

BICYCLE MOTOCROSS AUSTRALIA INCORPORATED

("BMXA")

ANTI-DOPING POLICY

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ARTICLE 1 - WHAT IS BMXA's POSITION ON DOPING?

BMXA 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 under **Article 7.4** of this Policy.

BMXA 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*; and
- (d) employees and contractors of BMXA.

ARTICLE 3 - OBLIGATIONS

3.1 The policies and minimum standards set out 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 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;
- 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 *BMXA* 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 *BMXA*, *CA*, *AOC*, *UCI* and any relevant *Major Event Organisation*.

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.

3.4 Roles and responsibilities – *BMXA* must:

- 3.4.1** use its best efforts to assist *Athletes* to fulfil their responsibilities under this Anti-Doping Policy, including providing accurate *Athlete* contact information;
- 3.4.2** support and assist *Anti-Doping Organisations*, including *ASDA* to conduct *Doping Control*;
- 3.4.3** make reasonable efforts to make this Policy available to *Members*, *Athletes*, *Athlete Support Personnel* and *Persons*;
- 3.4.4** develop and implement, in consultation with *ASDA*, *CA* and *UCI*, drug education and information programs for *Athletes* and *Athlete Support Personnel*;
- 3.4.5** support the initiatives of the *ASC*, *ASDA*, *UCI*, *CA* and *AOC* *Doping* in sport;
- 3.4.6** adopt and implement Anti-Doping policies and rules which conform with the *Code*, *UCI*, *AOC* and *ASC*;
- 3.4.7** cooperate with *ASC* and other *Anti-Doping Organisations* in relation to the conduct of any investigation or hearing into an alleged *Anti-Doping Rule Violation*;
- 3.4.8** require as a condition of membership that the policies, rules and programs of *Member* organisations are in compliance with the *Code*, *UCI* and this Anti-Doping Policy;
- 3.4.9** require all *Athletes* and *Athlete Support Personnel* within their jurisdiction to recognise and be bound by anti-doping rules in conformance with the *Code*, *UCI*, *CA*, *AOC*, *ASC* and this Anti-Doping Policy;
- 3.4.10** require *Athletes* who are not regular *Members* of the *BMXA* 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 *BMXA*, *AOC*, *CA*, *UCI* or any relevant *Major Event Organisation*; and
- 3.4.11** advise *Athletes* that, for the purposes of determining whether or not any *Athlete* has in his possession any *Prohibited Substance*, *BMXA* and its authorised officers have the power to:

- 3.4.11.1 search any *Athlete's* bags and possessions in their possession or under their control;
 - 3.4.11.2 search any *Athlete's* clothing;
 - 3.4.11.3 take and retain in its or their possession any substance they may discover as a result of such search and which they believe or suspect to be a *Prohibited Substance*;
 - 3.4.11.4 analyse any such substance at its expense to determine whether or not it is a substance so prohibited; and
 - 3.4.11.5 return such substance if the analysis determines that it is not prohibited under this policy;
- 3.4.12** 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 this policy) to the ASC, ASDA, CA and any relevant *Anti-Doping Organisation*.

ARTICLE 4 - DEFINITION OF DOPING

Doping is defined as the occurrence of one or more of the *Anti-Doping Rule Violations* in **Article 5.1 - Article 5.9** 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 out 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 under a *Therapeutic Use Exemption (TUE)* granted under **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 under a *TUE* granted to an *Athlete* under **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.
- 5.9** Refusing, or failing without compelling justification, to allow *BMXA* or its authorised officers to:
- 5.9.1** search possessions and/or clothing; and
- 5.9.2** seize any goods on suspicion of being *Prohibited Substances*.

ARTICLE 6 - PROOF OF DOPING

6.1 Burdens and Standards of Proof.

BMXA or *UCI* shall have the burden of establishing that an *Anti-Doping Rule Violation* has occurred. The standard of proof shall be whether *BMXA* or *UCI* 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 under the *International Standard for Laboratory Analysis*. 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 *UCI* or *BMXA* 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* 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 *UCI* or *BMXA* 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.

