



**Australian Underwater
Federation Inc.**

ANTI DOPING POLICY

**EFFECTIVE
10/8/2005**

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ARTICLE 1 - WHAT IS THE AUSTRALIAN UNDERWATER FEDERATIONS POSITION ON DOPING?

The Australian Underwater Federation condemns the *Use of Prohibited Substances and Methods* in sport. The *Use of Prohibited Substances and Methods* is contrary to the ethics of sport and potentially harmful to the health of *Athletes*.

The only legitimate *Use of Prohibited Substances and Methods* is under the supervision of a physician for a clinically justified purpose in accordance with Article 7.4 of this policy.

The Australian Underwater Federation aims to stop *Doping* practices in sport by:

- a. educating and informing *Persons* about drugs in sport issues;
- b. supporting the drug *testing* programs and education initiatives of *ASDA* and other *Anti-Doping Organisations*; and
- c. imposing effective sanctions on *Persons* who commit *Anti-Doping Rule Violations*.]

ARTICLE 2 - WHO DOES THIS POLICY APPLY TO?

This policy applies to:

- a. *Members*;
- b. *Athletes*;
- c. *Athlete Support Personnel*;
- d. *Persons*; and
- e. Employees and contractors of The Australian Underwater Federation.

ARTICLE 3 - OBLIGATIONS

3.1 The policies and minimum standards set forth in the *Code*¹ and implemented in this Anti-Doping Policy represent the consensus of a broad spectrum of stakeholders with an interest in fair sport. The persons identified in Article 2 are bound by this Anti-Doping Policy as a condition of their participation and/or involvement in the sport.

3.2 Roles and responsibilities – Athletes:

3.2.1 must be knowledgeable of and comply with all anti-doping policies and rules applicable to them;

3.2.2 must read and understand the *Prohibited List* as it relates to them;

¹ In March 2004, the 2004 WADA Prohibited List was accessible on the internet through the web site of the World Anti-Doping Agency (www.wada-ama.org).

- 3.2.3 must be available for *Sample* collection and provide appropriate whereabouts information for this purpose when included in a *Registered Testing Pool*;
- 3.2.4 must take full responsibility, in the context of anti-doping, for what they ingest and *Use*;
- 3.2.5 must inform medical Personnel of their obligations not to *Use Prohibited Substances and Prohibited Methods* and to take responsibility to make sure that any medical treatment received does not violate anti-doping policies and rules applicable to them; and
- 3.2.6 who are not regular *Members* of the Australian Underwater Federation must be available for *Sample* collection and provide accurate and up-to-date whereabouts information on a regular basis if required by the conditions of eligibility established by the Australian Underwater Federation.

3.3 Roles and responsibilities – *Athlete Support Personnel* must:

- 3.3.1 be knowledgeable of and comply with all anti-doping policies and rules applicable to them or the *Athletes* whom they support;
- 3.3.2 support and assist *Anti-Doping Organisations*, including *ASDA* to conduct *Doping Control*; and
- 3.3.3 use their influence on *Athletes* values and behaviour to foster anti-doping attitudes.

3.5 Roles and responsibilities –The Australian Underwater Federation should

- 3.5.1 use its best efforts to assist *Athletes* to fulfil their responsibilities under this Anti-Doping Policy, including providing accurate *Athlete* contact information;
- 3.5.2 support and assist *Anti-Doping Organisations*, including *ASDA* to conduct *Doping Control*;
- 3.5.3 make reasonable efforts to make this Policy available to *Members, Athletes* and *Athlete Support Personnel* and *Persons*;
- 3.5.4 develop and implement, in consultation with *ASDA* the drug education and information programs for *Athletes* and *Athlete Support Personnel*;
- 3.5.5 support the initiatives of the *ASC, ASDA*, to stop *Doping* in sport;
- 3.5.6 adopt and implement Anti-Doping policies and rules which conform with the *ASC* Anti-Doping Core Provisions;

- 3.5.7** cooperate with the *ASC* and other *Anti-Doping Organisations* in relation to the conduct of any investigation or hearing into an alleged *Anti-Doping Rule Violation*.
- 3.5.8** require as a condition of membership that the policies, rules and programs of *Member* organisations are in compliance with the *ASC* and this Anti-Doping Policy;
- 3.5.9** require all *Athletes* and *Athlete Support Personnel* within their jurisdiction to recognise and be bound by anti-doping rules in conformance with the *ASC* and this Anti-Doping Policy;
- 3.5.10** require *Athlete(s)* who are not regular *Members* of the Australian Underwater Federation or one of its *Member* organisations to be available for *Sample* collection and provide accurate and up-to-date whereabouts information if required by the conditions for eligibility established by the World Underwater Federation or, as applicable, the *Major Event Organisation*; and
- 3.5.11** not disclose or use any information about a person who is alleged to have, or has committed an *Anti-Doping Rule Violation* until after the conclusion of the hearing, except (for a purpose under these rules) to the *ASC*, *ASDA* and relevant *Anti-Doping Organisations*.

ARTICLE 4 - DEFINITION OF DOPING

Doping is defined as the occurrence of one or more of the *Anti-Doping Rule Violations* set forth in Article 5.1 through Article 5.8 of this Anti-Doping Policy.

ARTICLE 5 - ANTI-DOPING RULE VIOLATIONS

The following constitute *Anti-Doping Rule Violations*:

5.1 The presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's* bodily *Specimen*.

5.1.1 It is each *Athlete's* personal duty to ensure that no *Prohibited Substance* enters his or her body. *Athletes* are responsible for any *Prohibited Substance* or its *Metabolites* or *Markers* found to be present in their bodily *Specimens*. Accordingly, it is not necessary that intent, fault, negligence or knowing *Use* on the *Athlete's* part be demonstrated in order to establish an anti-doping violation under Article 5.1.

5.1.2 Excepting those substances for which a quantitative reporting threshold is specifically identified in the *Prohibited List*, the detected presence of any quantity

of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample* shall constitute an *Anti-Doping Rule Violation*.

5.1.3 As an exception to the general rule of Article 5.1, the *Prohibited List* may establish special criteria for the evaluation of *Prohibited Substances* that can also be produced *endogenously*.

5.2 Use or Attempted Use of a Prohibited Substance or a Prohibited Method.

5.2.1 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 an *Anti-Doping Rule Violation* to be committed.

5.3 Refusing, or failing without compelling justification, to submit to Sample collection after notification as authorised in this Anti-Doping Policy, or otherwise evading Sample collection.

5.4 Violation of the requirements regarding Athlete availability for Out-of-Competition Testing including failure to provide required whereabouts information set forth in Article 8.3 (Athlete whereabouts requirements) and missed tests which are declared based on reasonable rules.

5.5 Tampering, or Attempting to tamper, with any part of Doping Control.

5.6 Possession of Prohibited Substances and Methods.

5.6.1 *Possession* by an *Athlete* at any time or place of a substance that is prohibited in *Out-of-Competition Testing* or a *Prohibited Method* unless the *Athlete* establishes that the *Possession* is pursuant to a *Therapeutic Use Exemption* granted in accordance with Article 7.4 (Therapeutic Use) or other acceptable justification.

