

# Anti-Doping Policy

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## 1 Background

1.1 Under a referral dated 16 March 2006 Softball Australia Limited (**SAL**) referred the following anti-doping functions, powers and responsibilities (anti-doping functions) to the Australian Sports Anti-Doping Authority (**ASADA**):

- investigating possible anti-doping rule violations within the sport of Softball
- issuing infraction notices or other matters under the determined results management process
- convening hearings before the Court of Arbitration for Sport (**CAS**). There is no other hearing body for anti-doping matters in Softball
- presenting allegations of anti-doping rule violations and all relevant, incidental matters in hearings before CAS, and
- notifying the results of investigations and hearings and all relevant, incidental matters to relevant bodies including SAL and the ISF. Any notification will be subject to the Australian Sports Anti-Doping Authority Act 2006 (**ASADA Act**) and privacy legislation.

1.2 SAL and ASADA acknowledge and agree that under the ASADA Act, ASADA has the function of supporting and encouraging the development and implementation of comprehensive programs and education initiatives about sports drug and safety matters. SAL will assist ASADA with such matters and will provide education and information regarding anti-doping rules and matters to persons within the sport of Softball within the framework established by ASADA.

1.3 ASADA will perform and conduct the anti-doping functions in accordance with this referral and the ASADA Act. ASADA will use its best endeavours to ensure the ISF anti-doping program is recognised.

1.4 SAL refers the above anti-doping functions to ASADA on the basis that:

- ASADA will as soon as practicable, subject to the ASADA Act and privacy legislation, provide to SAL (and if necessary ISF) copies of relevant documents including but not only test results, infraction notices and hearing documents
- SAL retains the right to appear in anti-doping hearings before CAS as an interested party. SAL will determine whether it wishes to exercise this right upon notification of a hearing by ASADA. If SAL wishes to appear at any anti-doping hearing before CAS it will pay its own costs of such appearance
- all costs of any investigation and hearing (including but not only CAS application costs and any legal costs associated with any investigation and/or hearing) undertaken by ASADA will be paid by ASADA
- SAL will immediately advise ASADA of any alleged anti-doping rule violation in Softball and will provide assistance to ASADA in any investigation that ASADA might reasonably request, and



- ASADA will, subject to the ASADA Act and privacy legislation, provide such reports to SAL on ASADA's conduct of the above anti-doping functions as may be agreed between ASADA and SAL.
- 1.5 SAL will recognise and enforce any sanction determined by CAS in respect of an anti-doping rule violation in the sport of Softball and in any other sport.
- 1.6 SAL will use its best endeavours to ensure its Members, Athletes and Athlete Support Personnel are aware of this referral of the anti-doping functions to ASADA and assist and co-operate with ASADA in the conduct of the anti-doping functions. SAL otherwise recognises ASADA's powers and functions under the ASADA Act.
- 1.7 SAL has amended its Anti-Doping Policy (**Policy**) to reflect the roles and responsibilities under the referral. The Policy adopts and reflects the [World Anti-Doping Code \(Code\)](#) which is annexed to and forms part of this Policy.
- 1.8 Where an Athlete or Athlete Support Personnel is bound by ISF's anti-doping program as well as this Policy, that Person shall be bound to, and have obligations in respect of, both policies.

## **2 What is SAL's position on doping?**

- 2.1 SAL condemns doping as fundamentally contrary to the spirit of sport. The purpose of this ADP is to protect Athletes' fundamental right to participate in doping-free sport and to ensure harmonised, coordinated and effective anti-doping programs at the international and national level with regard to detection, deterrence and prevention of doping.

## **3 Who does this ADP apply to?**

- 3.1 This ADP applies to Athletes and Athlete Support Personnel as defined under the [Code](#). It also applies to Members, employees and contractors of SAL and any other Person who has agreed to be bound by it.

