

# Cricket Australia Anti-Doping Code

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## **IMPORTANT WARNING**

You must be aware of the rules in this Anti-Doping Code and what constitutes an *Anti-Doping Rule Violation*.

You must be aware of which substances are *Prohibited Substances*.

This Anti-Doping Code adopts the strict liability principle. You are responsible for all substances you ingest/use.

Ignorance is no excuse.

You should refer any information you may have about potential *Anti-Doping Rule Violations* to *Cricket Australia*.

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# CRICKET AUSTRALIA ANTI-DOPING CODE

## INTRODUCTION

*Cricket Australia* has adopted this Anti-Doping Code (the **Code**) to impose clear prohibitions and controls in the sport of cricket in accordance with the mandatory provisions of the *World Anti-Doping Code*, as part of *Cricket Australia's* continuing efforts to:

- (a) maintain the integrity of the sport of cricket;
- (b) protect the rights and health of all participants in the sport of cricket; and
- (c) keep the sport of cricket free from doping.

Unless otherwise indicated, references to Articles and Appendices are to articles and appendices of the *Code*. Words in italicised text in the *Code* are defined terms. Their definitions are set out in Appendix 1.

## ARTICLE 1 SCOPE AND APPLICATION

### 1.1 The *Code* shall apply to:

- 1.1.1 all *Players* and *Player Support Personnel* who are members of organisations that are members or affiliates or licensees of any *Member* (including any clubs, teams, associations or leagues who are members, affiliates or licensees of any *Member*);
- 1.1.2 all *Players* and *Player Support Personnel* participating in *Matches* and other activities organised, convened or authorised by *Cricket Australia* or by any of its *Members*, wherever held; and
- 1.1.3 any other *Player* or *Player Support Personnel* who, by virtue of a contractual arrangement or otherwise, is subject to the jurisdiction of *Cricket Australia* for purposes of anti-doping,

whether or not such *Player* or *Player Support Personnel* is a citizen of or resident in Australia.

### 1.2 To be a member of an organisation that is a member or affiliate or licensee of any *Member*, or to be otherwise eligible to participate (in the case of a *Player*) or assist any participating *Player* (in the case of *Player Support Personnel*) in any *Match* or other activity organised, convened or authorised by *Cricket Australia* or any of its *Members*, a *Player* or *Player Support Personnel* must agree to be bound by and to comply with the *Code*. Accordingly, by becoming such a member or by so participating or assisting, a *Player* and/or *Player Support Personnel* (as applicable) shall be deemed to have agreed:

- 1.2.1 to be bound by and to comply strictly with the *Code* (without prejudice to any other anti-doping rules applicable to him/her), including making him/herself available upon request for *Testing* at all times, whether *In-Competition* or *Out-of-Competition*;
- 1.2.2 to submit to the authority of *Cricket Australia* and/or of *SIA* (as *Cricket Australia* and *SIA* may agree between themselves) to apply, police and enforce the *Code*;
- 1.2.3 to provide all requested assistance to *Cricket Australia* and/or *SIA* (as applicable) in the application, policing and enforcement of the *Code*, including (without limitation) cooperating fully with any investigation, results

management exercise, and/or proceedings being conducted pursuant to the *Code* in relation to any potential *Anti-Doping Rule Violation(s)*;

- 1.2.4** to submit to the exclusive jurisdiction of any *Anti-Doping Tribunal* convened under the *Code* to hear and determine charges brought by *Cricket Australia* or *SIA* (as applicable) and related issues arising under the *Code*;
  - 1.2.5** to submit to the exclusive jurisdiction of any CAS panel convened under the *Code* to hear and determine appeals made pursuant to the *Code*; and
  - 1.2.6** further to Article 18.6, not to bring any proceedings in any court or other forum that are inconsistent with the foregoing submission to the jurisdiction of the *Anti-Doping Tribunal* and CAS.
- 1.3** It is acknowledged that certain *Players* and *Player Support Personnel* may also be subject to the anti-doping rules of other *Anti-Doping Organisations*, including (in the case of *International-Level Players*) the ICC Anti-Doping Code (the **ICC Code**), and that the same conduct of such *Players* and *Player Support Personnel* may implicate not only this Code but also such other anti-doping rules, including the *ICC Code*. The *Code* is not intended to limit the responsibilities of any *Players* and *Player Support Personnel* under the *ICC Code* (or any other anti-doping rules). The jurisdictional and other issues arising when the same conduct implicates the *Code* and the *ICC Code* shall be resolved in favour of the *ICC Code*. The jurisdictional and other issues arising when the same conduct implicates the *Code* and any other anti-doping rules shall be resolved in accordance with the *World Anti-Doping Code*.
- 1.4** It is the personal responsibility of each *Player* (which may not be delegated to any other *Person*):
- 1.4.1** to acquaint him/herself, and to ensure that each *Person* (including medical personnel) from whom he/she takes advice is acquainted, with all of the requirements of the *Code*, including (without limitation) being aware of what constitutes an *Anti-Doping Rule Violation* and what substances and methods are prohibited;
  - 1.4.2** to comply with the *Code* in all respects, including:

    - 1.4.2.1** taking full responsibility for what he/she ingests and uses;
    - 1.4.2.2** ensuring that any medical treatment he/she receives does not infringe the *Code*;
    - 1.4.2.3** making him/herself available for *Testing* at all times, whether *In-Competition* or *Out-of-Competition*;
    - 1.4.2.4** providing accurate and up-to-date whereabouts information for purposes of *Out-of-Competition Testing*;
    - 1.4.2.5** disclosing to *Cricket Australia* and his/her *NADO* any decision by a non-*Signatory* that he/she infringed the anti-doping rules of that non-*Signatory* within the previous 10 years; and
    - 1.4.2.6** cooperating fully with any investigation into a potential *Anti-Doping Rule Violation* under the *Code*;
  - 1.4.3** to immediately refer information about possible *Anti-Doping Rule Violations* to *Cricket Australia*; and
  - 1.4.4** to set a responsible example on the issue of drug use in sport to members of the public, especially children interested in cricket.

- 1.5 It is also the sole responsibility of each *Player* to ensure that *Cricket Australia* is able to communicate with him/her efficiently and reliably in relation to matters arising under the *Code*. To that end, each *Player* shall be deemed to be contactable at the postal address and telephone number that he/she has specified on any *Doping Control* form that he/she completes in relation to *Testing* under the *Code* and it shall be the *Player's* responsibility to complete such contact details (the ***Player's Nominated Address***) as necessary to ensure that he/she is contactable at the *Player's Nominated Address*. Any notice sent by *Cricket Australia* to a *Player* at the *Player's Nominated Address* shall be deemed to have been received by the *Player* within five (5) days of the date of delivery to the *Player's Nominated Address*.
- 1.6 A *Player* shall continue to be bound by and required to comply with the *Code* unless and until the *Player* is deemed under the rules applicable to him/her to have retired from the sport of cricket, and *Cricket Australia* shall continue to have jurisdiction over him/her under the *Code* thereafter in respect of matters taking place prior to that point.
- 1.7 A *Player* who retires in accordance with Article 1.6 at a time when he/she is in the *National Registered Testing Pool* may not resume competing in the sport unless he/she notifies *Cricket Australia* in writing and makes him/herself available for unannounced *Out-of-Competition Testing* in accordance with Article 5.7.
- 1.8 Any coach, trainer, manager, agent, team staff, official, medical or paramedical personnel, physiotherapist, parent or any other *Person* working with, treating or assisting a *Player* participating in or preparing for a *Match* or *Competition* or who otherwise falls within the scope of Article 1.1 (including such personnel who are employees, contractors or agents of *Cricket Australia* or any *Member* or any member, affiliate or licensee of such *Member* or player agents accredited under the Australian Cricketers' Association Player Agent Accreditation Scheme) (***Player Support Personnel***) shall also be bound by and shall be required to comply with all of the provisions of the *Code*.
- 1.9 It is the personal responsibility of each *Player Support Personnel* (which may not be delegated to any other *Person*):
- 1.9.1 to acquaint him/herself with all of the provisions of the *Code*, including (without limitation) being aware of what constitutes an Anti-Doping Rule Violation and what substances and methods are prohibited;
  - 1.9.2 to comply with the *Code* in all respects;
  - 1.9.3 to cooperate fully with the Testing of Players;
  - 1.9.4 to cooperate fully with any investigation into a potential Anti-Doping Rule Violation under the *Code* or the rules of any other Anti-Doping Organisation, including the *ICC*;
  - 1.9.5 to use his/her influence on *Player* values and behaviour in order to foster positive attitudes towards anti-doping in the sport of cricket;
  - 1.9.6 to immediately refer information about possible *Anti-Doping Rule Violations* to *Cricket Australia*;
  - 1.9.7 to set a responsible example on the issue of drug use in sport to members of the public, especially children interested in cricket;
  - 1.9.8 to disclose to his/her *NADO* and *Cricket Australia* any decision by a non-*Signatory* finding that he/she infringed any applicable anti-doping rules within the previous ten years; and

- 1.9.9 not to *Use* or *Possess* any *Prohibited Substance* or *Prohibited Method* without valid justification.
- 1.10 Without prejudice to Articles 1.1 to 1.9, *Cricket Australia* shall be responsible for promoting anti-doping awareness and education in the sport of cricket.
- 1.11 *Cricket Australia* agrees to be bound by the Sporting Administration Body Rules as contained in clause 2.04 of the *NAD Scheme*.

## ARTICLE 2 **ANTI-DOPING RULE VIOLATIONS**

Doping is defined as the occurrence of one or more of the following *Anti-Doping Rule Violations*:

- 2.1 The 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/her body. A *Player* is responsible for any *Prohibited Substance* or its *Metabolites* or *Markers* found to be present in his/her *Sample*. Accordingly, it is not necessary that intent, *Fault*, negligence or knowing *Use* on the *Player's* part be demonstrated in order to establish an *Anti-Doping Rule Violation* under Article 2.1.<sup>1</sup>
- 2.1.2 Sufficient proof of an *Anti-Doping Rule Violation* under Article 2.1 is established by any of the following (unless the *Player* establishes that such presence is consistent with a *Therapeutic Use Exemption* granted in accordance with Article 4.4): (a) the 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; (b) where the *Player's B Sample* is analysed and the analysis of the *Player's B Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the *Player's A Sample*; or (c) 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>2</sup>
- 2.1.3 Except in the case of those substances for which a quantitative reporting threshold is specifically identified in the *Prohibited List*, and subject to the special criteria established in the *Prohibited List* (and/or other *International Standards*) to distinguish between endogenous and exogenous production of certain substances, 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* under Article 2.1.
- 2.2 *Use* or *Attempted Use* by a *Player* of a *Prohibited Substance* or a *Prohibited Method*, unless the *Player* establishes that such *Use* or *Attempted Use* is consistent with a *Therapeutic Use Exemption* granted in accordance with Article 4.4.<sup>3</sup>**

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<sup>1</sup> It is not necessary that intent, *Fault*, negligence or knowledge on the *Player's* part be demonstrated in order to establish an *Anti-Doping Rule Violation* under Article 2.1. This rule has been referred to in various CAS decisions as "Strict Liability". Consequently, lack of intent, *Fault*, negligence or knowledge shall not be a defence to a charge that an *Anti-Doping Rule Violation* has been committed under Article 2.1. A *Player's Fault* is taken into consideration in determining the *Consequences* of this *Anti-Doping Rule Violation* under Article 11.

<sup>2</sup> The *Anti-Doping Organisation* with results management responsibility may in its discretion choose to have the B *Sample* analysed even if the *Player* does not request the analysis of the B *Sample*.

<sup>3</sup> It is not necessary that intent, *Fault*, negligence or knowledge on the *Player's* part be demonstrated in order to establish an *Anti-Doping Rule Violation* under Article 2.2. Consequently, lack of intent, *Fault*, negligence or knowledge shall not be a defence to a charge that an *Anti-Doping Rule Violation* has been committed under Article 2.2. It has always been the case that *Use* or *Attempted Use* of a *Prohibited Substance* or *Prohibited Method* may be established by any reliable means. Unlike the proof required to establish an *Anti-Doping Rule Violation* under Article 2.1, *Use* or

- 2.2.1** It is each *Player's* personal duty to ensure that he/she does not *Use* any *Prohibited Substance* or *Prohibited Method*. 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* of *Use* under Article 2.2.
- 2.2.2** Without prejudice to Article 2.2.1, it is necessary that intent on the *Player's* part be demonstrated in order to establish an *Anti-Doping Rule Violation* of *Attempted Use* under Article 2.2.
- 2.2.3** The success or failure of the *Use* or *Attempted Use* of a *Prohibited Substance* or *Prohibited Method* is not material. For an *Anti-Doping Rule Violation* to be committed under Article 2.2, it is sufficient that the *Player Used* or *Attempted to Use* the *Prohibited Substance* or *Prohibited Method*.<sup>4</sup>
- 2.2.4** Notwithstanding Article 2.2.3, however, a *Player's Use* of a substance *Out-Of-Competition* shall not constitute an *Anti-Doping Rule Violation* under Article 2.2 where the *Use* of that substance is not prohibited *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, regardless of when that substance might have been administered.

### **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 the *Code*, the *NAD Scheme* or in applicable anti-doping rules.<sup>5</sup>

### **2.4 Whereabouts Failures.**

For a *Player* in the *National Registered Testing Pool*, any combination of three Filing Failures and/or Missed Tests (as such terms are defined in the *International Standard* for Testing and Investigations) committed within a twelve-month period, whether declared by *Cricket Australia* or any *Anti-Doping Organisation* with jurisdiction over the *Player* (a "**Whereabouts Failure**") shall constitute an *Anti-Doping Rule Violation* under this Article 2.4.<sup>6</sup>

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

This Article prohibits conduct that subverts or *Attempts* to subvert 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

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*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 *Athlete 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. 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 Organization* provides a satisfactory explanation for the lack of confirmation in the other *Sample*.

<sup>4</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 and violations of Article 2.2 in respect of *Use* of a *Prohibited Substance* or *Prohibited Method*.

<sup>5</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>6</sup> A *Filing Failure* amounts to a failure to file whereabouts information in accordance with the *International Standard* for Testing and Investigations. A *Missed Test* constitutes a failure to be available for *Testing* at the declared whereabouts in accordance with the *International Standard* for Testing and Investigations.



to an *Anti-Doping Organisation* or intimidating or attempting to intimidate a potential witness.<sup>7</sup>

## **2.6 Possession of Prohibited Substances and/or Prohibited Methods.**

**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 pursuant to a *Therapeutic Use Exemption* granted in accordance with Article 4.4 or other acceptable justification.<sup>8</sup>

**2.6.2** Possession by a *Player Support Personnel In-Competition* of any *Prohibited Substance* or any *Prohibited Method*, or Possession by *Player Support Personnel Out-of-Competition* of any *Prohibited Substance* or any *Prohibited Method* which is prohibited *Out-of-Competition*, in connection with a *Player*, *Match* or training, unless the *Player Support Personnel* establishes that the *Possession* is consistent with a *Therapeutic Use Exemption* granted to a *Player* in accordance with Article 4.4 or other acceptable justification.<sup>9</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 *Prohibited Method* that is prohibited *Out-of-Competition*, unless it is established that the Administration or Attempted Administration was consistent with a *Therapeutic Use Exemption* granted in accordance with Article 4.4.

## **2.9 Complicity.**

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity involving an *Anti-Doping Rule Violation* or any *Attempted Anti-Doping Rule Violation* or violation of Article 11.11.1 by another *Person*.

## **2.10 Prohibited Association.**

**2.10.1** 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 *Person* (**Prohibited Person**) who:

**2.10.1.1** if subject to the authority of an *Anti-Doping Organisation*, is serving a period of *Ineligibility*; or

**2.10.1.2** if not subject to the authority of an *Anti-Doping Organisation*, and where *Ineligibility* has not been addressed in a results management process pursuant to the *Code*, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if *World Anti-Doping 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

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<sup>7</sup> For example, this Article 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* may be addressed in the *Cricket Australia* Code of Behaviour.

<sup>8</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>9</sup> Acceptable justification would include, for example, a team doctor carrying *Prohibited Substances* for dealing with acute and emergency situations.

decision or the duration of the criminal, professional or disciplinary sanction imposed; or

**2.10.1.3** is serving as a front or intermediary for an individual described in Articles 2.10.1.1 or 2.10.1.2.

**2.10.2** In order for this Article 2.10 to apply, it is necessary that (a) the *Player* or other *Person* has previously been advised in writing by *Cricket Australia*, an *Anti-Doping Organisation* or the *ICC* (in which case, the *Anti-Doping Organisation* or *ICC* shall copy such notice to *Cricket Australia*) or *WADA*, of the *Prohibited Person's* disqualifying status and the potential *Consequences* of prohibited association, and (b) the *Player* or other *Person* can reasonably avoid the association. *Cricket Australia* and/or the *Anti-Doping Organisation* (as applicable) shall also use reasonable efforts to advise the *Prohibited Person* who is the subject of the notice to the *Player* or other *Person* that the *Prohibited Person* may, within 15 days, come forward to the *Anti-Doping Organisation* to explain that the criteria described in Articles 2.10.1.1 and 2.10.1.2 do not apply to him or her. For the avoidance of doubt, this Article applies even when the *Prohibited Person's* disqualifying conduct occurred prior to the *Effective Date*.

