

LEAGUES ANTI-DOPING RULES 2007



IMPORTANT WARNING

YOU MUST FIND OUT WHICH DRUGS ARE PROHIBITED

IGNORANCE IS NO EXCUSE.

YOU MUST BE AWARE OF THESE RULES AND WHAT IS PROHIBITED

THESE RULES ADOPT THE STRICT LIABILITY PRINCIPLE.

PLAYERS ARE RESPONSIBLE FOR ANYTHING FOUND IN THEIR SYSTEM.

The Australian Sports Anti-Doping Authority ("**ASADA**") has a hotline service to provide information to athletes, doctors, coaches and administrators on whether certain drugs are prohibited in sport. Up-to-date and accurate information on all drugs is available.

Some typical requests include:

Which asthma medications contain prohibited substances?

Is it okay to take Sudafed?

Can you tell me whether Naprogesic is prohibited?

Is a particular substance in a class of prohibited substances?

Is a particular substance, though not individually named on the WADA List, related to a named prohibited substance?

In what circumstances can I get approval to take something my doctor recommends and how do I go about it?

If you have any questions such as those above, phone the

Drugs in Sport Hotline on

1800 020 506

free call

All calls treated confidentially

If in any doubt regarding drugs - TALK TO YOUR CLUB DOCTOR FIRST

You can also access ASADA on line <http://www.asada.gov.au/>

You should note that not only is the taking of testosterone prohibited, but that the taking of any substance which leads to the presence of a testosterone to epitestosterone ratio of greater than 4:1¹ in your urine is also prohibited.

All substances belonging to the classes of stimulants, narcotics, anabolic steroids, anabolic agents, diuretics and peptide and glycoprotein hormones and analogues, and all substances related to those classes by their pharmacological action and/or chemical structure, are prohibited, even if they are not listed specifically in the WADA List.

¹ The ratio was reduced from 6:1 to 4:1 for 2005 which makes the rule tougher on cheats

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PART 1 – INTRODUCTION AND THE PROHIBITED LIST**Adoption and application**

1. These Anti-Doping Rules have been adopted by, and apply to, the ARL, the NRL, the NRL Competition² and all Affiliated Competitions.³ As these rules are to apply to several different competitions and organisations, the term '**the Leagues**' is used to refer to the various competitions and organisations in a distributive manner.
2. The Leagues may, by decision of their respective Boards, modify, update or generally amend these rules (as applicable to them) from time to time. This edition of the rules is current as at **1 March 2007** and will come into force (and apply to Samples collected) on and from **28 February 2007**. (All Samples collected up to and including **28 February 2007** will be dealt with under the then existing edition of the Anti Doping Rules.)
3. The application of these rules to the RLIF⁴ and International Matches and competitions conducted by or under the auspices of the RLIF is specified in **Part 13 – RLIF and International Matches** of these rules.

² For the NRL and the NRL Competition these rules may be incorporated into the wider NRL Rules, be differently numbered and make specific reference to the NRL in lieu of the Leagues.

³ As at the date of this edition the RLIF has not yet adopted these rules. It is hoped that these rules will be adopted by the RLIF in the future.

⁴ As at the date of this edition the RLIF has not yet adopted these rules. It is hoped that these rules will be adopted by the RLIF in the future.

Philosophy

4. The Leagues subscribe to the view that the use of certain classes of drugs and doping methods in rugby league:
 - (1) endangers the health of players;
 - (2) is unethical;
 - (3) is contrary to the concept of fair play; and
 - (4) is detrimental to the image and reputation of rugby league as a sport and an entertainment.
5. The Leagues hold the view that if a drug or doping method is performance enhancing and is harmful to the short or long term health of a player then it ought not be used in rugby league and should be regulated by these rules.

Objects

6. The Leagues have as their objectives to:
 - (1) protect players in both junior and senior competitions from any practice which may be detrimental to their short or long term health and well-being;
 - (2) ensure that all competitions under their jurisdiction are conducted on the basis of skill and natural athletic ability unencumbered by the use of prohibited performance enhancing drugs;
 - (3) educate players and Officials in the dangers and consequences associated with the use of certain classes of drugs and doping methods in sport; and
 - (4) promote the image and reputation of rugby league.

Methodology and the Prohibited List

7. In order continue testing for prohibited drugs and doping methods, the Leagues:
 - (1) determined to adopt a list of prohibited classes of drugs and doping methods which is amended from time to time ("**the Prohibited List**");
 - (2) took into account, when determining the Prohibited List, the WADA List **for 2007** (a copy is reproduced in **Appendix 4 - WADA List**) but may depart from the WADA List where considered appropriate;
 - (3) determine (until further determination) that the Prohibited List shall be the WADA List **for 2007 for the period from 1 January 2007** on the basis that references in the WADA List to "In-Competition" for the purposes of Testing are to be understood as Match Day Testing under these rules⁵ and otherwise on the basis of these rules;
 - (4) determine, in circumstances where:
 - (a) a player holds a current Therapeutic Use Exemption ("**TUE**") in respect of a particular drug/method on the Prohibited List, and
 - (b) the player establishes to the reasonable satisfaction of the Chief Medical Officer that the player has not used the drug/method other than in accordance with the conditions (if any) of the TUE, then

⁵ The effect is that under these rules only Match Day Testing is to be carried out for substances and methods prohibited "In Competition" as that term is used in the WADA List

- (c) the Prohibited List in so far as it applies to that player shall be deemed not to include the drug/method the subject of the TUE;
- (5) affirm a commitment to Testing at any time (whether during the regular season or not) as a deterrent to doping; and
- (6) oblige all players to be liable to be selected to provide a Sample at any time, and be liable to any number of drug tests in any year.

Application of the Prohibited List to particular substances

8. The Leagues

- (1) note that predecessors to the current WADA List included substances which the Leagues previously (properly) excluded as being inapplicable to the sport of rugby league, for example pseudoephedrine and beta-blockers,
- (2) further note that the WADA List no longer includes pseudoephedrine at all and no longer applies beta-blockers to the sport of rugby league (or similar sports);
- (3) regard the matters in the preceding sub-paragraphs as vindication of the medical advice hitherto provided to the Leagues and which continues to be provided to the Leagues;
- (4) based upon medical and other advice provided to the Leagues, expect that certain uses of a few particular substances will be dealt with as indicated below:
 - (a) applications for the use of inhaler forms of formoterol, salbutamol, salmeterol and terbutaline (see exception in S3 of WADA List) pursuant to a written approval of a Club medical officer and/or the player's own treating doctor for the prevention and/or treatment of asthma and/or exercise induced broncho-constriction should be made using the ATUE process and will be approved; and
 - (b) applications for the use of glucocorticosteroids (S9 of the WADA List) pursuant to a written approval of a Club medical officer and/or the player's own treating doctor for the treatment of acute, severe, injury or illness or the long term management of asthma and/or exercise induced broncho-constriction should be made using the ATUE or TUE process (whichever is applicable) and will be approved; and
 - (c) applications for the use of probenecid (S5 of the WADA List) pursuant to a written approval of a Club medical officer and/or the player's own treating doctor for the treatment of severe infections in conjunction with appropriate antibiotic therapy should be made using the TUE process and will be approved; and

Note: Club medical officers have important obligations under this sub-para (4). Club medical officers should also refer to **Appendix 1 – Notes for medical officers of Clubs**.

- 9. The failure of a player to apply for an ATUE or TUE (as the case may be) prior to the use of substances in the circumstances in **8(4)(a)**, **8(4)(b)** or **8(4)(c)** above is a serious matter and constitutes an ADRV under rule **13(9)** which may be the subject of a sanction under rule **106**, however, provided the failure to apply was not deliberate and flagrant, the Leagues expect that a retroactive TUE will be granted pursuant to clause 4.7 of the WADA International Standard for TUEs with the expected result that the use of substances in the circumstances in **8(4)(a)**, **8(4)(b)** or **8(4)(c)** above will not lead to any ADRV other than under rule **13(9)**.

PART 2 – ANTI-DOPING RULE VIOLATIONS

Application of these rules

10. These rules apply to:
- (1) all players who are:
 - (a) registered with any of the Leagues;
 - (b) in training for or compete from time to time in any competition or match held under the auspices of any of the Leagues; or
 - (c) registered with, play, train or trial with any Club involved in the Leagues;
 - (2) support persons
 - (3) officials, employees and contractors involved in the Leagues;
 - (4) Clubs;
 - (5) others connected with the Leagues; and
 - (6) others having access to the Leagues' facilities and services.

Only Players Subject to Testing

11. For the purposes of these rules, players are the only persons subject to Testing.

Definition of Doping

12. Doping is defined as the occurrence of one or more of the Anti-Doping Rule Violations set forth below.⁶

Anti Doping Rule Violations (ADRVs)

13. Contravention of any of the following constitutes an Anti-Doping Rule Violation ("**ADRV**"):
- (1) **PRESENCE.** There must not be a Prohibited Substance (or its Metabolites or Markers) present in a player's Sample.⁷
 - (a) If the Sample is collected as a Match Day Test there must not be present **any** Prohibited Substance (or its Metabolites or Markers) referred to in the Prohibited List, whereas if the Sample is not collected as a Match Day Test the prohibition in rule **(1)** only applies to a Prohibited Substance (or its Metabolites or Markers) which is referred to in the Prohibited List as prohibited at all times (ie both in and out of competition).⁸
 - (b) It is each player's personal duty to ensure that no Prohibited Substance enters his body. Players are responsible for any Prohibited Substance or its Metabolites or Markers found to be present in their Samples. Accordingly, it is not necessary that intent, fault, negligence or knowing use on the player's part be demonstrated in order to establish an Anti-Doping Rule Violation under rule **(1)**⁹;
 - (c) These rules adopt the strict liability principle. Under the strict liability principle, an ADRV occurs whenever a Prohibited Substance is found in a player's Sample. The

⁶ Same as WADA Code Article 1

⁷ Same as WADA Code Article 2.1 but "Sample", being a term defined by the ASADA Act, is used in lieu of "Specimen"

⁸ This is a clarification by making explicit what is implicit in WADA Code Article 2.1 and the Comment under the definition of "In-Competition"

⁹ Same as WADA Code Article 2.1.1

ADRV occurs whether or not the player intentionally used a Prohibited Substance or was negligent or otherwise at fault. There is ample justification for the strict liability principle, which includes, the fact that there would be unfairness to other players competing against a player who had accidentally used a performance enhancing substance. Moreover it is likely intentional use, in many cases, would escape a sanction because of the difficulty of proof of intent.

