

Cricket Australia Illicit Substances Rule

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1. Overview – Principles and Objectives of the IS Rule

- 1.1. Cricket Australia (**CA**) has adopted a WADA-compliant Anti-Doping Code (the **Anti-Doping Code**) to ensure the fundamental right of Players to participate in a Doping free sport and to promote health, fairness and equality for Players by adopting an effective anti-doping program with regard to detection, deterrence and prevention of Doping. Under the Anti-Doping Code, mandated by the Australian Government, certain illicit and illegal substances are not prohibited for the purposes of Out-of-Competition testing.
- 1.2. CA, State and Territory Cricket Associations, the Australian Cricketers' Association and Players participating in Rule Competitions (the **Stakeholders**) are acutely aware of the challenges faced by society in terms of illicit and illegal substances and CA and State and Territory Cricket Associations wish to take a stand to deter against their use in cricket and by cricketers.
- 1.3. In accepting that such substances represent a widespread community problem and a serious health issue for individuals, this IS Rule seeks to address those issues in a balanced and appropriate manner to provide an effective deterrent to the use of those substances.
- 1.4. CA, State and Territory Cricket Associations understand that players competing in Rule Competitions (the **Cricketers**) have the ability to significantly influence the lives of others including, in particular, young athletes, supporters of the Rule Competitions and supporters of cricket worldwide.
- 1.5. Consistent with the philosophy of CA in adopting the Anti-Doping Code, the Stakeholders wish to prohibit the use of Illicit Substances Out-of-Competition by the adoption of a policy that embraces and promotes the following values:
 - ethics, fair play and honesty;
 - health and welfare;
 - excellence in performance;
 - character and education;
 - dedication and commitment;
 - respect for rules and laws;

- respect for self and other participants; and
 - community and solidarity.
- 1.6. This IS Rule differs in some important respects from the Anti-Doping Code. Based on extensive professional advice, the IS Rule addresses the problem of the use of Illicit Substances by conducting additional testing over and above that required by the World Anti-Doping Agency (**WADA**), the Australian Government and the Australian Sports Commission (**ASC**) and, in dealing with that testing, focusing on a combination of deterrence, education and rehabilitation of Cricketers to ensure the effective and appropriate eradication of the use of Illicit Substances by Cricketers.
- 1.7. CA is advised and accepts that a rehabilitative model of management, including education, counselling, monitoring treatment and appropriate penalties, is the most appropriate manner of deterring and eradicating the use of Illicit Substances by Cricketers, subject only to the need to protect Cricketers, Rule Competitions and cricket in general from repeat offenders by administering strict and severe sanctions in cases where it is satisfied that education, counselling and treatment is not an effective response.
- 1.8. CA is advised and accepts that the model needs to feature accountability and transparency in both procedures and outcomes, subject to obligations of confidentiality aimed at ensuring appropriate opportunities for rehabilitation.
- 1.9. The objectives of this IS Rule are therefore to apply a consistent set of procedures that provide:
- education programs on Illicit Substance use;
 - deterrence to Illicit Substance use;
 - for rehabilitation of Cricketers;
 - for the protection of the image of cricket and those associated with cricket; and
 - for the administration of sanctions where appropriate.
- 1.10. This IS Rule governs the detected presence in a Cricketer's body of Illicit Substances. Any Cricketer involved in the trafficking of Illicit Substances will be liable to whatever consequences are prescribed or available under the Anti-Doping Code, the CA Code of Conduct or pursuant to the Cricketer's Player Contract.

- 1.11. The conduct prohibited under this IS Rule may also be a criminal offence and/or a breach of other applicable laws or regulations. This IS Rule is intended to supplement such laws and regulations with further rules of professional conduct for those involved in the sport of cricket. It is not intended, and should not be interpreted, construed or applied, to prejudice or undermine in any way the application of such laws and regulations. Cricketers must comply with all applicable laws and regulations at all times.