5.6.2 *Possession* of a *Prohibited Substance* that is prohibited in *Out-of-Competition Testing* or a *Prohibited Method* by *Athlete Support Personnel* in connection with an *Athlete*, *Event* or training, unless the *Athlete Support Personnel* establishes that the *Possession* is pursuant to a *Therapeutic Use Exemption* granted to an *Athlete* in accordance with Article 7.4 (Therapeutic Use) or other acceptable justification.

5.7 Trafficking in any Prohibited Substance or Prohibited Method.

5.8 Administration or Attempted administration of a Prohibited Substance or Prohibited Method to any Athlete, or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an Anti-Doping Rule Violation or any Attempted violation.

ARTICLE 6 - PROOF OF DOPING

6.1 Burdens and Standards of Proof.

The AUF or WUF shall have the burden of establishing that an *Anti-Doping Rule Violation* has occurred. The standard of proof shall be whether the AUF or WUF has established an *Anti-Doping Rule Violation* to the comfortable satisfaction of the hearing body bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt. Where this policy places the burden of proof upon the *Athlete* 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.

6.2 Methods of Establishing Facts and Presumptions.

Facts related to *Anti-Doping Rule Violations* may be established by any reliable means, including admissions. The following rules of proof shall be applicable in *Doping* cases:

6.2.1 WADA-accredited laboratories are presumed to have conducted *Sample* analysis and custodial procedures in accordance with the *International Standard for Laboratory Analysis*². The *Athlete* may rebut this presumption by establishing that a departure from the *International Standard* occurred.

If the *Athlete* rebuts the preceding presumption by showing that a departure from the *International Standard* occurred, then [IF] or its [NSO] shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.

6.2.2 Departures from the *International Standard for Testing*³ which did not cause an *Adverse Analytical Finding* or other *Anti-Doping Rule Violation* shall not invalidate such results. If the *Athlete* establishes that departures from the *International Standard* occurred during *Testing* then [IF] or [NSO] shall have the burden to establish that such departures did not cause the *Adverse Analytical Finding* or the factual basis for the *Anti-Doping Rule Violation*.

ARTICLE 7 - THE PROHIBITED LIST

7.1 Incorporation of the Prohibited List.

² In March 2004, the *International Standard for Laboratory Analysis* was accessible on the internet through the web site of the World Anti-Doping Agency (www.wada-ama.org).

³ In March 2004, the *International Standard for Testing* was accessible on the internet through the web site of the World Anti-Doping Agency (www.wada-ama.org).

This Anti-Doping Policy incorporates the *Prohibited List*⁴ which is published and revised by WADA as described in Article 4.1 of the *Code* and is available on WADA's website at www.wada-ama.org and changes from time to time.

7.2 Prohibited Substances and Prohibited Methods Identified on the Prohibited List.

Unless provided otherwise in the *Prohibited List* and/or a revision, the *Prohibited List* and revisions shall go into effect under this Anti-Doping Policy three months after publication of the *Prohibited List* by WADA without requiring any further action by the Australian Underwater Federation. In accordance with Article 4.2 of the *Code* the *Prohibited List* is the expanded List adopted by the World Underwater Federation and the Monitoring Program is the Program including additional substances and methods adopted by the World Underwater Federation.

7.3 Criteria for Including Substances and Methods on the Prohibited List.

As provided in Article 4.4.3 of the *Code*, WADA's determination of the *Prohibited Substances* and *Prohibited Methods* that will be included on the *Prohibited List* shall be final and shall not be subject to challenge by an *Athlete* or other *Person*.

7.4 Therapeutic Use.

Athletes with a documented medical condition requiring the *Use* of a *Prohibited Substance* or a *Prohibited Method* must first obtain a *Therapeutic Use Exemption* (TUE) in accordance with the *WADA International TUE Standard*.⁵

7.4.1 *Athletes* subject to *Doping Control* must obtain a *TUE* from ASDMAC or other recognised Therapeutic Use Exemption Committee as outlined in accordance with the *WADA International TUE Standard*.

7.4.2 *TUEs* granted by a Therapeutic Use Exemption Committee must be reported to other relevant *Anti-Doping Organisations* including ASDA.

7.4.3 A *Person* uses a prohibited substance for a therapeutic purpose if:

- a. *the person had written approval prior to testing from a recognised medical authority for the therapeutic use of the prohibited substance in accordance with the WADA International Standard for Therapeutic Use Exemptions;*
- b. *the level of the prohibited substance in the sample is consistent with the approved therapeutic use; and*
- c. *the therapeutic use of the prohibited substance is not inconsistent with the World Underwater Federation rules.*

⁴ In March 2004, the 2004 WADA Prohibited List was accessible on the internet through the web site of the World Anti-Doping Agency (www.wada-ama.org).

⁵ In March 2004, the WADA International Therapeutic Use Exemption Standard was accessible on the internet through the web site of the World Anti-Doping Agency (www.WADA-ama.org).

- d. *The AUF shall promptly report any such TUEs to WUF and WADA, and other relevant Anti-Doping Organisations including ASDA.*
- e. *TUEs which are consistent with the Code and are within that Signatories authority, shall be recognised and respected by all other Signatories*

ARTICLE 8 - TESTING

8.1 Authority to Test.

All *Athletes* subject to *Doping Control* agree to submit to *In-Competition Testing* and *Out-of-Competition Testing* (at any time or place, with or without advance notice) by an *Anti-Doping Organisation*.

8.2 Testing Standards.

All *Testing* shall be conducted in conformity with the *WADA International Standard for Testing* in force at the time of *Testing*.

8.3 Athlete Whereabouts Requirements.

Athletes must provide accurate whereabouts information to the relevant authority and keep this information updated at all times.

The ultimate responsibility for providing whereabouts information rests with each *Athlete*, however, it shall be the responsibility of the Australian Underwater Federation]to use its best efforts to assist the relevant *Anti-Doping Organisation*, including *ASDA*, in obtaining whereabouts information as requested by an *Anti-Doping Organisation*, including *ASDA*.

8.3.1 International level athletes – The World Underwater Federation shall establish a *Registered Testing Pool* of those *Athletes* who are required to provide up-to-date whereabouts information to the WUF. The WUF may revise its *Registered Testing Pool* from time to time in accordance with its criteria.

Each *Athlete* in the World Underwater Federation *Registered Testing Pool* shall provide whereabouts information in accordance with the applicable requirements as determined by the World Underwater Federation

An *Athlete* who fails to satisfy the World Underwater Federation applicable requirements will have committed an *Anti-Doping Rule Violation* pursuant to Article 5.4 of this Anti-Doping Policy.

8.3.2 National level athletes – *ASDA* shall establish a national *Registered Testing Pool* of those *Athletes* who are required to provide up to date whereabouts information to *ASDA*. The national level pool shall include *International Level Athletes* from Australia as well as other national level *Athletes*.

8.3.2.1 The Australian Underwater Federation shall assist the *IF* and *ASDA* to establish *Registered Testing Pools* of athletes who are required to provide accurate, up to date whereabouts information to the *IF* and *ASDA*.

8.3.2.2 *ASDA* shall define and document criteria for *Athletes* to be included in a *Registered Testing Pool* in accordance with the *International Testing Standard*. This shall include, as a minimum *Athletes* who are part of national teams.