**2.10.3** The burden shall be on the *Player* or other *Person* to establish that any association with the *Prohibited Person* described in Article 2.10.1.1 or 2.10.1.2 is not in a professional or sport-related capacity.

**2.10.4** If *Cricket Australia* becomes aware of any *Person* who meets the criteria described in Article 2.10.1.1, 2.10.1.2 or 2.10.1.3 it shall submit that information to the *ICC* and *WADA*.<sup>10</sup>

## **ARTICLE 3 PROOF OF DOPING**

### **3.1 Burdens and Standards of Proof**

**3.1.1** *Cricket Australia* 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 *Cricket Australia* or *SIA* (as applicable) has established the commission of the alleged *Anti-Doping Rule Violation* to the comfortable satisfaction of the *Anti-Doping Tribunal*, bearing in mind the seriousness of the allegation that is made. This standard of proof in all cases is greater than a mere balance of probabilities but less than proof beyond a reasonable doubt.

**3.1.2** Where the *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 probabilities.

### **3.2 Methods of Establishing Facts and Presumptions**

The *Anti-Doping Tribunal* shall not be bound by judicial rules governing the admissibility of evidence. Instead, facts relating to an *Anti-Doping Rule Violation* may be established

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<sup>10</sup> *Players* and other *Persons* must not work with coaches, trainers, physicians or other *Persons*, including *Player Support Personnel*, who are *Ineligible* on account of an *Anti-Doping Rule Violation* or who have been criminally convicted or professionally disciplined in relation to doping. Some examples of the types of association which are prohibited include: obtaining training, strategy, technique, nutrition or medical advice; obtaining therapy, treatment or prescriptions; providing any bodily products for analysis; or allowing the *Player Support Personnel* to serve as an agent or representative. Prohibited association need not involve any form of compensation.

by any reliable means, including admissions.<sup>11</sup> The following rules of proof shall be applicable in doping cases:

- 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 a scientific validity shall, as a condition precedent to any such challenge (which shall be made via CAS), 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** 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.
- 3.2.3** 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* who is asserted to have committed an *Anti-Doping Rule Violation* may rebut this presumption by establishing that a departure from the *International Standard* for Laboratories occurred that could reasonably have caused the *Adverse Analytical Finding*. If the *Player* or other *Person* rebuts the presumption by showing that a departure from the *International Standard* for Laboratories occurred which could reasonably have caused the *Adverse Analytical Finding*, then, *Cricket Australia* or *SIA* (as applicable) shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.<sup>12</sup>
- 3.2.4** Departures from any other *International Standard* or other anti-doping rule or policy set forth in the *World Anti-Doping Code* or the *Code* that 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* who is asserted to have committed an *Anti-Doping Rule Violation* establishes that a departure from an *International Standard* or other anti-doping rule or policy occurred that could reasonably have caused an *Anti-Doping Rule Violation* based on an *Adverse Analytical Finding* or other *Anti-Doping Rule Violation*, then *Cricket Australia* or *SIA* (as applicable) shall have the burden to establish that such a departure did not cause the *Adverse Analytical Finding* or other factual basis for the *Anti-Doping Rule Violation* asserted.
- 3.2.5** 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.

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<sup>11</sup> For example, an *Anti-Doping Organisation* 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*, or conclusions drawn from the profile of a series of the *Player's* blood or urine *Samples*, such as data from the *Athlete Biological Passport*.

<sup>12</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 *Cricket Australia* or the *Anti-Doping Organisation* to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the *Adverse Analytical Finding*.

**3.2.6** The *Anti-Doping Tribunal* may draw an inference adverse to the *Player* or other *Person* who is asserted to have committed an *Anti-Doping Rule Violation* based on his/her refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person, virtually or by telephone as directed by the *Anti-Doping Tribunal*) and to answer questions from the *Anti-Doping Tribunal*, or the *Anti-Doping Organisation* asserting the *Anti-Doping Rule Violation*.

## ARTICLE 4 THE PROHIBITED LIST

### 4.1 Incorporation, Publication and Revision of the *Prohibited List*<sup>13</sup>

This *Code* incorporates the *Prohibited List* which is published and revised by WADA as described in Article 4.1 of the *WADA Code* as in force from time to time. 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 *Cricket Australia*. 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.<sup>14</sup>

#### 4.2.2 *Specified Substances*

For purposes of the application of Article 11 of the *Code*, all *Prohibited Substances* shall be considered “**Specified Substances**” except: (a) substances in the class of anabolic agents and hormones; and (b) those stimulants and hormone antagonists and modulators so identified on the *Prohibited List*. The category of *Specified Substances* shall not include *Prohibited Methods*.<sup>15</sup>

### 4.3 WADA’s Determination of the *Prohibited List*

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

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<sup>13</sup> 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>14</sup> *Out-of-Competition Use* of a substance which is only prohibited *In-Competition* is not an *Anti-Doping Rule Violation* unless an *Adverse Analytical Finding* for the substance or its *Metabolites* or *Markers* is reported for a *Sample* collected *In-Competition*.

<sup>15</sup> The *Specified Substances* identified in Article 4.1.3 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.

#### 4.4 Therapeutic Use Exemptions (TUEs)

- 4.4.1 The presence of a *Prohibited Substance* or its *Metabolites* or *Markers*, and/or the *Use* or *Attempted Use*, *Possession* or *Administration* or *Attempted Administration* of a *Prohibited Substance* or *Prohibited Method* shall not be considered an *Anti-Doping Rule Violation* if it is consistent with the provisions of a *TUE* granted in accordance with the *International Standard for Therapeutic Use Exemptions*.
- 4.4.2 The *TUE Committee* for Australia is the *Australian Sports Drug Medical Advisory Committee (ASDMAC)*. Unless otherwise specified by *ASDMAC* in a notice posted on its website, any *National-Level 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 *Match*, 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*.<sup>16</sup>
- 4.4.3 If an *Anti-Doping Organisation* chooses to test a *Player* who is not an *International-Level Player* 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 *TUE* granted by *ASDMAC* is valid at national level only. 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 the *ICC* to recognise that *TUE*, in accordance with Article 7 of the *International Standard for Therapeutic Use Exemptions*. If that *TUE* meets the criteria set out in the *International Standard for Therapeutic Use Exemptions*, then the *ICC* shall recognise it for purposes of participating in an *International Match* (as that term is defined in the *ICC Code*) as well. If the *ICC* considers that the *TUE* granted by *ASDMAC* does not meet those criteria and so refuses to recognise it, the *ICC* 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 *Matches* and *Out-of-Competition Testing* (but is not valid for *International Matches*) 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

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<sup>16</sup> The submission of false or misleading information in support of a *TUE* application (including but not limited to the failure to advise of the unsuccessful outcome of a prior application to another *Anti-Doping Organisation* for such a *TUE*) may result in a charge of *Tampering* or *Attempted Tampering* under Article 2.5. 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.

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 the *ICC* for a *TUE* in accordance with the process set out in the *International Standard* for Therapeutic Use Exemptions. If the *ICC* grants the *Player's* application, it shall notify the *Player* and *ASDMAC*. If *ASDMAC* considers that the *TUE* granted by the *ICC* does not meet the criteria set out in the *International Standard* for Therapeutic Use Exemptions, it has 21 days from such notification to refer the matter to *WADA* for review. If *ASDMAC* refers the matter to *WADA* for review, the *TUE* granted by the *ICC* remains valid for the purposes of participating in *International Matches* and *Out-of-Competition Testing* (but is not valid for national-level *Matches*) pending *WADA's* decision. If *ASDMAC* does not refer the matter to *WADA* for review, the *TUE* granted by the *ICC* becomes valid for national-level *Matches* 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 the *Code*:

- (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 8.2 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

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<sup>17</sup> Further to Articles 5.6 and 7.1(a) of the *International Standard* for Therapeutic Use Exemptions, an international federation 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 international federation for recognition of that *TUE*.

If an international federation 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 the international federation.

<sup>18</sup> The international federation and *ASDMAC* may agree that *ASDMAC* will consider *TUE* applications on behalf of the international federation.

- 4.4.6.1** If ASDMAC denies an application for a *TUE*, the *Player* may appeal exclusively to the national-level appeal body, the ASDMAC Review Panel.
- 4.4.6.2** WADA shall review any decision by the *International Federation* 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 the ICC 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 that decision.
- 4.4.6.3** Any *TUE* decision by an *International Federation* (or by ASDMAC where it has agreed to consider the application on behalf of an *International Federation*) that is not reviewed by WADA, or that is reviewed by WADA but is not reversed upon review, may be appealed by the *Player* or ASDMAC exclusively to CAS, in accordance with Article 13.<sup>19</sup>
- 4.4.6.4** A decision by WADA to reverse a *TUE* decision may be appealed by the *Player*, ASDMAC and/or the *International Federation* 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.

## ARTICLE 5 TESTING AND INVESTIGATIONS

### 5.1 Purpose of *Testing* and Investigations

- 5.1.1** *Testing* shall only be undertaken for anti-doping purposes, being to obtain analytical evidence as to the *Player's* compliance (or non-compliance) with the *Code's* strict prohibition on the presence/Use of a *Prohibited Substance* or *Prohibited Method*. *Cricket Australia* shall be responsible for assisting SIA to draw up and implement a test distribution plan for cricket played under its jurisdiction in accordance with Article 4 of the *International Standard* for Testing and Investigations. *Cricket Australia* will engage one or more third party *Testing Authorities* to conduct such *Testing* on its behalf. All such *Testing* shall be conducted in substantial conformity with the *International Standard* for Testing and Investigations and the *Cricket Testing Protocols* and, where relevant, the requirements of the *NAD Scheme*.
- 5.1.2** All *Players* (including *Players* serving a period of *Ineligibility* or a *Provisional Suspension*) must comply with any request for *Testing* by a *Testing Authority* or by any *Anti-Doping Organisation* with *Testing* authority over him/her, at any time or place, with or without notice.

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

- 5.1.3 For the avoidance of doubt, *Cricket Australia* or *SIA* may select *Players* for *Target Testing* so long as such *Target Testing* is not used for any purpose other than legitimate anti-doping purposes.
- 5.1.4 *WADA* shall have *In-Competition* and *Out-of-Competition Testing* authority as set out in Article 20.7.8 of the *World Anti-Doping Code*.
- 5.1.5 *Cricket Australia* and *SIA* acknowledges the jurisdiction that the *World Anti-Doping Code* confers on other *Anti-Doping Organisations* to test *Players*. *Cricket Australia* and *SIA* shall recognise such *Testing* and the results thereof in accordance with Article 15 of the *World Anti-Doping Code*.
- 5.1.6 *Cricket Australia* may authorise independent observers to observe *Testing* conducted on behalf of *Cricket Australia*.
- 5.1.7 Investigations shall be undertaken:
  - 5.1.7.1 in relation to *Atypical Findings*, *Atypical Passport Findings* and *Adverse Passport Findings*, in accordance with Articles 8.3 and 8.4 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
  - 5.1.7.2 in relation to other indications of potential *Anti-Doping Rule Violations*, in accordance with Articles 8.5 and 8.6, 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.

## 5.2 ***In-Competition Testing***

- 5.2.1 *Players* shall be subject to *Testing* on behalf of *Cricket Australia* at *Matches*. The selection of the *Matches* at which *Testing* is to take place shall be determined by *Cricket Australia* and/or *SIA* (as they may agree between themselves), and shall remain confidential except to those *Persons* with a reasonable need to know of such selection in order to facilitate such *Testing*.
- 5.2.2 A *Player* may be notified that he/she has been selected for *Testing* in connection with a *Match* in which he/she is participating at any time from 0600 local time on the first day of the *Match* in question until one hour after its completion or abandonment for whatever reason (including rain) irrespective of whether there has been any play whatsoever in the *Match* at the time of abandonment. Such periods (and only such periods) shall be deemed “***In-Competition***” periods for purposes of the *Code*, so that, by way of example only:
  - 5.2.2.1 the entire duration of any *Match* lasting more than one day will be considered to be *In-Competition*;
  - 5.2.2.2 where a *Match* overflows into a ‘reserve’ day which has been set aside, then, for the purposes of the *Code*, the *In-Competition* period shall continue until the completion of the *Match*;
  - 5.2.2.3 where a ‘reserve’ day has been set aside for a *Match*, but the *Match* concludes prior to the commencement of play on the ‘reserve’ day, then such ‘reserve’ day will not be considered to fall within the *In-Competition* period; and



5.2.2.4 where any *Player* is not selected as a member of a starting XI or as an officially designated substitute for a particular *Match*, then the duration of such *Match* will not be considered to fall within the *In-Competition* period relevant for that *Player*.

5.2.3 The actual timing of the *Testing* at a selected *Match*, and the selection of *Players* to be tested at that *Match*, shall be at the discretion of *Cricket Australia* or *SIA* (as applicable) and (where applicable) in compliance with section 1 of the *Cricket Testing Protocols*, set out at Appendix 3.

### 5.3 **Out-of-Competition Testing**

#### 5.3.1 **Ambit of Out-of-Competition Testing**

5.3.1.1 Any period outside of an *In-Competition* period shall be deemed an “**Out-of-Competition**” period for purposes of the *Code*. Any *Testing* of a *Player* outside of an *In-Competition* period shall therefore be considered *Out-of-Competition Testing* for the purposes of the *Code*. Save in exceptional circumstances, such *Testing* shall be *No Advance Notice Testing*.

5.3.1.2 Where a *Sample* is collected during *Out-of-Competition Testing*, there shall only be an *Anti-Doping Rule Violation* under Article 2.1 if analysis of the *Sample* establishes that a substance (or its *Markers* or *Metabolites*) that is prohibited in *Out-of-Competition Testing* – that is, a substance that is listed in the section of the *Prohibited List* entitled “Substances and Methods Prohibited At All Times (In- and Out-of-Competition)” - is present in the *Sample*, or if such analysis reveals evidence of *Use of a Prohibited Method*.

5.3.1.3 For the avoidance of doubt, a *Player* may be selected for *Out-of-Competition Testing* at any time and place. The timing of *Out-of-Competition Testing* and the selection of *Players* to be tested shall be at the discretion of *Cricket Australia* and/or *SIA* (as *Cricket Australia* and *SIA* may determine from time to time). Decisions relating to timing and selection of *Players* for *Out-of-Competition Testing* shall remain confidential except to those *Persons* with a reasonable need to know of them in order to facilitate such *Testing*.

#### 5.3.2 **Player Whereabouts Information**

5.3.2.1 In addition to the general obligation on all *Players* to submit to *Testing* (including *Out-of-Competition Testing*) at any time and place:

(a) the *ICC* shall establish a pool of international *Players* (the **International Registered Testing Pool**) who are required to provide up-to-date whereabouts information to the *ICC* and to make themselves available for *Testing* at such whereabouts in accordance with the *ICC Code*; and

(b) the *ICC* may, from time to time, establish further criteria identifying an additional pool of *Players* to be known as the “**National Player Pool**” (or similar), who, together with the applicable member board, may be required to file and update certain additional whereabouts information in accordance with such filing requirements (and subject to the potential sanctions for non-compliance) that the *ICC* may determine appropriate.

(c) *Players* who are under contract to *Cricket Australia* must

provide to *Cricket Australia* accurate and up-to-date whereabouts information and keep this information updated so as to enable *Testing* (including *Out-of-Competition Testing*). This information must include all relevant details while the *Player* is on any period of leave (annual, parental or otherwise).

- (d) *Players* who are under contract to a *State Cricket Association* must provide to that *State Cricket Association* and to *Cricket Australia* accurate and up-to-date whereabouts information and keep this information updated so as to enable *Testing* (including *Out-of-Competition Testing*). This information must include all relevant details while the *Player* is on any period of leave (annual, parental or otherwise).

**5.3.2.2** Whereabouts information relating to a *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 Article 5.6 of the *World Anti-Doping 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.

### **5.3.3 Additional obligations on *Players* included in *SIA's Registered Testing Pool***

**5.3.3.1** *SIA* may include one or more *Players* in its Registered Testing Pool (the ***SIA RTP***). A *Player* who is included in the *SIA RTP* shall be personally responsible for providing whereabouts information in accordance with the requirements of the *World Anti-Doping Code*, the *International Standard* for Testing and Investigations, the *NAD Scheme* and the *SIA* Whereabouts Policy approved by *SIA* from time to time.

**5.3.3.2** Subject to the results management provisions referenced at Article 8.5:

- (a) the failure of a *Player* in the *SIA RTP* to advise *SIA* of his/her whereabouts shall be deemed a *Filing Failure* for the purposes of the *Code* where the conditions set forth in the *International Standard* for Testing and Investigations or the *SIA Athlete Whereabouts Policy* for declaring a *Filing Failure* are met; and
- (b) the failure of a *Player* in the *SIA RTP* to be available for *Testing* at his/her declared whereabouts shall be deemed a *Missed Test* for the purposes of the *Code* where the conditions set forth in the *International Standard* for Testing and Investigations or the *SIA Athlete Whereabouts Policy* for declaring a *Missed Test* are met.