## **4 Obligations**

- 4.1 The persons identified in clause 3 are bound by this ADP as a condition of their membership, participation and/or involvement in Softball. Athletes and/or Athlete Support Personnel must comply with this ADP and the anti-doping rules as prescribed in the NAD scheme under the ASADA Act. In particular:
- 4.2 Athletes must:
- 4.2.1 know and comply with all anti-doping policies and rules applicable to them. These include, but may not be limited to this ADP, the ISF anti-doping program and the NAD Scheme
  - 4.2.2 be aware of whether they are in ISF's and/or ASADA's Registered Testing Pools and comply with the requirements of any such membership



- 4.2.3 read and understand the Prohibited List as it relates to them
  - 4.2.4 be available for Sample collection and provide accurate and up-to-date whereabouts information for this purpose when identified for inclusion in a Registered Testing Pool
  - 4.2.5 take full responsibility, in the context of anti-doping, for what they ingest, Use and Possess
  - 4.2.6 inform medical personnel of their obligations not to Use or Possess Prohibited Substances and Prohibited Methods and to take responsibility to make sure that any medical treatment received does not violate anti-doping policies and rules applicable to them
  - 4.2.7 immediately refer information about possible anti-doping rule violations to ASADA
  - 4.2.8 assist, cooperate and liaise with ASADA and other Anti-Doping Organisations in relation to the conduct of any investigation or hearing into an alleged anti-doping rule violation
  - 4.2.9 act in a discreet and confidential manner in discharging their obligations under this ADP
  - 4.2.10 be available for Sample collection and provide accurate and up-to-date whereabouts information on a regular basis, even if not a regular Member of SAL, if required by the conditions of eligibility established by any applicable Anti-Doping Organisation
  - 4.2.11 attend anti-doping education as directed by SAL and/or as appropriate. Failure to attend an anti doping education session shall be no excuse for an alleged anti-doping rule violation, nor shall it mitigate culpability of the Athlete in determining sanction, and
  - 4.2.12 accept that ignorance of this ADP, the [Code](#) or the Prohibited List is not an excuse from an alleged anti-doping rule violation, and shall not mitigate culpability in sanction.
- 4.3 Athlete Support Personnel must:
- 4.3.1 know and comply with all anti-doping policies and rules applicable to them or the Athletes whom they support. These include, but may not be limited to this ADP; the ISF anti-doping program and the NAD Scheme
  - 4.3.2 support and assist Anti-Doping Organisations, including ASADA to conduct Doping Control
  - 4.3.3 use their influence on Athletes' values and behaviour to foster anti-doping attitudes
  - 4.3.4 immediately refer information about possible anti-doping rule violations to ASADA
  - 4.3.5 assist, cooperate and liaise with ASADA and other Anti-Doping Organisations in relation to the conduct of any investigation or hearing into an alleged anti-doping rule violation, and



- 4.3.6 act in a discreet and confidential manner in discharging their obligations under this ADP.

## 5 Definition of doping

- 5.1 Doping is defined as the occurrence of one or more of the anti-doping rule violations set out in Article 2 of the [Code](#)<sup>1</sup>.

## 6 Proof of doping

- 6.1 Article 3 of the [Code](#) applies.

## 7 Anti-doping rule violations

- 7.1 Article 2 of the [Code](#) applies.

## 8 The prohibited list

- 8.1 This ADP incorporates the Prohibited List and otherwise applies Article 4 of the [Code](#).

## 9 Therapeutic use

- 9.1 Athletes with a documented medical condition requiring the Use of a Prohibited Substance or a Prohibited Method must first obtain a Therapeutic Use Exemption (TUE) in accordance with the [Code](#), the International Standard for TUEs and this ADP.<sup>2</sup>
- 9.2 Athletes who have been identified as included in ISF's Registered Testing Pool may only obtain TUEs in accordance with the rules of ISF.<sup>3</sup>
- 9.3 Athletes who are not in ISF's Registered Testing Pool but are in ASADA's Registered Testing Pool or Domestic Testing Pool with documented medical conditions requiring the Use of a Prohibited Substance or a Prohibited Method must request a TUE from ASDMAC.
- 9.4 Athletes who are not in ISF's or ASADA's Registered Testing Pool, Domestic Testing Pool or have not otherwise been notified by ASADA, in accordance with the NAD Scheme, that they require TUEs prior to Use of a Prohibited Substance or a Prohibited Method, may submit applications to ASDMAC for approval of a TUE in accordance with the procedures of ASDMAC.