2. Application of IS Rule

- 2.1. This IS Rule shall apply to all Cricketers.
- 2.2. Schedule 1, which may be amended from time to time by notice from CA to Stakeholders, details the substances and classes of substances prohibited under this IS Rule (***Illicit Substances***). For the avoidance of doubt, publication on CA's website (www.cricketaustralia.com.au) shall be deemed to be sufficient notice for the purposes of this clause 2.2, provided that any amendments will be notified in writing to the ACA.
- 2.3. All In-Competition Testing and Out-of-Competition Testing for Prohibited Methods and Prohibited Substances shall continue to be dealt with under the CA Anti-Doping Code. This IS Rule will only apply to Out-of-Competition testing for Illicit Substances.
- 2.4. For the purposes of this IS Rule, a '***Rule Competition***' means any cricket match or competition conducted under the jurisdiction or auspices of Cricket Australia, including any Sheffield Shield match, One Day Domestic match, KFC Twenty20 Big Bash League match and any successor competitions, as well as any Toyota Futures League match or Women's National Cricket League or Women's BBL match.
- 2.5. For the purposes of this IS Rule, a ***Multi Day Match*** means a match of more than one days' scheduled duration and a ***One Day Match*** means a match of one days' scheduled duration (whether a 50-over match, Twenty20 match or some other limited overs match of no more than one day's scheduled duration).
- 2.6. For the purposes of this IS Rule, a ***Team*** means the team from time to time officially selected to represent Australia or any State Association or Territory Association during or in connection with, or any KFC Twenty20 Big Bash League or Women's BBL team selected by a State Association to participate in, a Rule Competition.

- 2.7. Unless otherwise indicated, capitalised terms in this IS Rule have the meaning given to them in the Anti-Doping Code.

3. Illicit Substances Prohibited

- 3.1. All Cricketers must comply with and observe this IS Rule.
- 3.2. Subject to clauses 3.3 and 6.11, a Cricketer shall contravene this IS Rule where there is present, in that Cricketer's Sample, any Illicit Substance or its Metabolites or Markers (a **Violation**). Furthermore, if a Cricketer has committed an Anti-Doping Rule Violation under the Anti-Doping Code in connection with any Illicit Substance or its Metabolites or Markers (**Illicit Substance ADRV**), the Illicit Substance ADRV shall be deemed to be a previous Violation under this IS Rule, that is, if a Cricketer has committed an Illicit Substance ADRV under the Anti-Doping Code, it shall be dealt with solely under the Anti-Doping Code, but where the Cricketer thereafter commits a Violation under this IS Rule (the **Subsequent Violation**), the previous Illicit Substance ADRV shall be deemed to be a first Violation (or second, third or further Violation, as the case may be) for the purposes of this IS Rule and the Subsequent Violation shall be deemed to be a second Violation (or third or further Violation, as the case may be) unless the CA Anti-Doping Medical Officer in his or her absolute discretion determines based on the clinical circumstances of the result that the presence of the Illicit Substance(s) or its Metabolites or Markers in respect of the Illicit Substance ADRV and the Subsequent Violation represents a double detection arising from a singular use of the Illicit Substance(s), in which case the Subsequent Violation will not be recorded as a further Violation against the Cricketer.
- 3.3. Excepting those substances for which a quantitative reporting threshold is established, the detected presence of any quantity of an Illicit Substance or its Metabolites or Markers in a Cricketer's Sample shall constitute a Violation.
- 3.4. Subject to clauses 6.11 and 8.3, a Violation occurs whether or not the Cricketer's use of an Illicit Substance is intentional or whether the Cricketer was negligent or otherwise at fault. It is not a defence to any claim that a Cricketer has breached this IS Rule for that Cricketer to contend:
- ignorance that an Illicit Substance is prohibited;
 - an honest and reasonable, but mistaken, belief that an Illicit Substance is not prohibited under this IS Rule;

- lack of intention to use an Illicit Substance;
 - inadvertent use of an Illicit Substance; or
 - that the Illicit Substance in question did not enhance the performance of the Cricketer concerned or was otherwise not performance enhancing.
- 3.5. A Cricketer who refuses or fails to submit a Sample for collection as authorised under this IS Rule or otherwise evades a Sample collection (including pursuant to any monitoring test program imposed pursuant to this IS Rule) shall be deemed to have returned a positive test for Illicit Substances and shall be deemed to have committed a Violation.
- 3.6. A Cricketer who deliberately attempts to substitute or adulterate a Sample shall be deemed to have returned a positive test for Illicit Substances and shall be deemed to have committed a Violation.
- 3.7. At all times the CA Anti-Doping Medical Officer shall have the absolute discretion to determine that testing irregularities that could reasonably be considered to have affected the results of an otherwise valid test shall invalidate the results of such test.

4. Appointment of Agent

Until any contrary determination of the CA Head of Integrity in their absolute discretion, Toxlogic Pty Ltd and its authorised nominees shall be the CA testing agency for the purpose of this IS Rule (the **Testing Agent**).

5. Education and Obligations

- 5.1. CA will ensure that its contracted Cricketers take part in CA education programs dealing with Illicit Substances and will ensure that any such Cricketer who has not participated in such a session will take part in an alternative program.
- 5.2. Each State and Territory Association participating in any Rule Competition will ensure that Cricketers who either represent it in a Rule Competition or who otherwise are contracted to it take part in CA education programs dealing with Illicit Substances and will ensure that any such Cricketers not participating in such a session will take part in an alternative program.