- (d) First exception to rule **(1)**: rule **(1)** does not apply in relation to those substances for which a quantitative reporting threshold is specifically identified in the Prohibited List, when the detected presence of a Prohibited Substance (or its Metabolites or Markers) in an athlete's Sample is below the quantitative reporting threshold.¹⁰
- (e) Second exception to rule **(1)**: rule **(1)** does not apply to Prohibited Substances that can also be produced endogenously but this exception is limited to:
 - (i) the extent that the Prohibited List has established special criteria for the evaluation of Prohibited Substances that can also be produced endogenously and
 - (ii) the presence detected falls within such special criteria.¹¹
- (f) the prima facie sanction for this ADRV is 2 years under rule **89**
- (2) **USE.** A player must not use or attempt to use:
 - (a) at any time,:
 - (i) a substance that is specified on the Prohibited List as being prohibited at all times (ie both in and out of competition) or
 - (ii) a Prohibited Method;
 - (b) in order to enhance performance in a Competition, a substance that is specified on the Prohibited List as being prohibited only In-Competition.¹²
 - (c) Under rule **(2)**:
 - (i) the success or failure of the use of a Prohibited Substance or Prohibited Method is not material. It is sufficient that the Prohibited Substance or Prohibited Method was used or attempted to be used for a violation of rule **(2)** to be committed;¹³
 - (ii) use does not require proof of intent of the player;
 - (iii) attempted use does require proof of intent of the player. (The fact that intent is required to prove "Attempted use" does not undermine the strict liability principle elsewhere in these rules.);¹⁴
 - (iv) a reference to use by a player of a Prohibited Substance includes a player taking a Prohibited Substance and a reference to use by a player of a Prohibited Method includes a player utilising or taking advantage of a Prohibited Method;¹⁵

¹⁰ WADA Code Article 2.1.2

¹¹ Based on WADA Code Article 2.1.3 but clearer so as to allow for 3rd para of Comment 2.2.1

¹² This is the effect of WADA Code Article 2.2

¹³ WADA Code Article 2.2.1

¹⁴ Based on WADA Code Article 2.2.1 Comment

¹⁵ Additional to WADA Code Article 2.2

- (d) the prima facie sanction for this ADRV is 2 years under rule **89**
- (3) **PROVIDE SAMPLES.** A player must provide all reasonable assistance to ASADA and other Recognised Drug Testing Authorities in relation to the provision by that player of a Sample.¹⁶ Without limiting the generality of the foregoing:
- (a) a player must not fail to comply with a request made by ASADA or other Recognised Drug Testing Authority for a Sample;¹⁷
- (b) a player must not refuse, or fail without compelling justification, to submit to Sample collection when requested by ASADA or other Recognised Drug Testing Authority;¹⁸
- (c) a player must not make his or herself inaccessible to ASADA or other Recognised Drug Testing Authority;¹⁹
- (d) a player must not evade Sample collection;²⁰
- (e) provided that a player has been provided with any mandatory requirements contained in ASADA's Sample collection guidelines and provided that the player's attention is first drawn to the particular mandatory requirement that the player has not complied with in connection with Sample collection, a player must not thereafter fail to comply with that mandatory requirement.²¹
- (f) the prima facie sanction for this ADRV is 2 years under rule **91(1)**
- (4) **WHEREABOUTS REQUIREMENTS.** A player must comply with the applicable requirements regarding player availability for Non Match Day Testing or Out of Season Testing and provision of whereabouts information;²²
- Note: The applicable requirements are set out in rules 36 to 38 below. The sanction for this ADRV varies under as set out in rule 91(6) below.*
- (5) **TAMPERING.** A player, support person or other person or entity (bound by these rules) must not Tamper, or attempt to Tamper, with any part of Doping Control.²³
- Note: the prima facie sanction for this ADRV is 2 years under rule 91(1)*
- (6) **POSSESSION.** A player or support person must not possess a Prohibited Substance or Method as specified below:²⁴
- (a) A player must not possess at any time or place a substance that is specified on the Prohibited List as being prohibited at all times (**ie both in and out of competition**) unless the player establishes:
- (i) that the possession is pursuant to a current and valid TUE granted to the player, or
- (ii) some other acceptable justification.²⁵

¹⁶ Adds general obligation implicit in WADA Code Article 2.3

¹⁷ Additional to WADA Code Article 2.3;

¹⁸ Based on WADA Code Article 2.3 but with additional words "or other Recognised Drug Testing Authority"

¹⁹ Additional to WADA Code Article 2.3 based on the facts of a particular case

²⁰ WADA Code Article 2.3

²¹ Additional to WADA Code

²² Based on WADA Code Article 2.4 but adapted slightly for the circumstances of rugby league

²³ WADA Code Article 2.5 but with improved definition of Doping Control

²⁴ WADA Code Article 2.6

²⁵ Based on WADA Code Article 2.6.1

- (b) A player must not possess at any time or place equipment and/or materials the function and purpose of which is to enable a player to utilise a Prohibited Method unless the player establishes:
- (i) that the possession is pursuant to a current and valid TUE granted to the player, or
 - (ii) some other acceptable justification.²⁶
- (c) A player must not possess at any time or place a substance that is specified on the Prohibited List as being prohibited only In-Competition unless the player establishes that:
- (i) that the possession is pursuant to a current and valid TUE granted to the athlete, or
 - (ii) the possession was entirely unconnected to his or her use or potential use of the substance in order to enhance performance in a Competition, or
 - (iii) some other acceptable justification.²⁷
- (d) A support person must not possess in connection with a player, a sporting activity in which players take part, or player training²⁸ a substance that is specified on the Prohibited List as being prohibited at all times (**ie both in and out of competition**) unless the support person establishes:
- (i) that the possession is pursuant to a current and valid TUE granted to an player, or
 - (ii) some other acceptable justification.²⁹
- (e) A support person must not possess in connection with a player, a sporting activity in which players take part, or player training equipment and/or materials the function and purpose of which is to enable a player to utilise a Prohibited Method unless the support person establishes:
- (i) that the possession is pursuant to a current and valid TUE granted to a player, or
 - (ii) some other acceptable justification.³⁰
- (f) A support person must not possess in connection with a player, a sporting activity in which players take part, or player training a substance that is specified on the Prohibited List as being prohibited only In-Competition unless the support person establishes:
- (i) that the possession is pursuant to a current and valid TUE granted to a player, or
 - (ii) that the possession was entirely unconnected to the use or potential use of the substance by a player in order to enhance performance in a Competition, or
 - (iii) some other acceptable justification.³¹

²⁶ Based on WADA Code Article 2.6.1

²⁷ Additional to WADA Code but considered appropriate

²⁸ WADA Code Article 2.6.2 but slightly varied to clarify the intent

²⁹ WADA Code Article 2.6.2

³⁰ WADA Code Article 2.6.2

³¹ Additional to WADA Code but considered appropriate

Note: *Possession is a term with a meaning defined in Part 14 of these rules.*

- (g) the prima facie sanction for this ADRV is 2 years under rule **89**
- (7) **TRAFFICKING.** A player or support person must not Traffic in a Prohibited Substance or Prohibited Method as specified below.³²
- (a) A person must not Traffic in a substance that is specified on the Prohibited List as being prohibited at all times (**ie both in and out of competition**) or a Prohibited Method unless the person establishes that the conduct, which otherwise would amount to Trafficking, was intended to be and was in fact for a genuine and legal therapeutic purpose;³³
- (b) A person must not Traffic in a substance that is specified on the Prohibited List as being prohibited only In-Competition unless the person establishes that the conduct, which otherwise would amount to Trafficking,
- (i) was intended to be and was in fact for a genuine and legal therapeutic purpose or³⁴
- (ii) was entirely unconnected to the use or potential use of the substance by a player in order to enhance performance in a Competition.
- (c) Traffic is a term with a meaning defined under rule **146(70)**.
- (d) The prima facie sanction for this ADRV is 4 years under rule **91(2)**
- (8) **OTHER ADRVs.** A person bound by these rules must not:
- (a) administer or attempt to administer to any player
- (i) at any time, a substance that is specified on the Prohibited List as being prohibited at all times (ie both in and out of competition),
- (ii) in connection with a particular Competition, a substance that is specified on the Prohibited List as being prohibited only In-Competition,
- (iii) at any time, a Prohibited Method,
- unless the person establishes that the administration is pursuant to a current and valid TUE granted to the player;³⁵
- (b) assist, encourage, aid, abet, counsel or procure conduct by another person which conduct by that other person constitutes an ADRV under one or more of these rules;³⁶
- (c) cover up conduct by another person which conduct by that other person:
- (i) constitutes an ADRV under one or more of these rules, or
- (ii) is relevant to an assertion or potential assertion of “No Fault or Negligence” or “No Significant Fault or Negligence” within the meaning of those expressions as defined in these rules;³⁷ or

³² Based on WADA Code Article 2.7 but different definition and slightly clearer

³³ Exception taken from WADA Code definition of Trafficking but modified

³⁴ Exception taken from WADA Code definition of Trafficking but modified

³⁵ See WADA Code Article 2.8, but clarified to make explicit what must have been intended but is unstated

³⁶ See WADA Code Article 2.8

³⁷ See WADA Code Article 2.8 but enlarged to prevent cover up of facts relevant to negative a defence based on “No Fault or Negligence” or “No Significant Fault or Negligence”

- (d) engage in conduct involving complicity in conduct by another person which conduct by that other person constitutes an ADRV under one or more of these rules.³⁸
- (e) the prima facie sanction for this ADRV is 4 years under rule **91(3)**
- (9) **TUES.**
- (a) A person bound by these rules must not provide incorrect information or information which is incomplete, misleading or likely to mislead in respect of an application by a player for a TUE.³⁹
- (b) A player must apply for an ATUE or TUE (as the case may be) prior to the use of substances in the circumstances in rule **8(4)(a), 8(4)(b) or 8(4)(c)**
- (c) the sanction for this ADRV is at the Tribunal's discretion under rule **106.**
- (10) **OFFICIALS.** An Official must comply with an obligation imposed by these rules (for example, rule **130**). The sanction for this ADRV is at the Tribunal's discretion under rule **106.**

Ignorance is No Excuse

14. An ADRV occurs even if the player does not know the Prohibited Substance or Prohibited Method is prohibited under these rules. The onus is on the player to check all substances and methods.

***Note:** ASADA publications the ASADA Drugs in Sport Hotline should be used by players - see page 2.*

No ADRV if Therapeutic Use Exemption in place

15. The use of a Prohibited Substance shall not constitute or lead to any ADRV provided the use has been in accordance with the conditions (if any) of a TUE current at the time of use.

³⁸ WADA Code Article 2.8

³⁹ Additional to WADA Code but considered appropriate

PART 3 – THERAPEUTIC USE EXEMPTIONS

Who can issue a Therapeutic Use Exemption

16. A Therapeutic Use Exemption (**'TUE'**) may be issued by ASDMAC and/or WADA.

***Note:** If the application is made with a request that it be determined by ASDMAC, then ASDMAC may issue a TUE. If there is an appeal from a refusal by ASDMAC to issue a TUE then, if the appeal is determined by WADA, WADA may issue a TUE.*

Application for a Therapeutic Use Exemption

17. An application for a Therapeutic Use Exemption (**'TUE'**) for the use by a player of a Prohibited Substance or Prohibited Method must be made by the player (or on behalf the player by the medical officer of the player's Club and/or the player's treating doctor) and must include:

- (1) a relevant medical history;
- (2) a description or diagnosis of the player's medical condition;
- (3) the proposed length of the treatment;
- (4) verification that there is no alternative medication suitable for treatment of the condition which does not contain Prohibited Substances/Methods;
- (5) a statement signed by the player as follows:

*"I agree not to play in any matches whilst using the Prohibited Substance or Prohibited Method unless I am issued with a TUE and further I agree to abide any conditions attaching to the TUE. I consent for the transmission of all information pertaining to the application to the Chief Medical Officer, ASADA, ASDMAC, WADA and any independent adviser under rule **20**, provided it is transmitted on the basis that it is to be used only in connection with this application and confidentiality is to be respected so far as reasonably practicable"*

and

- (6) details of any prior or pending requests for a TUE.

***Note 1:** An ASDMAC TUE approval form can be downloaded from www.asada.gov.au via the appropriate link which presently is the "Therapeutic Use Exemptions" link then the ASDMAC link. In urgent situations for assistance contact the Chief Medical Officer by telephone (the current mobile number for the Chief Medical Officer of the ARL and NRL is 0419 269 711). Further information can be accessed via the ASDMAC website: www.asdmac.gov.au.*

***Note 2:** The Leagues expect the procedure to be consistent with the ASDA letter dated 20 June 2005*

18. The player must bear all costs of any application for a TUE.

Additional information may be required

19. ASDMAC and/or WADA may require the player to provide additional information and may also require the player to undergo a medical examination by the Chief Medical Officer or the nominee of ASDMAC and/or WADA.

Independent advice may be sought

20. Independent advice may be obtained (as thought appropriate) in determining whether to issue a TUE.

Criteria for Issuing a Therapeutic Use Exemption

21. ASDMAC and/or WADA shall take into account the following criteria when determining whether to issue a TUE:

- (1) whether the player would experience significant impairment of, or risk to, health if the Prohibited Substance/Method were not used;
- (2) whether any enhancement over and above the player's level of performance (if not using the Prohibited Substance/Method) would result from the use of the Prohibited Substance as medically prescribed;

***Note:** The use of a Prohibited Substance/Method to increase "low-normal" levels of any endogenous hormone is not considered an acceptable use for the purposes of a TUE.*

- (3) whether the player would be readily able to use the Prohibited Substance/Method if he were not competing in the Leagues;
- (4) whether a permitted alternative medication can be substituted for the Prohibited Substance/Method;
- (5) the WADA International Standard for TUEs;
- (6) the best interests of the game of rugby league; and
- (7) any other matters ASDMAC and/or WADA (as the case may be) considers appropriate.