8.3.2.3 The criteria shall be reviewed at least annually and updated as required.

8.3.2.4 *Athletes* included in the *Registered Testing Pool* may be revised from time to time.

8.3.2.5 Each *Athlete* in the *Registered Testing Pool* shall provide whereabouts information in accordance with the applicable requirements as determined by the *ASDA* or the *IF*.

8.3.2.6 An *Athlete* who fails to satisfy the *IF* or *ASDA* applicable requirements will have committed an *Anti-Doping Rule Violation* pursuant to Article 2.4 of the *Code* and Article 5.4 of this Anti-Doping Policy.

8.3.3 Whereabouts information provided pursuant to Articles 8.3.1 and 8.3.2 shall be shared with *Anti-Doping Organisations* having jurisdiction to test an *Athlete* on the strict condition that it be used only for *Doping Control* purposes.

8.4 Retirement and Return to *Competition*.

An *Athlete* who has been identified by the World Underwater Federation for inclusion in the World Underwater Federation *Registered Testing Pool* shall be subject to the World Underwater Federation retirement and return to *Competition* requirements.

An *Athlete* who is included in the Australian Underwater Federation *Registered Testing Pool* shall be subject to the following requirements:

8.4.1 An *Athlete* who wants to retire from *Competition* must do so by notifying The Australian Underwater Federation in writing.

8.4.2 An *Athlete's* retirement date will be the date the Australian Underwater Federation receives the notice.

8.4.3 Retirement does not:

- a. excuse the *Athlete* from giving a *Sample* requested on or before their retirement date;

- b. prevent the analysis of a *Sample* given by the *Athlete* on or before their retirement date;
- c. affect the results of *Testing* under (a) or (b) above; or
- d. exempt the *Athlete* from this Policy in relation to an *Anti-Doing Rule Violation* committed before their retirement date.

8.4.4 A retired *Athlete* may make a written request to the AUF for reinstatement as a member six months after their retirement date in accordance with Article 8.4.2. The request is taken to be made on the date the Australian Underwater Federation receives the request for reinstatement.

8.4.5 Reinstatement will be at the discretion of the Australian Underwater Federation.

8.4.6 If reinstatement is granted then this Policy will apply to the *Athlete* from the date of their reinstatement request.

8.4.7 During the 24 month period following the reinstatement request the *Athlete* must be available for unannounced *Out-of-Competition Testing* in accordance with this Anti-Doping Policy.

8.4.8 A retired *Athlete* may not compete in *Competitions* and *Events* conducted by or under the auspices of the Australian Underwater Federation and the World Underwater Federation until the following periods expire:

For international *Competitions* and *Events*

6 months from the date of the Australian Underwater Federation receives the reinstatement request.

For domestic *Competitions* and *Events*

6 months from the date that the Australian Underwater Federation receives the reinstatement request.

8.4.9 An *Athlete* may apply to the *Court of Arbitration for Sport or the World Underwater Federation Appeals Division* to be eligible to compete in international *Competitions* and *Events* before the period set out in clause 8.4.8 expires.

8.4.10 An *Athlete* may apply to the *Anti-Doping Control Officer (ADCO)* to be eligible to compete in domestic *Competitions* and *Events* before the period set out in clause 8.4.8 expires. The *ADCO* may grant the application if:

- (a) the *Athlete* has been available for *Out of Competition Testing*;
- (b) the results of the *Out of Competition Testing* have disclosed no violation of this Anti-Doping Policy; and

- (c) there is no other evidence available to the *ADCO* to suggest that the *Athlete* has breached this Anti-Doping Policy during the period of the athlete's retirement.]

ARTICLE 10 - RESULTS MANAGEMENT

10.1 The Australian Underwater Federation will recognise the results of laboratory analysis of *Testing* by *Anti-Doping Organisations* including *ASDA* conducted in accordance with the *WADA International Standard for Testing*.

10.2 When the *ADCO* receives information that a *Person* may have committed an *Anti-Doping Rule Violation*, the *ADCO* will investigate the matter. The *ADCO* may consult affected/interested parties about their participation in any investigation and/or hearing.

10.3 Results management conducted by the Australian Underwater Federation shall be consistent with the general principles for effective and fair results management. Results of all *Doping Controls* shall be reported to the World Underwater Federation within 14 days of the conclusion of Australian Underwater Federation results management process. Any apparent *Anti-Doping Rule Violation* by an *Athlete* who is a *Member* of the Australian Underwater Federation or who is otherwise subject to this Anti-Doping Policy shall be promptly referred to an appropriate hearing panel established pursuant to Article 11 or national law. Apparent *Anti-Doping Rule Violations* by *Athletes* who are *Members* of another *National Sporting Organisation* shall be referred to the *Athlete's National Sporting Organisation* for hearing.]

10.4 Notification of an Alleged Anti-Doping Rule Violation

The Australian Underwater Federation will not disclose or use information about a person who is alleged to have, or has committed an *Anti-Doping Rule Violation* except (for a purpose under this policy) to:

- a. a *sporting organisation* of which the person is a member
- b. the *ASC*
- c. another person until after:
 - i. the Committee, Panel or *CAS* has made a determination, or
 - ii. the *ADCO* has decided not to refer the matter to a hearing.

10.5 For any apparent *Anti-Doping Rule Violation* the Australian Underwater Federation will conduct any necessary follow-up investigation and shall then promptly, within 10 days, send the *Person* a letter ('infraction notice') via registered mail with a confirmation receipt which:

- a. notifies the *Person* of the anti-doping rule/s which appear/s to have been violated and the basis of the violation;
- b. encloses a copy of this Policy,
- c. states that the *ADCO* will refer the matter to hearing within 14 days (unless the *Person* gives a written waiver under clause 10.8); and
- d. states that if the *Person* does not respond within 14 days a hearing can be held in absentia or the *NSO* may apply a sanction in accordance with Article 13.

10.6 The *ADCO* will:

- a. immediately disclose information about a *Person* who is alleged to have or has committed an *Anti-Doping Rule Violation* under this policy to the *ASC*, World Underwater Federation.
- b. consult the *ASC*, World Underwater Federation about their participation in any investigation and hearing;
- c. assist in any investigation and hearing on behalf of the *ASC*, World Underwater Federation and
- d. consult the *ASC*, World Underwater Federation about a joint referral to a hearing.

10.7 The *ADCO* will refer the matter to a hearing in accordance with Article 11.

10.8 The *ADCO* may decide not to refer the matter to hearing if the *Person* in writing:

- a. acknowledges they have admitted the *Anti-Doping Rule Violation*; and
- b. waives the right to hearing in relation to:
 - i. whether the *Person* committed an *Anti-Doping Rule Violation*; and
 - ii. what sanction apply.

The Australian Underwater Federation will then apply sanction as set out in Article 13.

10.9 Provisional Suspensions.

10.9.1 The AUF may impose a *Provisional Suspension* on any *Person* whose *Sample* is the subject of an *Adverse Analytical Finding* or who is issued with an infraction notice or who is subject to an investigation.

10.9.2 The Australian Underwater Federation may impose the following *Provisional Suspension*:

- a. suspend financial or other assistance to the *Person*;
- b. suspend the *Person* from *Competition in Events* and *Competitions* conducted by or under the auspices of the Australian Underwater Federation; and
- c. suspend the *Person's* licence or participation permit (if relevant).