**5.3.3.3** *SIA* shall make available, through *ADAMS* or another system approved by *WADA*, a list which identifies those *Players* included in the *SIA RTP* by name. *SIA* shall coordinate with the *ICC* the identification of such *Players* and the collection of their whereabouts information. Where a *Player* is included in an *International Registered Testing Pool* by the *ICC* and in the *SIA RTP* by *SIA*, *SIA* and the *ICC* shall agree between themselves which of them 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 the SIA RTP, and shall revise the membership of the SIA RTP from time to time as appropriate in accordance with those criteria. *Players* shall be notified before they are included in the SIA RTP and when they are removed from that pool.

**5.3.3.4** A *Player* who has been included in the SIA RTP must continue to comply with the whereabouts requirements of the *International Standard* for Testing and Investigations unless and until either:

- (a) SIA informs him/her in writing that he/she no longer satisfies the criteria for inclusion in the SIA RTP; or
- (b) the *Player* retires from his/her sport in accordance with Article 5.3.3.5.

**5.3.3.5** A *Player* who is in the SIA RTP who wants to retire from his/her sport must do so by submitting to SIA a completed 'RETIREMENT NOTIFICATION FORM' available at [www.SIA.gov.au](http://www.SIA.gov.au). A *Player's* retirement date will be the date on which SIA receives the fully completed form.

**5.3.3.6** Upon receipt of a notification in accordance with Article 5.3.3.5, SIA will, as soon as reasonably practicable, provide the *Player* and *Cricket Australia* with a written confirmation of the *Player's* retirement.

**5.3.3.7** 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 *Cricket Australia* or SIA 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* (including *Out of Competition Testing*); and
- (e) affect the operation of Article 1.6 of the *Code*.

**5.3.3.8** A *Player* who wants to retire from the *International Registered Testing Pool* must follow the ICC's retirement procedures.

## **5.4 Athlete Biological Passport Testing**

**5.4.1** *Cricket Australia* will designate one or more person(s) to administer and manage the *ABP Program* within and on behalf of *Cricket Australia* (the ***Athlete Biological Passport Management Unit*** or ***ABPMU***). *Cricket Australia* will also appoint suitably qualified, independent experts to form the *Expert Panel* for the purposes of the *ABP Program*.

**5.4.2** *Cricket Australia* will decide, in its sole discretion, which *Players* will be selected for *ABP Testing*. *Cricket Australia* will also decide, consulting as

appropriate with the *Expert Panel* (via the *ABPMU*), on the timing of such *Testing*. *Cricket Australia* will also coordinate as necessary with competent *Anti-Doping Organisations* carrying out *ABP Testing* in relation to any *Player(s)*.

- 5.4.3 *Samples* that are intended to be part of the *ABP Program* will be collected, transported and analysed in accordance with the relevant *International Standards*, and the mandatory protocols set out in Appendices A to C of the *ABP Guidelines*. For the avoidance of doubt, all urine and blood *Samples* collected under the *Code* may be evaluated in accordance with the steroid or haematological module (as applicable) of the *ABP Program*.
- 5.4.4 The data arising from such analysis will be processed and reviewed in accordance with the *ABP Guidelines* to identify *Atypical Biological Passport Findings* that warrant referral to a single expert from the *Expert Panel*, and thereafter (if appropriate) to two further experts from the *Expert Panel*, for consideration in accordance with Appendix E of the *ABP Guidelines*.
- 5.4.5 Where the three experts from the *Expert Panel* unanimously conclude that, subject to any explanation provided by the *Player*, it is more likely than not that the *Player Used a Prohibited Substance or Prohibited Method*, and unlikely that the *Adverse Biological Passport Finding* is the result of any other cause, that conclusion, which should be expressed as a combined opinion and should explain the expert's reasons for the conclusion (an **Adverse Biological Passport Finding**), shall be dealt with as set out in Article 8.4.

## 5.5 **Testing of Minors**

- 5.5.1 *Testing* of a *Player* who is a *Minor* shall be conducted in accordance with Annex C of the *International Standard* for *Testing and Investigations* (Modifications for Athletes who are *Minors*).
- 5.5.2 A *Minor* may not participate in any cricket conducted under the jurisdiction of *Cricket Australia* unless a parent or guardian of that *Minor* has consented to *Testing* of the *Minor* in accordance with Article 5.5.1. For purposes of the *Code*, such consent shall be deemed from the fact that the *Minor* has been permitted by his/her parent or guardian to participate in the sport. Confirmation in writing of such consent may be required to be provided at any time. Where the *Minor* is included in the *National Registered Testing Pool*, such consent must be confirmed upon notification of inclusion in the pool as a pre-condition to further participation in the sport. In addition, the rules of a particular *Competition* may require the provision of written consent pursuant to this Article 5.5 as a pre-condition to a *Minor's* participation in the *Competition*.

## 5.6 **Liability for Testing**

A reasonable effort will be made to avoid inconvenience to a *Player* who is subject to *Out-of-Competition Testing*. However, *Cricket Australia* and its directors, officers, employees, agents or representatives shall not be liable for any inconvenience or loss caused to the *Player* as a result of the *Out-of-Competition Testing*.

## 5.7 **Retired Players Returning to Competition**

- 5.7.1 If a *Player* registered in the *National Registered Testing Pool* or the *SIA RTP* retires from cricket in accordance with Article 1.6 or Article 5.3.3.5 and then wishes to return to active participation in the sport, the *Player* shall not compete in a *Match* until the *Player* has made himself or herself available for *Testing* by giving six months prior written notice to *Cricket Australia* and *SIA*. *WADA*, in consultation with *Cricket Australia* and the *Player's NADO*, may grant an exemption to the six-month written notice period rule where the strict application of that rule would be manifestly unfair to the *Player*. *WADA's*

decision may be appealed pursuant to Article 13. Any competitive results obtained in violation of Article 5.7.1 shall be *Disqualified*.

**5.7.2** If a *Player* retires from cricket while subject to a period of *Ineligibility* and then wishes to return to active participation in cricket, the *Player* shall not compete in any *Match* until he/she has made himself or herself available for *Testing* by giving 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 *Cricket Australia* and *SIA* of his/her intention to resume competing and has (if requested) complied with the whereabouts requirements of Annex 1 to the *International Standard* for Testing and Investigations.

## ARTICLE 6 ANALYSIS OF SAMPLES

*Samples* collected under the *Code* shall be analysed in accordance with the following principles:

### 6.1 Use of Accredited and Approved Laboratories<sup>20</sup>

*Samples* shall be sent for analysis only to *WADA*-accredited laboratories or laboratories otherwise approved by *WADA*. The choice of the *WADA*-accredited or *WADA*-approved laboratory used for the *Sample* analysis shall be determined exclusively by *Cricket Australia* and/or the *Anti-Doping Organisation* responsible for results management.

### 6.2 Purpose of Analysis of Samples<sup>21</sup>

**6.2.1** *Samples* shall be analysed:

**6.2.1.1** to detect *Prohibited Substances* and *Prohibited Methods* identified on the *Prohibited List* and other substances as may be directed by *WADA* pursuant to the Monitoring Program described in Article 4.5 of the *World Anti-Doping Code*; and/or

**6.2.2.2** to assist *Cricket Australia* or the *Anti-Doping Organisation* responsible for results management 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 purposes. *Samples* may be collected and stored for future analysis.

**6.2.2** An *Anti-Doping Organisation* shall ask laboratories to analyse *Samples* in conformity with Article 6.4 of the *World Anti-Doping Code* and Article 4.7 of the *International Standard* for Testing and Investigations.

### 6.3 Restrictions on Use of Samples

**6.3.1** All *Samples* provided by a *Player* for the purposes of *Testing* under the *Code* shall be the property of:

**6.3.3.1** if the *Sample* is collected at the initiative of the *SIA* CEO, the *SIA* CEO, who may transfer ownership of the *Sample* to another *Anti-Doping Organisation* exercising results management authority in relation to the *Sample*;

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<sup>20</sup> Violations of Article 2.1 may be established only by *Sample* analysis performed by a *WADA*-accredited laboratory or another laboratory approved by *WADA*. Violations of other Articles may be established using analytical results from other laboratories so long as the results are reliable.

<sup>21</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, or both.

**6.3.3.2** if the *Sample* is collected by *SIA* acting in its capacity as a *Testing Authority*, *Cricket Australia* or *SIA* (as they may agree between themselves), who shall be entitled to determine all matters regarding the analysis and disposal of such *Samples* at all times in accordance with the *International Standards*; and

**6.3.3.3** in all other cases, *Cricket Australia*.

**6.3.2** No *Sample* may be used for research without the *Player's* written consent. A *Sample* used (with the *Player's* consent) for purposes other than as described in Article 6.2 shall have any means of identification removed so that it cannot be traced back to the *Player* that provided it.

#### **6.4 Standards for *Sample* Analysis and Reporting<sup>22</sup>**

**6.4.1** Laboratories shall analyse *Samples* and report results in conformity with the *World Anti-Doping Code* and the *International Standard* for Laboratories.

**6.4.2** To ensure effective *Testing*, the Technical Document referenced at Article 5.4.1 of the *World Anti-Doping 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:

**6.4.2.1** An *Anti-Doping Organisation* or *Cricket Australia* may request that laboratories analyse its *Samples* using more extensive menus than those described in the Technical Document.

**6.4.2.2** *Anti-Doping Organisations* or *Cricket Australia* may request that laboratories analyse its *Samples* using less extensive menus than those described in the Technical Document only if they have satisfied WADA that, because of the particular circumstances of its country or of the sport in question, as set out in their test distribution plan, less extensive analysis would be appropriate.

**6.4.2.3** 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.

#### **6.5 Further Analysis of *Samples***

**6.5.1** Any *Sample* may be subject to further analysis by the *Anti-Doping Organisation* responsible for results management or *Cricket Australia* at any time before both the A and the B *Sample* analytical results (or A *Sample* result where the B *Sample* analysis has been waived or will not be performed) have been communicated by the *Anti-Doping Organisation* or *Cricket Australia* (as may be applicable) to the *Player* as the asserted basis for an Article 2.1 *Anti-Doping Rule Violation*.

**6.5.2** *Samples* collected pursuant to the *Code* may be stored and subjected to further analyses for the purposes described in Article 6.2 at any time exclusively at the direction of the *Anti-Doping Organisation* that initiated and directed *Sample*

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<sup>22</sup> The objective of this Article 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.

collection, *Cricket Australia* or *WADA*. (Any *Sample* storage or further analyses initiated by *WADA* shall be at *WADA*'s expense.) Further analysis of *Samples* shall conform with the requirements of the *International Standard* for Laboratories and the *International Standard* for Testing and Investigations.

## ARTICLE 7 NON-ANALYTICAL INVESTIGATION PROCESS

### 7.1 Roles and responsibilities of parties

**7.1.1** Where an investigation is required to determine whether an *Anti-Doping Rule Violation* may have occurred under this *Code*, unless otherwise agreed between *SIA* and *Cricket Australia*, either of *SIA* or *Cricket Australia* may conduct that investigation.

**7.1.2** *SIA* will, as soon as reasonably practicable, advise *Cricket Australia* of a *NADO* investigation. *SIA* may also consult affected or interested parties about their participation in any investigation.

**7.1.3** Where *Cricket Australia* conducts its own investigation, *Cricket Australia* must do so in coordination with any investigation being undertaken by *SIA* and seek *SIA*'s input into such investigation undertaken by *Cricket Australia*.

**7.1.4** Subject to Article 14.3, *Cricket Australia* will refer all information and intelligence relating to all instances of possible *Anti-Doping Rule Violations* under this *Code* to *SIA* and cooperate with any investigation by *SIA* as required. *Cricket Australia* and *SIA* shall have discretion, where it deems appropriate, to stay its or their own investigation pending the outcome of investigations being conducted by other *Signatories* and/or other relevant authorities.

**7.1.5** In the event a *Player* or *Player Support Personnel* knows or suspects that any other *Player* or *Player Support Personnel* has committed an *Anti-Doping Rule Violation*, the *Player* or *Player Support Personnel* must report such knowledge or suspicion to the *Anti-Doping Manager* as soon as possible. A *Player* or *Player Support Personnel* shall have a continuing obligation to report any new knowledge or suspicion regarding any potential *Anti-Doping Rule Violation* to the *Anti-Doping Manager*, even if the *Player's* or *Player Support Personnel's* prior knowledge or suspicion has already been reported.

**7.1.6** All *Persons* bound by this *Code* must assist, cooperate, and liaise with *Cricket Australia* and *SIA* (as applicable), or any party nominated by *Cricket Australia* or *SIA*, in relation to any investigation into a potential *Anti-Doping Rule Violation*. Specifically, all *Persons* must cooperate with and assist *SIA*, *Cricket Australia* or a nominated party (where relevant), including by:

**7.1.6.1** attending an interview to fully and truthfully answer questions;

**7.1.6.2** giving information; and

**7.1.6.3** producing documents or things,

in an investigation being conducted by or on behalf of *SIA* or *Cricket Australia* (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.

**7.1.7** If a *Player* or *Player Support Personnel* subverts or *Attempts* to subvert the investigation procedure (e.g. by providing false, misleading or incomplete

information, by failing to report a knowledge or suspicion pursuant to Article 7.1.5 and/or by destroying potential evidence) proceedings may be brought for a violation of Article 2.5 (*Tampering or Attempted Tampering*).

## **ARTICLE 8 RESULTS MANAGEMENT**

### **8.1 Responsibility for Results Management**

- 8.1.1** *Cricket Australia, a Testing Authority or an Anti-Doping Organisation, as determined by Cricket Australia, shall take responsibility for results management of all potential Anti-Doping Rule Violations under this Code in accordance with this Article 8 of the Code, the SIA Act, the SIA Regulations and the NAD Scheme as in force from time to time. This includes any matters referred to Cricket Australia or SIA by other Anti-Doping Organisations for results management.*
- 8.1.2** *Where an Anti-Doping Organisation elects to collect additional Samples in circumstances set out in this Code, then it shall be considered the Anti-Doping Organisation that initiated and directed Sample collection and will have results management responsibility.*
- 8.1.3** *However, if Cricket Australia delegates or contracts any part of Testing to a NADO, the NADO may direct the laboratory to perform additional types of analysis at the NADO's expense. If additional types of analysis are performed, Cricket Australia shall be notified.*

### **8.2 Results Management for Adverse Analytical Findings**

Results management in respect of the results of tests initiated by an *Anti-Doping Organisation* or *Cricket Australia* shall proceed as follows:

- 8.2.1** *Upon receipt of an Adverse Analytical Finding, Cricket Australia or the Anti-Doping Organisation shall conduct a review to determine whether:*
- 8.2.1.1** *the Adverse Analytical Finding is consistent with an applicable TUE which has been granted or which may be granted as provided in the International Standard for Therapeutic Use Exemptions; and/or*
- 8.2.1.2** *there is any apparent departure from the International Standard for Testing and Investigations or International Standard for Laboratories that caused the Adverse Analytical Finding.*
- 8.2.2** *If the review determines that either: (a) the Adverse Analytical Finding is consistent with an applicable TUE; and/or (b) there has been an apparent departure from either the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Adverse Analytical Finding, the entire test shall be considered negative. The Anti-Doping Organisation shall notify, in accordance with the World Anti-Doping Code and, subject to all necessary requirements under the NAD Scheme having been met, the Player, Cricket Australia, the ICC and WADA of that fact, and (subject to the rights of appeal set out in Article 13) the matter shall not proceed any further.*
- 8.2.3** *If the review of an Adverse Analytical Finding does not reveal that: (a) the Adverse Analytical Finding is consistent with an applicable TUE; and/or (b) there has been an apparent departure from the International Standard for Testing and Investigations or the International Standard for Laboratories that caused the Adverse Analytical Finding, then the Anti-Doping Organisation shall, subject to all necessary requirements under the NAD Scheme having been met, promptly send the Player written notice, copied to Cricket Australia,*



WADA and the ICC, of the following:

- 8.2.3.1** the *Adverse Analytical Finding*;
  - 8.2.3.2** details of the *Anti-Doping Rule Violation(s)* that the *Player* is alleged to have committed;
  - 8.2.3.3** the *Player's* right to request the analysis of the B *Sample* or, failing such request by the specified deadline, that the B *Sample* analysis may be deemed waived;
  - 8.2.3.4** the scheduled date, time and place for the B *Sample* analysis if the *Player* or the *Anti-Doping Organisation* chooses to request an analysis of the B *Sample*;
  - 8.2.3.5** 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; and
  - 8.2.3.6** 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.
- 8.2.4** If the *Anti-Doping Organisation* decides not to bring forward the *Adverse Analytical Finding* as an *Anti-Doping Rule Violation*, it will notify the *Player*, *Cricket Australia*, the ICC and WADA.
- 8.2.5** In all cases where a *Player* has been notified of an asserted *Anti-Doping Rule Violation* that does not result in a mandatory *Provisional Suspension* under Article 8.10.1, the *Player* shall be offered the opportunity to accept a *Provisional Suspension* under Article 8.10.2 pending the resolution of the matter.
- 8.2.6** Where requested by the *Player* or an *Anti-Doping Organisation*, 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. The *Anti-Doping Organisation* may nonetheless elect to proceed with the B *Sample* analysis even where the *Player* has waived this requirement.
- 8.2.7** The *Player* and/or his/her representative shall be allowed to be present at the analysis of the B *Sample*. Also, a representative of the *Anti-Doping Organisation* shall be allowed to be present.
- 8.2.8** If the B *Sample* is analysed and the *Adverse Analytical Finding* in respect of the A *Sample* is not confirmed, then (unless *Cricket Australia* or the *Anti-Doping Organisation* charges the *Player* with an *Anti-Doping Rule Violation* under Article 2.2) the entire test shall be considered negative and the *Player*, *Cricket Australia*, SIA (if different to the *Anti-Doping Organisation*), WADA and the ICC shall be so informed. In such circumstances, the proceedings instituted against the *Player* shall be discontinued, and any *Provisional Suspension* previously imposed shall be deemed vacated with immediate effect.
- 8.2.9** If the analysis of the B *Sample* confirms the *Adverse Analytical Finding* in respect of the A *Sample*, the findings shall be reported to the *Player*, *Cricket Australia*, SIA (if different to the *Anti-Doping Organisation*), WADA and the ICC in accordance with the *World Anti-Doping Code*, subject to all necessary requirements under the *NAD Scheme* having been met.