- 5.3. It is the obligation of each person to whom this IS Rule applies to inform himself or herself of, and fully understand, this IS Rule and all Illicit Substances.

6. Testing

- 6.1. All Cricketers subject to Doping Control are liable to be selected for testing under this IS Rule by the Testing Agent. All Cricketers subject to Doping Control agree to submit to Out-of-Competition testing (without advance notice and at any time or place) by the Testing Agent.
- 6.2. Cricketers are liable to be selected for any number of Sample collections; there is no maximum number and testing may be targeted or random. This selection may be on any basis or without justification.
- 6.3. Sample collection must be conducted substantially in conformity with the procedure set out in Schedule 2. Sample analysis and custodial procedures shall be conducted in accordance with the standard ISO/IEC17025 and the procedure set out in Schedule 2. Sample collection, custodial and analysis irregularities that cannot reasonably be considered to have affected the results of otherwise valid tests (***Minor Irregularities***) will not invalidate such results. Minor Irregularities do not include the following irregularities: a break in the chain of custody of the Sample, improper sealing of the container(s) in which the Sample is stored, or failure to request the signature of the Cricketer (each of which shall be a ***Major Irregularity***).
- 6.4. The CA Anti-Doping Medical Officer has the responsibility of sourcing rehabilitation programs referred to in this IS Rule.
- 6.5. CA, or any State Association or Territory Association competing in a Rule Competition, may request the CA Anti-Doping Medical Officer to refer a Cricketer for testing, education, counselling and/or treatment. The Cricketer will be required to undertake education, counselling and/or treatment only if the CA Anti-Doping Medical Officer is satisfied on reasonable grounds that the Cricketer's mental or physical ability to satisfactorily perform their services to CA, the State Association or Territory Association is impaired as a result of an association with Illicit Substances and the Cricketer agrees to such education, counselling and/or treatment. A Cricketer may refer himself or herself to the CA Anti-Doping Medical Officer for testing, education, counselling or treatment at any time.

- 6.6. The CA Anti-Doping Medical Officer shall be responsible for the supervision and administration of this IS Rule and more specifically will receive from the Testing Agent, the results of Sample analysis including notification of any Violation.
- 6.7. Upon the occurrence of any Violation, the Cricketer may elect to involve CA or their State or Territory Association (as the case may be) or the Australian Cricketers' Association in any education, counselling and treatment of that Cricketer.
- 6.8. Notwithstanding clause 6.2, upon the occurrence of any Violation, the Cricketer will be exempt from selection for testing under this IS Rule for a period of four (4) months from the date of the relevant Violation (**Exemption**), on the condition that for the period of the Exemption the Cricketer fully complies with the sanctions imposed in respect of the Violation and any monitoring test program determined by the CA Anti-Doping Medical Officer in their absolute discretion, which monitoring program may commence from the day after the Cricketer is informed of the Violation. The Exemption does not exempt the Cricketer from Doping Control tests under the Anti-Doping Code or testing under any other regime to which the Cricketer is subject during that period.
- 6.9. If a Cricketer subject to an Exemption is, notwithstanding the Exemption, selected for testing under this IS Rule, to preserve the confidentiality of that Cricketer's Violation, the Cricketer must undertake the test in accordance with the IS Rule. If the results obtained from the test indicate the presence of the same Illicit Substance(s) recorded for that Cricketer's Violation and the CA Anti-Doping Medical Officer in their absolute discretion determines based on the clinical circumstances of the result that the presence of the Illicit Substance(s) represents a double detection arising from a singular use of the Illicit Substance(s), such test result will not be recorded as a further Violation against the Cricketer.
- 6.10. If a Cricketer who has committed a Violation is tested under this IS Rule following the expiry of the Exemption related to that Violation and the results obtained from the test indicate the presence of the same Illicit Substance(s) recorded for that Cricketer's Violation and the CA Anti-Doping Medical Officer in their absolute discretion determines based on the clinical circumstances of the result that the presence of the Illicit Substance(s) represents a double detection arising from a singular use of the Illicit Substance(s), such test result will not be recorded as a further Violation against the Cricketer.

- 6.11. The CA Anti-Doping Medical Officer will determine, in circumstances where:
- (i) a Cricketer holds a Therapeutic Use Exemption in respect of a particular Illicit Substance; and
 - (ii) the Cricketer establishes to the reasonable satisfaction of the CA Anti-Doping Medical Officer that the Cricketer has not used the Illicit Substance other than in accordance with the conditions (if any) of the Therapeutic Use Exemption,
- that the Illicit Substance in so far as it applies to that Cricketer shall be deemed not to include the substance or method the subject of the Therapeutic Use Exemption.