This Anti-Doping Policy incorporates the *Prohibited List* which is published and revised by *WADA* as described in article 4.1 of the *Code*. The *Prohibited List* is available on *WADA*'s website at www.wada-ama.org and also *UCI*'s website at www.uci.ch.

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 *BMXA*. In accordance with Article 4.2 of the *Code* the *Prohibited List* is the expanded List adopted by the *UCI* and the Monitoring Program is the Program including additional substances and methods adopted by the *UCI*.

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 *TUE* under the *WADA International TUE Standard*.

Athletes with a documented medical condition requiring the *Use of a Prohibited Substance* or a *Prohibited Method* must, prior to their participation in any *International Event* obtain a *TUE* from the *UCI*, regardless of whether the *Athlete* previously has received a *TUE*.

Other *Athletes* subject to *Doping Control* must obtain a *TUE* from *ASDMAC* or other recognised *TUE* Committee as outlined under the *WADA International TUE Standard*.

TUEs granted by a *TUE* Committee must be reported to other relevant *Anti-Doping Organisations* including *ASDA*.

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.

All *Athletes* must provide accurate whereabouts information to the relevant authority/ies under the *Code*, and must keep this information updated at all times.

The ultimate responsibility for providing whereabouts information rests with each *Athlete*, however, *BMXA* shall 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 – *UCI* shall establish a *Registered Testing Pool* of those *Athletes* who are required to provide up-to-date whereabouts information to *UCI*. *UCI* may revise its *Registered Testing Pool* from time to time under its criteria.

Each *Athlete* in the *UCI Registered Testing Pool* shall provide whereabouts information under the applicable requirements as determined by the *UCI*.

An *Athlete* who fails to satisfy the *UCI* applicable requirements will have committed an *Anti-Doping Rule Violation* under **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 *BMXA* shall assist *ASDA* to establish the national-level *Registered Testing Pool*, as required.

8.3.2.2 *ASDA* shall define and document criteria for *Athletes* to be included in the national level *Registered Testing Pool* under the *International Testing Standard* and relevant legislation.

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

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

8.3.2.5 Each *Athlete* in the national level *Registered Testing Pool* shall provide whereabouts information under the applicable requirements as determined by *ASDA*.

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

8.3.3 Whereabouts information provided under **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 *UCI* for inclusion in *UCI's Registered Testing Pool* shall be subject to the *UCI* retirement and return to *Competition* requirements.

An *Athlete* who is included in the national *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 *BMXA* in writing.
- 8.4.2** An *Athlete's* retirement date will be the date *BMXA* 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 paragraphs (a) or (b) above; or
 - (d) exempt the *Athlete* from this Anti-Doping 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 *BMXA* for reinstatement as a member six months after their retirement date under **Article 8.4.2**. The request is taken to be made on the date *BMXA* receives the request for reinstatement.
- 8.4.5** Reinstatement will be at the discretion of *BMXA*.
- 8.4.6** If reinstatement is granted then this *Anti-Doping Policy* will apply to the *Athlete* from the date of their reinstatement request.
- 8.4.7** During the six month period following the reinstatement request the *Athlete* must be available for unannounced *Out-of-Competition Testing* under this Anti-Doping Policy.
- 8.4.8** A retired *Athlete* may not compete in *Competitions* and *Events* conducted by or under the auspices of *BMXA* or *UCI* until the following periods expire:
- 12 months from the date that *BMXA* receives the reinstatement request.
- 8.4.9** An *Athlete* may apply to the *Court of Arbitration for Sport (BMXAS)* Appeals Division to be eligible to compete in international *Competitions* and *Events* before the period set out in **Article 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 **Article 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.

8.5 Selection of *Athletes* for *Testing*.

- 8.5.1** Where required by *UCI* or *BMXA*, *Athletes* shall be selected for *Testing* under the applicable rules of *UCI* or *BMXA*.