### **8.3 Results Management for *Atypical Findings***

- 8.3.1** As provided in the *International Standard* for Laboratories, in certain circumstances where a *Prohibited Substance* that is detected in a *Sample* may also be produced endogenously, laboratories are directed to report the presence of such substance as an *Atypical Finding* that should be investigated further.
- 8.3.2** If a laboratory reports an *Atypical Finding* in respect of a *Sample* collected pursuant to the *Code*, the *Anti-Doping Organisation* shall conduct a review to determine whether:
- 8.3.2.1** the *Atypical Finding* is consistent with an applicable *TUE* which has been granted or which may be granted as provided in the *International Standard* for Therapeutic Use Exemptions; and/or
  - 8.3.2.2** there is any apparent departure from the *International Standard* for Testing and Investigations or *International Standard* for Laboratories that caused the *Atypical Finding*.
- 8.3.3** If the initial review of an *Atypical Finding* under Article 8.3.2 reveals either: (a) that the *Atypical Finding* is consistent with an applicable *TUE*; and/or (b) that there is an apparent departure from the *International Standard* for Testing and Investigations or *International Standard* for Laboratories that caused the *Atypical Finding*, the entire test shall be considered negative. The *Anti-Doping Organisation* shall notify the *Player*, *Cricket Australia*, *SIA* (if different to the *Anti-Doping Organisation*), *WADA* and the *ICC* in accordance with the *World Anti-Doping Code* and subject to all necessary requirements under the *NAD Scheme* having been met and (subject to the rights of appeal set out at Article 13) the matter shall not proceed any further.
- 8.3.4** If the initial review of an *Atypical Finding* under Article 8.3.2 does not reveal that the *Atypical Finding* is consistent with an applicable *TUE* or a departure from the *International Standard* for Testing and Investigations or the *International Standard* for Laboratories that caused the *Atypical Finding*, *Cricket Australia* or the *Anti-Doping Organisation* shall conduct any follow-up investigation. If, once that investigation is completed, *Cricket Australia* or the *Anti-Doping Organisation* concludes that the *Atypical Finding* should be considered an *Adverse Analytical Finding*, the *Anti-Doping Organisation* shall pursue the matter in accordance with Article 8.2.3. If not, it shall so inform the *Player*, *Cricket Australia*, *SIA* (if different to the *Anti-Doping Organisation*), *WADA* and the *ICC* and (subject to the rights of appeal set out at Article 13) the matter shall not proceed any further.
- 8.3.5** Pending the outcome of the investigation, *Cricket Australia* and the *Anti-Doping Organisation* will keep the *Atypical Finding* confidential, unless one of the following circumstances exists:
- 8.3.5.1** If the *Anti-Doping Organisation* determines the *B Sample* should be analysed prior to the conclusion of any follow-up 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 8.2.3.
  - 8.3.5.2** If the *Anti-Doping Organisation* receives a request from *Cricket Australia* or the *ICC* or from a sports organisation responsible for meeting an imminent deadline for selecting team members for a *Match* asking the *Anti-Doping Organisation* to disclose whether any *Player* identified on a list provided by *Cricket Australia* or the *ICC* has a pending *Atypical Finding*, the *Anti-Doping Organisation* shall so identify any such *Player* after first providing notice of the *Atypical Finding* to the

*Player.*

#### **8.4 Review of Atypical Biological Passport Findings and Adverse Biological Passport Findings**

**8.4.1** Review of *Atypical Biological Passport Findings* and *Adverse Biological Passport Findings* shall take place as provided in the *International Standard* for Testing and Investigations and *International Standard* for Laboratories. At such time as the *Anti-Doping Organisation* is satisfied that an *Anti-Doping Rule Violation* has occurred, it shall, subject to all necessary requirements under the *NAD Scheme* having been met, promptly give the *Player* (and simultaneously *Cricket Australia*, *WADA* and the *ICC*) notice of the *Anti-Doping Rule Violation* asserted and the basis of that assertion.

#### **8.5 Results Management for Whereabouts Violations**

**8.5.1** *SIA* shall review potential *Filing Failures* and *Missed Tests* (as defined in the *International Standard* for Testing and Investigations and any *SIA* Whereabouts Policy approved by *SIA* from time to time) in respect of *Players* who file their whereabouts information with *SIA*, in accordance with Annex I to the *International Standard for Testing and Investigations*. At such time as *SIA* is satisfied that an Article 2.4 *Anti-Doping Rule Violation* has occurred, it shall promptly give the *Player* (and simultaneously, the *ICC*, *Cricket Australia*, and *WADA*) notice that it is asserting a violation of Article 2.4 and the basis of that assertion.

#### **8.6 Review of other Anti-Doping Rule Violations not covered by Articles 8.2 to 8.5**

**8.6.1** *SIA* or *Cricket Australia* may conduct in accordance with Article 7 any investigation required into a possible *Anti-Doping Rule Violation* not covered by Articles 8.2 to 8.5. If *SIA* or *Cricket Australia* is satisfied that such an *Anti-Doping Rule Violation* has occurred, and subject to all necessary requirements under the *NAD Scheme* having been met, *SIA* shall promptly send the *Player* or *Player Support Personnel* written notice (copied to *Cricket Australia*, *WADA* and the *ICC*) of the *Anti-Doping Rule Violation* asserted and the basis of that assertion.

#### **8.7 Notice of Charge**

**8.7.1** As soon as possible after the *Anti-Doping Manager* receives notice from *SIA* that an assertion has been made of a possible *Anti-Doping Rule Violation*, or he/she believes on other grounds that there may have been an *Anti-Doping Rule Violation* committed, in each case under this *Code*, unless otherwise agreed in writing between *SIA* and *Cricket Australia*, the *Anti-Doping Manager* will issue the *Player* or *Player Support Personnel* with a written infraction notice (**Notice of Charge**).

**8.7.2** The *Notice of Charge* will:

**8.7.2.1** notify the *Person* of the asserted *Anti-Doping Rule Violation(s)* under this *Code* and the basis for the assertion;

**8.7.2.2** state that the *Person* has a right to a hearing before the *Anti-Doping Tribunal* in relation to the asserted *Anti-Doping Rule Violation(s)* in accordance with Article 9;

**8.7.2.3** be provided to the *Person*, the *ICC*, *WADA*, and relevant *Anti-Doping Organisation* in accordance with *the Code*;

**8.7.2.4** specify the *Consequences* applicable under the *Code* if it is

established that the *Player* or *Player Support Personnel* has committed the *Anti-Doping Rule Violation* charged (including identifying any discretion that may exist in relation to such *Consequences* under the *Code*);

**8.7.2.5** specify (where applicable) the matters relating to *Provisional Suspension* specified at Article 8.10; and

**8.7.2.6** specify the matters specified at Article 8.8.

## **8.8 Responding to the *Notice of Charge***

**8.8.1** A *Notice of Charge* sent to a *Player* or *Player Support Personnel* in accordance with Article 8.7 shall also specify that, if the *Player* or *Player Support Personnel* wishes to exercise his/her right to a hearing before the *Anti-Doping Tribunal*, he/she must submit a written request for such a hearing so that it is received by the *Anti-Doping Manager* as soon as possible, but in any event within fourteen (14) days of the receipt by the *Player* or *Player Support Personnel* of the *Notice of Charge*. The request must also state how the *Player* or *Player Support Personnel* responds to the charge(s) and must explain (in summary form) the basis for such response.

**8.8.2** If the *Player* or *Player Support Personnel* fails to file a written request for a hearing before the *Anti-Doping Tribunal* in accordance with Article 8.8.1 by the deadline specified in that Article, then the *Player* or *Player Support Personnel* shall be deemed:

**8.8.2.1** to have waived his/her entitlement to a hearing;

**8.8.2.2** to have admitted that he/she has committed the *Anti-Doping Rule Violation(s)* specified in the *Notice of Charge*; and

**8.8.2.3** to have acceded to the *Consequences* specified in the *Notice of Charge*.

In such circumstances, a hearing before the *Anti-Doping Tribunal* shall not be required. Instead, *Cricket Australia* shall promptly issue a public decision confirming the commission of the *Anti-Doping Rule Violation(s)* specified in the *Notice of Charge* and the imposition of the *Consequences* specified in the *Notice of Charge*.

**8.8.3** Where the *Player* or *Player Support Personnel* does request a hearing in accordance with Article 8.8.1, the matter shall proceed to a hearing in accordance with Article 9.

## **8.9 Identification of Prior Anti-Doping Rule Violations**

Before a *Player* or *Player Support Personnel* is given notice of an asserted *Anti-Doping Rule Violation*, the *Anti-Doping Organisation* shall refer to its own records as well as *ADAMS* and contact *WADA* and other relevant *Anti-Doping Organisations* to determine whether the *Player* or *Player Support Personnel* has any prior *Anti-Doping Rule Violations*.

## **8.10 Provisional Suspension<sup>23</sup>**

**8.10.1** If analysis of a *Player's A Sample* results in an *Adverse Analytical Finding* for a *Prohibited Substance* that is not a *Specified Substance*, or a *Prohibited Method*, and a review in accordance with Article 8.2.1 does not reveal an

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<sup>23</sup> *Players* and other *Persons* shall receive credit for a *Provisional Suspension* against any period of *Ineligibility* which is ultimately imposed. See Article 11.10.3.

applicable *TUE* or departure from the *International Standard* for Testing and Investigations or the *International Standard* for Laboratories that caused the *Adverse Analytical Finding*, then *Cricket Australia* shall *Provisionally Suspend* the *Player* pending the *Anti-Doping Tribunal's* determination of whether he/she has committed an *Anti-Doping Rule Violation*.

- 8.10.2** In any case not covered by Article 8.10.1 (for example, if the analysis of an *A Sample* has resulted in an *Adverse Analytical Finding* for a *Prohibited Substance* that *is* a *Specified Substance* or a *Contaminated Product*), where *Cricket Australia* decides to take the matter forward as an apparent *Anti-Doping Rule Violation* in accordance with the provisions of this Article 8, *Cricket Australia* may *Provisionally Suspend* the *Player* or *Player Support Personnel* pending the *Anti-Doping Tribunal's* determination of whether he/she has committed an *Anti-Doping Rule Violation*. In circumstances where *Cricket Australia* decides not to impose a *Provisional Suspension*, the *Player* shall be offered the opportunity to accept a voluntary *Provisional Suspension* pending the resolution of the matter. If the *Player* wishes to accept the offer, the *Player* must communicate such acceptance in writing to *Cricket Australia*.
- 8.10.3** Where a *Provisional Suspension* is imposed, whether pursuant to Article 8.10.1 or Article 8.10.2, the *Player* or *Player Support Personnel* shall be given either: (a) an opportunity for a *Provisional Hearing* before imposition of the *Provisional Suspension* or on a timely basis after imposition of the *Provisional Suspension*; or (b) an opportunity for an expedited hearing in accordance with Article 9 on a timely basis after imposition of a *Provisional Suspension*. Where the *Player* or *Player Support Personnel* is given an opportunity to challenge the imposition of a *Provisional Suspension* at a *Provisional Hearing*, the only grounds of challenge (which it shall be his/her burden to establish) shall be the following:
- 8.10.3.1** the charge(s) has/have no reasonable prospect of being upheld, e.g., because of a patent flaw in the case against him/her;
- 8.10.3.2** the *Player* or *Player Support Personnel* has a strong arguable case that he/she bears *No Fault or Negligence* for the *Anti-Doping Rule Violation(s)* charged, so that any period of *Ineligibility* that might otherwise be imposed for such a violation is likely to be completely eliminated by application of Article 11.4;
- 8.10.3.3** the *Player* is able to demonstrate to the *Provisional Hearing* that the *Anti-Doping Rule Violation* is likely to have involved a *Contaminated Product*. A hearing body's decision not to eliminate a mandatory *Provisional Suspension* on account of the *Player's* assertion regarding a *Contaminated Product* shall not be appealable; or
- 8.10.3.4** some other facts exist that make it clearly unfair, in all of the circumstances, to impose a *Provisional Suspension* prior to a full hearing on the merits of the charge(s) against the *Player* or *Player Support Personnel*. This ground is to be construed narrowly, and applied only in truly exceptional circumstances. For example, the fact that the *Provisional Suspension* would prevent the *Player* participating in a particular *Match* shall not qualify as exceptional circumstances for these purposes.
- 8.10.4** If a *Provisional Suspension* is imposed based on an *Adverse Analytical Finding* in respect of an *A Sample*, and any subsequent analysis of the *B Sample* analysis 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 of a *Prohibited Substance* or its *Metabolites* or *Markers*).
- 8.10.5** During the period of any *Provisional Suspension*, a *Player* or *Player Support*

*Personnel* may not play, coach or otherwise participate or be involved in any capacity in any *Match* or any other function, event or activity that is authorised, organised, sanctioned, recognised or supported in any way by *Cricket Australia* or by any body that is a *Member* of, or affiliated to, or licensed by *Cricket Australia*. Without prejudice to the generality of the foregoing, the *Player* or *Player Support Personnel* may not be given accreditation for, or otherwise granted access to, any *Match* or any other function, event or activity to which access is controlled by *Cricket Australia* or by any body that is a member of, or affiliated to, or licensed by *Cricket Australia*, and any accreditation previously issued shall be withdrawn.

#### **8.11 Notification of Results Management Decisions**

In all cases where *Cricket Australia* or an *Anti-Doping Organisation* has asserted the commission of an *Anti-Doping Rule Violation*, withdrawn the assertion of an *Anti-Doping Rule Violation*, imposed a *Provisional Suspension*, or agreed with a *Player* or other *Person* to the imposition of a sanction without a hearing, *Cricket Australia* or the *Anti-Doping Organisation* (as applicable) shall give notice thereof as set forth in Article 14.2 of the *Code* to other *Anti-Doping Organisations* with a right to appeal under Article 13.2.2 of the *Code*.

#### **8.12 Retirement from Sport**

If a *Player* or *Player Support Personnel* retires while a results management process is underway, *Cricket Australia* and *SIA* retain jurisdiction to complete the results management process and hearings and appeals. If a *Player* or *Player Support Personnel* retires before any results management process has started, *Cricket Australia* or *SIA*, if it has results management jurisdiction over that *Player* or *Player Support Personnel*, has authority to conduct the results management process in respect of that *Anti-Doping Rule Violation* notwithstanding the retirement.