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<sup>1</sup> The full text of the Code can be found at ([www.wada-ama.org](http://www.wada-ama.org)).

<sup>2</sup> *International-Level Athletes* or *Athletes* entering an *International Event* should seek guidance on the process for seeking a TUE from the WADA website at <http://www.wada-ama.org> or ISF's website at [www.internationalsoftball.com](http://www.internationalsoftball.com). National level *Athletes* should seek guidance from the ASDMAC website at <http://www.asdmac.gov.au/>.

<sup>3</sup> Unless provided otherwise by the rules of ISF or an agreement with ISF, ASDMAC does not have the authority under the Code to grant TUEs to *International-Level Athletes* or for *International Events*.



- 9.5 Athletes should submit applications for TUEs no less than 21 days before they require the approval (eg prior to a National Event), except for retroactive TUEs under clause 9.6.
- 9.6 An application for a TUE will not be considered for retroactive approval except in cases where:
- 9.6.1 emergency treatment or treatment of an acute medical condition was necessary; or
  - 9.6.2 due to exceptional circumstances, there was insufficient time or opportunity for an Athlete to submit, or a TUE committee to consider, an application prior to Doping Control; or
  - 9.6.3 ASDMAC procedures, in accordance with the [Code](#) and the International Standard for TUEs, provide for retroactive approval.
- 9.7 An Athlete may not apply to more than one body for a TUE at the same time. Applications must be in accordance with the International Standard for TUEs and the procedures of ISF or ASDMAC as appropriate.
- 9.8 The granting of a TUE by ASDMAC for an Athlete in ASADA's Registered Testing Pool shall be promptly reported to WADA.
- 9.9 WADA, on its own initiative, may review at any time the granting of a TUE to any International Level Athlete in ISF's Registered Testing Pool or national-level Athlete who is included in ASADA's Registered Testing Pool. Further, upon the request of any such Athlete who has been denied a TUE, WADA may review such denial. If WADA determines that such granting or denial of a TUE did not comply with the International Standard for TUEs, WADA may reverse the decision.
- 9.10 An Athlete who is denied a TUE by ASDMAC must seek review by WADA of the decision before any appeal may be commenced under Article 13.4 of the [Code](#). If, contrary to the requirements of the [Code](#), ISF does not have a process in place where Athletes may request TUEs, an International-Level Athlete may request WADA to review the application as if it had been denied.

## 10 Testing

- 10.1 All Athletes subject to Doping Control agree to submit to In-Competition Testing and Out-of-Competition Testing (at any time or place, with or without advance notice) by an Anti-Doping Organisation. ASADA may test any Athlete, any time, anywhere.
- 10.2 All Testing shall be conducted in conformity with the International Standard for Testing in force at the time of Testing.
- 10.3 Athletes must comply with their obligations under the ASADA Act (including but not only the NAD Scheme), the ISF anti-doping program, this ADP and under the [Code](#) and any International Standards in respect to providing accurate whereabouts information to ASADA and/or ISF. Whereabouts information may be released in accordance with the NAD Scheme.



## 11 Retirement and return to competition

### International-level Athletes

- 11.1 An Athlete who has been identified by ISF for inclusion in its Registered Testing Pool shall be subject to ISF's retirement and return to Competition requirements, to the exclusion of clause 11.3.
- 11.2 Athletes wishing to retire should contact SAL to determine if they are in ISF's Registered Testing Pool and therefore are required to follow ISF's procedures. SAL shall immediately notify ASADA of the retirement or reinstatement of any Athlete in ISF's Registered Testing Pool and provide copies of the correspondence from ISF confirming this retirement/reinstatement.