7. Sanctions

- 7.1. First Violation - where the Cricketer commits a first Violation, the CA Anti-Doping Medical Officer shall inform the Cricketer in writing and the following shall apply to that Cricketer:
- (a) Where the Cricketer is employed by or represents a State Association¹ or Territory Association (each, an **Employer**), the Medical Officer of the Cricketer's State Association or Territory Association shall be informed of the Violation and the circumstances of the Violation with a view to involving the Cricketer's State Association or Territory Association in the further education, counselling and treatment of the Cricketer. The CA Anti-Doping Medical Officer shall procure an undertaking in a form acceptable to the CA Anti-Doping Medical Officer requiring that the Medical Officer maintains confidence in respect of that first Violation so that the Medical Officer shall not report the facts of that first Violation to any other person without the consent in writing of the CA Anti-Doping Medical Officer provided, however, that, subject to clause 7.11 of this IS Rule, (i) the CA Anti-Doping Medical Officer will inform CA of the fact that a Violation has occurred (without disclosing any details about the Cricketer) and (ii) CA may in all circumstances disclose to other persons the fact that a Violation has occurred and the Illicit Substance in issue, without any further disclosure of facts (including the name of the Player and the identity of their Employer).

¹ For the purposes of this IS Rule, employment by a State Association means employment under a State Player Contract, State Match Contract, Rookie Contract, BBL Non-CA Player Contract, BBL Replacement Player Contract, Women's State Contract or Women's BBL Contract.

- (b) Where the Cricketer is then a party to a CA Player Contract, the CA Chief Medical Officer shall be informed of the Violation and the circumstances of the Violation. The CA Anti-Doping Medical Officer shall procure an undertaking in a form acceptable to the CA Anti-Doping Medical Officer requiring that the CA Chief Medical Officer maintains confidence in respect of that first Violation so that the CA Chief Medical Officer shall not report the fact of that first Violation to any other person without the consent in writing of the CA Anti-Doping Medical Officer provided, however, that, subject to clause 7.11 of this IS Rule, (i) the CA Anti-Doping Medical Officer will inform CA of the fact that a Violation has occurred (without disclosing any details about the Cricketer) and (ii) CA may in all circumstances disclose to other persons the fact that a Violation has occurred and the Illicit Substance in issue, without any further disclosure of facts (including the name of the Player and the identity of their Employer).
- (c) To the extent the Cricketer is a party to a Player Contract with CA, a State Association (including a W/BBL Team) or a Territory Association, the Cricketer shall be fined an amount equal to five percent (5%) of the aggregate of their net retainer(s) payable by CA and/or the State or Territory Association in respect of that contract year pursuant to clause 3 of the Player's General Conditions (the **Suspended Fine**), provided, however, that the fine shall be suspended subject to the Cricketer's compliance with paragraph (e) below and the Cricketer not committing a second Violation, it being understood that failure to comply with paragraph (e) below will be communicated to CA in order for CA to levy the Suspended Fine on the Cricketer.
- (d) The Cricketer shall be prohibited from being selected in any Multi Day Matches and One Day Matches for a period of twenty (20) days, whether those matches are part of a Rule Competition or else a Test Match, One Day International Match or Twenty20 International Match or a women's international match, and shall further be prohibited from being selected in any grade or district cricket match during that 20-day period (together, the **Suspended Ban**) provided, however, that the ban shall be suspended subject to the Cricketer's compliance with paragraph (e) below and the Cricketer not committing a second Violation (it being understood that failure to comply with paragraph (e) below will be communicated to CA in order for CA to levy the Suspended Ban on the Cricketer) and further provided that where any period of the Suspended Ban would otherwise fall outside the regular

season (measured by reference to the final day of the final Multi Day Match or One Day Match in which the Cricketer's Team was scheduled to participate in), that period shall be suspended immediately after that final day and shall resume in the following season (or in the case of international cricket, in the following international tour) to begin on the first day of the first Multi Day Match or One Day Match in which the Cricketer's Team is scheduled to participate (whether in that following season or on the following tour, as the case may be).

- (e) The CA Anti-Doping Medical Officer shall require the Cricketer's attendance before the CA Anti-Doping Medical Officer or any other person specified by the CA Anti-Doping Medical Officer for the purpose of a designated rehabilitation program involving education, counselling and treatment in respect of Illicit Substances.
- (f) The Cricketer shall be placed on a monitoring test program for a period of time determined by the CA Anti-Doping Medical Officer in their absolute discretion.