10.9.3 The Australian Underwater Federation may apply the *Provisional Suspension* from:

- a. The date of the infraction notice;
- b. Following the 14 day submission period; or
- c. Or as deemed appropriate by the Australian Underwater Federation and the World Underwater Federation, until the determination of the hearing.

10.9.4 An *Athlete* must be given an opportunity for a *Provisional Hearing* before imposition of the *Provisional Suspension*. The hearing can be held in absentia.

10.9.5 If a *Provisional Suspension* is imposed, the hearing in accordance with Article 11 shall be advanced to a date which avoids substantial prejudice to the *Athlete*.

ARTICLE 11 - RIGHT TO A FAIR HEARING

11.1 Principles of a Fair Hearing

All hearings conducted pursuant to Article 11 will respect the following principles:

- a timely hearing;
- fair and impartial hearing body;
- the right to be represented by counsel at the *Person's* own expense;
- the right to be fairly and timely informed of the asserted *Anti-Doping Rule Violation*;
- the right to respond to the asserted *Anti-Doping Rule Violation* and resulting consequences;
- the right of each party to present evidence, including the right to call and question witnesses (subject to the hearing body's discretion to accept testimony by telephone or written submission);
- the *Person's* right to an interpreter at the hearing, with the Doping Panel to determine the identity, and responsibility for the cost of the interpreter; and
- a timely, written, reasoned decision.

Subject to these principles, the hearing will be conducted in the manner that the hearing body determines is appropriate, with as little formality and technicality, and as quickly, as proper consideration of the issue permits.

11.2 The *ADCO* will wait 14 days (or a shorter period agreed between the *ADCO* and the *Person*) after sending a letter under Article 10.5 and then will appoint to conduct the hearing:

- a. a committee established in accordance with the rules of the World Underwater Federation
- b. *CAS*;
- c. An appropriate body that deals with sports related disputes; or
- d. The Australian Underwater Federation's judicial or disciplinary panel.

The Chair of the hearing committee/panel must hold current legal qualifications.

11.3 The Australian Underwater Federation Committee/Panel or the *CAS* will determine:

- a. if the *Person* has committed a violation of this Anti-Doping Policy;
- b. if so, what sanction will apply; and
- c. how long the sanction will apply.

11.4 The Committee/Panel or the *CAS* will give the *ADCO* a written statement of:

- a. the findings of the hearing;
- b. what sanction (if any) will apply; and
- c. for how long the sanction (if any) will apply.

This will be read in accordance with Article 13.

11.5 Results of all *Anti-Doping Rule Violations* shall be reported to the ASC, ASDA and the World Underwater Federation and other relevant organisations within 14 days of the conclusion of the results management process.

11.6 Hearings pursuant to this Article shall be completed expeditiously and in all cases, unless there are exceptional circumstances, within three months of the date of the infraction notice described in Article 10.5. Hearings held in connection with *Events* may be conducted by an expedited process.

11.7 The ASC, ASDA shall have the right to attend hearings as an observer or interested party.

11.8 Decisions by the Australian Underwater Federation, whether as the result of a hearing or the *Athlete* or other *Person's* acceptance of consequences, may be appealed as provided in Article 16.

11.9 Hearing decisions by the Australian Underwater Federation shall not be subject to further administrative review at the national level except as provided in Article 16 or required by applicable national law.

ARTICLE 12 - AUTOMATIC DISQUALIFICATION OF INDIVIDUAL RESULTS

A violation of this Anti-Doping Policy in connection with an *In-Competition* test automatically leads to *Disqualification* of the individual result obtained in that *Competition* with all resulting consequences, including forfeiture of any medals, points and prizes.

ARTICLE 13 - SANCTIONS ON INDIVIDUALS

13.1 Disqualification of Results in Event During which an *Anti-Doping Rule Violation* Occurs.

An *Anti-Doping Rule Violation* occurring during or in connection with an *Event* may lead to *Disqualification* of all of the *Athlete's* individual results obtained in that *Event* with all consequences, including forfeiture of all medals, points and prizes, except as provided in Article 13.1.1.

13.1.1 If the *Athlete* establishes that he or she bears *No Fault or Negligence* for the violation, the *Athlete's* individual results in the other *Competition* shall not be

disqualified unless the *Athlete's* results in *Competition* other than the *Competition* in which the *Anti-Doping Rule Violation* occurred were likely to have been affected by the *Athlete's Anti-Doping Rule Violation*.

13.2 Imposition of Ineligibility for Prohibited Substances and Prohibited Methods.

Except for the specified substances identified in Article 13.3, the period of *Ineligibility* imposed for a violation of Article 5.1 (presence of *Prohibited Substance* or its *Metabolites* or *Markers*), Article 5.2 (*Use* or *Attempted Use* of *Prohibited Substance* or *Prohibited Method*) and Article 5.6 (*Possession* of *Prohibited Substances* and *Methods*) shall be:

First violation: Two (2) years' *Ineligibility*.

Second violation: Lifetime *Ineligibility*.

However, the *Athlete* or other *Person* shall have the opportunity in each case, before a period of *Ineligibility* is imposed, to establish the basis for eliminating or reducing this sanction as provided in Article 13.6.

13.3 Specified Substances.

The *Prohibited List* may identify specified substances which are particularly susceptible to unintentional *Anti-Doping Rules Violations* because of their general availability in medicinal products or which are less likely to be successfully abused as *Doping* agents. Where an *Athlete* can establish that the *Use* of such a specified substance was not intended to enhance sport performance, the period of *Ineligibility* found in Article 13.2 shall be replaced with the following:

First violation: At a minimum, a warning and reprimand and no period of *Ineligibility* from future *Events*, and at a maximum, one (1) year's *Ineligibility*.

Second violation: Two (2) years' *Ineligibility*.

Third violation: Lifetime *Ineligibility*.

However, the *Athlete* or other *Person* shall have the opportunity in each case, before a period of *Ineligibility* is imposed, to establish the basis for eliminating or reducing (in the case of a second or third violation) this sanction as provided in Article 13.6.

13.4 Additional Sanction

13.4.1 The *Australian Underwater Federation* and/or the *ASC* may require the *Athlete* or other *Person* to repay all funding and grants received from the *AUF* and/or *ASC* of the occurrence of the *Anti-Doping Rule Violation*.

13.4.2 A Committee or the *CAS* may determine that a *Person* that has committed an *Anti-Doping Rule Violation*, in addition to apply the sanction outlined in Article 13.1-13.3, is required to go to counselling for a specified period.

13.4.3 Where the hearings or appeals body determines that an employee or contractor of the AUF has committed an *Anti-Doping Rule Violation*, the Australian Underwater Federation will take disciplinary action against the employee or contractor.

13.5 Ineligibility for Other *Anti-Doping Rule Violations*.

The period of *Ineligibility* for other violations of this Anti-Doping Policy shall be:

13.5.1 For violations of Article 5.3 (refusing or failing to submit to *Sample* collection) or Article 5.5 (*Tampering with Doping Control*), the *Ineligibility* periods set forth in Article 13.2 shall apply.