### **ARTICLE 9 RIGHT TO A FAIR HEARING**

#### **9.1 Hearings under the Code**

Where *Cricket Australia* alleges that a *Player* or *Player Support Personnel* has committed an *Anti-Doping Rule Violation*, and the *Player* or *Player Support Personnel* denies the allegation, and/or disputes the *Consequences* to be imposed for such violation under the *Code*, then the case shall be referred to an *Anti-Doping Tribunal* for adjudication.<sup>24</sup> *SIA* and *Cricket Australia* are both entitled to present evidence, file submissions, cross-examine witnesses and do any other thing necessary for the enforcement of this *Code* at any hearing under this Article. Unless otherwise agreed in writing between *SIA* and *CA*, *SIA* will take the lead in presenting the matter in any hearing

**9.1.1** The Chairman of the *Anti-Doping Tribunal* may convene a preliminary hearing with *Cricket Australia*, *SIA* and their respective legal representatives, and with the *Player* or *Player Support Personnel* and his/her legal representatives (if any). The preliminary hearing should take place as soon as possible by telephone conference call unless the Chairman determines otherwise. The non-participation of the *Player* or *Player Support Personnel* or his/her representatives at the preliminary hearing, after proper notice of the preliminary hearing has been provided, shall not prevent the Chairman of the *Anti-Doping Tribunal* from proceeding with the preliminary hearing, whether or not any

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<sup>24</sup> This Article requires that at some point in the results management process, the *Player* or other *Person* shall be provided the opportunity for a timely, fair and impartial hearing. These principles are also found in Article 6.1 of the Convention for the Protection of Human Rights and Fundamental Freedoms and are principles generally accepted in international law.

written submissions are made on behalf of the *Player* or *Player Support Personnel*. The purpose of the preliminary hearing is to allow the Chairman to address any preliminary issues. In particular (but without limitation), the Chairman may:

- 9.1.1.1** determine the date(s) upon which the full hearing shall be held; and
  - 9.1.1.2** make such order/s as the Chairman deems appropriate in relation to the production of relevant documents and/or other materials between the parties; provided that (save for good cause shown) no documents and/or other materials shall be ordered to be produced in relation to any *Adverse Analytical Finding* beyond the documents that the *International Standard* for Laboratories requires to be included in the laboratory documentation pack.
- 9.1.2** Subject to the discretion of the Chairman of the *Anti-Doping Tribunal* to order otherwise for good cause shown by either party, or if otherwise agreed between the parties, hearings before the *Anti-Doping Tribunal* shall: (a) take place at a venue specified by *Cricket Australia*; and (b) be conducted on a confidential basis.
- 9.1.3** Each of *Cricket Australia*, *SIA* and the *Player* or *Player Support Personnel* has the right to be present and to be heard at the hearing. Each of *Cricket Australia*, *SIA* and the *Player* or *Player Support Personnel* also has the right to be represented at the hearing by legal counsel of his/her or its own choosing.
- 9.1.4** Subject to Article 3.2.5, the *Player* or *Player Support Personnel* may choose not to appear in person at any hearing, but rather to provide a written submission for consideration by the *Anti-Doping Tribunal*, in which case the *Anti-Doping Tribunal* shall consider the submission in its deliberations. However, the non-attendance of the *Player* or *Player Support Personnel* or his/her representative at the hearing, after proper notice of any hearing has been provided, shall not prevent the *Anti-Doping Tribunal* from proceeding with the hearing in his/her absence, whether or not any written submissions are made on his/her behalf.
- 9.1.5** The procedure followed at the hearing shall be at the discretion of the *Anti-Doping Tribunal*. Any hearing must be conducted in a fair manner with a reasonable opportunity for each party to present evidence (including the right to call and to question witnesses by telephone or video-conference where necessary), address the *Anti-Doping Tribunal* and present his/her case. The *Anti-Doping Tribunal* may examine and cross-examine witnesses and may appoint a legal representative or other person to assist it.
- 9.1.6** Save where the Chairman orders otherwise for good cause shown by either party, the hearing shall be in English, and certified English translations shall be submitted of any non-English documents put before the *Anti-Doping Tribunal*. The cost of the translation shall be borne by the party offering the document(s).
- 9.1.7** If required by the Chairman, *Cricket Australia* shall make arrangements to have the hearing recorded or transcribed (save for the private deliberations of the *Anti-Doping Tribunal*). If the *Player* or *Player Support Personnel* needs an interpreter, *Cricket Australia* shall also arrange for an interpreter to attend the hearing. Such costs of transcription and interpretation shall be paid by *Cricket Australia*, subject to any costs-shifting order that the *Anti-Doping Tribunal* may make further to Article 9.2.4.
- 9.1.8** Each of the *ICC* and *WADA* shall have the right to be kept apprised by *Cricket Australia* of the status of the proceedings before the *Anti-Doping Tribunal*, as well as the right to attend hearings of the *Anti-Doping Tribunal* as an observer.

## 9.2 Decisions of the *Anti-Doping Tribunal*

- 9.2.1** The *Anti-Doping Tribunal* shall announce its decision in writing, with reasons, as soon as possible after the conclusion of the hearing. That written decision will be sent without delay to the parties, WADA, the ICC, SIA and any other party that has a right, further to Article 13, to appeal the decision. The decision shall set out and explain:
- 9.2.1.1** with reasons, the *Anti-Doping Tribunal's* findings as to whether any *Anti-Doping Rule Violation(s)* has/have been committed;
  - 9.2.1.2** with reasons, the *Anti-Doping Tribunal's* findings as to what *Consequences*, if any, are to be imposed including, if applicable, findings as to why the maximum potential sanction was not imposed;
  - 9.2.1.3** with reasons, the date that such *Consequences* shall come into force and effect pursuant to Article 11.10; and
  - 9.2.1.4** the rights of appeal applicable pursuant to Article 13.
- 9.2.2** Where possible, the *Anti-Doping Tribunal* shall have discretion to announce the substance of its decision to the parties prior to the issue of the written reasoned decision referred to in Article 9.2.1, in cases where a *Provisional Suspension* has been imposed or where it otherwise deems appropriate. For the avoidance of doubt, however: (a) the *Anti-Doping Tribunal* shall still be required to issue a written, reasoned decision in accordance with Article 9.2.1; and (b) the time to appeal pursuant to Article 13 shall not run until receipt of that written, reasoned decision.
- 9.2.3** *Cricket Australia* shall pay the costs of convening the *Anti-Doping Tribunal* and of staging the hearing, subject to any costs-shifting order that the *Anti-Doping Tribunal* may make further to Article 9.2.4.
- 9.2.4** The *Anti-Doping Tribunal* has the power to make a costs order against any party. Subject thereto, each party shall bear its own costs, legal, expert, hearing, and otherwise. No recovery of costs may be considered a basis for reducing the period of *Ineligibility* or other sanction that would otherwise be applicable.
- 9.2.5** Subject only to the rights of appeal under Article 13, any decision of the *Anti-Doping Tribunal* will:
- 9.2.5.1** be the full, final and complete disposition of the case;
  - 9.2.5.2** be binding on all parties; and
  - 9.2.5.3** not be subject to further administrative review at the national level.
- 9.2.6** If the decision is that an *Anti-Doping Rule Violation* has been committed, then: (a) the decision shall, at the absolute discretion of *Cricket Australia*, be publicly reported in full as soon as possible, and in any event within no more than twenty (20) days of its issue in accordance with Article 14.1; and (b) if the decision is publicly reported, *Cricket Australia* may also publish such other parts of the proceedings before the *Anti-Doping Tribunal* as *Cricket Australia* thinks fit in its absolute discretion.
- 9.2.7** If the *Player* or *Player Support Personnel* is exonerated, then the decision shall not be published (save as set out in Article 14.2) and its confidentiality shall be



strictly maintained by all parties.

### 9.3 Agreed Sanctions

Notwithstanding any of the other provisions of this *Code*, it shall be open to a *Player* or *Player Support Personnel* charged with any *Anti-Doping Rule Violation(s)* to admit the violation(s) charged at any time, whether or not as part of an agreement with *Cricket Australia* on the sanction to be imposed for his/her violation(s), based on the range of sanctions set out in Article 11 for the violation(s) in question (including, in particular, Article 11.6.3). Any such discussions between *Cricket Australia* and the *Player* or *Player Support Personnel* on this point shall take place on a “without prejudice” basis and in such a manner that they shall not delay or in any way interfere with the proceedings or any hearings. Any resulting agreement shall be evidenced in writing, signed by both the Chief Executive Officer of *Cricket Australia* and the *Player* or *Player Support Personnel*, shall set out the sanction imposed on the *Player* or *Player Support Personnel* for his/her *Anti-Doping Rule Violation(s)*, and shall include a waiver by the *Player* or *Player Support Personnel* of his/her right of appeal against the decision and the sanction (the **Agreed Sanction**). The *Agreed Sanction* will provide for the discontinuance of the proceedings on the terms thereof without the need for any further hearing. Instead, *Cricket Australia* shall, at its absolute discretion, issue a public decision confirming the *Player’s* or *Player Support Personnel’s* admission of the *Anti-Doping Rule Violation(s)* charged and the imposition of the *Agreed Sanction*, including an explanation (if applicable) of any mitigating factors applied. Before publishing that decision, *Cricket Australia’s* Chief Executive Officer will provide notice of it to the *ICC*, *WADA*, and the relevant *NADO*.

## ARTICLE 10 AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS

An *Anti-Doping Rule Violation* in connection with or arising out of an *In-Competition* test automatically leads to *Disqualification* of the individual results obtained by the *Player’s* individual performance in the *Match* in question, with the following consequences: (a) forfeiture of any individual medals or other prizes awarded; and (b) forfeiture of any official ranking points achieved.

## ARTICLE 11 SANCTIONS ON INDIVIDUALS<sup>25</sup>

### 11.1 *Disqualification of Individual Results in a Competition during which an Anti-Doping Rule Violation occurs*

11.1.1 An *Anti-Doping Rule Violation* during or in connection with a *Competition* may, upon the decision of *Cricket Australia*, lead to *Disqualification* of all of the individual results obtained by the *Player* in the other *Matches* that he/she participated in during the *Competition* in question with the following consequences: (a) forfeiture of any individual medals or other prizes awarded; and (b) forfeiture of any official ranking points achieved, except as provided in Article 11.1.3.

11.1.2 Factors to be included in considering whether to *Disqualify* other results in a

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<sup>25</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 athletes are professionals making a sizable income from the sport and in others the athletes are true amateurs; in those sports where an athlete’s career is short, a standard period of *Ineligibility* has a much more significant effect on the athlete than in sports where careers are traditionally much longer. A primary argument in favour of harmonisation is that it is simply not right that two athletes from the same country who test positive for the same *Prohibited Substance* under similar circumstances should receive different sanctions only because they participate in different sports. In addition, flexibility in sanctioning has often been viewed as an unacceptable opportunity for some sporting organisations to be more lenient with dopers. The lack of harmonisation of sanctions has also frequently been the source of jurisdictional conflicts between international federations and *National Anti-Doping Organisations*.

*Competition* might include, for example, the seriousness of the *Player's Anti-Doping Rule Violation* and whether the *Player* tested negative in the other *Competitions*.

**11.1.3** If the *Player* establishes that he/she bears *No Fault or Negligence* for the violation, the *Player's* individual results in the *Matches* of the *Competition* other than the *Match* during or in connection with which the *Anti-Doping Rule Violation* occurred shall not be *Disqualified* unless *Cricket Australia* establishes that the *Player's* results in the other *Matches* were likely to have been affected by his/her *Anti-Doping Rule Violation*.

## **11.2 Imposition of a Period of *Ineligibility* for the Presence, Use or Attempted Use, or Possession of a *Prohibited Substance* or *Prohibited Method***

The period of *Ineligibility* imposed for a violation of Article 2.1 (presence of *Prohibited Substance* or its *Metabolites* or *Markers* in a *Sample*), Article 2.2 (*Use or Attempted Use of Prohibited Substance* or *Prohibited Method*) or Article 2.6 (*Possession of Prohibited Substances* and *Methods*) that is the *Player* or *Player Support Personnel's* first offence shall be as follows, unless the conditions for eliminating, suspending or reducing the period of *Ineligibility* (as provided in Articles 11.4, 11.5 and 11.6) are met.

**11.2.1** The period of *Ineligibility* shall be four years where:

**11.2.1.1** the *Anti-Doping Rule Violation* does not involve a *Specified Substance*, unless the *Player* or *Player Support Personnel* can establish that the *Anti-Doping Rule Violation* was not intentional;

**11.2.1.2** the *Anti-Doping Rule Violation* involves a *Specified Substance* and *Cricket Australia* establishes that the *Anti-Doping Rule Violation* was intentional.

**11.2.2** If Article 11.2.1 does not apply, the period of *Ineligibility* shall be two years.

**11.2.3** As used in Articles 11.2 and 11.3, the term "intentional" is meant to identify those *Players* or *Player Support Personnel* who cheat. The term, therefore, requires that the *Player* or *Player Support Personnel* 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 that is prohibited *In-Competition* only shall be rebuttably presumed to be not "intentional" if the 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.

## **11.3 Imposition of a Period of *Ineligibility* for Other *Anti-Doping Rule Violations***

The period of *Ineligibility* imposed for *Anti-Doping Rule Violations* other than under Article 11.2 shall be as follows, subject to the potential elimination, reduction or suspension pursuant to Articles 11.4, 11.5 or 11.6:

**11.3.1** For a violation of Article 2.3 (evading *Sample* collection or refusing or failing to submit to *Sample* collection) or Article 2.5 (*Tampering* or *Attempted Tampering* with *Doping Control*) that is the *Player* or *Player Support Personnel's* first offence, the period of *Ineligibility* imposed 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 11.2.3), in which case the period of *Ineligibility* shall be two years.

**11.3.2** For a violation of Article 2.4 (*Whereabouts Failures*) that is the *Player's* first offence, the period of *Ineligibility* imposed shall be two years subject to reduction down to a minimum of one (1) 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*.

**11.3.3** For a violation of Article 2.7 (*Trafficking or Attempted Trafficking*) or Article 2.8 (*Administration or Attempted Administration of Prohibited Substance or Prohibited Method*) that is the *Player* or *Player Support Personnel's* first offence, the period of *Ineligibility* imposed shall be a minimum of four years up to lifetime *Ineligibility* depending upon the seriousness of the violation. Provided that:

**11.3.3.1** an *Anti-Doping Rule Violation* involving a *Minor* shall be considered a particularly serious violation and, if committed by a *Player Support Personnel* in relation to violations other than those involving *Specified Substances*, shall result in lifetime *Ineligibility* for such *Player Support Personnel*; and

**11.3.3.2** significant violations of Article 2.7 or 2.8 which also violate non-sporting laws or regulations shall be reported to the competent administrative, professional or judicial authorities.<sup>26</sup>

**11.3.4** For a violation of Article 2.9 (*Complicity*) that is the *Player* or *Player Support Personnel's* first offence, the period of *Ineligibility* imposed shall be a minimum of two years, up to a maximum of four years, depending on the seriousness of the violation.

**11.3.5** For a violation of Article 2.10 (*Prohibited Association*) that is the *Player's* first offence, the period of *Ineligibility* imposed 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.

#### **11.4 Elimination of the Period of *Ineligibility* where there is *No Fault or Negligence***

If a *Player* or *Player Support Personnel* establishes in an individual case that he/she bears *No Fault or Negligence* in respect of the *Anti-Doping Rule Violation* in question, then the otherwise applicable period of *Ineligibility* shall be eliminated.<sup>27</sup>

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<sup>26</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>27</sup> This Article 11.4 and Article 11.5.2 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, he or she was sabotaged by a competitor. Conversely, *No Fault or Negligence* would not apply in the following circumstances: (a) a positive test resulting from a mislabelled or contaminated vitamin or nutritional supplement (*Players* are responsible for what they ingest and have been warned against the possibility of supplement contamination); (b) the *Administration* of a *Prohibited Substance* by the *Player's* physician or trainer without disclosure to the *Player* (*Players* are responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any *Prohibited Substance*); and (c) sabotage of the *Player's* food or drink by a spouse, coach or other *Person* within the *Player's* circle of associates (*Players* are responsible for what they ingest and for the conduct of those *Persons* to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction under Article 11.5 based on *No Significant Fault or Negligence*.

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

11.5.1 Reduction of the Period of *Ineligibility* for *Specified Substances* or *Contaminated Products* for violations of Articles 2.1, 2.2 or 2.6.

### 11.5.1.1 *Specified Substances*

Where the *Anti-Doping Rule Violation* involves a *Specified Substance*, and the *Player* or *Player Support Personnel* 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* or *Player Support Personnel's* degree of *Fault*.

### 11.5.1.2 *Contaminated Products*

In cases where the *Player* or *Player Support Personnel* 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 of *Ineligibility*, depending on the *Player* or *Player Support Personnel's* degree of *Fault*.<sup>28</sup>

11.5.2 If a *Player* or *Player Support Personnel* establishes in an individual case where Article 11.5.1 is not applicable, that he/she bears *No Significant Fault or Negligence* in respect of the *Anti-Doping Rule Violation* in question, then, subject to the further reduction or elimination as provided in Article 11.6, the otherwise applicable period of *Ineligibility* may be reduced based on the *Player* or *Player Support Personnel'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 section may be no less than eight years.<sup>29</sup>

## 11.6 Elimination, Reduction or Suspension of the Period of *Ineligibility* or other *Consequences* for Reasons other than *Fault*

11.6.1 *Substantial Assistance* in Discovering or Establishing *Anti-Doping Rule Violations*<sup>30</sup>

11.6.1.1 In any individual case where a period of *Ineligibility* has been imposed, *Cricket Australia* or the *Anti-Doping Tribunal* may suspend a part of that period of *Ineligibility* where the *Player* or *Player Support Personnel* has provided *Substantial Assistance* to *Cricket Australia* or other *Anti-Doping Organisation*, a criminal authority or a professional disciplinary body that results in: (a) *Cricket Australia* or other *Anti-Doping Organisation* discovering or bringing forward an *Anti-Doping Rule Violation* by another *Person*; or (b) that results in a criminal or disciplinary body discovering or bringing forward a criminal offence or the breach of professional rules committed by

<sup>28</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>29</sup> Article 11.5.2 may be applied to any *Anti-Doping Rule Violation*, except those Articles where intent is an element of the *Anti-Doping Rule Violation* (e.g., Articles 2.5, 2.7, 2.8 or 2.9) or an element of a particular sanction (e.g., Article 11.2.1) or a range of *Ineligibility* is already provided in a clause based on the *Player* or other *Player's* degree of *Fault*.

<sup>30</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.

another *Person* and the information provided by the *Person* providing *Substantial Assistance* is made available to *Cricket Australia* or an *Anti-Doping Organisation* having results management responsibility; provided that if the decision to suspend a part of the period of *Ineligibility* is made after a final appellate decision under Article 13 or the expiration of time to appeal, then the approval of *WADA* and the *ICC* is required for such suspension.