7.2. Second Violation – subject to clause 7.10, where the Cricketer commits a second Violation, the CA Anti-Doping Medical Officer shall inform the CA Head of Integrity of the Violation and the circumstances of the Violation who shall immediately inform the Cricketer in writing and the following shall apply to that Cricketer:

- (a) Where the Cricketer is employed by or represents a State or Territory Association, the CA Head of Integrity shall inform the CEO, Executive General Manager – Team Performance and the General Counsel of CA and the CEO of the Australian Cricketers' Association together with the CEO, Cricket Operations or High Performance Manager and Medical Officer of the Cricketer's State Association or Territory Association of the Violation and the circumstances of the Violation.
- (b) Where the Cricketer is then a party to a CA Player Contract, the CA Head of Integrity shall inform the CEO, Executive General Manager – Team Performance and the General Counsel of CA and the CEO of the Australian Cricketers' Association of the Violation and the circumstances of the Violation.
- (c) The Cricketer shall be required to pay to CA the Suspended Fine within thirty (30) days of notice of the second Violation from the CA Head of Integrity.

- (d) To the extent the Cricketer is a party to a Player Contract with CA, a State Association (including a W/BBL Team) or a Territory Association, the Cricketer shall be fined a further amount equal to ten percent (10%) of the aggregate of their net retainer(s), if any, payable by CA and/or the State or Territory Association in respect of that contract year pursuant to clause 3 of the Cricketer's General Conditions (the **Second Fine**). The Cricketer shall be required to pay the Second Fine (and the Suspended Fine, if still due) to CA within thirty (30) days of notice of the second Violation from the CA Head of Integrity.
- (e) The Cricketer shall be prohibited from being selected in any Multi Day Matches and One Day Matches for a period of forty (40) days (which shall include the Suspended Ban), whether those matches are part of a Rule Competition or else a Test Match, One Day International Match or Twenty20 International Match or a women's international match, and shall further be prohibited from being selected in any grade or district cricket match during that 40-day period, provided, however, that where any period of the 40-day suspension would otherwise fall outside the regular season (measured by reference to the final day of the final Multi Day Match or One Day Match in which the Cricketer's Team was scheduled to participate in), that period shall be suspended immediately after that final day and shall resume in the following season (or in the case of international cricket, in the following international tour) to begin on the first day of the first Multi Day Match or One Day Match in which the Cricketer's Team is scheduled to participate in (whether in that following season or on the following tour, as the case may be).
- (f) The CA Anti-Doping Medical Officer shall require the Cricketer's attendance before the CA Anti-Doping Medical Officer or any other person specified by the CA Anti-Doping Medical Officer for the purpose of a designated rehabilitation program involving education, counselling and treatment in respect of Illicit Substances.
- (g) The Cricketer shall be placed on a monitoring test program for a period of time determined by the CA Anti-Doping Medical Officer in their absolute discretion.

7.3. Third Violation - where the Cricketer commits a third Violation, the CA Anti-Doping Medical Officer shall inform the CA Head of Integrity of the Violation and the circumstances of the Violation who shall immediately inform the Cricketer in writing, CA, the Australian Cricketers' Association and each State

Association and Territory Association and the following shall apply to that Cricketer:

- (a) The Cricketer shall be prohibited from being selected in any Team (and shall further be prohibited from being selected in any team for any grade or district cricket match) for a period of twelve (12) months and shall forfeit the right to any payments under any then-current Player Contract (including the retainer amount(s) under clause 3 of the General Conditions or any other amount payable to the Cricketer, which amounts shall no longer be due and payable with respect to the 12-month period) other than the payment of accrued obligations, if any, under the relevant Player Contract (which, for the avoidance of doubt, shall not include any portion of the retainer otherwise payable from the date on which the Cricketer is banned).
- (b) The Cricketer shall not be permitted to be selected in a Team (including any grade or district cricket team) after the expiry of the twelve (12) month ban listed in paragraph (a) above unless and until the Cricketer completes a designated rehabilitation program involving education, counselling and treatment in respect of Illicit Substances in a manner deemed reasonably satisfactory by the CA Anti-Doping Medical Officer.
- (c) The Cricketer shall be placed on a monitoring test program upon their resumption of participation in any Rule Competition for a period of time determined by the CA Anti-Doping Medical Officer in their absolute discretion.