ARTICLE 9 - ANALYSIS OF SAMPLES

Doping Control Samples collected under this Anti-Doping Policy shall be analysed under the following principles:

9.1 Use of Approved Laboratories.

Doping Control Samples collected under this Anti-Doping Policy must be analysed by WADA-accredited laboratories or as otherwise approved by WADA.

9.2 Substances Subject to Detection.

Laboratories shall analyse *Doping Control Samples* and report results under the relevant *WADA International Standard/s*.

ARTICLE 10 - RESULTS MANAGEMENT

- 10.1** *BMXA* will recognise the results of laboratory analysis of *Testing* by *Anti-Doping Organisations* including *ASDA* conducted under 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 shall be managed under article 7 of the *Code*, the *WADA International Testing Standards*, the *WADA Test Result Management Guidelines* and the *UCI Anti-Doping Rules*.

10.4 Notification of an Alleged *Anti-Doping Rule Violation*.

BMXA 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, *ASC*, *AOC* and *CA*; or
- (b) another person until after:
 - (i) the relevant hearing body 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* *BMXA* 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 a hearing within 14 days (unless the *Person* gives a written waiver under **Article 10.8**); and

- (d) states that if the *Person* does not respond within 14 days a hearing can be held in absentia or the *BMXA* may apply a sanction under **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*, *UCI*, *AOC* and *CA*;
- (b) consult the *ASC*, *UCI*, *AOC* and *CA* about their participation in any investigation and hearing;
- (c) assist in any investigation and hearing on behalf of the *ASC*, *UCI*, *AOC* or *CA*; and
- (d) consult the *ASC*, *UCI*, *AOC* or *CA* about a joint referral to a hearing.

10.7 The *ADCO* will refer the matter to a hearing under **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 a hearing in relation to:
 - (i) whether the *Person* committed an *Anti-Doping Rule Violation*; and
 - (ii) what sanction will apply.

BMXA will then apply the sanction as set out in **Article 13**.

10.9 **Provisional Suspensions.**

10.9.1 *BMXA* 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 *BMXA* 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 *BMXA*; and
- (c) suspend the *Person's* licence or participation permit.

10.9.3 *BMXA* may apply the *Provisional Suspension*:

- (a) from the date of the infraction notice;
 - (b) following the 14 day submission period; or
 - (c) as deemed appropriate by *BMXA* or *UCI*;
- 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.

If a *Provisional Suspension* is imposed, the hearing under **Article 11** shall be advanced to a date that avoids substantial prejudice to the *Athlete*.

ARTICLE 11 - RIGHT TO A FAIR HEARING

11.1 All hearings conducted under **Article 11** will respect the following principles:

- a timely hearing;
- a 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 hearing body to determine the identity of, and bear 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 under the rules of *UCI*; or
- (b) *CAS*;

where the matter going to hearing concerns a *BMXA* official, *BMXA* officer, *National Level Athlete* or *International Level Athlete*; or

- (c) *BMXA's* judicial or disciplinary panel;

where the matter going to hearing concerns any other *Person* to whom this Policy applies.

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

11.3 The hearing body 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 hearing body 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.

Sanctions will be under **Article 13**.

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

11.6 Hearings under 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, AOC, UCI, CA* and *WADA* shall have the right to attend hearings as an observer or interested party.

11.8 Decisions by *BMXA*, whether as the result of a hearing or the *Athlete* or other *Person's* acceptance of consequences, may be appealed under **Article 16**.

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

11.10 *BMXA* will bear the costs of the relevant hearing body (including any appeal under **Article 16.2**) but each party will bear their own costs of any hearing.

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 Rule 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 *BMXA* and/or the *ASC* may require the *Athlete* or other *Person* to repay all funding and grants received from *BMXA* and/or *ASC* subsequent to the occurrence of the *Anti-Doping Rule Violation*.