***Note:** A TUE ought not, unless in the most exceptional cases, be issued for the use of an anabolic androgenic steroid or peptide hormone or analogue.*

Issuing a Therapeutic Use Exemption

22. ASDMAC and/or WADA (as the case may be) may in its absolute discretion issue a TUE for the use of the Prohibited Substance/Method and may give such authorisation upon such terms and conditions as it deems appropriate in its absolute discretion.

***Note:** The TUE may, for example, specify the permitted dose, require the Prohibited Substance to be administered only by the player's Club medical officer (and/or the player's own treating doctor), require the player's Club medical officer (and/or the player's own treating doctor) to certify that only the authorised, dose has been administered and specify a regime for ongoing testing.*

Cost of Ongoing Testing

23. Where ASDMAC and/or WADA (as the case may be), as a condition of a TUE, specifies a regime for ongoing testing, unless the player's Club agrees to bear this cost, the player must bear the cost of such testing.

Player may not play pending issue of TUE

24. Where an application has been made for a TUE but the decision of ASDMAC and/or WADA (as the case may be) is pending, a player may train but may not play in Matches if the player is using the Prohibited Substance/Method the subject of the application.

Deemed acceptance of conditions

25. If a player does play after receipt of a TUE, the act of playing is deemed to be his acceptance and agreement to the conditions, if any, attaching to the TUE.

Appeal to WADA

26. If ASDMAC refuses to issue a TUE to a player, the player may appeal that decision to WADA in accordance with any current procedures of WADA.
27. Any determination by WADA of the appeal should take into account the criteria in rule **21** above.
28. The player must bear all costs of any appeal irrespective of the outcome.

WADA rights

29. WADA must be informed of any TUE issued to an International Level Player by ASDMAC and WADA has the right to revoke such TUE subject to the right of the International Level Player to appeal to CAS.

Appeal to CAS

30. Decisions by WADA reversing the grant or denial of a TUE may be appealed exclusively to CAS by the player, the Leagues or any other body which granted or denied the TUE. Decisions by WADA, which did not reverse the denial of a TUE, may be appealed by International-Level Players to CAS.⁴⁰

PART 4 – TESTING PROCEDURES**Who conducts Testing**

31. The collection of Samples and the carrying out of Testing of players in the Leagues is only to be carried out by a Drug Testing Authority.
32. Rule **31** above does not apply to some of the additional Testing which may be carried out by Clubs with the permission of the Leagues in accordance with Appendix **2**.

***Note:** re rules **31** and **32**, in order assure consistency of the quality of Testing and security of chain of custody of Samples, subject to the limited exception of some of the additional Testing by Clubs, only a Drug Testing Authority is to collect Samples and carry out Testing.*

Players are liable to be Tested

33. All players are liable to be selected for Testing by a Drug Testing Authority and, if selected, are obliged to provide Samples.

Testing may take place anywhere at anytime

34. Testing may take place anywhere at anytime. This includes after games, at training, at home and at any other suitable facility. Players are liable to be selected for any number of drug tests; there is no maximum number.
35. Further to rule **34** above players may be liable to additional Testing carried out by Clubs with the permission of the Leagues in accordance with **Appendix 2 – Additional Testing**.

Player Whereabouts Requirements

36. Players who play in, are selected for or are in training for Designated Competitions or a Designated Match must provide to the Leagues (or where the player is a member of a Club with an Anti-Doping Officer, to the Club's Anti-Doping Officer or where the player is a member of a Club or team which does not have an Anti-Doping Officer, to the team manager)

⁴⁰ Same as WADA Code Article 13.3

up to date details of their whereabouts so as to permit reasonable Non Match Day Testing and, where the player is an International Level Player, Out of Season Testing.

37. The minimum required details in order to comply with rule **36** are set out in the "Whereabouts Form" in **Appendix 3 – Whereabouts Form**. A player who has lodged with the Leagues (or where the player is a member of a Club with an Anti-Doping Officer, with the Club's Anti-Doping Officer or where the player is a member of a Club or team which does not have an Anti-Doping Officer, with the team manager) a "Whereabouts Form" in accordance with **Appendix 3 – Whereabouts Form**, which contains information that continues to be up to date and which provides a current telephone number of the player is deemed to have complied with rule **36**.

***Note:** It is not acceptable to provide a telephone number that is just for the purposes of the "Whereabouts Form"; the current telephone number most frequently used by the player to receive telephone calls is the telephone number which must be included in the "Whereabouts Form".*

38. The applicable requirements for the purposes of rule **13(4)** are that players who play in, are selected for or are in training for Designated Competitions or a Designated Match must:
- (1) provide a "Whereabouts Form" in accordance with **Appendix 3 – Whereabouts Form** to the Leagues (or where the player is a member of a Club with an Anti-Doping Officer, to the Club's Anti-Doping Officer or where the player is a member of a Club or team which does not have an Anti-Doping Officer, to the team manager) at the beginning of each season;
 - (2) not deliberately or recklessly provide incorrect information on a "Whereabouts Form";
 - (3) not fail on more than one occasion to update the whereabouts information within 10 days of the information contained in a "Whereabouts Form" previously lodged becoming out of date;
 - (4) not refuse to update the whereabouts information contained in a "Whereabouts Form" previously lodged with the Leagues (or, where the player is a member of a Club with an Anti-Doping Officer, with the Club's Anti-Doping Officer) within 3 days of being requested to do so;
 - (5) not be unavailable for Non Match Day Testing on a total of three (or more) occasions during a calendar year;
 - (6) where the player is also an International Level Player, not be unavailable for Non Match Day Testing or Out of Season Testing on a total of four (or more) occasions during a calendar year;

***Note 1:** A player is unavailable for Non Match Day Testing if and only if the player for a period of 24 hours is not with his team, not at any of the places specified on the most recently lodged "Whereabouts Form" and does not answer the telephone when called on the current telephone number included in the "Whereabouts Form".*

***Note 2:** A player is unavailable for Out of Season Testing if and only if the player is an International Level Player and for a period of 72 hours is not with his team, not at any of the places specified on the most recently lodged "Whereabouts Form" and does not answer the telephone when called on the current telephone number included in the "Whereabouts Form".*

***Note 3:** A player cannot be regarded as having been unavailable for a 2nd or subsequent occasion unless the player has received, more than 7 days earlier, written notice of the 1st (or 2nd as the case may be) occasion the player was unavailable and has not provided an*

explanation, which is satisfactory to the Leagues, as to the circumstances of the 1st (or 2nd as the case may be) occasion.

Selection of players

39. Players and Clubs may be chosen for Testing by ASADA or any other Drug Testing Authority. Selection for Testing may be random but need not be random. ASADA (or any other Drug Testing Authority) may select a player or a group of players for Testing on any basis or without justification and in selecting players for Testing may act on requests made by the CEO. Target Testing is fully acceptable.

Conduct of Testing

40. The collection of Samples and the carrying out of Testing shall be conducted in accordance with procedures of ASADA (or the Drug Testing Authority which requested the Sample as the case may be).
41. Players are obliged to comply with all requests of ASADA (or the Drug Testing Authority which requested the Sample as the case may be).
42. Players will be given the opportunity:
- (1) to disclose any medications recently taken; and
 - (2) to record any comments in relation to the drug test, including any concerns in relation to the sample collection process.
43. Rule **40** above does not apply to some of the additional Testing which may be carried out by Clubs with the permission of the Leagues in accordance with **Appendix 2 – Additional Testing**.

Minor irregularities

44. Minor irregularities in Testing, which cannot reasonably be considered to have affected the results of otherwise valid tests, will have no effect on such results. Minor irregularities do not include the chain of custody of the Sample, improper sealing of the container(s) in which the Sample is stored, failure to request the signature of the player or failure to provide the player with an opportunity to be present or be represented at the opening and analysis of the 'B' Sample.

Results of Testing

45. The results of all Testing must be reported to the CEO (or if applicable, his nominee).
46. The Leagues will act on the results of Testing conducted by a Drug Testing Authority (subject to rule **47**).

Statistical Analysis Only

47. The result of a test conducted for Statistical Analysis Only will be communicated to the CEO and the Chief Medical Officer or his nominee. Such a test:
- (1) is not capable of leading to an ADRV under these rules;
 - (2) is not subject to sanction under these rules; and
 - (3) does not form any part of any notification to, or by, any Drug Testing Authority, as Doping or an ADRV.

PART 5 – ACTION ON ALLEGED ADRVS

Leagues must act

48. The Leagues must investigate upon:

- (1) notification by a Drug Testing Authority or the ASC of any matter which could reasonably be regarded as giving rise to an ADRV under rule **13** above;
- (2) notification by ASADA of an entry on the ASADA Register in respect of a player, support person or some other person bound by these rules;
- (3) receipt of a statutory declaration implicating a player, support person, or other person to whom these rules apply, in a matter which could reasonably be regarded as giving rise to an ADRV under rule **13** above; or
- (4) receipt of reasonably reliable information indicating a player used a Prohibited Substance or a Prohibited Method.

Leagues may act

49. The Leagues may investigate an allegation of an ADRV on their own volition if the CEO so chooses. (See also rule **125(4)**).

Eight Year limitation period

50. No action may be commenced against a player or other person for an ADRV unless such action is commenced within eight years from the date the alleged ADRV occurred.⁴¹

Right to a Hearing

51. A person alleged to have committed an ADRV has a right to a hearing.

Rights Pending Hearing

52. A person alleged to have committed an ADRV may continue to train, compete, coach or hold office until a hearing before the Leagues Drugs Tribunal is held, and pending any sanction which may be imposed by the Leagues Drugs Tribunal.
53. In the interests of fair play and in the furtherance of the objects of these rules, the Leagues encourage players to stop competing between the time of the allegation of the commission of an ADRV and either the hearing in the Leagues Drugs Tribunal or the imposition of a sanction under rule **58** as the case may be. (See also rule **98**).
54. The CEO of the Leagues is authorised to receive, on a confidential basis, notification of a positive A sample and can use that information solely to encourage a player to stop competing pending the result of a hearing in the Leagues Drugs Tribunal or the imposition of a sanction under rule **58** as the case may be.

Infraction notices

55. On notification by a Drug Testing Authority of an Adverse Analytical Finding or notification by ASADA of an entry on the ASADA Register in respect of a player, support person, or some other person bound by these rules, or where the Leagues otherwise propose to act, the Leagues shall deliver to the person concerned an infraction notice which must:
 - (1) be in writing;
 - (2) set out the nature and particulars of the alleged ADRV;

⁴¹ Same as WADA Code Article 17

- (3) state the intention to convene the Leagues Drugs Tribunal to conduct a hearing;
- (4) provide a date on which the Leagues Drugs Tribunal will conduct the hearing to determine whether an ADRV has occurred, being not less than ten (10) days from the date of issue of the infraction notice, unless the parties agree to a reduced notice period; and
- (5) enclose a copy of these rules.

Note: *Delivery to the last known address is sufficient in circumstances where the current whereabouts of the person concerned are not known.*

Irregularities shall not invalidate infraction notices

56. Any irregularity in an infraction notice shall not invalidate the notice unless the Leagues Drugs Tribunal determines that the irregularity is such as to give rise to genuine unfairness. If that occurs, a fresh notice may be issued.

Response to an infraction notice

57. A person receiving an infraction notice, within the period provided for in the notice, may:
- (1) make contact with the CEO and indicate his/her intention to attend the hearing;
 - (2) submit any written information in support of his/her position; or
 - (3) plead guilty or no contest or the like, waive his/her right to a hearing and submit to such sanction as the Leagues impose in their absolute discretion, being a sanction which does not exceed that which the Leagues Drugs Tribunal could impose.
58. Where the person elects under **57(3)**, the Leagues, by the CEO, may exercise the discretion to impose a sanction which does not exceed that which the Leagues Drugs Tribunal could impose. For all purposes a sanction imposed in this way is to be treated in the same way as a sanction imposed by the Leagues Drugs Tribunal.

Privacy not required by these rules

59. Once the name of a person appears on the ASADA Register, nothing in these rules requires the name of the person or the details appearing on the ASADA Register to be kept confidential.

Note: *There may be reasons apart from these rules which require the name and details to be kept confidential.*

60. Once an infraction notice has been issued the Leagues may publish the name of the person and the details appearing in the infraction notice.