### National-level Athletes

- 11.3 Athletes in ASADA's Registered Testing Pool or Domestic Testing Pool shall be subject to the following requirements:
- 11.3.1 An Athlete who wants to retire from Competition must do so by notifying ASADA by fully completing and forwarding to ASADA the ASADA Retirement Notification Form (retirement notification)<sup>4</sup>. Retirement notifications that are not fully completed will not be accepted and will be returned to the Athlete. An Athlete's retirement date will be the date ASADA receives the fully completed retirement notification.
- 11.3.2 Upon receipt of a notification under clause 11.3.3(a) ASADA will, as soon as reasonably practicable, provide the Athlete and SAL with written confirmation of the Athlete's retirement.
- 11.3.3 Retirement does not:
- excuse the Athlete 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
  - excuse the Athlete from assisting, cooperating and liaising with ASADA and other Anti-Doping Organisations in relation to the conduct of any investigation or hearing into an alleged anti-doping rule violation
  - prevent the analysis of a Sample given by the Athlete on or before their retirement date
  - affect the results of Testing under clause (a) or (c) above
  - exempt the Athlete from this ADP in relation to an anti-doping rule violation committed on or before their retirement date; or
  - affect ASADA's power to conduct results management (see clause 15).

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<sup>4</sup> The ASADA RETIREMENT NOTIFICATION FORM is accessible on the internet through the website of the *Australian Sports Anti-Doping Authority* ([www.asada.gov.au](http://www.asada.gov.au)).



- 11.4 An Athlete who has retired in accordance with clause 11.3.3(a), and who wishes to return to Competition, can only do so by notifying ASADA by fully completing and forwarding, the ASADA Reinstatement Request Form (reinstatement request)<sup>5</sup>. Reinstatement requests that are not fully completed will not be accepted and will be returned to the Athlete. The Athlete's reinstatement request date will be the date ASADA receives the fully completed reinstatement request. Reinstatement will be at the discretion of SAL in consultation with ASADA.
- 11.5 Upon receipt of notification under clause 11.4, ASADA will, as soon as reasonably practicable:
- 11.5.1 provide the Athlete with written confirmation of the outcome of the Athlete's reinstatement request, and
  - 11.5.2 if the reinstatement request is approved, provide SAL with written confirmation of the Athlete's reinstatement.
- 11.6 If reinstatement is granted then this ADP will apply to the Athlete from the date of their reinstatement request. An Athlete who is reinstated under clause 11.4 may not compete in Competitions and Events conducted by or under the auspices of SAL or ISF for a period of 6 months from the date of the reinstatement request.
- 11.7 An Athlete must be available for unannounced Out-of-Competition Testing in accordance with this ADP from the date of their reinstatement request. Being available for Out-of-Competition Testing means that an Athlete has provided current and accurate and up-to-date whereabouts information as required under the reinstatement request and clause 10.3 and has complied with any request by an Anti-Doping Organisation to provide a Sample.
- 11.8 A decision regarding reinstatement of an Athlete may be appealed to CAS by SAL, the Athlete or ASADA.

## 12 New Members

- 12.1 Any new Member of SAL who is an Athlete subject to Doping Control in accordance with the NAD Scheme (including any Athlete in ASADA's Registered Testing Pool) must also be available for unannounced Out-of-Competition Testing in accordance with this ADP for a period of 6 months from the date of their membership request prior to competing in national or international Competitions and Events.
- 12.2 Athletes who have been available for unannounced Out-of-Competition Testing in accordance with the anti-doping policy of any NSO (provided that such anti-doping policy complies with the [Code](#)) for a period of 6 months immediately prior to the date of their membership request (to become a Member of SAL) will be considered to have been available for Out-of-Competition Testing as required under clause 12.1.

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<sup>5</sup>The ASADA REINSTATEMENT REQUEST FORM is accessible on the internet through the website of the *Australian Sports Anti-Doping Authority* ([www.asada.gov.au](http://www.asada.gov.au)).



## **13 Analysis of samples**

- 13.1 Samples collected under this ADP must be analysed by WADA-accredited laboratories or as otherwise approved by WADA. Laboratories shall analyse Samples and report results in accordance with the relevant International Standards.