- 11.6.1.2** 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 *Player Support Personnel* and the significance of the *Substantial Assistance* provided by the *Player* or *Player Support Personnel* to the effort to eliminate doping in sport.
- 11.6.1.3** No more than three-quarters of the otherwise applicable period of *Ineligibility* may be suspended under this Article 11.6.1. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this Article must be no less than 8 years.
- 11.6.1.4** If the *Player* or *Player Support Personnel* 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, *Cricket Australia* or the *Anti-Doping Tribunal* shall reinstate the original period of *Ineligibility*. A decision by *Cricket Australia* or the *Anti-Doping Tribunal* to reinstate a suspended period of *Ineligibility* or a decision not to reinstate a suspended period of *Ineligibility* may be appealed pursuant to Article 13.2.
- 11.6.1.5** To further encourage *Players* and *Player Support Personnel* to provide *Substantial Assistance* to *Anti-Doping Organisations*, at the request of *Cricket Australia* or other *Anti-Doping Organisation* or at the request of the *Player* or *Player Support Personnel* 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 *Cricket Australia* or any other *Anti-Doping Organisation*.
- 11.6.1.6** If *Cricket Australia* or the *Anti-Doping Tribunal* 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 13.2.1. In unique circumstances where *WADA* determines that it would be in the best interests of anti-doping, *WADA* may authorise *Cricket Australia* to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the *Substantial Assistance* agreement or the nature of *Substantial Assistance* being provided.

**11.6.2** Admission of an *Anti-Doping Rule Violation* in the Absence of Other Evidence

Where a *Player* or *Player Support Personnel* voluntarily admits the commission of an *Anti-Doping Rule Violation* before having received either: (a) notification of a *Sample* collection that could establish an *Anti-Doping Rule Violation* (in the case of an *Anti-Doping Rule Violation* under Article 2.1), or (b) notification of the *Anti-Doping Rule Violation* (in the case of any other *Anti-Doping Rule Violation*), and that admission is the only reliable evidence of the violation at the time of admission, then the otherwise applicable period of *Ineligibility* may be reduced, but not by more than half of the period of *Ineligibility* otherwise applicable.<sup>31</sup>

**11.6.3** Prompt Admission of an *Anti-Doping Rule Violation* after being Confronted with a Violation Sanctionable under Article 11.2.1 or 11.3.1.

A *Player* or *Player Support Personnel* potentially subject to a four year sanction under Article 11.2.1 or 11.3.1, by promptly admitting the asserted *Anti-Doping Rule Violation* after being confronted by *Cricket Australia* or another *Anti-Doping Organisation*, and also upon the approval and at the discretion of both *WADA* and the *ICC*, 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 *Player Support Personnel's* degree of *Fault*.

**11.6.4** Application of Multiple Grounds for Reduction of a Sanction

Where a *Player* or *Player Support Personnel* establishes entitlement to a reduction of suspension in sanction under more than one provision of Article 11.4, 11.5 or 11.6, before applying any reduction or suspension under Article 11.6, the otherwise applicable period of *Ineligibility* shall be determined in accordance with Articles 11.2, 11.3, 11.4 and 11.5. If the *Player* or *Player Support Personnel* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under Article 11.6, then the period of *Ineligibility* may be reduced or suspended, but not below one-quarter of the otherwise applicable period of *Ineligibility*.<sup>32</sup>

**11.7 Multiple Violations**

**11.7.1** Second *Anti-Doping Rule Violation*

For a second *Anti-Doping Rule Violation*, the period of *Ineligibility* shall be the greater of:

- (a) Six months;
- (b) One-half of the period of *Ineligibility* imposed for the first *Anti-Doping Rule Violation* without taking into account any reduction under Article 11.6; or
- (c) Twice the period of *Ineligibility* otherwise applicable to the second *Anti-Doping Rule Violation*, without taking into account any reduction under

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<sup>31</sup> This clause is intended to apply when a *Player* or other *Person* comes forward and admits to an *Anti-Doping Rule Violation* in circumstances where no *Anti-Doping Organisation* is aware that an *Anti-Doping Rule Violation* might have been committed. It is not intended to apply to circumstances where the admission occurs after the *Player* or other *Person* believes he/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 or she not come forward voluntarily.

<sup>32</sup> The appropriate sanction is determined in a sequence of four steps. First, the hearing panel (or *Cricket Australia* if the *Player* waives their right to a hearing and admits the *Anti-Doping Rule Violation/s*) determines which of the basic sanctions (Articles 11.2, 11.3, 11.4 or 11.5) 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 11.6). Finally, the hearing panel decides on the commencement of the period of *Ineligibility* under Article 11.10.

#### Article 11.6.

The period of *Ineligibility* established above may then be further reduced by the application of Article 11.6.

#### 11.7.2 Third *Anti-Doping Rule Violation*

A third *Anti-Doping Rule Violation* will always result in a lifetime period of *Ineligibility*, unless the third violation fulfils the conditions for elimination or reduction of the period of *Ineligibility* under Article 11.4 or 11.5 or involves a violation of Article 2.4 (*Whereabouts Failures*), in which case the period of *Ineligibility* imposed shall be from eight years to lifetime *Ineligibility*.

11.7.3 An *Anti-Doping Rule Violation* for which a *Player* or *Player Support Personnel* has established *No Fault or Negligence* shall not be considered a prior violation for the purposes of this Article.

#### 11.7.4 Additional Rules for Certain Potential Multiple Violations

11.7.4.1 For purposes of imposing sanctions under Article 11.7, an *Anti-Doping Rule Violation* will only be considered a second violation if *Cricket Australia* can establish that the *Player* or *Player Support Personnel* committed the second *Anti-Doping Rule Violation* after he/she received notice pursuant to Article 8, or after *Cricket Australia* made reasonable efforts to give such notice, of the first *Anti-Doping Rule Violation*. If *Cricket Australia* cannot establish this, the violations shall be considered together as one single first violation for sanctioning purposes, and the sanction imposed shall be based on the violation that carries the more severe sanction.

11.7.4.2 If, after the imposition of a sanction for a first *Anti-Doping Rule Violation*, *Cricket Australia* discovers a second *Anti-Doping Rule Violation* by the *Player* or *Player Support Personnel* that occurred prior to notification of the first violation, then an additional sanction shall be imposed based on the sanction that could have been imposed if the two violations had been adjudicated at the same time. Results in all *Matches* dating back to the earlier *Anti-Doping Rule Violation* will be *Disqualified* in accordance with Article 11.8.

#### 11.7.5 Multiple *Anti-Doping Rule Violations* during a Ten-Year Period

Any prior *Anti-Doping Rule Violation* shall only be taken into account for the purposes of Article 11.7 if it took place within a period of ten years prior to the *Anti-Doping Rule Violation* under consideration.

#### 11.8 **Disqualification of Individual Results Obtained in Matches Subsequent to Sample Collection or Commission of an Anti-Doping Rule Violation**

In addition to the automatic *Disqualification*, pursuant to Article 10, of the *Player's* individual results obtained by the *Player's* individual performance in the *Match* which produced the *Adverse Analytical Finding*, all other individual results obtained from the date that the *Sample* in question was collected (whether *In-Competition* or *Out-of-Competition*), or other *Anti-Doping Rule Violation* occurred, through to the commencement of any *Provisional Suspension* or *Ineligibility* period, shall (unless the *Anti-Doping Tribunal* determines that fairness requires otherwise) be *Disqualified* with the following consequences: (a) forfeiture of any individual medals or other prizes awarded; and (b) forfeiture of any official ranking points. The lack of any evidence that the *Player's* performance was enhanced during subsequent *Matches* shall not of itself be sufficient to trigger the *Anti-Doping Tribunal's* discretion under Article 11.8.

## 11.9 Allocation of *Anti-Doping Tribunal/CAS* Cost Awards and Forfeited Prize Money

The priority for repaying *Anti-Doping Tribunal/CAS* cost awards and forfeited prize money shall be: first, payment of costs awarded by the *Anti-Doping Tribunal/CAS*; second, reimbursement of the expenses of *Cricket Australia/SIA* in relation to its results management in the case. For the avoidance of doubt, forfeited prize money will not be allocated to other *Players*. No recovery of costs or financial sanction may be considered a basis for reducing the *Ineligibility* or other sanction which would otherwise be applicable under the *Code*.

## 11.10 Commencement of *Ineligibility* Period<sup>33</sup>

Except as provided below, the period of *Ineligibility* shall commence on the date that the decision imposing the period of *Ineligibility* is issued or, if the hearing is waived or there is no hearing, on the date the *Ineligibility* is accepted or otherwise upheld.

### 11.10.1 Delays not Attributable to the *Player* or *Player Support Personnel*

Where there have been substantial delays in the hearing process or other aspects of *Doping Control* not attributable to the *Player* or *Player Support Personnel*, the period of *Ineligibility* may be deemed to have started at an earlier date, commencing as early as the date of last occurrence of the *Anti-Doping Rule Violation* (which, in the case of an Article 2.1 violation, would be on the date of *Sample* collection), taking into account any such period of delay. All competitive results achieved during the period of *Ineligibility*, including retroactive *Ineligibility*, shall be *Disqualified*.<sup>34</sup>

### 11.10.2 Timely Admission

Where the *Player* or *Player Support Personnel* promptly (which means, in any event, before the *Player* competes again) admits the *Anti-Doping Rule Violation* after being confronted with it by *Cricket Australia* or another *Anti-Doping Organisation*, the period of *Ineligibility* subsequently imposed on him/her may be back-dated so that it is deemed to have commenced as far back as the date of last occurrence of the *Anti-Doping Rule Violation* (which, in the case of an Article 2.1 violation, would be on the date of *Sample* collection). However, this discretion to back-date is subject to the following limit: the *Player* or *Player Support Personnel* must actually serve at least one-half of the period of *Ineligibility*, i.e., the commencement date of that period of *Ineligibility* cannot be back-dated such that he/she actually serves less than one-half of that period. This Article shall not apply where the period of *Ineligibility* already has been reduced under Article 11.6.3.

### 11.10.3 Credit for *Provisional Suspension* or Period of *Ineligibility* Served

**11.10.3.1** Any period of *Provisional Suspension* served by the *Player* or *Player Support Personnel* (whether imposed in accordance with Article 8.10 or voluntarily accepted by the *Player* or *Player Support Personnel*) shall be credited against the total period of *Ineligibility* that may be ultimately imposed. If a period of *Ineligibility* is served prior to a decision that is subsequently appealed, then the *Player* or *Player Support Personnel* shall receive a credit for such period of *Ineligibility* served against any period of *Ineligibility* which may

<sup>33</sup> Article 11.10 makes clear that delays not attributable to the *Player* or *Player Support Personnel*, timely admission by the *Player* or *Player Support Personnel* and *Provisional Suspension* are the only justifications for starting the period of *Ineligibility* earlier than the date of the final hearing decision.

<sup>34</sup> In cases of *Anti-Doping Rule Violations* other than under Article 2.1, the time required for *SIA* (or another *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 Article to start the sanction at an earlier date should not be used.



ultimately be imposed on appeal.

**11.10.3.2** To get credit for any period of voluntary *Provisional Suspension*, however, the *Player* or *Player Support Personnel* must have given written notice of their acceptance of the *Provisional Suspension* at the beginning of such period and must have respected the *Provisional Suspension* in full. A copy of the *Player* or *Player Support Personnel's* voluntary acceptance of a *Provisional Suspension* shall be provided promptly to the *Cricket Australia*, SIA and to WADA.<sup>35</sup>

**11.10.3.3** No credit against a period of *Ineligibility* shall be given for any time period before the effective date of the *Provisional Suspension* or voluntary *Provisional Suspension*, regardless of the *Player's* or *Player Support Personnel's* status during such period.

## **11.11 Status During *Ineligibility***

### **11.11.1 Prohibition against Participation during *Ineligibility***<sup>36</sup>

**11.11.1.1** No *Player* or *Player Support Personnel* who has been declared *Ineligible* may, during the period of *Ineligibility*, play, coach or otherwise participate or be involved in any capacity in: (a) a *Match* or activity (other than authorised anti-doping education or rehabilitation programs) authorised, organised, sanctioned, recognised or supported in any way by *Cricket Australia* or by any *Member* or any body that is a member of, or affiliated to, or licensed by *Cricket Australia* or a *Member*; (b) any *Match* authorised or organised by any professional league or any international or national level tournament/event organiser (whether or not the party authorising or organising the *Match* in question is a *Signatory*, any club or other body that is a member of, or affiliated to, or licensed by, a *Signatory* or a *Signatory's* member organisation) or (c) any elite or national-level sporting activity funded by a government agency. Without prejudice to the generality of the foregoing, such *Player* or *Player Support Personnel* shall not, during any period of *Ineligibility*, be given accreditation for, or otherwise granted access to, any *Match* or activity of the type referred to in this Article and any such accreditation previously issued shall be withdrawn. In addition, *Cricket Australia* shall take all steps within its power to have the period of *Ineligibility* recognised and enforced by all other relevant parties, including all other *Signatories* pursuant to Article 15 of the *World Anti-Doping Code*.

**11.11.1.2** A *Player* or *Player Support Personnel* who is subject to a period of *Ineligibility* longer than four years may, after completing four years of the period of *Ineligibility*, participate as an athlete in local sport events not sanctioned or otherwise under the jurisdiction of a *Signatory* or member of a *Signatory*, but only so long as the local sport event is not at a level that could otherwise qualify such *Player* or *Player Support Personnel* directly or indirectly to compete in (or accumulate points toward) a national championship or international

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<sup>35</sup> A *Player* or *Player Support Personnel's* voluntary acceptance of a *Provisional Suspension* is not an admission by the *Player* or *Player Support Personnel* and shall not be used in any way to draw an adverse inference against the *Player* or *Player Support Personnel*.

<sup>36</sup> For example, subject to Article 11.11.1.2 below, an *Ineligible Player* or *Player Support Personnel* cannot participate in a training camp, exhibition or practice organised by *Cricket Australia* or a *Member* of *Cricket Australia* or which is funded by a governmental agency. The term "activity" also includes, for example, administrative activities, such as serving as an official, director, officer, employee, or volunteer of the organisation described in this Article. *Ineligibility* imposed in one sport shall also be recognised by other sports.

tournament/event and does not involve the *Player* or *Player Support Personnel* working in any capacity with *Minors*.

**11.11.1.3** A *Player* or *Player Support Personnel* who is subject to a period of *Ineligibility* shall remain subject to *Testing* during that period and must provide whereabouts information upon request for that purpose. If a *Player* or *Player Support Personnel* commits an *Anti-Doping Rule Violation* during a period of *Ineligibility* (including but not limited to an *Anti-Doping Rule Violation* under Article 2.1), this shall be treated as a separate *Anti-Doping Rule Violation* under the *Code*.

#### **11.11.2 Return to Training<sup>37</sup>**

As an exception to Article 11.11.1, a *Player* may return to train with a team or to use the facilities of a club or other member organisation of a *Signatory's* member organisation during the shorter of: (i) the last two months of the *Player's* period of *Ineligibility*, or (ii) the last one-quarter of the period of *Ineligibility* imposed.

#### **11.11.3 Violation of the Prohibition of Participation during *Ineligibility***

Where a *Player* or *Player Support Personnel* who has been declared *Ineligible* violates the prohibition against participation during such period of *Ineligibility*, a new 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 *Player Support Personnel's* degree of *Fault* and other circumstances of the case. The determination of whether the prohibition against participation whilst *Ineligible* has been violated, and whether an adjustment is appropriate, shall be made by *Cricket Australia*, and such decision shall be subject to appeal in accordance with Article 13. In any case, any results obtained by the *Player* as a result of such participation shall be automatically *Disqualified* with all resulting consequences, including forfeiture of any individual medals, individual titles, individual ranking points and individual prizes obtained in relation to any relevant *Matches* or other activities and the non-inclusion of the *Player's* performance statistics in that *Match* or other tournament/event towards individual averages and/or records.

#### **11.11.4 Withholding of Financial Support during *Ineligibility***

In addition, for any *Anti-Doping Rule Violation* not involving a reduced sanction as described in Articles 11.4, 11.5 and 11.6, some or all sport-related financial support or other sport-related benefits received by the *Player* or *Player Support Personnel* may be withheld by *Cricket Australia* and/or the *Signatories* (and *Signatories' member organisations* and governments) responsible for such financial support or other benefits.

### **11.12 Automatic Publication of Sanction**

In accordance with Article 14, a mandatory part of each sanction imposed under this Article 11 shall include automatic publication.

### **11.13 Reinstatement *Testing***

**11.13.1** As a condition of reinstatement, a *Player* who is subject to a period of *Ineligibility* must respect the conditions of Article 11.11.1.3, failing which, the *Player* shall not be eligible for reinstatement until he/she has made him/herself available for *Testing* (by notifying *Cricket Australia* or *SIA* in writing) for a period

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<sup>37</sup> A *Player* cannot effectively train on his or 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 Article, an *Ineligible Player* may not compete or engage in any activity described in Article 11.11.1 other than training.

of time equal to the period of *Ineligibility* remaining as at the date that he/she first stopped making him/herself available for *Testing* except that in the event that a *Player* retires while subject to a period of *Ineligibility*, the conditions set out in Article 5.7 shall apply.