Note: *In order to allow greater transparency and recognising that criminal charges are not kept confidential by the criminal law, these rules no longer mandate confidentiality. The Leagues note that the WADA Code does not require confidentiality after the issue of an infraction notice. Although this rule gives the Leagues power to publish it does not mean the Leagues are obliged to do so.*

PART 6 – THE LEAGUES DRUGS TRIBUNAL

Establishment and function of the Leagues Drugs Tribunal

61. A tribunal shall be established from time to time by the Leagues to hear allegations of ADRVs against players, Officials and persons involved in the Leagues, to determine whether an ADRV has occurred, and to impose appropriate sanctions. In these rules that tribunal will be referred to as the 'Leagues Drugs Tribunal' or simply 'the Tribunal' (but in fact will be the NRL Drugs Tribunal or the ARL Drugs Tribunal).

***Note:** All hearings involving the ARL or its member/affiliated Leagues shall be heard in the ARL Drugs Tribunal. Except in special cases approved by the ARL CEO there shall not be a separately constituted NSWRL Drugs Tribunal or QRL Drugs Tribunal.*

62. The Leagues Drugs Tribunal will also hear appeals and applications for review of sanctions, as set out in **Part 9 – Appeals and review of sanctions**, save where an appeal must be to the "Court of Arbitration for Sport" ("**CAS**").

Constitution

63. The Leagues Drugs Tribunal shall be comprised of:

- (1) a legally qualified medical practitioner;
- (2) a person qualified as a barrister or solicitor;
- (3) a prominent citizen (which includes a former international player who has succeeded in a career following retirement).

Tribunal members have immunity

64. The members of the Tribunal and counsel assisting are immune from suit and no person may institute or maintain any proceedings or bring any claim in respect of any act or omission in the lead up to a hearing, in connection with a hearing or the hearing itself, or any findings made, except in the event of fraud.

Conflict of Interest

65. Leagues Drugs Tribunal members should have no conflict of interest in any case and are required to declare any possible conflict of interest. A member standing down from a Leagues Drugs Tribunal hearing shall be replaced for the duration of the hearing with a person of similar qualifications. Such a person may be appointed by the CEO.

Members Not to Hold Office or be Employed by any Clubs or the Leagues

66. A member of the Leagues Drugs Tribunal shall not hold any office in any Club or be currently employed with any Club or the Leagues in any capacity (except as a member of a different tribunal).

Referral to the NSDC or CAS

67. The Leagues Drugs Tribunal may of its own volition, but only with the consent of the CEO, refer any matter which is competent for the Leagues Drugs Tribunal to hear or determine to the National Sports Dispute Centre ("**NSDC**") or to CAS for the NSDC or CAS to determine in accordance with its own procedures.

PART 7 – HEARINGS IN THE LEAGUES DRUGS TRIBUNAL

Note: *This Part applies to original hearings, appeals or reviews of sanctions, as the case may be, held in the Leagues Drugs Tribunal*

Conduct of Hearings

68. Hearings may be in person or conducted by conference facility.

Hearings to be Informal

69. Hearings shall be conducted with as little formality and technicality as proper consideration of the matter before the Leagues Drugs Tribunal permits.

Natural Justice to apply

70. Hearings will be a fair process in which both the Leagues and the person concerned have the opportunity to present their case and the principles of natural justice shall apply.

Procedure

71. To ensure that the principles of natural justice apply, at all Leagues Drugs Tribunal hearings:

- (1) the Leagues, the person concerned and the Leagues Drugs Tribunal may call, examine and cross-examine witnesses; and
- (2) the Leagues, the person concerned and the Leagues Drugs Tribunal may appoint representatives including a solicitor or counsel to assist them and cross-examine witnesses, the cost of such representation to be borne by the party on whose behalf they appear.

72. The Leagues Drugs Tribunal may seek expert advice to interpret any technical matter from the Chief Medical Officer, ASADA, ASDMAC, ASDTL or any other expert medical or scientific authority.

Burdens and standards of proof

73. The League's shall have the burden of establishing that an Anti-Doping Rule Violation has occurred. The standard of proof shall be whether the Leagues shall have established an Anti-Doping Rule Violation to the comfortable satisfaction of the Tribunal bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where the rules place the burden of proof upon the player or other person alleged to have committed an Anti-Doping Rule Violation to rebut a presumption or establish specified facts or circumstances, the standard of proof shall be by a balance of probability.⁴²

Matters on the ASADA Register

74. Where a person has had the opportunity to challenge an entry on the ASADA Register in the AAT (including any appeal from the AAT to the Federal Court) but has not done so or has done so unsuccessfully, the person may not dispute the matters contained in the entry on the ASADA Register in response to an allegation of an ADRV or in any hearing under these rules.⁴³

⁴² Same as WADA Code Article 3.1

⁴³ This is in lieu of WADA Code Article 3.2 given the particular circumstances applicable in Australia, ie the opportunity to have a hearing in the AAT following entry on the ASADA Register.

AAT hearings and appeals to the Federal Court

75. Subject to rule **76**, where a person has challenged an entry on the ASADA Register in the AAT (including any appeal from the AAT to the Federal Court), in response to an allegation of an ADRV or in any hearing the Leagues Drugs Tribunal, that person:
- (1) may not dispute any findings made by the AAT;
 - (2) may not dispute any decision made by the AAT; and
- all material that went into evidence in the AAT is admissible and may be used as evidence in a hearing of the Leagues Drugs Tribunal.
76. In the event there is an appeal from the AAT to the Federal Court, in response to an allegation of an ADRV or in any hearing the Leagues Drugs Tribunal, that person:
- (1) may not dispute any findings made by the Federal Court;
 - (2) may not dispute any decision made by the Federal Court; and
- all material that went into evidence in the AAT and the Federal Court is admissible and may be used as evidence in a hearing of the Leagues Drugs Tribunal.

Documentary Proof

77. Special provision for admission of documentary material of the CMO or a Drug Testing Authority. Where:
- (1) a document is sought to be used as evidence in a hearing of the Leagues Drugs Tribunal and the document is of, or has been, created by the CMO or a Drug Testing Authority (or a servant or agent acting in that capacity); and
 - (2) a copy of the document has been made available a reasonable time prior to the hearing;
- the document *shall* be admitted as evidence of its contents (without the need to call the maker of the document) and given such weight as the Leagues Drugs Tribunal considers appropriate in all circumstances. This rule does not limit the circumstances in which the Leagues Drugs Tribunal *may* admit other documents into evidence.

Counsel Assisting

78. The functions of counsel appointed by the Leagues Drugs Tribunal to assist it include, at his or her discretion, the following:
- (1) liaising with the Leagues to identify what allegations are made by the Leagues;
 - (2) liaising with the Leagues on the content of any infraction notice before such infraction notice is issued under rule **55** of these rules;
 - (3) liaising with the Leagues in relation to the collection of evidence and requesting the Leagues to obtain (or where practicable simply obtaining himself or herself) such evidence as counsel considers would be appropriate for the Leagues Drugs Tribunal to have presented to it;
 - (4) liaising with any representative of the person alleged to have committed the an ADRV;
 - (5) liaising with the chairman of the Leagues Drugs Tribunal or any other members of the Leagues Drugs Tribunal prior to and throughout the hearing in relation to matters of procedure and the topics of any particular evidence that the Leagues Drugs Tribunal may wish to have called before it;
 - (6) providing legal advice to the Leagues Drugs Tribunal if it so desires;

- (7) calling such evidence as counsel considers appropriate;
- (8) examining or cross-examining witnesses at any hearing; and
- (9) carrying out any or all of the above functions and such other functions as counsel assisting considers appropriate,

provided that under no circumstances is counsel to participate in the deliberations of the Leagues Drugs Tribunal.

Hearings in private

79. All hearings in the Leagues Drugs Tribunal will be held in private save to the extent that the Tribunal rules otherwise (eg ASADA observer) or where the person the subject of the alleged ADRV consents. However, following such hearing details of the hearing may be published.

Hearings in the absence of the person the subject of the alleged ADRV

80. When the person the subject of the alleged ADRV declines, or does not respond to, an infraction notice and does not attend a Leagues Drugs Tribunal hearing within the time specified, the Leagues Drugs Tribunal may proceed and shall consider the evidence before it when making a decision.

Reasons to be provided and published

81. The Leagues Drugs Tribunal shall in all cases provide brief reasons for its decision which will be published within 20 days.
82. Following a hearing, all sanctions imposed and all reasons for decisions of the Leagues Drugs Tribunal will be made public. Evidence given at a hearing and other matters occurring during a hearing may be made public.

Decision Final

83. The decision of the Leagues Drugs Tribunal is final, subject only to the rights of appeal and the right to make an application for review of the sanction, which are provided in Part 9 of these rules.

PART 8 - SANCTIONS

Sanctions are to be applied

84. Where the Tribunal finds that an ADRV has occurred a sanction shall be imposed in accordance with this Part **8**.

*Note: Some sanctions are mandatory irrespective of fault of the player, eg rule **85**.*

Cancellation of player's individual results in a Match

85. An ADRV in connection with Match Day Testing leads to an automatic sanction of cancellation of the player's personal result obtained in that Match with all resulting consequences, including forfeiture of any medals, points and prizes awarded by or directly controlled by the Leagues⁴⁴.

Note: For example all individual statistics of the player in that Match will be cancelled, so that if the player scored any points in the Match they will not count in that player's individual points tally towards any medals or awards or the like. Another example is where the player receives a "Man of the Match" award by the Leagues, such award will be cancelled and revoked. Such cancellation is not to affect the team's result in that Match. (It should be further noted that some medals, points and prizes for players are not awarded by or directly controlled by the Leagues and thus are outside the scope of this rule.). Such cancellation is not to affect the team's result in that Match.

Cancellation of player's individual results for the whole of an Affiliated Competition

86. Save as provided in rule **87** below, an ADRV occurring during or in connection with a Match in an Affiliated Competition may, in the discretion of the Tribunal, lead to a sanction including the cancellation of all of the player's individual results obtained in that Affiliated Competition with all consequences, including forfeiture of all medals, points and prizes awarded by or directly controlled by the Leagues⁴⁵:

Note: For example all individual statistics of the player in all Matches that make up that Affiliated Competition (which for the NRL means the entire season of the NRL Competition) will be cancelled. Such cancellation is not to affect the team's result in that Affiliated Competition.

87. If the player establishes to the Tribunal that he bears No Fault or Negligence for the ADRV, the player's individual results in the other Matches in that Affiliated Competition shall not be cancelled unless the player's results in Matches in that Affiliated Competition, other than the Match in respect of which the ADRV occurred, were likely to have been affected by the player's ADRV.⁴⁶

Cancellation of player's individual results in Matches subsequent to the ADRV

88. In addition to the sanctions which may be imposed under rules **85** to **87**, all other competitive individual results in Matches obtained by the player in the period subsequent to the date the ADRV occurred (which in the case of an ADRV based on a Sample, is the date that Sample was collected) through to the date the player ceases playing Matches, shall, unless fairness requires otherwise, lead to the following sanctions being imposed by the Tribunal: cancellation

⁴⁴ Same as WADA Code Article 9 but slightly modified for rugby league

⁴⁵ Same as WADA Code Article 10.1 but slightly modified for rugby league;

⁴⁶ Same as WADA Code Article 10.1.1 but slightly modified for rugby league

of all of the player's individual results obtained in the period with all consequences, including forfeiture of all medals, points and prizes awarded by or directly controlled by the Leagues⁴⁷.

Sanctions for certain ADRVs

89. Except for the "specified substances" identified in rule **90** below, the sanction to be imposed for an ADRV is found to have occurred under rule **13(1)** (presence of Prohibited Substance or its Metabolites or Markers), rule **13(2)** (use or Attempted use of Prohibited Substance or Prohibited Method), or rule **13(6)** (possession of Prohibited Substances and Methods), shall be a period of Ineligibility as follows:

- (1) First violation: Two (2) years' Ineligibility.
- (2) Second violation: Lifetime Ineligibility.