## **14 Investigations**

- 14.1 ASADA may conduct an investigation to determine whether an anti-doping rule violation may have occurred under this ADP. ASADA will conduct investigations in accordance with the [Code](#), the ASADA Act and the NAD Scheme as published from time to time. SAL may, with the prior agreement of ASADA, conduct its own investigation to determine whether an anti-doping rule violation may have occurred under this ADP, provided that SAL does so in coordination with any investigation being undertaken by ASADA.
- 14.2 All persons bound by this ADP and SAL must assist, co-operate and liaise with ASADA in relation to any investigation into an alleged anti-doping rule violation.

## **15 Results management**

- 15.1 Results shall be managed in accordance with Article 7 of the [Code](#), the ASADA Act and the NAD Scheme.
- 15.2 ASADA will conduct any follow up investigation in accordance with the [Code](#), the ASADA Act and the NAD Scheme.
- 15.3 ASADA shall be responsible for notification of an alleged anti-doping rule violation and all matters incidental thereto in accordance with the ASADA Act and the NAD Scheme.
- 15.4 ASADA will issue an infraction notice. ASADA will advise SAL and any other relevant parties that ASADA is issuing an infraction notice prior to issuing the infraction notice.
- 15.5 The infraction notice shall:
- 15.5.1 notify the Person of the anti-doping rule/s which appear/s to have been violated and the basis for the violation
  - 15.5.2 enclose a copy of this ADP and the [Code](#) or the web site addresses where these documents may be found
  - 15.5.3 state that ASADA will refer the matter to a hearing within 14 days (or other period determined by ASADA in accordance with the [Code](#), the NAD Scheme and the ASADA Act), unless the Person gives a written waiver under clause 15.7, and
  - 15.5.4 state that if the Person does not respond within 14 days (or other period in accordance with the [Code](#), the NAD Scheme and the ASADA Act) a hearing can be held in absentia or sanction can be applied in accordance with clause 17.



- 15.6 Any relevant party will only disclose or use information about a Person who is alleged to have, or has committed an anti-doping rule violation as permitted under the ASADA Act and the NAD Scheme.
- 15.7 ASADA will refer the matter to hearing in accordance with clause 16. ASADA may decide not to refer the matter to hearing if the Person in writing:
- 15.7.1 acknowledges they have admitted the anti-doping rule violation; and
  - 15.7.2 waives the right to a hearing in relation to:
    - (a) whether they have committed an anti-doping rule violation, and
    - (b) what sanction will apply.
- 15.8 If the Person does not respond within 14 days (or other period determined by ASADA in accordance with the Code, the NAD Scheme and the ASADA Act) a hearing can be held in absentia or sanction can be applied in accordance with clause 17.
- 15.9 If an Athlete or other Person retires while a results management process is underway, ASADA retains jurisdiction to complete its results management process. If an Athlete or other Person retires before any results management process has begun, so long as ASADA would have had results management jurisdiction over the Athlete or other Person at the time the Athlete or other Person committed an anti-doping rule violation, ASADA will have jurisdiction to conduct results management.
- 15.10 SAL must, after consultation with ASADA, impose a Provisional Suspension on any Person whose A Sample is the subject of an Adverse Analytical Finding of a Prohibited Substance other than a Specified Substance.
- 15.11 SAL may, after consultation with ASADA, impose a Provisional Suspension on any Person whose A Sample is the subject of an Adverse Analytical Finding of a Specified Substance or who is issued with an infraction notice or who is subject to an investigation.
- 15.12 SAL may, after consultation with ASADA, impose the following Provisional Suspension. SAL may suspend:
- 15.12.1 financial or other assistance to the Person
  - 15.12.2 the Person from Competition in Events and Competitions conducted by or under the auspices of SAL, and
  - 15.12.3 the Person's licence or participation permit (if relevant).
- 15.13 SAL may, after consultation with ASADA, apply the Provisional Suspension:
- 15.13.1 from the date of the infraction notice
  - 15.13.2 following the 14 day submission period, or
  - 15.13.3 as deemed appropriate by SAL or ISF
- until the determination of the hearing or a determination by ASADA not to refer the matter to hearing.