**11.13.2** Once the period of *Ineligibility* has expired, and the *Player* or *Player Support Personnel* has fulfilled the conditions of reinstatement, then provided that the *Player* or *Player Support Personnel* has paid in full all amounts forfeited under the *Code*, and has satisfied in full any award of costs made against him/her by any *Anti-Doping Tribunal* and/or by CAS following any appeal made pursuant to Article 13, the *Player* or *Player Support Personnel* will become automatically re-eligible to participate (or assist the participation of a *Player*) and no application by the *Player* or *Player Support Personnel* will be necessary.

## **ARTICLE 12 CONSEQUENCES FOR TEAMS**

**12.1** Where, in any period of twelve months, more than one member of a team has been notified of a possible *Anti-Doping Rule Violation* under Article 8, *Cricket Australia* shall conduct appropriate *Target Testing* of *Players* in that team.

**12.2** Without limitation to Article 12.1, if more than two members of a team are found to have committed an *Anti-Doping Rule Violation* during a *Match* or *Competition*, this shall be treated as misconduct pursuant to *Cricket Australia's* disciplinary rules for which an appropriate sanction shall be imposed on the team as may be considered appropriate having due regard to the circumstances of such *Anti-Doping Rule Violations* (e.g., loss of points, *Disqualification* from the *Match* or *Competition*, or other sanction). For the avoidance of doubt, such sanction shall be in addition to any *Consequences* imposed upon the individual *Player(s)* committing the *Anti-Doping Rule Violations*.

## **ARTICLE 13 APPEALS**

### **13.1 Decisions Subject to Appeal**

Decisions made under the *Code* may be challenged solely by appeal as set out in this Article 13 (or as otherwise provided in the *World Anti-Doping Code* or *International Standards*). Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise.

#### **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 CAS Shall Not Defer to Findings Being Appealed<sup>38</sup>**

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

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

**13.2.1** The following decisions may each be appealed exclusively to CAS as provided in this Article 13 by any of the parties described in Article 13.2.2: a decision that an *Anti-Doping Rule Violation* was committed, a decision imposing (or not

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<sup>38</sup> CAS proceedings are *de novo*. Prior proceedings do not limit the evidence or carry weight before CAS.

imposing) *Consequences* for an *Anti-Doping Rule Violation*; a decision that no *Anti-Doping Rule Violation* was committed; a decision that a charge cannot go forward for procedural reasons (including, for example, because too much time has passed); a decision under Article 11.11.3 in relation to participation whilst *Ineligible*; 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 not to pursue an *Adverse Analytical Finding* or an *Atypical Finding* as an *Anti-Doping Rule Violation* under Article 8.2 or 8.3; a decision not to bring a charge after an investigation under Article 8.6; (subject to Article 13.2.3) a decision to impose a *Provisional Suspension* as a result of a *Provisional Hearing*; *Cricket Australia's* failure to comply with Article 8.10 of the *Code*; a decision that *Cricket Australia* or a hearing panel 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 11.6.1.

### **13.2.2** *Persons Entitled to Appeal*

Subject to Article 13.2.3, in cases under Article 13.2.1, the following parties shall have the right to appeal:

- 13.2.2.1** the *Player* or *Player Support Personnel* who is the subject of the decision being appealed;
- 13.2.2.2** *Cricket Australia*;
- 13.2.2.3** *SIA*;
- 13.2.2.4** the *National Anti-Doping Organisation(s)* of the *Person's* country of residence, country of nationality, and country where he/she is licensed to participate in sport (if different from *SIA*);
- 13.2.2.5** the *ICC*;
- 13.2.2.6** any other *Anti-Doping Organisation* under whose *Code* a sanction could have been imposed for the *Anti-Doping Rule Violation* in question; and
- 13.2.2.7** *WADA*.

In the absence of any such appeal, such decisions shall be final and binding on all of the above *Persons*.

**13.2.3** The only *Person* who may appeal a decision to impose a *Provisional Suspension* is the *Player* or *Player Support Personnel* affected by the *Provisional Suspension*. In accordance with Article 13.2.1, he/she may appeal that decision exclusively to *CAS*.

### **13.3** **Failure to Render a Timely Decision**

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

*Doping Organisation.*<sup>39</sup>

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

*TUE* decisions may be appealed exclusively as provided in Article 4.4.6.

#### **13.5 Appeals Relating to Agreed Sanctions**

*Agreed Sanctions* imposed pursuant to Article 9.3 may be appealed exclusively to CAS by WADA, the ICC or the *Player* or *Player Support Personnel's NADO*.

#### **13.6 Notification of Appeal Decisions**

*Cricket Australia* shall promptly provide the appeal decision to the *Player* or *Player Support Personnel* and to the *Anti-Doping Organisations* that would be entitled to appeal under Article 13.2.2.

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

**13.7.1** The deadline for filing an appeal to CAS shall be twenty-one (21) days from the date of receipt of the written decision by the appealing party.

**13.7.2** Article 13.7.1 notwithstanding, the following shall apply in connection with appeals filed by a party that was not a party to the proceedings that led to the decision subject to appeal:

**13.7.2.1** Within fifteen (15) days from receipt of the written, reasoned decision, such party/ies shall have the right to request from the body that issued the decision a copy of the file on which such body relied.

**13.7.2.2** If such a request is made within the fifteen-day period, then the party making such request shall have twenty-one (21) days from receipt of the file to file an appeal to CAS.

**13.7.3** Articles 13.7.1 and 13.7.2 notwithstanding, the filing deadline for an appeal filed by WADA shall be the later of:

**13.7.3.1** Twenty-one (21) days after the last day on which any other party in the case could have appealed; and

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

#### **13.8 Appeal Procedure**

In all appeals to CAS pursuant to this Article 13:

**13.8.1** CAS's Code of Sports-related Arbitration shall apply, save as amended below.

**13.8.2** Cross appeals and other subsequent appeals by any respondent named in cases brought to CAS under the *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.

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<sup>39</sup> Given the different circumstances of each *Anti-Doping Rule Violation* investigation and results management process, it is not feasible to establish a fixed time period for an *Anti-Doping Organisation* to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with the *Anti-Doping Organisation* and give the *Anti-Doping Organisation* an opportunity to explain why it has not yet rendered a decision.

**13.8.3** Any party entitled to appeal under this Article 13 may, within 15 days of receipt of the decision, request a copy of the full case file pertaining to that decision. Where such information is not forthcoming from the decision making body upon request, any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the parties to the decision being appealed, and the information shall be provided if CAS so directs.

**13.8.4** The decision of CAS shall be final and binding on all parties, and no right of appeal shall lie from the CAS decision.

## **ARTICLE 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* that an *Anti-Doping Rule Violation* is being asserted against them shall occur as provided under Articles 8 and 14 of this Code.

#### **14.1.2 Notice of *Anti-Doping Rule Violations* to *Cricket Australia* and *WADA***

Notice of the assertion of an *Anti-Doping Rule Violation* to *Cricket Australia* and *WADA* shall occur as provided under Articles 8 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 shall include: the *Player's* name, country, sport, 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 (where applicable) or, for *Anti-Doping Rule Violations* other than under Article 2.1, 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, *Cricket Australia* and *WADA* shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Article 8, 9 or 13 and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

#### **14.1.5 Confidentiality**

The recipient organisations shall not disclose this information beyond those *Persons* with a need to know (which would include the appropriate *personnel* at *Cricket Australia*, and *Member*) until *SIA*, *Cricket Australia* or other *Anti-Doping Organisation* has made public disclosure or has failed to make *Public Disclosure* as required in Article 14.3.

### **14.2 Notice of *Anti-Doping Rule Violation* decisions and request for files**

**14.2.1** *Anti-Doping Rule Violation* decisions rendered pursuant to this Code shall include full reasons for the decision including, if applicable, a justification for why the greatest possible *Consequences* were not imposed.

**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** The identity of any *Player* or other *Person* who is asserted by *SIA* or another *Anti-Doping Organisation* to have committed an *Anti-Doping Rule Violation*, may be *Publicly Disclosed* by *SIA* or another *Anti-Doping Organisation* only after notice has been provided to the *Player* or *Player Support Person* in accordance with Article 8.2.3, 8.4.1 or 8.6.1 and simultaneously to *WADA* and *Cricket Australia*.
- 14.3.2** No later than twenty days after it has been determined in a final appellate decision under this *Code*, or such appeal has been waived, or a hearing in accordance with this *Code* has been waived, or the assertion of an *Anti-Doping Rule Violation* has not been timely challenged, *SIA* and *Cricket Australia* must *Publicly Report* the disposition of the matter, including the sport, the anti-doping rule violated, the name of the *Player* or *Player Support Person* committing the *Anti-Doping Rule Violation*, the *Prohibited Substance* or *Prohibited Method* involved (if any) and the *Consequences* imposed. *SIA* and *Cricket Australia* must also *Publicly Report* within twenty days the results of final appeal decisions 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 *Player Support Person* did not commit an *Anti-Doping Rule Violation*, the decision may be *Publicly Disclosed* only with the consent of the *Player* or *Player Support Person* who is the subject of the decision. *SIA* and *Cricket Australia* shall use reasonable efforts to obtain such consent. If consent is obtained, *SIA* and *Cricket Australia* shall *Publicly Disclose* the decision in its entirety or in such redacted form as the *Player* or *Player Support Person* may approve.
- 14.3.4** Publication shall be accomplished at a minimum by placing the required information on *SIA'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** Neither *SIA*, nor *Cricket Australia*, 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 *Player Support Person* against whom an *Anti-Doping Rule Violation* is asserted, or their representatives.
- 14.3.6** Where a *Player* or *Player Support Person* or their representative comments about their matter the *Player* or *Player Support Person* is taken to have consented to *SIA* commenting in response to their matter for the purposes of the *SIA Act*.
- 14.3.7** The mandatory *Public Reporting* required in Article 14.3.2 shall not be required where the *Player* or *Player Support 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 Data privacy**

- 14.4.1** *SIA* may collect, store, process or disclose personal information relating to *Players* or *Player Support Persons* where necessary and appropriate to conduct its anti-doping activities under the *SIA Act*, *SIA Regulations*, the *NAD*

*Scheme, the International Standards (including specifically the International Standard for the Protection of Privacy and Personal Information), the Australian Privacy Principles, the Archives Act 1983 (Cth), and this Code as in force from time to time.*

**14.4.2** Any *Player* or *Player Support Person* 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*.

## **ARTICLE 15 RECOGNITION OF DECISIONS**

**15.1** Subject to the right of appeal provided in Article 13, the *Testing*, hearing results and other decisions (including *Provisional Suspension* decisions) made under the *ICC Code* or recognised by the *ICC* under Article 15 of the *ICC Code* or made under the anti-doping rules of any other *Signatory* to the *World Anti-Doping Code* that are consistent with the *World Anti-Doping Code* and are within the *Signatory's* authority shall be applicable worldwide and shall be recognised and respected by *Cricket Australia*, its *Members* and member and affiliate and licensee organisations of the *Members* and all those subject to the *Code* automatically upon notice of the same, without the need for further formality. *Cricket Australia* shall take all steps within its power to give full force and effect within its jurisdiction to such *Testing, TUEs*, hearing results and other decisions made or recognised under the *ICC Code*.

**15.2** *SIA* and *Cricket Australia* may recognise the determinations taken by other bodies which have not accepted the *World Anti-Doping Code* if the rules of those bodies are otherwise consistent with *the Code*.

## **ARTICLE 16 STATUTE OF LIMITATIONS**

No *Anti-Doping Rule Violation* proceeding may be commenced under the *Code* against a *Player* or other *Person* unless such *Player* or other *Person* has been notified of the *Anti-Doping Rule Violation* as provided in Article 8, or notification has been reasonably attempted, within ten years from the date that the *Anti-Doping Rule Violation* is asserted to have occurred.

## **ARTICLE 17 STATISTICAL REPORTING**

*Cricket Australia* shall report to the *ICC* at the end of every calendar year the results of all *Doping Controls* conducted under the *Code*. The *ICC* may periodically publish such data, provided that the identity of the *Players* tested must not be published or be able to be discerned or deduced as a result of any publication (including de-identified publication) at any time.

## **ARTICLE 18 AMENDMENT AND INTERPRETATION OF THE CODE**

**18.1** The *Code* may be amended from time to time by *Cricket Australia*, subject to the written approval of the *SIA* Chief Executive Officer pursuant to clause 2.04(b) of the *NAD Scheme*. Such amendments shall come into effect on the date specified by *Cricket Australia*.

**18.2** The *Code* shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes of any *Signatory* or government.

**18.3** The headings (with the exception of Article 2) used for the various Articles of the *Code*



are for convenience only and shall not be deemed to be part of the substance of the *Code* or to inform or affect in any way the language of the provisions to which they refer.

- 18.4** The *Code* has been adopted pursuant to the applicable provisions of the *World Anti-Doping Code* and shall be interpreted in a manner that is consistent with the *World Anti-Doping Code*. The comments annotating various provisions of the *World Anti-Doping Code* shall (if necessary) be used to assist in the understanding and interpretation of the *Code*.
- 18.5** The *Code* shall come into full force and effect on 4 October 2020 (the **Effective Date**). It does not apply retroactively to matters pending before the *Effective Date*; provided, however, that:
- 18.5.1** Any case pending prior to the *Effective Date*, or brought after the *Effective Date* but based on acts or omissions that occurred before the *Effective Date*, shall be governed by the predecessor version of the *Code* in force at the time the *Anti-Doping Rule Violation* occurred, save that (i) Articles 11.7.5 and 16 of the *Code* shall apply retroactively (unless in the case of Article 16, the statute of limitations under the predecessor version of the *Code* has already expired by the *Effective Date*, in which case Article 16 shall not apply); and (ii) the *Anti-Doping Tribunal* may decide to apply other provisions from the *Code* as well where doing so benefits the *Player* or *Player Support Personnel* alleged to have committed the *Anti-Doping Rule Violation* based on the principle of *lex mitior*.
- 18.5.2** Subject always to Article 11.7.5, *Anti-Doping Rule Violations* committed prior to the *Effective Date*, whether under predecessor versions of the *Code* and/or other relevant rules, count as prior offences for purposes of determining sanctions under Article 11.7 and especially Article 11.7.5. If the sanction for the first offence was determined based on predecessor versions of the *Code* then, for the purposes of Article 11.7.1, that sanction shall be disregarded and instead the sanction that would have been imposed for the first violation if rules compliant with the current version had applied will be used.
- 18.6** Subject to Article 18.2, the *Code* is governed by and shall be construed in accordance with the laws of the State of Victoria.

## APPENDIX 1 - DEFINITIONS

ABP Guidelines. WADA's Athlete Biological Passport Operating Guidelines and Compilation of Required Elements, as amended by WADA from time to time.

ABP Program. Cricket Australia's program and methods of gathering and collating biological Markers on a longitudinal basis to facilitate indirect detection of the Use of Prohibited Substances and Prohibited Methods. Players may be subject to additional Athlete Biological Passport testing over and above ABP Testing under this Code by Anti-Doping Organisations having jurisdiction over such Players.

ABP Testing. The collection, transportation and analysis of Samples to measure individual blood or urine variables for longitudinal profiling as part of the ABP Program.

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, consistent with the International Standard for Laboratories and related Technical Documents, that 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 Biological Passport Finding. A report identified as an Adverse Biological Passport Finding as described in the applicable International Standards.

Agreed Sanction. Has the meaning ascribed to it in Article 9.3.

Anti-Doping Manager. An appointee of Cricket Australia from time to time to give effect to the Code and, if no Person is appointed, the Chief Executive Officer of Cricket Australia.

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 tournaments/events, WADA, International Federations such as the ICC, and National Anti-Doping Organisations. For the purposes of this Code, SIA is an Anti-Doping Organisation.

Anti-Doping Rule Violation. A breach of the Code pursuant to Article 2.

Anti-Doping Tribunal. A panel of three persons appointed by Cricket Australia consisting of a Chair (who shall be legally qualified), and other lawyers and/or a medical expert and/or a technical expert with experience in anti-doping, to perform the functions assigned to the Anti-Doping Tribunal under the Code. Each member of the Anti-Doping Tribunal shall be independent of Cricket Australia, which may provide reasonable compensation and reimbursement of expenses to such members.

SIA. The Australian Sports Anti-Doping Authority.

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

SIA Regulations. The *Sport Integrity Australia Regulations 2006* (Cth) (the *NAD Scheme* is contained in Schedule 1 to the Regulations).

SIA RTP. As defined in Article 5.3.2.1.

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

Athlete Biological Passport. The program and methods of gathering and collecting data as described in the *International Standard* for Testing and Investigations and *International Standard* for Laboratories.

Athlete Biological Passport Management Unit or ABPMU. As defined in Article 5.4.1.

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

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

CAS. The Court of Arbitration for Sport in Lausanne, Switzerland.

Competition. A series or combination of any number of individual *Matches* played as part of a league, knock-out or other tournament or event.

Consequences. An *Anti-Doping Rule Violation* may result in one or more of the following: (a) Disqualification means the *Player's* individual results in a particular *Match* are invalidated, with the following consequences: (i) forfeiture of any individual medals or other prizes awarded; and (b) forfeiture of any official ranking points achieved; (b) Ineligibility means the *Player* or *Player Support Personnel* is barred on account of an *Anti-Doping Rule Violation* for a specified period of time from participation in the sport of cricket; (c) Provisional Suspension means the *Player* or *Player Support Personnel* is temporarily barred from participating in the sport of cricket pending a final decision at a hearing conducted under Article 9 on the allegation that he/she has committed an *Anti-Doping Rule Violation*; (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 *Persons* entitled to earlier notification in accordance with Article 14.