However, the player or other person shall have the opportunity in each case, before a sanction is imposed, to establish the basis for eliminating or reducing the sanction as provided in rules **92** to **94** below.⁴⁸

Lesser sanction for "specified substances"

90. The Prohibited List may contain substances identified in the WADA List as "specified substances", which WADA considers are particularly susceptible to unintentional Anti-Doping Rule Violations because of their general availability in medicinal products or which are less likely to be successfully abused as doping agents. Where a player or other person⁴⁹ is found to have committed an ADRV in connection with a "specified substance" can establish that the ADRV in connection with such a "specified substance" was not intended to enhance sport performance in a Competition, the period of Ineligibility imposed as a sanction under rule **89** above shall be replaced with the following:

- (1) First violation:
 - (a) Minimum - a warning and reprimand and no period of Ineligibility⁵⁰;
 - (b) Maximum - one (1) year's Ineligibility
- (2) Second violation: Minimum of two (2) years' Ineligibility.
- (3) Third violation: Automatic Lifetime Ineligibility.

However, the player or other person shall have the opportunity in each case, before a sanction is imposed, to establish the basis for eliminating or reducing (in the case of a second or third violation) the sanction as provided in rules **92** to **94** below.⁵¹

Note: *The Tribunal has established precedent to the effect that if a cannabinoid ADRV comes before the Tribunal the sanction for a 1st violation is not less than 12 Matches (which may be suspended on condition extensive community service is performed). The Leagues consider it likely that the precedent will be applied in the future if the circumstances are reasonably similar.*

Sanctions for some other ADRVs

91. The sanctions for some other ADRVs shall be:

⁴⁷ Same as WADA Code Article 10.7 but slightly modified for rugby league;

⁴⁸ Same as WADA Code Article 10.2

⁴⁹ Additional to WADA Code Article 10.3 but is implicit given reference to other person later in that article

⁵⁰ See Note 2 below

⁵¹ Same as WADA Code Article 10.3

- (1) The sanction to be imposed for an ADRV found to have occurred under rule **13(3)** (provide Samples), or rule **13(5)** (Tampering) shall be a period of Ineligibility as set out in rule **89** above.⁵²

Note: Unlike rule 89, rule 92 does not apply a sanction imposed under rule 91(1) however rule 93 may apply.

- (2) For an ADRV found to have occurred under rule **13(7)** (Trafficking) the sanction to be imposed shall be a period of Ineligibility of a minimum of four (4) years up to lifetime Ineligibility.⁵³
- (3) For an ADRV found to have occurred under rule **13(8)** (other ADRVs) the sanction to be imposed shall be a period of Ineligibility of a minimum of four (4) years up to lifetime Ineligibility.⁵⁴
- (4) An ADRV involving a Minor shall be considered a particularly serious violation, and, if committed by the player's support person for violations other than "specified substances" referred to in rule **90**, shall result in lifetime Ineligibility for such player's support person.⁵⁵
- (5) Where it appears to the Tribunal that an ADRV found to have occurred might also violate non-sporting laws and regulations, the Tribunal may direct that the matter be reported to the competent administrative, professional or judicial authorities.⁵⁶
- (6) For an ADRV found to have occurred under rule **13(4)** (whereabouts information or missed Tests), the sanction to be imposed shall be a period of Ineligibility as follows:
- (a) First violation:
- (i) Minimum of the greater of 3 months or 12 Matches;
- (ii) Maximum - one (1) year's Ineligibility
- (b) Second violation:
- (i) Minimum of the greater of 3 months or 12 Matches;
- (ii) Maximum - two (2) year's Ineligibility⁵⁷

No Fault or Negligence⁵⁸

92. If the player establishes in an individual case involving an Anti-Doping Rule Violation found to have occurred under rule **13(1)** (presence of Prohibited Substance or its Metabolites or Markers), or rule **13(2)** (use or Attempted use of Prohibited Substance or Prohibited Method), that he bears No Fault or Negligence for the violation, the otherwise applicable period of Ineligibility shall be eliminated. In the case of an ADRV under rule **13(1)**, the player must also establish how the Prohibited Substance entered his system in order to have the period of Ineligibility eliminated. In the event this rule is applied and the period of Ineligibility otherwise applicable is eliminated, the Anti-Doping Rule Violation shall

⁵² Same as WADA Code Article 10.4.1

⁵³ See WADA Code Article 10.4.2

⁵⁴ This sanction is mandated by WADA Code Article 10.4.2. The Leagues sought to amend this clause but the request was disallowed by ASADA because "the rule is not compliant with the WADA Code and as such cannot be approved by ASADA".

⁵⁵ See WADA Code Article 10.4.2

⁵⁶ See WADA Code Article 10.4.2

⁵⁷ Based on WADA Code Article 10.4.3 but 3 months must be at least 12 Matches to avoid inequity with a seasonal sport which ordinarily plays one Match per week; ie 3 months would be no penalty at all if at the end of the season

⁵⁸ This and the following rule, No Significant Fault or Negligence, are in lieu of the extenuating circumstances rule in previous editions of rules; the change being made so as to comply with the WADA Code

not be considered a violation for the limited purpose of determining the period of Ineligibility for multiple violations under rules **89, 90, 91** and **95 to 97**.⁵⁹

Note 1: *Under this rule even if the period of Ineligibility is eliminated, the ADRV is not expunged for all purposes.*

Note 2: *In assessing No Fault or Negligence it is relevant to consider whether the player has enquired of the Club medical officer and the Drugs in Sport Hotline.*

Note 3: *The WADA Code provides illustrations of the operation of No Fault or Negligence and No Significant Fault or Negligence as follows. An example where no fault or negligence would result in the total elimination of a sanction is where a player could prove that, despite all care, he was sabotaged by a rival player. Conversely, a sanction could not be completely eliminated on the basis of No Fault or Negligence in the following circumstances:*

- (a) *An Adverse Analytical Finding as a consequence of a mislabelled or contaminated vitamin or nutritional supplement (players are responsible for what they ingest – rule **13(1)(b)** – and have been warned against the possibility of supplement contamination);*
- (b) *The administration of a Prohibited Substance by the player’s personal physician or trainer without disclosure to the player (players 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 via 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 in trust 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 based on No Significant Fault or Negligence. For example, a reduction may well be appropriate in illustration (a) if the player clearly establishes that the cause of the Adverse Analytical Finding was contamination in a common multiple vitamin purchased from a source with no connection to Prohibited Substance and the player exercised care in not taking other nutritional substances.

Note 4: *Regard also must be had to the fact that ignorance is no excuse (rule **14**) and that players are expected to read the rules – if they do not that cannot be relied upon as a defence.*

No Significant Fault or Negligence

93. This rule applies only to Anti-Doping Rule Violations found to have occurred under

- (1) rule **13(1)** (presence of Prohibited Substance or its Metabolites or Markers),
- (2) rule **13(2)** (use or Attempted use of Prohibited Substance or Prohibited Method),
- (3) rule **13(3)** (provide Samples)

If a player establishes in an individual case involving such violations that he bears No Significant Fault or Negligence, then the period of Ineligibility may be reduced, but the reduced period of Ineligibility may not be less than one-half of the minimum period of Ineligibility otherwise applicable. If the otherwise applicable period of Ineligibility is a lifetime, the reduced period under this section may be no less than 8 years. In the case of

⁵⁹ Same as WADA Code Article 10.5.1

an ADRV found to have occurred under rule **13(1)**, the player must also establish how the Prohibited Substance entered his system in order to have the period of Ineligibility reduced.⁶⁰

Note: *The notes to rule 92 should be considered when applying this rule.*

Reduction where substantial assistance provided

94. The Leagues and/or the Tribunal may, at any time, also reduce the period of Ineligibility in an individual case where the person who has committed the ADRV has provided substantial assistance to the Leagues, ASADA and/or WADA which:
- (1) results in the Leagues, ASADA and/or WADA discovering or establishing an Anti-Doping Rule Violation by another person under
 - (a) rules **13(6)(d)**, **13(6)(e)**, or **13(6)(f)** (Possession by Player's Support Personnel),
 - (b) rule **13(7)** (Trafficking) or
 - (c) rule **13(8)** (other ADRVs); or
 - (2) ASADA and/or WADA regard as sufficient to warrant a reduction and where ASADA and/or WADA specify the reduction it considers is warranted (which is then the maximum reduction that may be applied under this limb).

The reduced period of Ineligibility may not, however, be less than one-half of the minimum periods of Ineligibility otherwise applicable. If the otherwise applicable period of Ineligibility is a lifetime, the reduced period under this rule may be no less than 8 years.⁶¹

Rules for certain potential multiple violations

95. For purposes of imposing sanctions under rules **89**, **90** and **91**, a second Anti-Doping Rule Violation may be considered for purposes of imposing sanctions only if the Leagues establish that the person committed the second Anti-Doping Rule Violation after the person received notice, or after the Leagues made a reasonable attempt to give notice, of the first Anti-Doping Rule Violation. If the Leagues cannot establish this, the ADRVs shall be considered as one single first ADRV, and the sanction imposed shall be based on the ADRV that carries the more severe sanction.⁶²
96. Where a player, based on the same Doping Control, is found to have committed an Anti-Doping Rule Violation involving both a "specified substance" under rule **90** and another Prohibited Substance or Prohibited Method, the player shall be considered to have committed a single Anti-Doping Rule Violation, but the sanction imposed shall be based on the Prohibited Substance or Prohibited Method that carries the most severe sanction.⁶³
97. Where a player is found to have committed two separate Anti-Doping Rule Violations, one involving a "specified substances" with a sanction under rule **90** ("specified substance") and the other involving a sanction under rule **89** or rule **91(1)**, the sanction to be imposed for the second ADRV shall be a period of Ineligibility of a minimum of two years and a maximum of three years. Any player found to have committed a third Anti-Doping Rule Violation involving any combination of "specified substances" with a sanction under rule **90**

⁶⁰ Same as WADA Code Article 10.5.2

⁶¹ Based on WADA Code Article 10.5.3 but widened to avoid what the Leagues regard as an undue restriction

⁶² Same as WADA Code Article 10.6.1

⁶³ Same as WADA Code Article 10.6.2

and any other Anti-Doping Rule Violation involving a sanction under rule **89** or rule **91(1)**, shall receive a sanction of lifetime Ineligibility.⁶⁴

Commencement date of sanctions

98. Sanctions apply from the date of the original Leagues Drugs Tribunal decision or, at the discretion of the Leagues Drugs Tribunal, from such earlier or later date as the Leagues Drugs Tribunal determines. In the case of a player who elects to stop playing Matches between an allegation of an ADRV and the hearing (see rule **53**), any sanction imposed may (and, where the player shows there was no continuing breach of these rules, usually would) date from the day when the player stopped playing Matches.⁶⁵

Note: A later date may be chosen for example when the decision is made after the end of the season.

Status during Ineligibility under sanctions

99. Where a player, an Official or other person bound by these rules is found to have committed an ADRV, for the duration of the period of Ineligibility imposed by the sanction the person:

- (1) in the case of a player:
 - (a) will be banned from playing in or being selected for any Matches or any Affiliated Competition'
 - (b) will be banned from training with any Club under the auspices of the Leagues, and
 - (c) any current registration will be deemed to be revoked; and
- (2) in any other case, will not hold any office, or be engaged or employed by the Leagues or any Club under the auspices of the Leagues, in any capacity.⁶⁶

Reinstatement Testing

100. As a condition to regaining eligibility at the end of a specified period of Ineligibility, a player must, throughout the whole of the period of Ineligibility, make himself available for Testing and must provide current and accurate whereabouts information as required under rules **36** to **38**. If a player subject to a period of Ineligibility retires from sport, ceases to be available for Testing and later seeks reinstatement, the player shall not be eligible for reinstatement until the player has notified the Leagues and has been available for Testing for a period of time equal to the period of Ineligibility remaining as of the date the player had retired.⁶⁷

Consequences for teams or Clubs

101. Where more than one player in a team has been notified of an alleged ADRV in connection with an Affiliated Competition, the players in that team shall be subject to Target Testing for the Affiliated Competition. If more than one player in a team is found to have committed an Anti-Doping Rule Violation during the Affiliated Competition, the team may be subject to disqualification or other disciplinary action as set out in rules **102** to **104**.⁶⁸

102. If it is established in the Tribunal that two or more players in the same team have committed More Serious ADRVs in respect of the same Match, the Leagues have a discretion to impose a

⁶⁴ Same as WADA Code Article 10.6.3

⁶⁵ Based on WADA Code Article 10.8 but modified slightly for the circumstances of rugby league

⁶⁶ Similar to WADA Code Article 10.9 but modified for the circumstances of rugby league

⁶⁷ Same as WADA Code Article 10.10

⁶⁸ Same as WADA Code Article 11

sanction on the team, which includes loss of competition points in respect that Match, or, if the Match was a representative Match cancellation of the result of the Match.