- 15.14 If a Provisional Suspension is imposed, the hearing under clause 16 shall be advanced to a date that avoids substantial prejudice to the Athlete.
- 15.15 ASADA will convene any Provisional Hearing and will present the case at any Provisional Hearing unless otherwise agreed.
- 15.16 As a general rule, the Provisional Suspension of a Person will not be publicly disclosed. A Provisional Suspension may however be publicly disclosed so long as such disclosure will not be unfairly prejudicial to the interests of the Person. ASADA must be consulted prior to any such disclosure.

## 16 Hearing

- 16.1 Article 8 of the [Code](#) applies.
- 16.2 ASADA will wait 14 days (or other period determined by ASADA in accordance with the [Code](#), the NAD Scheme and the ASADA Act or a period less than 14 days as agreed between ASADA and the Person) after sending an Infraction Notice above and then will convene CAS to conduct the hearing. ASADA will prosecute the alleged anti-doping rule violation.
- 16.3 CAS will determine:
  - 16.3.1 if the Person has committed a violation of this ADP
  - 16.3.2 if so, what sanction will apply
  - 16.3.3 how long the sanction will apply, and
  - 16.3.4 any other issues properly brought before it for determination.
- 16.4 CAS will give to the Athlete, ASADA and SAL a written statement of:
  - 16.4.1 the findings of the hearing and brief reasons for the findings
  - 16.4.2 what sanction (if any) will apply
  - 16.4.3 for how long the sanction (if any) will apply, and
  - 16.4.4 any other issues determined by it.
- 16.5 Sanctions will be applied under clause 17.
- 16.6 ASADA will report the outcome of all anti-doping rule violations in accordance with the [Code](#), the ASADA Act 2006 and the NAD Scheme.
- 16.7 Hearings under this Article shall be completed expeditiously as reasonably practicable.
- 16.8 Australian Sports Commission (ASC), SAL, ISF and WADA and any other relevant body (for example, Australian Olympic Committee, Australian Paralympic Committee or Australian Commonwealth Games Association) shall have the right to attend hearings as an observer or affected party.
- 16.9 Decisions by CAS under this Article may be appealed as provided in clause 19.



- 16.10 Decisions by CAS under this Article shall not be subject to further administrative review at the national level except as required by applicable national law.
- 16.11 If, during a hearing, a party to the hearing process implicates a third party to an anti-doping rule violation, ASADA may use any information that arises as a result of the CAS process without having to first seek the permission of the parties. This clause expressly ousts Rule 43 of the CAS Code of Sports-related Arbitration.

## **17 Sanctions**

- 17.1 Articles 9 and 10 of the [Code](#) apply.
- 17.2 CAS or another relevant body may require the Athlete or other Person to repay all funding and grants received by the Athlete from that body subsequent to the occurrence of the anti-doping rule violation. However, no financial sanction may be considered a basis for reducing the period of Ineligibility or other sanction which would otherwise be applicable under this ADP. Repayment of funding and grants may be made a condition of reinstatement.
- 17.3 CAS may also determine, in addition to applying the sanctions under the [Code](#), that a Person who has committed an anti-doping rule violation, is required to go to counselling for a specified period.
- 17.4 Where CAS determines that an employee or contractor of SAL has committed an anti-doping rule violation, SAL will take disciplinary action against the employee or contractor.
- 17.5 Once the period of a Person's Ineligibility has expired and the Person has fulfilled the conditions for reinstatement, then provided that the Person has paid all forfeiture penalties in full and has satisfied in full any award of costs made against the Person by CAS and any other requirements determined by CAS, the Person will become automatically re-eligible and no application for reinstatement will be necessary. If, however, further forfeited amounts become due after the Person's period of Ineligibility has expired then any failure by the Person to pay all outstanding amounts on or before their respective due dates shall entitle SAL to deny the Person's access to further Competitions and Events or any other SAL activity until the amounts due are paid in full unless otherwise agreed by both parties.

## **18 Consequences to teams**

- 18.1 Article 11 of the [Code](#) applies.