13.5.2 For violations of Article 5.7 (*Trafficking*) or Article 5.8 (administration of *Prohibited Substance* or *Prohibited Method*), the period of *Ineligibility* imposed shall be a minimum of four (4) years up to lifetime *Ineligibility*. An *Anti-Doping Rule Violation* involving a *Minor* shall be considered a particularly serious violation, and, if committed by *Athlete Support Personnel* for violations other than specified substances referenced in Article 13.3, shall result in lifetime *Ineligibility* for such *Athlete Support Personnel*. In addition, violations of such Articles which also violate non-sporting laws and regulations, may be reported to the competent administrative, professional or judicial authorities.

13.5.3 For violations of Article 5.4 (Whereabouts Violations or Missed Tests), the period of *Ineligibility* shall be:

First violation: Three (3) months to one (1) year *Ineligibility*.

Second and subsequent violations: Two (2) years' *Ineligibility*.

13.6 Elimination or Reduction of Period of Ineligibility Based on Exceptional Circumstances.

13.6.1 If the *Athlete* establishes in an individual case involving an *Anti-Doping Rule Violation* under Article 5.1 (presence of *Prohibited Substance* or its *Metabolites* or *Markers*) or *Use of a Prohibited Substance* or *Prohibited Method* under Article 5.2 that he or she bears *No Fault or Negligence* for the violation, the otherwise applicable period of *Ineligibility* shall be eliminated. When a *Prohibited Substance* or its *Markers* or *Metabolites* is detected in an *Athlete's Specimen* in violation of Article 5.1 (presence of *Prohibited Substance*), the *Athlete* must also establish how the *Prohibited Substance* entered his or her system in order to have the period of *Ineligibility* eliminated. In the *Event* this Article is applied and the period of *Ineligibility* otherwise applicable is eliminated, the *Anti-Doping Rule Violation* shall not be considered a violation for the limited purpose of determining the period of *Ineligibility* for subsequent violations under Article 13.2, 13.3 and 13.5 and multiple violations under 13.7

13.6.2 This Article 13.6.2 applies only to *Anti-Doping Rule Violations* involving Article 5.1 (presence of *Prohibited Substance* or its *Metabolites* or *Markers*), *Use of a Prohibited Substance* or *Prohibited Method* under Article 5.2, failing to submit to *Sample* collection under Article 5.3, or administration of a *Prohibited Substance* or *Prohibited Method* under Article 5.8. If an *Athlete* establishes in an individual case involving such violations that he or she 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. When a *Prohibited Substance* or its *Markers* or *Metabolites* is detected in an *Athlete's Specimen* in violation of Article 5.1 (presence of *Prohibited Substance*), the *Athlete* must also establish how the *Prohibited Substance* entered his or her system in order to have the period of *Ineligibility* reduced.

13.6.3 The World Underwater Federation may also reduce the period of *Ineligibility* in an individual case where the *Athlete* has provided substantial assistance to the World Underwater Federation which results in the WUF discovering or establishing an *Anti-Doping Rule Violation* by another *Person* involving *Possession* under Article 5.6.2 (*Possession by Athlete Support Personnel*), Article 5.7 (*Trafficking*), or Article 5.8 (administration to an *Athlete*). The reduced period of *Ineligibility* may not, however, 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 Article may be no less than 8 years.

13.7 Rules for Certain Potential Multiple Violations

13.7.1 For purposes of imposing sanctions under Article 13.2, 13.3, 13.4 and 13.5, a second *Anti-Doping Rule Violation* may be considered for purposes of imposing sanctions only if the World Underwater Federation or the Australian Underwater Federation can establish that the *Athlete* or other *Person* committed the second *Anti-Doping Rule Violation* after the *Athlete* or other *Person* received notice, or after the World Underwater Federation or the Australian Underwater Federation made a reasonable attempt to give notice, of the first *Anti-Doping Rule Violation*; if the World Underwater Federation or the Australian Underwater Federation cannot establish this, the violations shall be considered as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction.

13.7.2 Where an *Athlete*, based on the same *Doping Control*, is found to have committed an *Anti-Doping Rule Violation* involving both a specified substance under Article 13.3 and another *Prohibited Substance* or *Prohibited Method*, the *Athlete* 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.

13.7.3 Where an *Athlete* is found to have committed two separate *Anti-Doping Rule Violations*, one involving a specified substance governed by the sanctions set forth in Article 13.3 (specified substances) and the other involving a *Prohibited Substance* or *Prohibited Method* governed by the sanctions set forth in Article 13.2 or a violation governed by the sanctions in Article 13.5.1, the period of *Ineligibility* imposed for the second offence shall be at a minimum two years' *Ineligibility* and at a maximum three years' *Ineligibility*. Any *Athlete* found to have committed a third *Anti-Doping Rule Violation* involving any combination of specified substances under Article 13.3 and any other *Anti-Doping Rule Violation* under Article 13.2 or 13.5.1 shall receive a sanction of lifetime *Ineligibility*.

13.8 Disqualification of Results in Competitions Subsequent to Sample Collection.

In addition to the automatic *Disqualification* of the results in the *Competition* which produced the positive *Sample* under Article 12 (Automatic *Disqualification* of Individual Results), all other competitive results obtained from the date a positive *Sample* was collected (whether *In-Competition* or *Out-of-Competition*), or other *Doping* violation occurred, through the commencement of any *Provisional Suspension* or *Ineligibility* period, shall, unless fairness requires otherwise, be Disqualified with all of the resulting consequences including forfeiture of any medals, points and prizes.

13.9 Commencement of Ineligibility Period.

The period of *Ineligibility* shall start on the date of the hearing decision providing for *Ineligibility* or, if the hearing is waived, on the date *Ineligibility* is accepted or otherwise imposed. Any period of *Provisional Suspension* (whether imposed or voluntarily accepted) shall be credited against the total period of *Ineligibility* to be served. Where required by fairness, such as delays in the hearing process or other aspects of *Doping Control* not attributable to the *Athlete*, the Australian Underwater Federation imposing the sanction may start the period of *Ineligibility* at an earlier date commencing as early as the date of *Sample* collection.

13.10 Status During Ineligibility.

No *Person* who has been declared Ineligible may, during the period of *Ineligibility*, participate in any capacity in an *Event* or activity (other than authorised anti-doping education or rehabilitation programs) authorised or organised by the World Underwater Federation or the Australian Underwater Federation or its *Members*. This would preclude, but not be limited to:

- a. practising/training with a national team;
- b. acting as a coach or sport official;
- c. selection in any representative team;
- d. competing in any *Competition/Events*;
- e. receiving, directly or indirectly, funding or assistance from the Australian Underwater Federation
- f. use of official Australian Underwater Federation or *Member* facilities;
- g. holding any position with the Australian Underwater Federation

In addition, for any *Anti-Doping Rule Violation* not involving specified substances described in Article 13.3, some or all sport-related financial support or other sport-related benefits received by such *Person* will be withheld by World Underwater federation or the Australian Underwater Federation. A *Person* subject to a period of *Ineligibility* longer than four years may, after completing four years of the period of *Ineligibility*, participate in local sport *Events* in a sport other than sports subject to the jurisdictions of the World Underwater Federation or the Australian Underwater Federation, but only so long as the local sport *Event* is not at a level that could otherwise qualify such *Person* directly or indirectly to compete in (or accumulate points toward) a national championship or International *Event*.

