drug Medical Advisory Committee constituted pursuant to the SIA Act.

Attempt: Purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of an anti-doping rule violation. Provided, however, there shall be no anti-doping rule violation based solely on an Attempt to commit a violation if the Person renounces the Attempt prior to it being discovered by a third party not involved in the Attempt.

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

Atypical Passport Finding: A report described as an Atypical Passport Finding as described in the applicable International Standards.

Australian Privacy Principles: are contained in Schedule 1 to the *Privacy Act 1988* (Cth). SIA is required to comply with this legislation.

CAS: The Court of Arbitration for Sport.

Competition: A single Match whether in fifteen-a-side or an abbreviated form of the Game.

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

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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 Player or other Person is barred on account of an anti-doping rule violation for a specified period of time from participating in any Competition or other activity or funding as provided in Article 10.12.1; (c) Provisional Suspension means the Player or other Person is barred temporarily from participating in any Competition or activity prior to the final decision at a hearing conducted under Article 8; (d) Financial Consequences means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and (e) Public Disclosure or Public Reporting means the dissemination or distribution of information to the general public or Persons beyond those Persons entitled to earlier notification in accordance with Article 14. Teams may also be subject to Consequences as provided in Article 11.

**Contaminated Product:** A product that contains a Prohibited Substance that is not disclosed on the product label or in information available in a reasonable Internet search.

**Disqualification:** See Consequences of Anti-Doping Rule Violations above.

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

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

**Event Venues:** Those venues so designated by the ruling body for the Event.

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

**Fault:** Fault is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing a Player or other Person's degree of Fault include, for example, the Player's or other Person's experience, whether the Player or other Person is a Minor, special considerations such as impairment, the degree of risk that should have been perceived by the Player and the level of care and investigation exercised by the Player in relation to what should have been the perceived level of risk. In assessing the Player's or other Person's degree of Fault, the circumstances considered must be specific and relevant to explain the Player's or other Person's departure from the expected standard of behaviour. Thus, for example, the fact that a Player would lose the opportunity to earn large sums of money during a period of Ineligibility, or the fact that the Player only has a short time left in his or her career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of Ineligibility under Article 10.5.1 or 10.5.2.<sup>54</sup>

**Financial Consequences:** see Consequences of Anti-Doping Rule Violations, above.

**In-Competition:** "In Competition" means the period commencing 12 hours before a Competition in which the Player is scheduled to participate through until the end of such Competition and the Sample collection process related to such Competition save where a Sample collection session cannot be completed after a Competition then the Anti-Doping Commissioner or DCO may extend the period of In Competition up to a maximum of 24 hours from the conclusion of the Match. In such cases the Player shall be formally notified that any further Sample collection taken within the extended period up to 24 hours of the conclusion of the Match shall be deemed to be In Competition whether or not the Player is chaperoned during such period. Notwithstanding the foregoing, World Rugby, Unions, Associations and Tournament Organisers may impose an extended In-Competition period with respect to a particular Event under their jurisdiction including without limitation to extend the In-Competition period to the

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<sup>54</sup> The criteria for assessing a Player's degree of Fault is the same under all Regulations where Fault is to be considered. However, under Article 10.5.2, no reduction of sanction is appropriate unless, when the degree of Fault is assessed, the conclusion is that No Significant Fault or Negligence on the part of the Player or other Person was involved.

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entire duration of the Event.<sup>55</sup>

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

Individual Sport: Any sport that is not a Team Sport.

Ineligibility: See Consequences of Anti-Doping Rule Violations above.

International Event: An Event or Competition where the International Olympic Committee, the International Paralympic Committee, World Rugby, an Association, International Tournament Organiser, Major Event Organisation, or another international sport organisation is the ruling body for the Event or appoints the technical officials for the Event.

International-Level Player: A Player who competes in sport at the international level, as defined by World Rugby, consistent with the International Standard for Testing and Investigations. In Rugby International-Level Players are those Players who are designated by World Rugby as being within its Registered Testing Pool and/or Testing Pool.<sup>56</sup>

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

Lower-Level Player: A Person who is neither a National-Level Player nor an International-Level Player

Major Event Organisations: 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: A compound, group of compounds or biological variable(s) that indicates the Use of a Prohibited Substance or Prohibited Method.

Member of a Team: Any Player and/or other Participant associated with a team including for the avoidance of doubt without limitation all coaches, medical and other similar Player Support Personnel.

Metabolite: Any substance produced by a biotransformation process.

Minor: A natural Person who has not reached the age of eighteen years.

NAD scheme: The National Anti-Doping scheme which is contained in Schedule 1 to the *Sport Integrity Australia Regulations 2020* (Cth).

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

National Event: A sporting Event or Competition involving International- or National-Level Players that is not an International Event.

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<sup>55</sup> World Rugby, Tournament Organiser, or ruling body for an Event may establish an "In-Competition" period that is different than the Event Period.

<sup>56</sup> Consistent with the International Standard for Testing and Investigations, World Rugby is free to determine the criteria it will use to classify Players as International-Level Players.