## **19 Appeals**

- 19.1 Decisions made under clause 16 of this Policy may be appealed to the CAS Appeals Division in accordance with this Policy, Article 13 of the [Code](#) and the CAS Code of Sports Related Arbitration. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review authorised in the NAD Scheme or clause 16.9 must be exhausted. The following persons shall have the right to appeal:



- the Athlete or other Person who is the subject of the decision being appealed
  - the other party to the case in which the decision was rendered
  - ASADA
  - any other affected parties including SAL
  - ISF and any other Anti-Doping Organisation under whose rules a sanction could have been imposed
  - the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games, and
  - WADA.
- 19.2 The outcome of all appeals must be reported to all parties, ASC, SAL, ISF and WADA within 14 days of the conclusion of the appeal. ASADA may inform other Persons or organisations as it considers appropriate.
- 19.3 The time to file an appeal to CAS shall be within 21 days of the release of the written decision of the initial hearing.

## **20 Management of alleged anti-doping rule violations**

- 20.1 In the case of a Person who has committed an anti-doping rule violation or has committed conduct which would have amounted to an anti-doping rule violation if the Person was bound by a [Code](#) compliant anti-doping policy and the Person has not been sanctioned by CAS or any other hearing body because the Person was not bound by a [Code](#) compliant anti-doping policy, SAL will:
- 20.1.1 prevent that Person from competing in SAL Competitions, Events and activities if the Person is an Athlete
  - 20.1.2 prevent that Person (so far as reasonably possible) from having any involvement in SAL Competitions, Events and activities, and
  - 20.1.3 not employ, engage or register that Person
  - 20.1.4 unless and until that Person agrees to be retrospectively bound by this ADP from the occurrence of the anti-doping rule violation.

## **21 Confidentiality and reporting**

- 21.1 The identity of any Athlete or other Person who is asserted to have committed an anti-doping rule violation may only be Publicly Disclosed by ASADA, or SAL after consultation with ASADA, in accordance with the [Code](#), the ASADA Act, the NAD Scheme and the terms of the Confidentiality Undertaking signed between ASADA and SAL.



- 21.2 ASADA or SAL, or any official of either, will not publicly comment on the specific facts of a pending case (as opposed to general description of process and science) except in response to public comments attributed to the Athlete, other Person or their representatives.
- 21.3 No later than 20 days after it has been determined in a hearing in accordance with clause 16 that an anti-doping rule violation has occurred and the time to appeal such decision has expired, or such hearing has been waived and the time to appeal the decision has expired, or the assertion of an anti-doping rule violation has not been challenged in a timely fashion, ASADA must Publicly Disclose at least: the disposition of the anti-doping matter including the sport, the anti-doping rule violated, the name of the Athlete or other Person committing the violation, the Prohibited Substance or Prohibited Method involved and the Consequences imposed. ASADA must also Publicly Disclose within 20 days appeal decisions concerning anti-doping rule violations. ASADA will also, within the time period for publication, send all hearing and appeal decisions to WADA. SAL may also elect to make a public statement in relation to the matter, following consultation with ASADA.
- 21.4 In any case where it is determined, after a hearing or appeal, that the Athlete or other Person did not commit an anti-doping rule violation, the decision may be Publicly Disclosed only with the consent of the Athlete or other Person who is the subject of the decision. ASADA will use reasonable efforts to obtain such consent, and if consent is obtained, will Publicly Disclose the decision in its entirety or in such redacted form as the Athlete or other Person may approve.
- 21.5 Any decision of an Anti-Doping Organisation regarding a violation of this ADP shall be recognised by all Sporting Administration Bodies, which shall take all necessary action to render such results effective.
- 21.6 Subject to the right to appeal provided in clause 19, the Testing, TUE and hearing results or other final adjudications of any organisation recognised by ASADA or any Sporting Administration Body which are consistent with the [Code](#) and are within the organisation's authority, shall be recognised and respected by SAL. SAL may recognise the same actions of other bodies which have not accepted the [Code](#) if the rules of those bodies are otherwise consistent with the [Code](#), the NAD Scheme and/or ASADA's position.