13.4.2 A hearing body may determine, in addition to applying the sanction outlined in **Articles 13.1 – 13.3** that a *Person* who has committed an *Anti-Doping Rule Violation*, 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 *BMXA* has committed an *Anti-Doping Rule Violation*, *BMXA* 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 out 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 that 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) or **Article 5.9** (Search and seizure obligations), 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. If 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 **Articles 13.2, 13.3** and **13.5**, and multiple violations under **Article 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 *UCI* Anti-Doping Commission may also reduce the period of *Ineligibility* in an individual case where the *Athlete* has provided substantial assistance to *UCI* which results in *UCI* 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 **Articles 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 *UCI* or *BMXA* 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 *UCI* or *BMXA* made a reasonable attempt to give notice, of the first *Anti-Doping Rule Violation*; if *UCI* or *BMXA* 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 out in **Article 13.3** (specified substances) and the other involving a *Prohibited Substance* or *Prohibited Method* governed by the sanctions set out 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*, *BMXA* 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 *UCI* or *BMXA* or *BMXA's* *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 *BMXA*;
- (f) use of official *BMXA* or *Member* facilities;
- (g) holding any position with *BMXA*.

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 *UCI* or *BMXA*. 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 *UCI* or *BMXA*, 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 *UCI* or *BMXA* 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 *Registered Testing Pools* and later seeks reinstatement, the *Athlete* shall not be eligible for reinstatement until the *Athlete* has notified *UCI* or *BMXA* and has been subject to *Out-of-Competition Testing* for a period of time equal to the longer of the period set out in **Article 8.4** or the period of *Ineligibility* remaining as of the date the *Athlete* had retired.

ARTICLE 14 - CONSEQUENCES TO TEAMS

- 14.1** If a *Member* is found to have committed a violation of this Anti-Doping Policy in connection with a team *Competition* or *Event*, in which he participated as a member of a team, the team shall be *Disqualified* from the *Competition* or *Event*.

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 not:

- (a) considered by the hearing body at the hearing; and
- (b) 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 they consider it more probable than not that the new information would have altered either the finding of an *Anti-Doping Rule Violation* or the sanction, then they will refer the application to the hearing body 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 under **Article 15.3** will apply **Articles 4, 5, 6, 7, 12** and **13** of this Anti-Doping Policy.

15.5 A sanction will remain in force during the review unless the hearing body decides otherwise.

15.6 The *ADCO* must inform:

- (a) the *Person*;
- (b) any relevant Sporting Organisations;
- (c) *ASC*;
- (d) *ASDA*;
- (e) *AOC*; and
- (f) any *Person* or organisation informed of the original determination under **Article 11.5**,

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* considers appropriate.

ARTICLE 16 - APPEALS

16.1 Decisions Subject to Appeal.

Decisions made under this Anti-Doping Policy may be appealed as set out below in **Articles 16.2 - 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 of an Anti-Doping Rule Violation*, a decision that no *Anti-Doping Rule Violation* was committed, a decision that *UCI* or *BMXA* lacks jurisdiction to rule on an alleged *Anti-Doping Rule Violation* or its consequences, and a decision to impose a *Provisional Suspension* 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 *BMXAS* under the provisions applicable before such court. Any such appeal will apply **Articles 4, 5, 6, 7, 12** and **13** of this Anti-Doping Policy.

16.2.2 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.

16.2.2.1 Any appeal from a determination of the relevant hearing body must be solely and exclusively resolved by the CAS Appeals Division. The determination of CAS Appeals Division will be final and binding on the parties to the appeal and no Person may institute or maintain proceedings in any court or tribunal. 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.

16.2.2.2 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.

16.2.2.3 The outcome of all appeals must be reported to ASC, ASDA, AOC and CA within 14 days of the conclusion of the appeal.

16.2.2.4 The ADCO may then inform other Persons or organisations as the ADCO thinks appropriate, including those with rights of appeal with respect to these cases as set out 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) *UCI* 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 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) *UCI*; and
- (d) *WADA*.

For cases under **Article 16.2.2**, ASC, *WADA* and *UCI* shall also have the right to appeal to CAS.