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National-Level Player:

- a) a Player in the SIA CEO's Registered Testing Pool or domestic testing pool; or
- b) a Player who participates in or prepares for a sporting event or sporting competition declared under clause 1.05A of the NAD scheme and published on the SIA website.

National Olympic Committee: 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 Sports Tribunal: The Australian tribunal established by the *National Sports Tribunal Act 2019* (Cth).

No Fault or Negligence: The Player or other Person's establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had Used or been administered the Prohibited Substance or Prohibited Method or otherwise violated an anti-doping rule. Except in the case of a Minor, for any violation of Article 2.1, the Player must also establish how the Prohibited Substance entered his or her system.

No Significant Fault or Negligence: The Player or other Person's establishing that his or her Fault or Negligence, when viewed in the totality of the circumstances and taking into account the criteria for No Fault or Negligence, was not significant in relationship to the anti-doping rule violation. Except in the case of a Minor, for any violation of Article 2.1, the Player must also establish how the Prohibited Substance entered his or her system.<sup>57</sup>

NST Act: *The National Sports Tribunal Act 2019* (Cth)

Out-of-Competition: Any period which is not In-Competition.

Participant: Any Player or Player Support Personnel.

Person: A natural Person or an organisation or other entity.

Player: Any Person who competes in sport at the international level (as defined by World Rugby), or the national level (as defined by each NADO). An Anti-Doping Organisation has discretion to apply anti-doping rules to a Player who is neither an International-Level Player nor a National-Level Player, and thus to bring them within the definition of "Player." In relation to Players who are neither International-Level nor National-Level Players, an Anti-Doping Organisation may elect to: conduct limited Testing or no Testing at all; analyse Samples for less than the full menu of Prohibited Substances; require limited or no whereabouts information; or not require advance TUEs. However, if a Article 2.1 (Presence), 2.3 (Evasion) or 2.5 (Tampering) anti-doping rule violation is committed by any Player over whom an Anti-Doping Organisation has authority who competes below the international or national level, then the Consequences set forth in the WADA Code (except Article 14.3.2) must be applied. For purposes of Article 2.8 (Administration) and 2.9 (Complicity) and 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 WADA Code is a Player.<sup>58</sup>

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<sup>57</sup> For Cannabinoids, a Player may establish No Significant Fault or Negligence by clearly demonstrating that the context of the Use was unrelated to sport performance.

<sup>58</sup> This definition makes it clear that all International- and National-Level Players are subject to the Anti-Doping Rules and the Code. The definition also allows each National Anti-Doping Organisation, if it chooses to do so, to expand its anti-doping program beyond International- or National-Level Players to competitors at lower levels of Competition or to individuals who engage in fitness activities but do not compete at all. Thus, a National Anti-Doping Organisation could, for example, elect to test recreational-level competitors but not require advance TUEs. But an anti-doping rule violation involving an Adverse Analytical Finding or Tampering results in all of the Consequences provided for in the Code (with the exception of Article 14.3.2). The decision on whether Consequences apply to recreational-level Players who engage in fitness activities but never compete is left to the National Anti-Doping Organisation. In the same manner, a Major Event Organisation holding an Event only for masters-level competitors could elect to test the competitors but not analyse Samples for the full menu of Prohibited Substances. Competitors at all levels of Competition should receive the benefit of anti-doping information and education.

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Player Biological Passport: The programme and methods of gathering and collating data as described in the International Standard for Testing and Investigations and International Standard for Laboratories.

Player Support Personnel: Any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent or any other Person working with, treating or assisting a Player participating in or preparing for sports Competition.

Player Support Person(nel): Any coach, trainer, manager, agent, Team staff, official, medical personnel, paramedical personnel, parent or any other Person working with, treating or assisting Players participating in or preparing for Matches. This includes preparation in and out of season.

Possession: The actual, physical Possession, or the constructive Possession (which shall be found only if the Person has exclusive control or intends to exercise control over the Prohibited Substance or Prohibited Method or the premises in which a Prohibited Substance or Prohibited Method exists); provided, however, that if the Person does not have exclusive control over the Prohibited Substance or Prohibited Method or the premises in which a Prohibited Substance or Prohibited Method exists, constructive Possession shall only be found if the Person knew about the presence of the Prohibited Substance or Prohibited Method and intended to exercise control over it. Provided, however, there shall be no anti-doping rule violation based solely on Possession if, prior to receiving notification of any kind that the Person has committed an anti-doping rule violation, the Person has taken concrete action demonstrating that the Person never intended to have Possession and has renounced Possession by explicitly declaring it to an Anti-Doping Organisation. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a Prohibited Substance or Prohibited Method constitutes Possession by the Person who makes the purchase.<sup>59</sup>

Prohibited List: The List identifying the Prohibited Substances and Prohibited Methods.

Prohibited Method: Any method so described on the Prohibited List.

Prohibited Substance: Any substance, or class of substances, so described on the Prohibited List.