## **22 Interpretation of the [Code](#)**

- 22.1 Article 24 of the [Code](#) applies.

## **23 Miscellaneous**

- 23.1 Statute of Limitations – Article 17 of the [Code](#) applies.
- 23.2 Doping Control for animals competing in Sport – Article 16 of the [Code](#) applies (if relevant).
- 23.3 Words not defined in this Policy have the meaning ascribed to them in the [Code](#) unless a contrary meaning appears from the context.



- 23.4 This Policy may be amended by SAL subject to prior consultation with ASADA and ongoing compliance with the [Code](#) and ASADA Act.
- 23.5 Where this Policy adopts and applies an article of the [Code](#) that article and the terms in it shall be considered and applied in the context of this Policy.



## Definitions

**ASADA** means, where the context requires based on the functions, powers and responsibilities conferred under the ASADA Act:

- the CEO of ASADA appointed under the ASADA Act
- Australian Sports Anti-Doping Authority established under the ASADA Act, or
- The Anti Doping Rule Violation Panel (ADRVP) established under the ASADA Act.

**ASADA Act** means the *Australian Sports Anti-Doping Authority Act 2006* as amended from time to time, and includes the ASADA Regulations and any statutory or subordinate legislative instrument that replaces or supersedes the *Australian Sports Anti-Doping Authority Act 2006* and/or the ASADA Regulations from time to time.

**ASADA Regulations** means the Australian Sports Anti-Doping Authority Regulations 2006, as amended from time to time (and which includes, for the avoidance of doubt, the NAD Scheme promulgated by those regulations).

**Athlete** means:

- any Person who participates in sport at the international level (as defined by each International Federation), the national level (as defined by each National Anti-Doping Organisation, including but not limited to those Persons in its Registered Testing Pool), and any other competitor in sport who is otherwise subject to the jurisdiction of any Signatory or other sports organisation accepting the [Code](#). All provisions of the [Code](#), including, for example, Testing and TUEs, must be applied to international and national-level competitors. For the purposes of this Policy, 'Athlete' includes any participant in sporting activity who is a Member of SAL, or a Member organisation of SAL, and meets the definition of Athlete under the [Code](#) and/or the NAD Scheme as in force from time to time; and
- any Person who:
  - is registered with SAL or one of its Members, or
  - participates, or has in the previous eight years participated, in any sporting activity conducted, authorised, recognised or controlled, either directly or indirectly, by SAL or a body affiliated with SAL, or
  - has otherwise agreed to be bound by this Policy.

**Code** means the [World Anti-Doping Code](#) adopted by WADA on 17 November 2007 at Madrid; or if the [Code](#) has been amended, the [Code](#) as so amended.

**International Federation (IF)** means an international federation recognised by the International Olympic Committee or the General Assembly of International Sports Federations as the entity responsible for governing that sport internationally.

**International Softball Federation (ISF)** is the international federation recognised by the International Olympic Committee or the General Assembly of International Sports Federations as the entity responsible for governing Softball internationally.



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

**National Anti-Doping (NAD) Scheme** means the NAD Scheme as defined under the *ASADA Act 2006* as amended from time to time.

**National Sporting Organisation (NSO)** means a national or regional entity which is a Member of or is recognised by an IF as the entity governing that IF's sport in that nation or region, or a body recognised by the Australian Sports Commission as an NSO, and includes an NSO for the disabled.

**Prohibited List** means the List identifying the Prohibited Substances and Prohibited Methods which is published and revised by WADA as described in Article 4.1 of the [Code](#) as updated from time to time.

**Softball Australia Limited (SAL)** means the national entity which is a member of or is recognised by ISF as the entity governing Softball in Australia.

**Specified Substance** has the meaning assigned to it in Article 4.2.2 of the [Code](#).

**Sporting Administration Body** has the same meaning as in the *ASADA Act 2006*.



## **Annexure A**

### **World Anti-Doping Code**

[World Anti-Doping Code](#)