This article would not prohibit the *Person* from participating in sport on a purely recreational level.

13.11 Reinstatement Testing.

As a condition to regaining eligibility at the end of a specified period of *Ineligibility*, an *Athlete* must, during any period of *Provisional Suspension* or *Ineligibility*, make him or herself available for *Out-of-Competition Testing* by the World Underwater Federation or the Australian Underwater Federation, and any other *Anti-Doping Organisation* having *Testing* jurisdiction, and must provide current and accurate whereabouts information as provided in Article 8.3. If an *Athlete* subject to a period of *Ineligibility* retires from sport and is removed from *Out-of-Competition Testing* pools and later seeks reinstatement, the *Athlete* shall not be eligible for reinstatement until the *Athlete* has notified the World Underwater Federation or the Australian Underwater Federation and has been subject to *Out-of-Competition Testing* for a period of time equal to the longer of the period set forth in Article 8.4 or the period of *Ineligibility* remaining as of the date the *Athlete* had retired.

ARTICLE 14 - CONSEQUENCES TO TEAMS

[**Option 1: 14.1** Where more than one team *Member* in a *Team Sport* has been notified of a possible *Anti-Doping Rule Violation* under Article 10 in connection with an *Event*, the Team shall be subject to *Target Testing* for the *Event*. If more than one team *Member* in a *Team Sport* is found to have committed an *Anti-Doping Rule Violation* during the *Event*, the team may be subject to *Disqualification* or other disciplinary action.]

ARTICLE 15 - REVIEW OF A FINDING OF AN ANTI-DOPING RULE VIOLATION OR A SANCTION

15.1 A *Person* may make an application to the *ADCO* for review of a finding of an *Anti-Doping Rule Violation* or a sanction where new and relevant information becomes available which was:

- a. not considered by the Committee/Panel or the *CAS* at the hearing; and
- b. not available to the *Person* at the time of the hearing.

15.2 The application must:

- a. be in writing; and
- b. set out the new and relevant information.

15.3 The *ADCO* will consider the application and if he or she considers it more probably than not that the new information would have altered either the finding of an *Anti-Doping Rule Violation* or the sanction will refer the application to the Committee/Panel or the *CAS* to:

- a. review the finding that the *Person* committed the *Doping* offence; and
- b. decide whether to reduce or withdraw the sanction.

15.4 Any review conducted pursuant to Article 15.3 will apply Articles 4, 5, 6, 7, 12 and 13 of these Anti-Doping Rules.

15.5 A sanction will remain in force during the review unless the Committee or the *CAS* decides otherwise.

15.6 The *ADCO* must inform:

- a. the *Person*;
- b. any relevant sporting organisations;
- c. the *ASC*;
- d. *ASDA*;
- e. any *Person* or organisation informed of the original determination under clause 11.6,
of any change to the original determination as a result of the review. The *ADCO* may then inform other *Persons* or organisations as the *ADCO* thinks appropriate.

ARTICLE 16 - APPEALS

16.1 Decisions Subject to Appeal.

Decisions made under this Anti-Doping Policy may be appealed as set forth below in Article 16.2 through 16.4. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise. Before an appeal is commenced, any post-decision review authorised in Article [11.9] must be exhausted.

16.2 Appeals from Decisions Regarding *Anti-Doping Rule Violations*, Consequences, and Provisional Suspensions.

A decision that an *Anti-Doping Rule Violation* was committed, a decision imposing *Consequences for an Anti-Doping Rule Violation*, a decision that no *Anti-Doping Rule Violation* was committed, a decision that the World Underwater Federation or the Australian Underwater Federation lacks jurisdiction to rule on an alleged *Anti-Doping Rule Violation* or its consequences, [and a decision to impose a *Provisional Suspension* as a result of a *Provisional Hearing* or otherwise in violation of Article 10.9] may be appealed exclusively

as provided in this Article 16.2. [Notwithstanding any other provision herein, the only *Person* that may appeal from a *Provisional Suspension* is the *Athlete* or other *Person* upon whom the *Provisional Suspension* is imposed.]

16.2.1 In cases arising from *Competition* in an *International Event* or in cases involving *International-Level Athletes*, the decision may be appealed exclusively to *CAS* in accordance with the provisions applicable before such court. Any such appeal will apply Articles 4, 5, 6, 7, 12 and 13 of these Anti-Doping Rules.

16.2.2.1 In cases involving *Athletes* who do not have a right to appeal under Article 16.2.1, the appeal shall be to *CAS Appeals Division* and shall respect the following principles of natural justice: a timely hearing; a fair and impartial hearing body; the right to be represented by a counsel at the *Person's* expense; and a timely, written, reasoned decision. Any such appeal will apply Articles 4, 5, 6, 7, 12 and 13 of this Anti-Doping Policy.”

16.2.2.2 Any appeal from a determination of the Australian Underwater Federation Judicial Committee must be solely and exclusively resolved by the Australian Underwater Federation Judicial Committee. The determination of the Australian Underwater Federation Judicial Committee will be final and binding on the parties to the appeal and no *Person* may institute or maintain proceedings in any court or tribunal other than the *CAS Appeals Division*. In particular, and without restricting the generality of the foregoing and for further and better assurance, notwithstanding that such provisions have no applicability, neither party will have the right of appeal under Section 3 of the Commercial Arbitration Act of any of the Australian States or to apply for the determination of a question of law under Section 39(1)(a) of such Act.

16.2.2.3 The *ADCO* must inform any *Person* or organisation informed of the original determination of any change to the original determination as a result of the appeal.

16.2.2.4 The outcome of all appeals must be reported to the *ASC* and *ASDA* within 14 days of the conclusion of the appeal.

16.2.2.5 The *ADCO* may then inform other *Persons* or organisations as the *ADCO* thinks appropriate. The *WUF* rights of appeal with respect to these cases are set forth in Article 16.2.3.

16.2.3 In cases under Article 16.2.1, the following parties shall have the right to appeal to *CAS*:

- (a) the *Athlete* or other *Person* who is the subject of the decision being appealed;
- (b) the other party to the case in which the decision was rendered;
- (c) The *WUF* and any other *Anti-Doping Organisation* under whose rules a sanction could have been imposed;
- (d) the *International Olympic Committee* or *International Paralympic Committee*, as applicable, where the decision may have an effect in relation to the Olympic

Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and
(e) *WADA*.

In cases under Article 16.2.2, the parties having the right to appeal to the national-level reviewing body shall be as provided in the Australian Underwater Federation rules but, at a minimum, shall include:

- (a) the *Athlete* or other *Person* who is the subject of the decision being appealed;
- (b) the other party to the case in which the decision was rendered;
- (c) World Underwater Federation; and
- (d) *WADA*.

[Optional

An appeal will be a re-hearing of the matters appealed against and the provisions of Clause 11 will apply, *mutatis mutandis* to any appeal.]

For cases under Article 16.2.2, the *ASC*, *WADA* and World Underwater Federation shall also have the right to appeal to *CAS* with respect to the decision of the national-level reviewing body.