7.4. Further Violation - where the Cricketer commits a further Violation, the CA Anti-Doping Medical Officer shall inform the CA Head of Integrity of the Violation and the circumstances of the Violation who shall immediately inform the Cricketer in writing, CA, the Australian Cricketers' Association and each State Association and Territory Association, and the Employer, if any, shall have the option of immediately terminating the Cricketer's Player Contract without notice or any compensation other than the payment of accrued obligations, if any, under the Player Contract and the Cricketer shall be prohibited from being selected in any Team (and shall further be prohibited from being selected in any team for any grade or district cricket match) and from representing CA or any State or Territory Association in any coaching capacity for a period of three (3) years. The Cricketer shall not be permitted to be selected in or to coach (in any capacity) a Team (including any grade or district cricket team) after the expiry of the three (3) year ban unless and until the Cricketer completes a designated rehabilitation program involving education, counselling and

treatment in respect of Illicit Substances in a manner deemed reasonably satisfactory by the CA Anti-Doping Medical Officer. The Cricketer shall further be placed on a monitoring test program upon his or her resumption of participation in any Rule Competition for a period of time determined by the CA Anti-Doping Medical Officer in their absolute discretion.

- 7.5. Notwithstanding anything else in this IS Rule, a failure by a Cricketer to comply with any sanctions listed in this clause 7 (other than clause 7.1(c) and clause 7.1(d)) shall be deemed to be a separate and additional Violation for the purposes of this IS Rule.
- 7.6. Where a Cricketer, after committing an earlier Violation during the course of representing or being employed pursuant to a Player Contract by a different Employer (the **Original Employer**)², thereafter commits a second or further Violation (a **New Violation**) during the course of representing, or being employed pursuant to a Player Contract by, a different Employer (the **New Employer**) the New Violation shall be deemed to be a second, third or further Violation, as the case may be, for the purposes of this IS Rule, notwithstanding the change of Employer for which the Cricketer is employed or represents. Notwithstanding clause 7.1, where a Cricketer has committed a Violation and at some time after that Violation is selected by, or agrees to a Player Contract with, a New Employer, the CA Anti-Doping Medical Officer shall inform the Medical Officer(s) of the New Employer of the earlier Violation by that Cricketer and the circumstances of such Violation(s), and the Medical Officer(s) of the New Employer shall be entitled to consult with the Medical Officer(s) of the Original Employer about the circumstances of the Violation.
- 7.7. This IS Rule imposes obligations on the CA Anti-Doping Medical Officer to disclose information in relation to Cricketers subject to this IS Rule to various third persons including, without limitation, those involved in the education, counselling and treatment of Cricketers subject to this IS Rule. Each Cricketer consents to the provision of information by the CA Anti-Doping Medical Officer

² For the purposes of clause 7.6 of this IS Rule, where a player is employed by CA under a Player Contract and immediately afterwards is employed by a State Association or Territory Association under a Player Contract, CA will be deemed to be an Original Employer in circumstances where a Violation has occurred during the course of employment with CA and that State Association or Territory Association will be deemed to be the New Employer. Similarly, for the purposes of clause 7.6 of this IS Rule, where a player is employed by a State Association or Territory Association under a Player Contract and immediately afterwards is employed by CA under a Player Contract, the State Association or Territory Association will be deemed to be an Original Employer in circumstances where a Violation has occurred during the course of employment with that State Association or Territory Association and CA will be deemed to be the New Employer.

solely in accordance with this IS Rule as a condition of participation in any Rule Competition.

- 7.8. Any designated rehabilitation program under this IS Rule shall be for a period of time determined by the CA Anti-Doping Medical Officer in their absolute discretion. It will only conclude once the CA Anti-Doping Medical Officer, in conjunction with the relevant counsellor or other appropriate professional advisor, determines that the Cricketer has completed the necessary counselling and education.
- 7.9. All monies from fines levied pursuant to this IS Rule shall be paid to CA and used by CA to fund rehabilitation, education and testing programs under this IS Rule.
- 7.10. Notwithstanding clause 7.2 of this IS Rule, in the event a Cricketer commits a second Violation (but not a third Violation or further Violation) more than five (5) years after the date of the Cricketer being notified in writing of their first Violation, that second Violation (the **Sunset Violation**) shall be deemed to be a first Violation for the purposes of clause 7.1 of this IS Rule and clause 7.1 shall apply to such Cricketer with respect to the Sunset Violation.
- 7.11. Notwithstanding any clause of this IS Rule (including clause 7.1), in the event that a Cricketer publicly discloses to the media any circumstances relating to their first Violation, CA shall be permitted to request from the CA Anti-Doping Medical Officer and the CA Anti-Doping Medical Officer shall provide to CA (and the Cricketer's State or Territory Association, if any), all details of that Violation, including details about the Cricketer and the Illicit Substance in issue.