103. If it is established in the Tribunal that four or more players in the same team have committed More Serious ADRVs in respect of the same Affiliated Competition, the Leagues have a discretion to impose a sanction on the team, which includes, in an extreme case, loss of some/all competition points in respect the Affiliated Competition.
104. Before a sanction can be imposed on a team under rules **102** and **103**, the Leagues must afford the team natural justice and must comply with all procedural rules of the Leagues relating to team sanctions, including rules affording the team a right of appeal. In the absence of such procedural rules including rules affording the team a right of appeal, the applicable NRL rules shall be deemed to apply *mutatis mutandis*.
105. In rules **101** to **104** above a reference to a team includes a reference to a Club.

Sanction for remaining ADRVs where no sanction elsewhere stipulated

106. Where an ADRV is found to have occurred but these rules do not elsewhere stipulate a sanction, the Leagues Drugs Tribunal shall apply such sanction as it sees fit in the reasonable exercise of discretion.

*Note: This rule applies, for example, to the ADRV under rule **13(9)***

Sanctions apply universally

107. Sanctions applied by the Leagues Drugs Tribunal arising from the Testing of a player in international, State of Origin or in other representative competition (including training) are to be served in the domestic competition in which the player is registered. All sanctions applied in the domestic competition apply equally to a player in international, State of Origin or other representative competition.

Leagues and Clubs to enforce sanctions

108. The Leagues and the Clubs will recognise and enforce sanctions imposed on players, Officials or other persons by all other sporting organisations and all former and other versions of these rules and players, Officials and other persons must abide by sanctions imposed on them by other sporting organisations and all former and other versions of these rules.

Special Orders

109. In addition to the sanctions outlined above, the Leagues Drugs Tribunal may, at its discretion, require a player to make himself available for Testing at regular intervals as determined by the Leagues Drugs Tribunal and/or refer the player involved to a drug rehabilitation program.

Outcome of hearing to be notified to the player or other person

110. The Leagues shall provide formal notification, in writing, of the outcome of the hearing and any sanction imposed, to the person concerned, and will include the following:
- (1) the decision of the Leagues Drugs Tribunal and a copy of any reasons for its decision;
 - (2) the details of the sanction imposed; and
 - (3) reference to the rights of appeal and review in Part **9** of these rules.

Other Notifications

111. The Leagues:

- (1) shall notify ASADA (or other applicable Drug Testing Authority), the ASC, the RLIF and any other affected League and
- (2) may notify any other of the Leagues or any other organisation or body which it believes should be informed

of the decision of the Leagues Drugs Tribunal and any sanctions imposed, if any, and subsequently notify the outcome of any appeal or review of sanctions.

Press Releases

112. The Leagues, via the CEO or otherwise, have the right to issue a press release regarding any final decisions of the Leagues Drugs Tribunal and to publish its reasons within 20 days.

PART 9 – APPEALS AND REVIEW OF SANCTIONS

Decisions subject to appeal

113. Decisions made under these rules that an ADRV is found to have occurred and consequent sanctions may be appealed as set forth below in this Part. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise.⁶⁹

Appeals involving International Level Players

114. In cases arising from an International Match or in cases involving International-Level Players, the decision may be appealed exclusively to CAS (appeals division) in accordance with the provisions applicable to CAS.⁷⁰

Persons entitled to appeal⁷¹

115. In cases under rule **114**, the following parties shall have the right to appeal to CAS:

- (1) the player or other person who is the subject of the decision being appealed;
- (2) the other party to the case in which the decision was rendered;
- (3) if the Leagues were not the other party under sub-para **(1)**, the Leagues under whose rules a sanction could have been imposed;
- (4) WADA; and
- (5) ASADA subject to the following:
 - (a) Only if there is no appeal by WADA;
 - (b) If there is an appeal by WADA, ASADA may only be added as an interested person.

116. If there is more than one person seeking to appeal all appeals must be heard together and the outcome of that appeal binds all parties who had the right to appeal.

TUE appeals

117. Appeals with respect to a Therapeutic Use Exemption are dealt with in Part **3** of these rules.

Other appeals

118. For cases not under rule **114**, a player, or other person may lodge an appeal from the decision of the Leagues Drugs Tribunal only on the basis of new and relevant evidence. Such an appeal may be lodged at any time during the currency of the sanction and shall be heard by the Leagues Drugs Tribunal at the earliest opportunity. Notice of such appeal shall be forwarded in writing to the CEO (or his/her duly authorised representative in his/her absence). Any sanction already imposed by the Leagues Drugs Tribunal will remain in force until the appeal has been resolved.

Application for review

119. Where a sanction has been imposed under these rules, written application may be made before the sanction expires to the CEO setting out the grounds for a review of the continuation of the sanction.

⁶⁹ Same as WADA Code Article 13.1

⁷⁰ Same as WADA Code Article 13.2.1

⁷¹ Based on WADA Code Article 13.2.3

Good grounds must be demonstrated

120. If the CEO forms the opinion that there are good grounds for review of the continuation of the sanction then the CEO shall ensure that the Leagues Drugs Tribunal be reconvened.

Powers on review

121. If the Leagues Drugs Tribunal is reconvened to review the continuation of a sanction, it has an unfettered power to so review its continuation and to impose such lesser sanction as it deems fit.

Sanction remains unless and until reduced

122. Unless and until any reduction is made to the sanction originally imposed, it will remain in force.

Substances and Methods removed from the Prohibited List

123. In the event that a substance or method is in the future removed from the Prohibited List during the period of a continuing sanction which has been imposed in respect of that substance or method, then the player is entitled to have the Leagues Drugs Tribunal reconvened to review the sanction, insofar as it relates to that substance or method.

Notifications

124. If the Leagues Drugs Tribunal determines that a sanction should be reduced as a result of the review, written notification of the lesser sanction shall be forwarded by the Leagues to the person concerned, ASADA and any other organisation or body which the Leagues believe should be informed.

PART 10 – RESPONSIBILITIES OF THE LEAGUES

125. The Leagues:

- (1) shall disseminate these rules to ASADA, other Drug Testing Authorities and to the secretaries of all Clubs;
- (2) shall advise players and Officials and all relevant persons and affiliated organisations of changes to these rules as necessary; (this may be done in any way reasonably practical including posting the current version on a web site of the Leagues);
- (3) shall cooperate with ASADA and other Drug Testing Authorities by permitting and assisting them to:
 - (a) attend matches/competitions for the purposes of collecting Samples for Testing;
 - (b) collect Samples at other times (whether during the regular season or not);
 - (c) notify players that they are liable to be selected to provide Samples for drug Testing;
 - (d) arrange for the completion, return and updating of forms providing contact information for players;
- (4) shall investigate or assist in the investigation of individuals suspected of involvement in an ADRV, whether as a result of Testing of a Sample or on the basis of other information becoming known;
- (5) shall adhere to these rules regarding the conduct of hearings and the imposition of sanctions;
- (6) shall liaise with and assist ASADA and other Drug Testing Authorities, international sporting organisations and state and national sporting bodies, concerning drugs in sport issues as necessary;
- (7) shall liaise with and lobby other relevant international sporting organisations seeking a consistent approach to the drugs in sport issue;
- (8) shall incorporate drugs in sport education programs and activities into those of the Leagues and support the educational initiatives of ASADA;
- (9) immediately inform ASADA of any alleged breach of these rules (provided it is not believed to be without any foundation) and provide reasonable cooperation with any investigation into the matter at no cost to the Leagues [SAB(e)];
- (10) provide to the ASADA appropriate details or reports related to investigations, hearings, appeals and sanctions at no cost to the Leagues [SAB(g)];
- (11) provide ASADA and the ASC with relevant information in a timely manner, including sporting administration body and International Federation anti-doping policies, policy amendments, policy endorsement and implementation date, athlete whereabouts information and athlete education [SAB(h)];
- (12) refer all instances of possible violations of the anti-doping rules (provided it is not believed to be without any foundation) to ASADA for investigation and provide reasonable cooperation with any investigation, as required at no cost to the Leagues [SAB(l)];
- (13) accept any finding by ASADA, ensure an infraction notice is issued in accordance with ASADA's recommendations in the case of any adverse finding, and enforce penalties imposed in accordance with ASADA's recommendation [SAB(n)];

- (14) take reasonable steps to ensure that their members and staff cooperate with ASADA in its anti-doping functions [SAB(o)];
- (15) provide ASADA with relevant information in a timely manner [SAB(p)],
- (16) shall inform ASADA of any other drug education initiatives undertaken by the Leagues; and
- (17) shall ensure that any player under the age of eighteen (18) years, who may be subject to drug Testing, has the written consent of a parent or guardian prior to the test being conducted.

Minors

126. The Leagues recognise the special circumstances and needs of Minors regarding both the use of drugs and the collection of Samples for drug Testing, and will be guided by the relevant policies of ASADA when dealing with this group.

PART 11 – OBLIGATIONS OF PLAYERS AND OTHERS INVOLVED WITH THE LEAGUES

Awareness of these rules

127. All persons referred to in rule **10** to whom these rules apply shall be aware of these rules, their implications, the sanctions that apply, the requirements necessary to comply with these rules and must comply with any obligation imposed on them by these rules.

Obligations of the players

128. All players to whom these rules apply by virtue of rule **10** are bound by these rules and must comply with these rules. In particular players must:

- (1) not use any Prohibited Substances or any Prohibited Methods (see **Appendix 4 - WADA List**);
- (2) make themselves available for Testing;
- (3) make themselves aware of the procedures for ASADA and Drug Testing Authorities' Sampling and Testing procedures, and their rights during the Sample collection and Testing process (see Part **4**);
- (4) cooperate with ASADA and other Drug Testing Authorities in relation to the provision of a Sample;
- (5) set a responsible example on the issue of drug use in sport to members of the public especially children interested in rugby league;
- (6) ensure that the requirements for prior notification of use of Prohibited Substances which are necessary for a Therapeutic Use Exemption are complied with (see Part **3** above);
- (7) attend all drug education programs conducted for their Club by ASADA and other Drug Testing Authorities;
- (8) obtain, keep and be familiar with the latest ASADA publications affecting players and athletes generally;
- (9) with respect to supplements,:
 - (a) only use a supplement that has been approved by ASADA and/or the CMO
 - (b) maintain a list of all supplements being used
 - (c) where the player is at a Club with an Anti-Doping Officer, the list above must be signed off in advance by the Anti-Doping Officer and the player;
- (10) submit to the jurisdiction of the Leagues Drug Tribunal; and
- (11) comply with all sanctions which may be imposed under these rules in the event an ADRV is found to have occurred.

Obligations of Clubs

129. Each Club shall comply with the rules and in addition specifically shall:

- (1) ensure that all players in the Club receive a copy of these rules and that all players acknowledge receipt of the rules by signing a register created for that purpose;
- (2) ensure that all players are familiar with the content of these rules the Prohibited List and the sanctions which are applicable ADRVs;

- (3) advise the CEO in writing of the steps taken by it to educate its players in respect of the dangers and consequences of the use of prohibited drugs and doping methods;
- (4) ensure that medical and paramedical staff are completely briefed with these rules, and in particular the WADA List, and procedures necessary for Therapeutic Use Exemption (see Part 3);
- (5) ensure that all relevant Club Officials and ancillary staff are familiar with the content of these rules;
- (6) support and participate in drug education programs conducted by ASADA and other Drug Testing Authorities and record the attendance of its players at such programs;
- (7) give every assistance to drug Testing personnel to enable them to carry out their Testing duties efficiently and effectively;
- (8) ensure that team coaches are aware that players may be tested immediately following a match and that every assistance is to be given to Testing personnel in carrying out their duties;
- (9) ensure that appropriate travel arrangements are made to allow sufficient time for Testing personnel to carry out their Testing duties following a match;
- (10) provide an adequate facility, available to the Testing personnel, to enable the Testing of players to be undertaken in private;
- (11) ensure confidentiality when players are being tested, by keeping rooms clear of all non-football personnel following the game, until players being tested are within the Testing facility provided;
- (12) arrange for Club Officials and other relevant staff to attend meetings arranged by the Leagues to discuss any problems in relation to drug Testing;
- (13) take all reasonably available steps to ensure that sanctions are enforced;
- (14) treat people who are not or have not been bound by these rules as follows:
 - (a) Subject to (b), in relation to a person who is alleged to have committed conduct which would or allegedly would amount to a breach of these rules if the person was bound by these rules and the person has not been sanctioned under these rules or at all by any tribunal because the person is not bound by any anti-doping policy, it will:
 - (i) if the person is a player, prevent that person from competing with the Club;
 - (ii) if the person is not an athlete, prevent that person (so far as reasonably possible) from having any involvement with the Club; and
 - (iii) not employ, engage or register that person;for 2 years from the date the conduct is alleged to have been committed
 - (b) Sub-paragraph (a) does not apply if the person:
 - (i) agrees to be bound by these rules as if always bound by the rules,
 - (ii) submits to a hearing, and
 - (iii) agrees to abide by any sanction imposed as a result of such hearing.
- (15) if the Club participates in the NRL, appoint an Anti-Doping Officer (see rule 130) and monitor the performance of the Anti-Doping Officer;

- (16) if the Club participates in the NRL Competition, furnish the Chief Medical Officer (or his or her nominee) with the name of the Club's Anti-Doping Officer; and
- (17) observe the guidelines for Additional Testing in **Appendix 2 – Additional Testing**.