16.3 Appeals from Decisions Granting or Denying a Therapeutic Use Exemption.

Decisions by *WADA* reversing the grant or denial of a *TUE* may be appealed exclusively to *CAS* by the *Athlete*, World Underwater Federation or the Australian Underwater Federation or other body designated by the Australian Underwater Federation which granted or denied the exemption. Decisions to deny *TUEs*, and which are not reversed by *WADA*, may be appealed by *International-Level Athletes* to *CAS* and by other *Athletes* to the national level reviewing body described in Article 16.2.2. If the national level reviewing body reverses the decision to deny a *TUE*, that decision may be appealed to *CAS* by *WADA*.

16.4 Time for Filing Appeals.

The time to file an appeal to the Australian Underwater Federation Judicial Committee] shall be within twenty (20) days of the Hearing.

ARTICLE 17 - CONFIDENTIALITY AND REPORTING

17.1 Incorporation of Relevant Anti-Doping Rules.

The Australian Underwater Federation shall comply with the World Underwater Federation Anti-Doping Rules. All *Member* Organisations shall comply with the Australian Underwater Federation Anti-Doping Rules. Any procedural rules necessary to effectively implement this Anti-Doping Policy shall be deemed to be included in them. The Rules of each *Member*

Organisation shall specifically provide that all *Athletes, Athlete Support Personnel* and other *Persons* under the jurisdiction of the *Member Organisation* shall be bound by this Anti-Doping Policy.

17.2 Public Disclosure.

17.2.1 *The Australian underwater Federation* must not publicly disclose the identity of a *Person* who is suspected of an *Anti-Doping Rule Violation* until it has been determined in a hearing in accordance with Article 11 that an *Anti-Doping Rule Violation* has occurred, or such hearing has been waived, or the assertion of an *Anti-Doping Rule Violation* has not been timely challenged, and no appeal has been lodged against any determination made.

17.2.2 No later than twenty (20) days after an Anti-Doping matter has been finally determined, the AUF must *Publicly Report* its result including any sanction imposed.

17.3 Recognition of Decisions by IF and other National Sporting Organisations.

Any decision of an *Anti-Doping Organisation* regarding a violation of these Anti-Doping Rules shall be recognised by all *National Sporting Organisations*, which shall take all necessary action to render such results effective.

ARTICLE 18 - RECOGNITION OF DECISIONS BY OTHER ORGANISATIONS

The Australian Underwater Federation will recognise and enforce a *Testing, TUEs* and hearing results or other final adjudications properly imposed on a *Person* who has committed an *Anti-Doping Rule Violation* under the anti-doping policy of:

- a. the World Underwater Federation;
- b. another organisation recognised by the ASC,

where the violation would be an *Anti-Doping Rule Violation* under this Anti-Doping Policy.

ARTICLE 19 - STATUTE OF LIMITATIONS

No action may be commenced under this Anti-Doping Policy against an *Athlete* or other *Person* for a violation of an Anti-Doping Rule contained in this Anti-Doping Policy unless such action is commenced within eight years from the date the violation occurred.

ARTICLE 20 - DOPING CONTROL FOR ANIMALS COMPETING IN SPORT

In any sport that includes animals in *Competition*, the Australian Underwater Federation will comply with the World Underwater Federation anti-doping rules for the animals

included in that sport, including, but not limited to a list of *Prohibited Substances*, appropriate *Testing* procedures, a list of approved laboratories for *Sample* analysis, *Anti-Doping Rule Violations*, results management, fair hearing, consequences and appeals for animals involved in sport.

ARTICLE 21 - AMENDMENT AND INTERPRETATION OF ANTI-DOPING RULES

21.1 This Anti-Doping Policy may be amended from time to time by the *NSO* subject to *ASC* approval.

21.2 Except as provided in Article 21.5, these Anti-Doping Rules shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.

21.3 The headings used for the various Parts and Articles of this Anti-Doping Policy are for convenience only and shall not be deemed part of the substance of this Anti-Doping Policy or to affect in any way the language of the provisions to which they refer.

21.4 The INTRODUCTION and the APPENDIX I DEFINITIONS shall be considered integral parts of this Anti-Doping Policy.

21.5 This Anti-Doping Policy have been adopted pursuant to the applicable provisions of the *Code* and shall be interpreted in a manner that is consistent with applicable provisions of the *Code*. The comments annotating various provisions of the *Code* may, where applicable, assist in the understanding and interpretation of this Anti-Doping Policy.

21.7 This Anti-Doping Policy shall not apply retrospectively to matters pending before the date this Anti-Doping Policy came into effect.

21.8 Words in the singular include the plural and vice versa.

21.9 A *Person* includes a body corporate.

21.10 Words not defined in this policy have the meaning ascribed to them in the *Code* unless a contrary meaning appears from the context.

21.11 Reference to “including” and similar words are not words of limitation.

APPENDIX 1 - DEFINITIONS

Adverse Analytical Finding. 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*.

Analogue. A substance derived from the modification or alteration of the chemical structure of another substance while retaining a similar pharmacological effect.

Anti-Doping Control Officer (ADCO). Means the *Anti-Doping Control Officer* appointed by the Australian Underwater Federation to give effect to this Policy and, if no *Person* is appointed the Chief Executive or equivalent officer of the Australian Underwater Federation.

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

Anti-Doping Rule Violation. As outlined in Article 5.

Athlete:

- (a) For purposes of *Doping Control*, any *Person* who participates in sport at the international level (as defined by each *International Federation*) or national level (as defined by each *National Anti-Doping Organisation*) and any additional *Person* who participates in sport at a lower level if designated by the *Person's* *National Anti-Doping Organisation*. For purposes of anti-doping information and education, any *Person* who participates in sport under the authority of any *Signatory*, government, or other sports organisation accepting the *Code*; or
- (b) any *Person* who:
- (i) is registered with NSO or one of its *Members*; or
 - (ii) participates, or has in the previous five years participated, in any sporting activity conducted, authorised, recognised or controlled, either directly or indirectly, by the Australian Underwater Federation or a body affiliated with the Australian Underwater Federation; or
 - (iii) has otherwise agreed to be bound by this Anti-Doping Policy.

Athlete Support Personnel. Any coach, trainer, manager, agent, team staff, official, parent of a minor or guardian, medical or para-medical *Personnel* working with or treating *Athletes* participating in or preparing for sports *Competition*.

Attempt. Purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of an *Anti-Doping Rule Violation*. Provided, however, there shall be no *Anti-Doping Rule Violation* based solely on an *Attempt* to commit a violation if the *Person* enunciates the *Attempt* prior to it being discovered by a third party not involved in the *Attempt*.

Australian Sports Commission (ASC). Means the *Australian Sports Commission* established by the *Australian Sports Commission Act 1989*.

Australian Sports Drug Agency (ASDA). Means the *Australian Sports Drug Agency* established by the *Australian Sports Drug Agency Act 1990*.

Australian Sports Drug Medical Advisory Committee (ASDMAC). Means the *Australian Sports Drug Medical Advisory Committee* established by the *Australian Sports Drug Agency Act 1990*.

Code. The World Anti-Doping *Code*.