8. Appeals

- 8.1. A person who commits a Violation under this IS Rule may appeal that finding or the imposition of any sanction under clause 7 of this IS Rule may be challenged solely by appeal as set out in this clause 8. All parties acknowledge that this process may risk any confidentiality safeguards within this IS Rule and that a Cricketer embarks on this procedure in full knowledge of that risk.
- 8.2. A Cricketer who lodges an appeal in accordance with clause 8.3 shall bear the onus of proving on the balance of probabilities, that either (i) the Violation should be disregarded pursuant to this IS Rule such that the Cricketer will not

have been found to have committed a Violation under this IS Rule as a result of an Irregularity that is a Major Irregularity or (ii) the Violation should be disregarded pursuant to this IS Rule as a result of the Violation occurring solely as a result of the Illicit Substance in issue being administered by a third party without the knowledge of the Cricketer and in circumstances where the Cricketer could not have reasonably believed that the Illicit Substance would have been administered by a third party, or (iii) that the twelve (12) month suspension under clause 7.3(b) or the three (3) year suspension under clause 7.4 is harsh and unreasonable in the circumstances set out in clause 8.4.

8.3. Any notice to appeal (which will be in a written form prescribed by the CA Head of Integrity) under this Article must be lodged with the CA Head of Integrity within 21 days of receipt of the written notification to the Cricketer of a Violation. Thereafter, the following will apply:

- (a) Within 48 hours of receipt of a notice to appeal:
 - (i) the CA Head of Integrity will appoint a Code of Conduct Commissioner (the **Commissioner**) to hear the appeal sitting alone; and
 - (ii) the CA Anti-Doping Medical Officer will provide a written statement to the CA Head of Integrity setting out any relevant facts (to be copied to the Cricketer);
- (b) CA may appoint a Commission Counsel to assist the Commissioner in the conduct of any appeal hearing;
- (c) Appeal hearings pursuant to this Article 8.3 should be completed expeditiously. Save where all parties agree or fairness requires otherwise, the appeal hearing shall be commenced no later than fourteen (14) days after the appointment of the Commissioner. The CA Head of Integrity must notify in writing the Cricketer of all relevant details of the appeal as soon as practicable.
- (d) The procedure followed at the hearing shall be at the discretion of the Commissioner, provided that the hearing is conducted in a manner which offers the Cricketer a fair and reasonable opportunity to present evidence (including the right to call and to question witnesses by telephone or video-conference where necessary), address the Commissioner and present their case. The Commissioner will conduct the hearing:

- (i) in private (unless the Commissioner agrees otherwise);
- (ii) with as little formality and technicality and as expeditiously as proper consideration of the Report permits; and
- (iii) in all other respects as the Commissioner determines.

The hearing before the Commissioner may be recorded at the election of the Commissioner;

- (e) Unless exceptional circumstances apply, each of the following individuals must attend any hearing before the Commissioner:
 - (i) The Cricketer whose Violation is under appeal;
 - (ii) The CA Anti-Doping Medical Officer; and
 - (iii) A representative of CA.

Where any such individual has a compelling justification for their non-attendance, then they shall be given the opportunity to participate in the hearing before the Commissioner by telephone or video conference (if available). Each of these individuals shall have the right to be represented at the hearing before the Commissioner by such representative (including legal counsel) of their or its own choosing;

- (f) The non-attendance of the Cricketer or their representative at the hearing, after proper notice of the hearing has been provided, shall not prevent the Commissioner from proceeding with the hearing in their absence, whether or not any written submissions are made on their behalf;
- (g) At the end of a hearing, where the Commissioner considers that further evidence is necessary or further time is required to consider the evidence that has been presented, he/she shall adjourn the hearing for an appropriate period of time and make such directions as may be necessary;
- (h) As soon as possible after the conclusion of the hearing (and, in any event, no later than seven (7) days thereafter), the Commissioner will announce their decision in writing, with reasons, setting out:

- (i) the finding as to whether the Cricketer has successfully proven any of the grounds set out in Article 8.2 to the requisite standard of proof; and/or
 - (ii) what sanctions, if any, are to be imposed (including any fine and/or period of suspension);
 - (i) A copy of the written decision will be provided to the Cricketer, the CA Head of Integrity and CA's General Counsel; and
 - (j) The Commissioner is entitled, in their absolute discretion, to seek legal advice prior to or during any hearing (for which purpose the Commissioner is entitled to adjourn the hearing) and/or prior to giving their decision.
- 8.4. The Commissioner may reduce the twelve (12) month suspension under clause 7.3 and the three (3) year suspension under clause 7.4 only where he or she is satisfied that there are exceptional and compelling circumstances which would make it harsh and unreasonable to apply those sanctions in all the circumstances of the case.
- 8.5. Each of the Cricketer and Cricket Australia shall have a right of appeal to the Court of Arbitration for Sport from the decision of the Commissioner in clause 8.3 equivalent to that right expressly provided in Articles 13.7.1 (timing for filing appeals) and 13.8 (appeals procedure) of the CA Anti-Doping Code.
- 8.6. A person shall have no further right of appeal other than as expressly provided in clause 8.5 above.