***Note:** A failure by a Club to comply with any of its obligations in this rule will not constitute an ADRV and the Leagues Drugs Tribunal does not have jurisdiction to hear allegations of breaches of this rule. However, if a Club fails to comply with any of its obligations under this rule, and the Club participates in the NRL Competition (or an ARL, NSWRL or QRL Match), such conduct may be dealt with as a breach of the NRL Rules (or any applicable ARL, NSWRL or QRL rule).*

Anti-Doping Officers

130. Each Anti-Doping Officer (or in the case of a Club or team which does not have an Anti-Doping Officer, the team manager) shall:
- (1) be responsible for ensuring the Club's (or team's) compliance with these rules and, in particular, rule **129**;
 - (2) liaise with the NRL and Drug Testing Authorities in relation to Testing, including providing Drug Testing Authorities with player whereabouts information, training times and venues ;
 - (3) maintain accurate written records of
 - (a) the attendance of all players at drug education seminars conducted by ASADA and others;
 - (b) the distribution to players of these rules (and any updated versions) and current ASADA publications;
 - (c) with respect to supplements, :
 - (i) all advices to players as to supplements which the a player may take (such advice should only be given following consultation with the CMO or ASADA); and
 - (ii) for each player, the supplements being used, in the form of a list to be signed by both the Anti-Doping Officer and the player;
 - (4) comply with rule **13(10)** and be liable to a sanction under rule **106**

Club Exemptions

131. A Club which does not participate in the NRL may make a written application to the relevant CEO for an exemption from compliance with one or more of its obligations in rule **129**.

PART 12 - EDUCATION

Value of education

132. The Leagues recognise education as an important strategy in addressing the issue of drugs in sport and the prevention of Doping.

Support for ASADA

133. The Leagues shall support the information and education initiatives of ASADA and other Drug Testing Authorities.

Development of education programs

134. The Leagues, in consultation with ASADA and other Drug Testing Authorities, shall develop and implement appropriate drugs in sport education programs incorporating both the health and ethical aspects of the issue.

Content of programs

135. Education programs shall include coaches, administrators, medical staff and other relevant personnel, as well as players.

Provision of information

136. The Leagues shall provide and distribute information on the classes of Prohibited Substances, procedures for Testing, sanctions applying to ADRVS, responsibilities of players and Officials, and other issues relevant to Testing for Prohibited Substances and Prohibited Methods.

PART 13 – RLIF AND INTERNATIONAL MATCHES

Application of these rules

137. Part **1**, Part **2**, Part **4**, this Part **13** and Pt **14** apply in whole to the RLIF⁷², International Matches and International Competitions.
138. Parts **5 – 9** apply as set out in rule **143** below.
139. Part **10**, Part **11** and Part **12** of these rules apply to the RLIF⁷³, International Matches and International Competitions only in so far as those parts are relevant.
140. In relation to Part **3**, TUEs issued under Part **3** of these rules are recognised by the RLIF⁷⁴ and are valid for International Matches and International Competitions, notwithstanding that the RLIF has no role in issuing TUEs or other role under Part **3**.

Registered Testing Pool

141. A function of the RLIF is to designate international level players for the Registered Testing Pool. Until the RLIF determines otherwise, the following international level players are designated from time to time as being in the Registered Testing Pool:
- (1) each player selected for an international touring side from the time the player's selection is announced until 14 days after the player concludes the tour; and
 - (2) each player selected for a train on or final squad for an International Match or International Competition, from the time of the announcement of the selection of the player until 14 days after the player last plays in the International Match or the International Competition.
142. Until the RLIF determines otherwise, the applicable national member League (eg. the ARL for Australia and the NZRL for New Zealand) is hereby delegated the function of maintaining whereabouts information for players competing in their respective International Teams for the purposes of the Registered Testing Pool.

ADRVs in connection with International Matches

143. Until the RLIF determines otherwise, alleged/suspected ADRVs by a player, Official or other person in or in connection with International Match or International Competition shall be dealt with as follows:
- (1) where the relevant national member League (eg ARL) has adopted these Anti-Doping rules and that League has jurisdiction to deal with the player, Official or other person, then the alleged ADRV shall be dealt with under these rules by the relevant Leagues Drug Tribunal (eg ARL Drug Tribunal for an Australian player) and the whole of the Parts **5 - 9** shall apply; and
 - (2) where the player, Official or other person cannot be dealt with under rule **143(1)** above, then the alleged ADRV shall be dealt with by CAS in accordance with its own procedures and, so far as reasonably practicable, in accordance with these rules.
144. Where two or more players in the same International Team are found to have committed More Serious ADRVs⁷⁵ it is the RLIF which has the discretion to impose sanctions on the

⁷² As at the date of this edition the RLIF has not yet adopted these rules. It is hoped that these rules will be adopted by the RLIF in the course of 2005.

⁷³ As at the date of this edition the RLIF has not yet adopted these rules. It is hoped that these rules will be adopted by the RLIF in the course of 2005.

⁷⁴ As at the date of this edition the RLIF has not yet adopted these rules. It is hoped that these rules will be adopted by the RLIF in the course of 2005.

International Team under rules **101** to **104** above. Should the RLIF impose a sanction on an International Team, the International Team (and the national member League it represents) has a right of appeal to CAS.

⁷⁵ by the Tribunal or CAS (as the case may be)

PART 14 - INTERPRETATION

Adoption of ASADA definitions

145. Terms used have the meaning given to them by the ASADA Act, ASADA Regulations and the NAD scheme unless there is an indication to the contrary.

Definitions

146. In these rules the following definitions shall apply⁷⁶:

- (1) **'AAT'** – means the Administrative Appeals Tribunal established by the *Administrative Appeals Tribunal Act, 1975* (Cth);
- (2) **'Adverse Analytical Finding'** – means a report from a laboratory or other approved Testing entity that identifies in a Specimen the presence of a Prohibited Substance or its Metabolites or Markers (including elevated quantities of endogenous substances) or evidence of the use of a Prohibited Method;
- (3) **'Affiliated Competition(s)'** - means any competition(s), matches or games conducted under the auspices and control of the RLIF, the ARL and/or NRL, including international matches and representative matches of State and regional leagues (for example, the New South Wales Rugby League and the Queensland Rugby League);
- (4) **'Anti Doping Officer'** - means a person appointed under rule **129(15)** who has the responsibilities under rule **130**;
- (5) **'ADRV'** – Anti-Doping Rule Violation, see rule **13** of these rules;
- (6) **'ARL'** - means the Australian Rugby Football League Limited ACN 003 107 293;
- (7) **'ASC'** - means the Australian Sports Commission established by the *Australian Sports Commission Act 1989*;
- (8) **'ASADA'** - means the Australian Sports Anti-Doping Authority established by the *Australian Sports Anti-Doping Authority Act 2006*;
- (9) **'ASDA'** - means the Australian Sports Drug Agency established by the *Australian Sports Drug Agency Act 1990*;
- (10) **'ASDMAC'** - means the Australian Sports Drug Agency Medical Advisory Committee established by the *Australian Sports Drug Agency Act 1990*;
- (11) **'ASADA Act'** - means the *Australian Sports Anti-Doping Authority Act 2006* as amended;
- (12) **'ASADA Register'** - means the "Register of Findings" maintained by ASADA;
- (13) **'ASADA Regulations'** - means the *Australian Sports Anti-Doping Authority Regulations 2006*, as amended;
- (14) **'ASDTL'** – means the Australian Sports Drug Testing Laboratory;
- (15) **'Attempt'** – means purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of an Anti-Doping Rule Violation; provided, however, there shall be no Anti-Doping Rule Violation based solely on an Attempt to commit a violation if the person had renounced the Attempt prior to it being discovered by a third party not involved in the Attempt;

⁷⁶ The definitions are the same as in the WADA Code save that some in the WADA Code which have no relevance to rugby league have been omitted (eg Australian Paralympic Committee), some have been altered so as to be of relevance to rugby league (eg Competition and Match) and there are some additional definitions.

- (16) **'CEO'** - means the Chief Executive Officer appointed by one or more of the organisations comprising the Leagues, as the case may be;
- (17) **'Chief Medical Officer'** or **'CMO'**- means the registered medical practitioner, or practitioners, appointed by one or more of the organisations comprising the Leagues. The duties of the Chief Medical Officer include suggesting amendments to and implementing of the requirements of these rules;
- (18) **'Club'** - means a team organisation participant in the NRL, ARL or an Affiliated Competition;
- (19) **'CAS'** - means the "Court of Arbitration for Sport";
- (20) **'Designated Competitions'** - means competitions designated by the CEO and includes the NRL Competition, NSWRL VB Premier League Competition, NSWRL Jersey Flegg Competition, NSWRL Jim Beam Cup and the QRL State Cup;
- (21) **'Designated Match'** - means a rugby league game designated by the CEO and includes all rugby league games in Designated Competitions and all International Matches, State of Origin games and City-Country representative games;
- (22) **'Doping'** - has the meaning given to it by rule **12** of these rules;
- (23) **Doping Control** - means the process from test distribution planning through to ultimate disposition of any appeal following a hearing and all steps in between including Sample collection and handling, Sample analysis, results management, investigation, the issuing of any infraction notice and hearing.⁷⁷
- (24) **'Drug Testing Authority'** - means:
- (a) ASADA;
 - (b) NZSDA;
 - (c) Organisations appointed by ASADA notwithstanding that the organisation may operate under its own rules and regulations; or
 - (d) Any organisation which conducts Sampling or Testing where the methods of Sampling and Testing are substantially in accordance with
 - (i) procedures set out in the ASADA Act, ASADA Regulations and/or the NAD scheme, or
 - (ii) WADA International Standards.
- (25) **'Drug Testing Form'** - means the form used by a Drug Testing Authority be signed by a player undergoing a drug test;
- (26) **'Endogenous'** - refers to a substance which is capable of being produced by the body naturally;
- (27) **'Exogenous'** - refers to a substance which is not capable of being produced by the body naturally;
- (28) **'Ineligibility'** - means the player or other person is barred for a specified period of time from participating in any Match or Affiliated Competition or other activity or funding as provided in Part **8**;
- (29) **'International Competition'** - means a competition comprising a series of International Matches (eg the World Cup or Tri Nations);

⁷⁷ This definition is differently expressed to that in the WADA Code. The difference is to clarify what is the implicit intent of the WADA Code definition.