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

Cricket Australia. Cricket Australia (ABN 53 006 089 130), which is a member of and is recognised by the ICC as the entity governing the sport of cricket in Australia.

Cricket Testing Protocols. As set out at Appendix 3.

Disqualification. See *Consequences*.

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.

Effective Date. As defined in Article 18.5.

Expert Panel. Suitably-qualified experts chosen by *Cricket Australia* to evaluate *Athlete Biological Passports* in accordance with the *ABP Guidelines*. The *Expert Panel* may include a standing group of appointed experts, as well as additional experts appointed *ad hoc* to assist in particular cases. Each member of the *Expert Panel* shall be independent of *Cricket Australia*, which may provide reasonable compensation and reimbursement of expenses to such members.

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* or other *Person's* degree of *Fault*, the circumstances considered must be specific and relevant to explain the *Player's* or other *Person's* 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 11.5.1.<sup>40</sup>

Filing Failure. As defined in the *International Standard* for Testing and Investigations.

Financial Consequences. See *Consequences* above.

ICC. The International Cricket Council or its designee.

ICC Code. As defined in Article 1.3.

ICC Events. Each of the following: (a) the ICC Cricket World Cup; (b) the ICC World Twenty20; (c) the ICC Under 19 Cricket World Cup; (d) the ICC Women's Cricket World Cup; (e) the ICC Champions Trophy; (f) the ICC Women's World Twenty20; (g) the ICC World Cup Qualifying Tournament; (h) the ICC World Twenty20 Qualifying Tournament; and (i) any other event organised or sanctioned by the *ICC* from time to time, provided that the *ICC* has given at least three months' notice to all teams participating in such event that it is to be deemed an *ICC Event* for the purposes of the *Code*.

In-Competition. The period(s) described in Article 5.2.4.

Ineligibility. See *Consequences*, above.

International-Level Player. Any cricketer who participates or who has participated in the preceding 24 months (whether as a member of a starting XI or as an officially designated substitute) in an *International Match*, as that term is defined in the *ICC Code*.

International Registered Testing Pool or IRTP. As defined in Article 5.3.2.1.

International Standard. A standard adopted by *WADA* in support of the *World Anti-Doping Code*, as revised from time to time, such revisions becoming effective in relation to the *Code* on the date specified by *WADA*, without the need for any further action by *Cricket Australia*. The *International Standards* shall include any technical documents issued pursuant to the

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<sup>40</sup> The criteria for assessing a *Player* or other *Person's* degree of *Fault* is the same under all Articles where *Fault* is to be considered. However, under Article 11.5.2, 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.

*International Standard.*

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 presence and/or Use of a *Prohibited Substance* or *Prohibited Method*.

Match. A match between two cricket teams, of any format and duration, that is organised, convened or authorised by *Cricket Australia* or any of its *Members* or affiliates or licensees.

Member. A body which is a member of *Cricket Australia* (i.e., a *State Cricket Association*) or affiliated with *Cricket Australia* (i.e., a *Territory Cricket Association*)

Metabolite. Any substance produced by a biotransformation process.

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

Missed Test. As defined in the *International Standard* for Testing and Investigations.

NAD Scheme. The National Anti-Doping Scheme which is contained in Schedule 1 to the *SIA Regulations*.

National Anti-Doping Organisation or NADO. The entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules at the national level. If this designation has not been made by the competent public authority(ies), the entity shall be the country's *National Olympic Committee* or its designee. The *National Anti-Doping Organisation* for Australia is, at the Effective Date, *SIA*.

National-Level Player. Any cricketer who participates or who has participated in the preceding 24 months (whether as a member of a starting XI or as an officially designated substitute) in a *Match* as a representative of a *Member* team.

National Olympic Committee. The organisation recognised in each country 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 Player Pool. As defined in Article 5.3.2.1.

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

No Fault or Negligence. The *Player* or *Player Support Personnel* establishing that he/she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he/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 *Player Support Personnel* establishing that his/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.

Notice of Charge. As defined in Article 8.7.1.

Out-of-Competition. The period(s) described in Article 5.3.1.1.

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

Player. Any *Person* who competes at any level in the sport under the jurisdiction or auspices of *Cricket Australia* or who uses the facilities of *Cricket Australia*; save that for purposes of Articles 2.8 and 2.9, a *Player* is any *Person* who participates at any level in any sport under the authority of any *Signatory*, government or other sports organisation accepting the *World Anti-Doping Code*.

Player's Nominated Address. As defined in Article 1.5.

Player Support Personnel. As defined in Article 1.8.

Possession. 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/Method* or the premises in which a *Prohibited Substance/Method* exists); provided, however, that if the *Person* does not have exclusive control over the *Prohibited Substance/Method* or the premises in which a *Prohibited Substance/Method* exists, constructive possession shall only be found if the *Person* knew about the presence of the *Prohibited Substance/Method* and intended to exercise control over it. Provided, however, there shall be no *Anti-Doping Rule Violation* based solely on *Possession* if, prior to receiving notification of any kind that the *Person* has committed an *Anti-Doping Rule Violation*, the *Person* has taken concrete action demonstrating that the *Person* 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>41</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, described on the *Prohibited List*.

Provisional Hearing. For purposes of Article 8.10, an expedited abbreviated hearing occurring prior to a hearing under Article 9 that provides the *Player* or *Player Support Personnel* with notice and an opportunity to be heard in either written or oral form.

Provisional Suspension. See *Consequences*.

Public Disclosure. See *Consequences*.

Public Reporting. See *Consequences*.

Sample. Any biological material collected for the purposes of *Doping Control*.<sup>42</sup>

Signatories. Those entities signing the *World Anti-Doping Code* and agreeing to comply with the *World Anti-Doping Code*, including the International Olympic Committee, International federations, International Paralympic Committee, *National Olympic Committees*, National

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<sup>41</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>42</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.

Paralympic Committees, *Major Event Organisations*, *National Anti-Doping Organisations*, and WADA.

*Specified Substances*. As defined in Article 4.1.3.

*State Cricket Association*. Each of the following:

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

*Substantial Assistance*. For purposes of Article 11.6.1, a *Person* providing *Substantial Assistance* must: (a) fully disclose in a signed written statement all information that he/she possesses in relation to *Anti-Doping Rule Violations*; and (b) fully cooperate with the investigation and adjudication of any case related to that information, including, for example, presenting testimony at a hearing if requested to do so by *Cricket Australia*, an *Anti-Doping Organisation* or hearing panel. Further, the information provided must be credible and must comprise an important part of any case that 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.

*Territory Cricket Association*. Each of the following:

- (a) Cricket ACT; and
- (b) NT Cricket.

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

*Testing Authority*. The testing agency or body appointed by *Cricket Australia* from time to time to undertake *Testing*.

*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* or *Player Support Personnel* to any third party; provided, however, that this definition shall not include: (a) the actions of bona fide medical personnel involving a *Prohibited Substance* used for genuine and legal therapeutic purposes or other acceptable justification; or (b) actions involving *Prohibited Substances* which are not prohibited in *Out-of-Competition Testing* unless the circumstances as a whole demonstrate such *Prohibited Substances* were not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

*Therapeutic Use Exemption or TUE*. As defined in Article 4.3.1.

*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.

*Whereabouts Failures*. As defined in Article 2.4.

World Anti-Doping Code. The version of the World Anti-Doping Code issued by WADA and coming into force as from 1 January 2015.



## APPENDIX 2 – THE PROHIBITED LIST

At any given time, the current version of the *Prohibited List* is available on the anti-doping section of *Cricket Australia's* website at the following address:

<http://www.cricketaustralia.com.au/cricket/rules-and-regulations>

**IMPORTANT NOTE:** the *Prohibited List* is updated annually, with effect from 1 January each year. All *Players* and *Player Support Personnel* should therefore review the new *Prohibited List* (available on *Cricket Australia's* website) each year in the lead up to 1 January to ensure that anything they ingest or use, as well as any medical treatment they receive, does not give rise to an *Anti-Doping Rule Violation* under the *Code*.

## APPENDIX 3 – THE CRICKET TESTING PROTOCOLS

### PREAMBLE

The following protocols are designed to supplement the *International Standard* for Testing and Investigations as necessary to reflect the specificities of cricket. They are not intended to amend or contradict the *International Standard* for Testing and Investigations and do not limit the right of *Cricket Australia*, a *Testing Authority* including *SIA* or another *Anti-Doping Organisation* to conduct *Target Testing* pursuant to Article 5.1.3. In the event of any conflict between these protocols and the *International Standard* for Testing and Investigations, the latter shall prevail.

In addition to the definitions set out in Appendix 1, for the purposes of this Appendix 3, the following definitions will also apply:

*Doping Control Officer (DCO)* means any official who has delegated responsibility for the on-site management of *Sample* collection at a *Match*.

*Lead DCO* means the *DCO* with overall responsibility for coordinating the on-site management of *Sample* collection at a *Match*.

*Match Referee* means the person officially appointed to fulfil the duties of a 'Match Referee' at any *Match*.

*NCF Representative* means the *Anti-Doping Manager* (or his/her appointed designee) or any other *Cricket Australia* representative duly authorised to carry out the duties set out in this Appendix 3.

*Team Manager* means the manager of a cricket team participating in a *Match* (or his/her designated representative).

#### 1. The selection of *Players* for *In-Competition Testing* (ISTI Article 4.4.1)

1.1 Pursuant to Article 5.1.1 of the *Code* and Article 4 of the *International Standard* for Testing and Investigations, *Cricket Australia* shall be responsible for assisting *SIA* to draw up a test distribution plan for domestic cricket played in *Cricket Australia*'s jurisdiction. One element of that plan will be *In-Competition Testing* at *Matches*.

1.2 At those *Matches* at which *In-Competition Testing* is selected to take place, the *Players* that will be required to provide *Samples* for *Testing* will be selected at random in accordance with the following procedure:

1.2.1 Prior to or during the commencement of any day's play in a *Match*, the *Match Referee* (or the *NCF Representative* where he/she is present) will convene a selection meeting in the doping control station or such other venue as he/she may deem appropriate.

1.2.1.1 The following individuals must attend the selection meeting: (a) the *Match Referee* (or the *NCF Representative* where he/she is present); and (b) the *Team Manager* of each of the two teams participating in the *Match* (or any representative appointed by the *Team Manager* in circumstances when the *Team Manager* is unable to attend).

1.2.1.2 In addition, the *Lead DCO* (where he/she is present at the time of the selection meeting) may attend the selection meeting.

1.2.1.3 Unless otherwise agreed by the *Match Referee* (or the *NCF Representative*), no other individuals shall be present at the selection meeting.

- 1.2.2** At the selection meeting, the *Match Referee* (or the *NCF Representative*) will provide a set of cards numbered one (1) to eleven (11) to each *Team Manager*.
- 1.2.3** Each *Team Manager* will simultaneously place his/her cards face down on a flat surface so as only to expose the reverse side of the cards, which should be blank. He/she may then rearrange those cards until he/she is completely satisfied that they are randomly set out and do not contain any identifying marks or features.
- 1.2.4** Once both *Team Managers* have confirmed that they are happy with the lay-out of their cards, they shall, in turn, and without revealing the numbers written on the face-down side of the cards, select two (2) cards from the opposite *Team Manager's* cards. Immediately upon selection of the opposition's cards, both *Team Managers* must, without revealing the numbers written on the face-down side of the cards, sign the reverse side of the two (2) cards that have been selected. The two (2) cards selected by each *Team Manager* will thereafter represent the two (2) *Players* from the opposition team that are required to provide a *Sample* for *Testing* at the *Match*.
- 1.2.5** Then, in turn, and without revealing the number written on the face-down side of the card, each *Team Manager* will select a third card from the remaining cards in the opposite *Team Manager's* selection. Immediately upon selection of the third card, both *Team Managers* must, without revealing the number written on the face-down side of the card, sign the reverse side of the third card, again, and mark it with the capital letter 'R'. The third card selected by each *Team Manager* will thereafter represent the additional *Player* from each team that is to be the designated 'Reserve' *Player* who may be notified and called upon to provide a *Sample* for *Testing* at the *Match* if either of the two *Players* selected from the same team cannot be notified because of exceptional circumstances, such as where a selected *Player* might have been taken to hospital during the *Match* and prior to notification of his/her selection for *Testing*.
- 1.2.6** Once the random selection of the cards is complete, the *Match Referee* (or the *ICC Representative*) will then, without revealing the numbers written on the face-down sides of the cards, place the three (3) selected cards for each team (ie including the 'Reserve') into separate sealed envelopes and mark the name of the relevant team on each of the envelopes.
- 1.2.7** If, at any point in the procedure detailed in paragraphs 1.2.2 – 1.2.6, above, the numbers of the selected cards are revealed (whether inadvertently or otherwise) to either of the *Team Managers*, the selection process will automatically become void and the *Match Referee* (or the *NCF Representative*) will require the entire process to be repeated.
- 1.2.8** Once the selection process is complete, each envelope will be kept in the secure possession of the *Match Referee* (or the *NCF Representative*) until it is passed to the *Lead DCO* at the earliest opportunity. The *Lead DCO* should also obtain a copy of the official team sheet from the *Match Referee* at the earliest opportunity. The *Match Referee* should ensure that the official team sheet identifies the participating *Players* with numbers 1 – 11. Where that is not the case (for example because it identifies them by shirt number, or where no numbering identification is provided), the *Match Referee* should allocate the numbers 1 – 11 (in consecutive order) to each of the participating *Players* in each team, so that the *Players* selected for *Testing* can be accurately identified.
- 1.2.9** The *Lead DCO* shall determine when the envelope should be opened (such determination to be strictly at his/her discretion) and, once opened, he/she will then identify by comparing the numbers on the selected cards against the declared batting order numbers (and not the *Players' shirt numbers*) on the official team sheet those *Players* that have been selected for *Testing* at that *Match*.

**1.2.10** At the appropriate time, the *Lead DCO* will arrange for the nominated chaperones to notify those *Players* that have been selected for *Testing*. Where, because of exceptional circumstances, one of the selected *Players* cannot be notified, then the *Player* from the same team as that of the *Player* that has been selected but cannot be notified, whose number corresponds with the card marked 'R', will be selected for *Testing* instead and will be notified accordingly.

**1.2.11** The *Lead DCO* will retain the signed selection cards and team sheets in a secure location and permit either *Team Manager* to inspect them as soon as all of the selected *Players* have been notified.

## **2. Collection of Samples (ISTI Article 6.3.3 and Annex G)**

**2.1** Those persons authorised to be present during the *Sample* collection session at any *Match* are:

**2.1.1** the *Lead DCO* and his/her assistants (including other *DCOs*);

**2.1.2** the persons identified at ISTI Article 6.3.3; and

**2.1.3** the *Anti-Doping Manager* and/or his/her designee(s).

**2.2** If a *Sample* collected from a *Player* does not have a Suitable Specific Gravity for Analysis (as defined in the ISTI), the *DCO* shall inform the *Player* that he/she is required to provide a further *Sample* or *Samples*, until a *Sample* that has a Suitable Specific Gravity for Analysis is provided. (See ISTI Annex G). To facilitate this, the *Player* should fully void his/her bladder when providing a *Sample*, and shall remain under continuous observation until he/she is ready to provide another *Sample*. In the meantime, the *Player* should avoid unnecessary hydration (drinking liquids).

## **3. Storage of Samples and documentation (ISTI Article 8.3)**

**3.1** Storage of *Samples* prior to dispatch from collection site (ISTI Article 8.3.1):

**3.1.1** The *Lead DCO* is responsible for ensuring that all *Samples* are stored in a manner that protects their identity, integrity and security whilst at the collection site.

**3.1.2** The *Lead DCO* shall keep the *Samples* secured and under his/her control until they are passed to a third party (eg the laboratory, or a courier to take them to the laboratory). *Samples* must not be left unattended unless they are locked away in a refrigerator or cupboard, for example. In the absence of a secure area where the *Samples* may be left, the *Lead DCO* shall keep the *Samples* under his/her control. Access to *Samples* shall be restricted at all times to authorised personnel and a detailed record of where the *Samples* are stored and who has custody of them and/or is permitted access to the *Samples* shall be kept by the *Lead DCO*.

**3.1.3** Where possible, *Samples* shall be stored in a cool environment and warm conditions should be avoided. In the case of blood *Samples*, these should preferably be stored in a refrigerator or cool box. Variations in temperatures should not exceed 2-8 degrees Celsius. Any variations in temperature should be recorded by the *Lead DCO* who shall report the same to *Cricket Australia*.

**3.2** Secure handling of documentation for each *Sample* (ISTI Article 8.3.2):

**3.2.1** The *Lead DCO* is responsible for ensuring that the documentation for each *Sample* is securely handled after completion.

**3.2.2** Those parts of the *Sample* collection documentation that identify the *Player* and can be used

to identify which *Player* provided a particular *Sample* shall be kept separately from the *Samples* themselves. Where a separate secure storage site is available at the collection site itself (lockable and/or accessible only by authorised personnel), the documentation may be stored there. Otherwise, it shall be kept by the *Lead DCO* and taken away from the site overnight.