Schedule 1

1. Substances

Stimulants - amphetamine, benzphetamine, cocaine, dimethylamphetamine, ephedrine, methamphetamine, methylamphetamine and other substances with similar biological effect(s).

Narcotics – diamorphine (heroin), hydromorphone, methadone, morphine, oxycodone, pethidine and other substances with similar biological effects where there is no evidence of reasonable therapeutic use.

Cannabinoids – hashish, marijuana, THC and other substances with similar biological effect(s).

2. Classes of substances

Stimulants

Narcotics

Cannabinoids

Schedule 2

Illicit Substances Rule Testing Procedures

- The CA Anti-Doping Medical Officer will contact the Testing Agent with the names of Cricketers to be tested.
- A collector from the Testing Agent will contact the relevant CA, State Association or Territory Association Liaison Officer (the **Liaison Officer**) on arrival at the relevant training site and identify himself or herself. These collectors will be wearing identification that clearly states they are representing CA and the Testing Agent. If the Liaison Officer is not present then the CA, State Association or Territory Association Cricket Operations/High Performance Manager or Team Manager must be contacted to act in the place of the Liaison Officer, in which case he or she will be deemed to be the Liaison Officer for the purposes of this IS Rule.
- A collector will open the envelope containing the names of the Cricketers to be tested, in the presence of the Liaison Officer. If any of the nominated Cricketers are not available, the reason for their absence will be noted on the selection list beside that Cricketer's name. Another Cricketer will be selected at random to be a replacement donor(s) at that session.
- The Liaison Officer must be present at the commencement of each of the sessions to facilitate these procedures, to confirm that all Cricketers to be tested are available, collect Cricketers one at a time, verify the identity of each Cricketer tested, witness each collection and be available to address any issues that may arise during the testing session.
- At the completion of the training session or, if the Cricketer is not training for any reason, as soon as practical, the Liaison Officer will notify the nominated Cricketers and bring them to an area where they can wait until the collection of a hair sample is completed. The Cricketer will be provided with a copy of the IS Rule testing procedure for their perusal.
- Each Cricketer's identity will be confirmed with the Liaison Officer and the Cricketer must, without signing their name at this stage, complete their name and the date of test on the donor form.
- Cricketers must remain in the testing area at all times until they have completed all requirements.
- No mobile phone use is permitted by the nominated Cricketer from the commencement of the Sample collection process through to the full completion of that process.

- The collector will open a collection kit and complete on the donor form the testing site, all hair treatments undertaken and medications consumed in the prior three months. The collector will then complete collection and donor information on the form, and will require the Liaison Officer to complete the witness information on the donor form. Collectors will use a tamper-resistant pre-packaged collection kit with all components carrying a bar code and a unique specimen number specific to that kit.
- The collector will obtain a hair sample from the Cricketer. When the Cricketer has provided the hair sample, the collector will keep the sample within sight of both parties at all times until sealed for dispatch to the laboratory.
- The collector will also determine that there is sufficient sample for the laboratory tests to be performed as well as inspecting the hair to determine its colour and look for any indication of adulterants. Any unusual findings will be recorded on the chain of custody form.
- A sample is placed in an individual tamper evident container and sealed. The Liaison Officer as witness should initial all seals on behalf of the Cricketer.
- The collector will then complete details on the donor form and show the Cricketer and Liaison Officer that the donor identification number on the donor form and collection kit are the same.
- The donor form must then be signed by both the Cricketer and the Liaison Officer as acknowledgement that the Sample collected is that of the Cricketer.
- The collector will then place the secured Sample in an Express Post envelope, which will be pre-addressed to the designated CA Anti-Doping Medical Officer.
- The collector will place the donor selection list into a white A4 envelope. Once sealed, the collector will sign across the seal and the Liaison Officer will be asked to sign across the seal. This sealed envelope will also be placed into the Express Post envelope with the Sample. The tracking number will be removed and attached to the collector's worksheet.
- The envelopes will be couriered or mailed by Gold Express Post to the CA Anti-Doping Medical Officer.
- If a Cricketer presents for Sample collection without having sufficient hair for an adequate Sample collection, the collector will notify the CA Anti-Doping Medical Officer.
- Note: The Liaison Officer plays an important role in the IS Rule procedures. All Liaison Officers must be fully aware of this IS Rule and the obligations owed by each Liaison Officer under this IS Rule.