-
- (30) **'International Match'** – means an international Match whether or not the RLIF is the ruling body for the Match (eg ANZAC test);
- (31) **'International Level Player'** - means an international level player designated by the RLIF (or otherwise designated under rule **141**) as being within the Registered Testing Pool;
- (32) **'International Standard'** – means a standard adopted by WADA in support of the WADA Code. Compliance with an International Standard (as opposed to another alternative standard, practice or procedure) shall be sufficient to conclude that the procedures addressed by the International Standard were performed properly.
- (33) **'International Team'** – means a team which plays in an International Matches;
- (34) **'Leagues Drugs Tribunal'** - means the body constituted by Part **6** of these rules and, eg, in the case of the NRL, is known as the 'NRL Drugs Tribunal';
- (35) **'Marker'** – means a compound, group of compounds or biological parameters that indicates the use of a Prohibited Substance or Prohibited Method.
- (36) **'Match'** – means a game of rugby league in or part of an Affiliated Competition;
- (37) **'Match Day Testing'** – means Testing carried out on the day that a player plays in a Match; [Note: Match Day Testing is, in these rules, the equivalent of "In Competition Testing" in the WADA Code];
- (38) **'Metabolite'** – means any substance produced by a biotransformation process.
- (39) **'Mimetic'** – means a substance with pharmacological effect similar to that of another substance, regardless of the fact that it has a different chemical structure.
- (40) **'Minor'** – means a natural person who has not reached the age of majority as established by the applicable laws of his or her country of residence.
- (41) **'More Serious ADRV'** – means an ADRV where the sanction imposed was one year or longer; (see rules **102** and **103** where this has relevance to sanctions on teams);
- (42) **'NAD scheme'** – means the National Anti-Doping scheme administered by ASADA
- (43) **'National Anti-Doping Organisation' (NADO)** – means the entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of Samples, the management of test results, and the conduct of hearings, all at the national level. In Australia ASADA is a NADO.
- (44) **'No Advance Notice'** – means 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;
- (45) **'No Fault or Negligence'** – means the player establishing that he did not know or suspect, and could not reasonably have known or suspected, even with the exercise of utmost caution, that he had used or been administered the Prohibited Substance or Prohibited Method;
- (46) **'No Significant Fault or Negligence'** – means the player establishing that his 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;

- (47) **'Non Match Day Testing'** – means Testing carried out other than on the day that a player plays in a Match but which occurs during the playing season (eg at a mid week training session);
- (48) **'NRL'** - means the National Rugby League Limited ACN 082 088 962;
- (49) **'NRL Competition'** – means the competition administered by the NRL;
- (50) **'NRL Rules'** – means the rules adopted from time to time by the NRL governing the NRL Competition;
- (51) **'NSDC'** - means National Sports Dispute Centre;
- (52) **'NZSDA'** - means the New Zealand Sports Drug Agency;
- (53) **'Official'** - means any person employed or engaged by the Leagues or a Club, except players, and includes, amongst others, coaches, strength and conditioning trainers, sports trainers, Anti-Doping Officers, physiotherapists and medical officers;
- (54) **'Out of Season Testing'** – means Testing carried out other than during the playing season;
- (55) **'Player's Support Personnel'** – means any coach, trainer, manager, agent, team staff, official, parent of a minor or guardian, medical or para-medical personnel working with or treating players participating in or preparing for a Match;
- (56) **'Possession'** – means the actual, physical possession, or the constructive possession (which shall be found only if the person has exclusive control over the Prohibited Substance or Prohibited Method or the premises in which a Prohibited Substance or Prohibited Method exists); provided, however, that if the person does not have exclusive control over the Prohibited Substance or Prohibited Method or the premises in which a Prohibited Substance or Prohibited Method exists, constructive possession shall only be found if the person knew about the presence of the Prohibited Substance or Prohibited Method and intended to exercise control over it. Provided, however, there shall be no Anti-Doping Rule Violation based solely on Possession if, prior to receiving notification of any kind that the person has committed an Anti-Doping Rule Violation, the person has taken concrete action demonstrating that the person no longer intends to have Possession and had renounced the person's previous Possession.
- (57) **'Prohibited List'** - means the list of prohibited drugs and doping methods kept by the Leagues and amended from time to time. (See rule **7**);
- (58) **'Prohibited Method'** - means a procedure prohibited by the Prohibited List and includes, for example, blood doping;
- (59) **'Prohibited Substance'** - means any substance belonging to a class of pharmacological agents prohibited by the Prohibited List and any substance related to one of those classes by its pharmacological action and/or chemical structure;
- (60) **'Registered Testing Pool'** – means the pool of international level players designated by the RLIF (or otherwise designated under rule **141**) who are subject to all forms of Testing (ie Match Day Testing, Non Match Day Testing and Out of Season Testing);
- (61) **'RLIF'** – means the Rugby League International Federation;
- (62) **'Sample'** - has the meaning given to that term in the ASADA Act, which at the date of publication means any human biological fluid, any human biological tissue (whether alive or otherwise) or any human breath;
- (63) **'Sampling'** - means the collection of a Sample for Testing;

- (64) **'Statistical Analysis Only'** - means the analysis of Samples collected from players by a Drug Testing Authority where notification of the results shall be only by means of the total number of positive tests (and the Club of the player), but with no name, date or any other information which would lead to the identification of the player involved;
- (65) **'support person'** means a person who, in one or more of the following capacities:
- (a) coach;
 - (b) trainer;
 - (c) manager;
 - (d) agent;
 - (e) team staff member;
 - (f) official;
 - (g) medical practitioner;
 - (h) para-medical practitioner;
- works with or treats one or more players (being players subject to these rules);
- (66) **'Tampering'** – means altering for an improper purpose or in an improper way; bringing improper influence to bear; interfering improperly to alter results or prevent normal procedures from occurring;
- (67) **'Target Testing'** – means the selection of players for Testing where specific players or groups of players are selected on a non-random basis for Testing at a specified time;
- (68) **'Testing'** - means the requesting, collection and analysis of Sample(s) and includes Match Day Testing, Non Match Day Testing and Out of Season Testing;
- (69) **'The Leagues'** - has the meaning given to that expression in rule **1**;
- (70) **'Traffic'** means:
- (a) sell, give, transport, send, deliver or distribute to an athlete or support person; and
 - (b) when used in relation to a Prohibited Method, means traffic (as defined above) in skills, knowledge, substances, equipment or technology necessary to utilise, or that can be used to utilise, the Prohibited Method.
- See especially rule **13(7)**
- (71) **'Tribunal'** – means the Leagues Drug Tribunal established under Part **6**;
- (72) **'TUE'** - means a Therapeutic Use Exemption referred to in Part **3**;
- (73) **'use'** – in relation to a Prohibited Substance or Prohibited Method means the application, ingestion, injection or consumption by any means whatsoever of any Prohibited Substance or Prohibited Method; see also rule **147**;
- (74) **'WADA'** – means the World Anti-Doping Agency established in November 1999 under the law of Switzerland;
- (75) **'WADA Code'** – means the World Anti-Doping Code promulgated by WADA.
- (76) **'WADA List'** – means the "Prohibited List" promulgated by WADA for the year specified in rule **7(2)**.

(77) **'Whereabouts Form'** – means the form set out in Appendix 3

Meaning of Certain Provisions

147. A reference to a player 'using' a Prohibited Substance includes a player taking a Prohibited Substance and a reference to a player using a Prohibited Method includes a player utilising or taking advantage of a Prohibited Method.

Word Usage

148. Words in the singular include the plural and vice versa. Words in the masculine include the feminine and vice versa.

APPENDIX 1 – NOTES FOR MEDICAL OFFICERS OF CLUBS

(See especially rule **8(4)**)

149. Medical officers of Clubs must be familiar with the Prohibited List and the WADA List.
150. It is the responsibility of all medical officers of Clubs to comply with the Prohibited List when prescribing substances to players. They should not prescribe products, nor direct players to use any products that contain Prohibited Substances whether, to treat a medical condition or otherwise.
151. In circumstances, where it is not appropriate to use a permitted medication to treat a serious medical condition, medical officers of Clubs shall in all cases make prior application for the proposed use of a Prohibited Substance via the TUE process. The Club medical officer should refer to Part **3** of these rules.
152. Medical officers of Clubs need to be aware that
- (1) salbutamol, terbutaline, salmeterol and formoterol
 - (2) glucocorticosteroids
 - (3) probenecid and
 - (4) cannabinoids
- are now all Prohibited Substances.
153. Certain particular uses of
- (1) salbutamol, terbutaline, salmeterol and formoterol
 - (2) glucocorticosteroids
 - (3) probenecid
- may be approved but only via the TUE process. Refer to rules **8(4)(a)**, **8(4)(b)** or **8(4)(c)**. This is a departure from previous editions of these rules in order to be WADA compliant.
154. The Oral / Rectal / Intravenous / Intramuscular use of glucocorticosteroids **in-competition** requires a TUE from ASDMAC.
155. ATUE's.
- (1) Copies of the ATUE Form and the name and contact details of the person responsible for coordinating the ATUE's may be available on the website of the appropriate Competition [NSWRL, QRL].
 - (2) For the NRL competition, a copy of the ATUE Form can be obtained by email from the Chief Medical Officer. Completed Forms are to be faxed to the CMO of the NRL on: (02) 9817 1096.
 - (3) Beta-2 Agonists require an ATUE both in and out of Competition.
 - (4) Glucocorticosteroids when used by Intraarticular / Periarticular / Peritendinous / epidural / intradermal or by inhalation, **in-Competition** require an ATUE
156. All enquiries regarding the use of Prohibited Substances should be referred to the Chief Medical Officer (the current mobile number of the Chief Medical Officer of the NRL and ARL is **0419 269 711**).

APPENDIX 2 – ADDITIONAL TESTING

(See rules **32, 35, 43** and **129(17)**)

Further testing by the Leagues

157. A Club may request the Leagues to conduct additional Testing of its players (at the expense of the Club) under these rules, by making a written application to the CEO or his/her nominee.
158. If additional Testing is approved it will be treated as Testing under these rules with all the associated consequences, including that:
- (1) the results of such Testing are liable to be entered on the ASADA Register and published; and
 - (2) players will be liable to sanctions for all ADRVs arising as a result of such Testing.

Further testing by Clubs

159. A Club may conduct its own additional work place Testing provided:
- (1) the Club first notifies the Leagues in writing;
 - (2) the additional work place Testing is in accordance with a written code of conduct supplied to the Leagues;
 - (3) the Club's written code of conduct it is agreed to by the Club's players and is consistent with the responsibilities of the Club as an employer; and
 - (4) such Testing is carried out in accordance with the requirements below in this appendix.
160. If the Testing is Match Day Testing or Testing which involves analysis of the Sample for any substances or methods in S1, S2, S4, S5, M1, M2, or M3 of the WADA List it must be carried out by a Drug Testing Authority and is deemed to be Testing under these rules with all the associated consequences, including that:
- (1) the results of such Testing are liable to be entered on the ASADA Register and published; and
 - (2) players will be liable to sanctions for all ADRVs arising as a result of such Testing.
161. If the Testing is not Match Day Testing and does not involve analysis of the Sample for any substances or methods in S1, S2, S4, S5, M1, M2, or M3 of the WADA List, then the Testing need not be carried out by a Drug Testing Authority. The results of such Testing are to be reported to the CEO on a Statistical Analysis Only basis.
162. If a Club carries out Testing otherwise than as permitted in this appendix, the Club will be liable to a sanction by the Leagues. Before a sanction can be imposed on a Club under this rule, the Leagues must afford the team natural justice and must comply with all procedural rules of the Leagues relating to team sanctions, including rules affording the team a right of appeal. In the absence of such procedural rules including rules affording the team a right of appeal, the applicable NRL rules shall be deemed to apply *mutatis mutandis*.

APPENDIX 3 – WHEREABOUTS FORM

(Referred to in rules **37** and **38**)

Notes when completing this form:

A player must lodge this form duly completed with the Leagues (or, where the player is a member of a Club with an Anti-Doping Officer, with the Club’s Anti-Doping Officer or where the player is a member of a Club or team which does not have an Anti-Doping Officer, with the team manager).

The information provided must be current and provide a current telephone number of the player. It is not acceptable to provide a telephone number that is just for the purposes of the form. The current telephone number most frequently used by the player to receive telephone calls is the telephone number which must be included in the form.

The information must be up dated when details change.

Player’s Contact Details:

Player’s Name:

Club:

Address during the season:

.....

.....

.....

Telephone home:

Mobile telephone:

Email/Fax:

I hereby authorise my Club’s Anti-Doping Officer or, where the player is a member of a Club or team which does not have an Anti-Doping Officer, the team manager to provide details of my whereabouts, including match/training venues, schedules and times, to all relevant Drug Testing Authorities.

Player’s signature.....Date:.....

APPENDIX 4 - WADA LIST

(See rule **7(2)**)

[INSERT]