Provisional Hearing: For purposes of Article 7.9, an expedited abbreviated hearing occurring prior to a hearing under Article 8 that provides the Player with notice and an opportunity to be heard in either written or oral form.<sup>60</sup>

Provisional Suspension: See Consequences of Anti-Doping Rule Violations above.

Publicly Disclose or Publicly Report: See Consequences of Anti-Doping Rule Violations above.

Regional Anti-Doping Organisation: A regional entity designated by member countries to coordinate and manage delegated areas of their national anti-doping programs, which may include the adoption and implementation of anti-doping rules, the planning and collection of Samples, the management of results, the review of TUEs, the conduct of hearings, and the conduct of educational programs at a regional level.

Registered Testing Pool (or World rugby Registered Testing Pool): The pool of highest-priority Players established separately at the international level by World Rugby and at the national level by SIA, who

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<sup>59</sup> Under this definition, steroids found in a Player's car would constitute a violation unless the Player establishes that someone else used the car; in that event, the Anti-Doping Organisation must establish that, even though the Player did not have exclusive control over the car, the Player knew about the steroids and intended to have control over the steroids. Similarly, in the example of steroids found in a home medicine cabinet under the joint control of a Player and spouse, the Anti-Doping Organisation must establish that the Player knew the steroids were in the cabinet and that the Player intended to exercise control over the steroids. The act of purchasing a Prohibited Substance alone constitutes Possession, even where, for example, the product does not arrive, is received by someone else, or is sent to a third party address.

<sup>60</sup> A Provisional Hearing is only a preliminary proceeding which may not involve a full review of the facts of the case. Following a Provisional Hearing, the Player remains entitled to a subsequent full hearing on the merits of the case. By contrast, an "expedited hearing," as that term is used in Article 8.1, is a full hearing on the merits conducted on an expedited time schedule.



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are subject to focused In-Competition and Out-of-Competition Testing as part of World Rugby or SIA's test distribution plan and therefore are required to provide whereabouts information as provided in Article 5.6 of the WADA Code and the International Standard for Testing and Investigations.

Sample or Specimen: Any biological material collected for the purposes of Doping Control. Series of (International) Matches: Two or more (International) Matches.<sup>61</sup>

SIA: Sport Integrity Australia.

SIA Act: The Sport Integrity Australia Act 2020 (Cth).

SIA Regulations: The Sport Integrity Australia Regulations 2020 (Cth) (the National Anti-Doping scheme is contained in Schedule 1 to the Regulations).

Signatories: Those entities signing the WADA Code and agreeing to comply with the WADA Code, as provided in Article 23 of the WADA Code.

Specified Substance: See Article 4.2.2.

Strict Liability: The rule which provides that under Articles 2.1 (Presence) and 2.2 (Use or Attempted Use), it is not necessary that intent, Fault, negligence, or knowing Use on the Player's part be demonstrated by the Anti-Doping Organisation in order to establish an anti-doping rule violation.

Substantial Assistance: For purposes of Article 10.6.1, a Person providing Substantial Assistance must: (1) fully disclose in a signed written statement all information he or she possesses in relation to anti-doping rule violations, and (2) fully cooperate with the investigation and adjudication of any case related to that information, including, for example, presenting testimony at a hearing if requested to do so by an Anti-Doping Organisation or hearing panel. Further, the information provided must be credible and must comprise an important part of any case which is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought.

Tampering: Altering for an improper purpose or in an improper way; bringing improper influence to bear; interfering improperly; obstructing, misleading or engaging in any fraudulent conduct to alter results or prevent normal procedures from occurring.

Target Testing: Selection of specific Players for Testing based on criteria set forth in the International Standard for Testing and Investigations.

Team Sport: A sport in which the substitution of players is permitted during a Competition. For the avoidance of doubt, the Game, including all forms thereof, is a Team Sport.

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

Testing Pool: Any International-Level Player who is eligible to be part of World Rugby's Out-of-Competition Testing programme and who is not part of the World Rugby Registered Testing Pool.

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

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<sup>61</sup> It has sometimes been claimed that the collection of blood Samples violates the tenets of certain religious or cultural groups. It has been determined that there is no basis for any such claim.

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Tribunal: A hearing body that is compliant with Article 8 of the Code.

TUE: Therapeutic Use Exemption, as described in Article 4.4.

TUE Committee: The panel established by the relevant Anti-Doping Organisation to consider requests for TUEs.

UNESCO Convention: The International Convention against Doping in Sport adopted by the 33rd session of the UNESCO General Conference on 19 October, 2005 including any and all amendments adopted by the States Parties to the Convention and the Conference of Parties to the International Convention against Doping in Sport.

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

WADA: The World Anti-Doping Agency.

WADA Code: The World Anti-Doping WADA Code.<sup>62</sup>

World Rugby: The international governing body of rugby union.

All other terms which are capitalised in this Anti-Doping Code and not defined herein shall have the meanings ascribed to them the WADA Code or World Rugby Regulation 21.

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<sup>62</sup> Defined terms shall include their plural and possessive forms, as well as those terms used as other parts of speech.