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*, *UCI* or *BMXA* or other body designated by *BMXA* 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 *CAS* shall be within twenty (20) days of the initial hearing.

ARTICLE 17 - CONFIDENTIALITY AND REPORTING**17.1 Incorporation of Relevant Anti-Doping Rules.**

BMXA shall comply with the *UCI* Anti-Doping Rules. All *Member* organisations shall comply with this Anti-Doping Policy. 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 *BMXA* 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 under **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, *BMXA* must *Publicly Report* its result including any sanction imposed.

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

Any decision of an *Anti-Doping Organisation* regarding a violation of this Anti-Doping Policy 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

BMXA will recognise and enforce *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 *UCI*;
- (b) *CA*; and
- (c) another organisation recognised by *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 - AMENDMENT AND INTERPRETATION OF ANTI-DOPING POLICY

- 20.1** This Anti-Doping Policy may be amended from time to time by *BMXA*.
- 20.2** Except as provided in **Article 20.5**, this Anti-Doping Policy shall be interpreted as an independent and autonomous text and not by reference to existing law or statutes.
- 20.3** 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.
- 20.4** The INTRODUCTION and the APPENDIX 1 DEFINITIONS shall be considered integral parts of this Anti-Doping Policy.
- 20.5** This Anti-Doping Policy has been adopted under 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.
- 20.6** This Anti-Doping Policy shall not apply retrospectively to matters pending before the date this Anti-Doping Policy came into effect.
- 20.7** Words in the singular include the plural and vice versa.
- 20.8** A *Person* includes a body corporate.
- 20.9** Words not defined in this policy have the meaning ascribed to them in the *Code* unless a contrary meaning appears from the context.
- 20.10** 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*.

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

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*, and 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 *BMXA* 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 *BMXA* or a body affiliated with *BMXA*; or
 - (iii) has otherwise agreed to be bound by this Anti-Doping Policy; or
- (c) any *Rider*.

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 Olympic Committee (AOC). Means the *Australian Olympic Committee Inc.*

Australian Paralympic Committee (APC). Means the *Australian Paralympic Committee Inc.*

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.

BMXA. Bicycle Motocross Australia Inc.

CA. Australian Cycling Federation Inc (Cycling Australia).

Code. The World Anti-Doping Code.

Competition. A single *Race* organised separately (for example, a one day road race, each of the time trial and road race) or a series of *Races* forming an organisational unit and producing a final winner and/or general classification.

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 13**; 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 out in **Article 5**.

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 single *Competition* organised separately or a series of *Competitions* conducted together as a single organisation; a reference to *Event* includes reference to *Competition* and *Race* unless the context indicates otherwise.

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

In-Competition. Refers to the period that starts one day before or, in the case of a major tour, three days before the start of an *Event* and finishing at midnight of the day on which the *Event* finishes.

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 an *International Federation* recognised by the IOC or General Assembly of International Sports Federations (GAISF) as the entity responsible for governing that sport internationally including *UCI*.

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

Metabolite. Any substance produced by a biotransformation process.

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 [NADO]. 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. The Australian Government has designated the ASC and ASDA as Australia's *NADO*'s.

National Event. An *Event*, *Competition* or *Race* of the national calendar of *BMXA*.

National Olympic Committee [NOC]. 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 (NSO). A national or regional entity which is a *Member* of or is recognised by an *International Federation* as the entity governing that *International Federation*'s 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* that 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* which is published and revised by WADA as described in article 4.1 of the *Code*.

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 10.9.5, 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 of an Anti-Doping Violation* above.

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

Recognised Medical Authority. The *Australian Sports Drug Medical Advisory Committee (ASDMAC)*, 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.

Rider. A *Person* who participates as a cyclist in an *Event* whether he is authorised to or not.

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 *ASC* and includes their *Members* 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* under 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.

UCI. Means Union Cycliste Internationale.

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

WADA. The *World Anti-Doping Agency*.