Competition. A single race, match, game or singular athletic contest. For example, the finals of the Olympic 100-meter dash. For stage races and other athletic contests where prizes are awarded on a daily or other interim basis the distinction between a *Competition* and an *Event* will be as provided in the rules of the applicable *International Federation*.

Consequences of Anti-Doping Rules Violations. An *Athlete's* or other *Person's* violation of an anti-doping rule may result in one or more of the following:

- (a) *Disqualification* means the *Athlete's* results in a particular *Competition* or *Event* are invalidated, with all resulting consequences including forfeiture of any medals, points and prizes;
- (b) *Ineligibility* means the *Athlete* or other *Person* is barred for a specified period of time from participating in any *Competition* or other activity or funding as provided in Article 10.5;
- [and (c) *Provisional Suspension* means the *Athlete* or other *Person* is barred temporarily from participating in any *Competition* prior to the final decision at a hearing conducted under Article 11 (Right to a Fair Hearing).]

Court of Arbitration for Sport (CAS). Means the *Court of Arbitration of Sport* (Oceania Registry).

Disqualification. See *Consequences of Anti-Doping Rules Violations* above.

Doping. The occurrence of one or more of the *Anti-Doping Rule Violations* set forth in Article 5.1 through Article 5.8 of this Anti-Doping Policy.

Doping Control. The process including test distribution planning, *Sample* collection and handling, laboratory analysis, results management, hearings and appeals.

Endogenous. Refers to a substance which is capable of being produced by the body naturally.

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

Exogenous. Refers to a substance which is not capable of being produced by the body naturally.

In-Competition. For purposes of differentiating between *In-Competition* and *Out-of-Competition Testing*, unless provided otherwise in the rules of an *International Federation* or other relevant *Anti-Doping Organisation*, an *In-Competition* test is a test where an *Athlete* is selected for *Testing* in connection with a specific *Competition*.

Independent Observer Program. A team of observers, under the supervision of WADA, who observe the *Doping Control* process at certain *Events* and report on observations. If WADA is *Testing In-Competition* at an *Event*, the observers shall be supervised by an independent organisation.

Ineligibility. See *Consequences of Anti-Doping Rules Violations* above.

International Event. An *Event* where the *International Olympic Committee*, the *International Paralympic Committee*, an *International Federation*, a *Major Event Organisation*, or another international sport organisation is the ruling body for the *Event* or appoints the technical officials for the *Event*.

[International Federation]. Means full name of *International Federation* (put in alphabetical order).

International-Level Athlete. *Athletes* designated by one or more *International Federations* as being within the *Registered Testing Pool* for an *International Federation*.

International Standard. A standard adopted by WADA in support of the *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.

Major Event Organisations. This term refers to the continental associations of *National Olympic Committees* and other international multi-sport organisations that function as the ruling body for any continental, regional or other *International Event*.

Marker. A compound, group of compounds or biological parameters that indicates the *Use of a Prohibited Substance* or *Prohibited Method*.

Member. A *Person* who, or a body which, is a *Member* of the Australian Underwater Federation; a *Person* who, or body which, is affiliated with the Australian Underwater Federation; or a *Person* who is a member of a body which is a *Member* of or affiliated with the Australian Underwater Federation.

Metabolite. Any substance produced by a biotransformation process.

Mimetic. A substance with pharmacological effect similar to that of another substance, regardless of the fact that it has a different chemical structure.

Minor. A natural *Person* who has not reached the age of majority as established by the applicable laws of his or her country of residence.

National Anti-Doping Organisation. 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. If this designation has not been made by the competent public authority(ies), the entity shall be the country's *National Olympic Committee* or its designee.

National Event. A sport *Event* involving international or national-level *Athletes* that is not an *International Event*.

National Olympic Committee. The organisation recognised by the *International Olympic Committee*. The term *National Olympic Committee* shall also include the National Sport Confederation in those countries where the National Sport Confederation assumes typical *National Olympic Committee* responsibilities in the anti-doping area.

National Sporting Organisation. A national or regional entity which is a *Member* of or is recognised by the World Underwater Federation as the entity governing the the World Underwater Federation sport in that nation or region or is recognised by the ASC as a *National Sporting Organisation*. This includes National Sporting Organisations for *Athletes* with a Disability.

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

No Fault or Negligence. The *Athlete's* establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had *Used* or been administered the *Prohibited Substance* or *Prohibited Method*.

No Significant Fault or Negligence. The *Athlete's* establishing that his or her fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria for *No Fault or Negligence*, was not significant in relationship to the *Anti-Doping Rule Violation*.

Out-of-Competition. Any *Doping Control* which is not *In-Competition*.

Participant. Any *Athlete* or *Athlete Support Personnel*.

Person. A natural *Person* or an organisation or other entity, including an *Athlete*, *Athlete Support Personnel* and *Member*.

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

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

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

Prohibited Substance. Any substance so described on the *Prohibited List*.

Provisional Hearing. For purposes of Article 10.5, an expedited abbreviated hearing occurring prior to a hearing under Article 11 (Right to a Fair Hearing) that provides the *Athlete* with notice and an opportunity to be heard in either written or oral form.

[Provisional Suspension. See Consequences above.]

Publicly Disclose or Publicly Report. To disseminate or distribute information to the general public or *Persons* beyond those *Persons* entitled to earlier notification in accordance with Article 17.

Recognised Medical Authority. The *Australian Sports Drug Medical Advisory Committee (ASDMAC)* established under the amended *ASDA Act 1990*, or an authority recognised by the *ASDMAC* which may authorise the *Use* of a *Prohibited Substance* and/or *Prohibited Method* for a therapeutic purpose.

Registered Testing Pool. The pool of top level *Athletes* established separately by each *International Federation* and *National Anti-Doping Organisation* who are subject to both *In-Competition* and *Out-of-Competition Testing* as part of that *International Federation's* or *Organisation's* test distribution plan.

Sample/Specimen. Any biological material collected for the purposes of *Doping Control*.

Signatories. Those entities signing the *Code* and agreeing to comply with the *Code*, including the *International Olympic Committee*, *International Federations*, *International Paralympic Committee*, National Olympic Committees, National Paralympic Committees, Major *Event Organisations*, National *Anti-Doping Organisations*, and *WADA*.

Sporting Organisation. Means the *Australian Olympic Committee*, Australian Commonwealth Games Association, *Australian Paralympic Committee* and any organisation recognised, assisted or funded by the *ASC* and includes their *Member* and affiliated organisations.

Tampering. 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.

Target Testing. Selection of *Athletes* for *Testing* where specific *Athletes* or groups of *Athletes* are selected on a non-random basis for *Testing* at a specified time.

Team Sport. A sport in which the substitution of players is permitted during a *Competition*.

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

Therapeutic Use Exemption (TUE). Means *Therapeutic Use Exemption* in accordance with the *WADA International Standard for Therapeutic Use Exemptions*.

Trafficking. To sell, give, administer, transport, send, deliver or distribute a *Prohibited Substance* or *Prohibited Method* to an *Athlete* either directly or through one or more third parties, but excluding the sale or distribution (by medical *Personnel* or by *Persons* other than an *Athlete's* Support *Personnel*) of a *Prohibited Substance* for genuine and legal therapeutic purposes.

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

WADA. The *World Anti-Doping Agency*.