

**AUSTRALIAN BASEBALL FEDERATION INC.**

**ANTI-DOPING POLICY**

**POSITION STATEMENT**

The only legitimate use of drugs in sport is under supervision of a physician for a clinically justified purpose. This policy prohibits classes of substances and doping methods in recognition of their performance enhancing effects contrary to the ethics of sport and the potential harm to the health of athletes.

Athletes and their physicians must take every care to ensure that the therapeutic use or administration of substances does not contravene this policy.

**1. INTERPRETATION**

1.1 In this policy, the following words have the following respective meanings:

- “Act” means the *Australia Sports Drug Agency Act 1990*.
- “ABF” means the Australian Baseball Federation Inc.
- “Agency” means any agency (including ASDA) which conducts *Testing of Athletes* for the detection of *Doping* whilst and so long as such *Testing* is conducted substantially in conformity with the procedures of the *IBA*, or if the *IBA* does not provide for such procedures or during the Olympic Games, then in conformity with the *Medical Code*.
- “Anti-Doping Control Officer” means the person appointed or persons deemed to be appointed as such by the *ABF* pursuant to clause 3.4.
- “AOC” means the Australian Olympic Committee Inc.
- “AOC Secretary-General” means the Secretary-General of the *AOC*.
- “ASC” means the Australian Sports Commission.
- “ASDA” means the Australian Sports Drug Agency established under the *Act*.
- “Athlete” means:
- (a) any person:
    - i. competing; or
    - ii. who in the previous twelve (12) months has competed; in any competition under the control or auspices of the *ABF*, or
  - (b) any person:
    - i. using; or

ii. who in the previous twelve (12) months has used;

the facilities of the *ABF*;

unless retired from competition pursuant to clause 15.

**“CAS”** means the Court of Arbitration for Sport.

**“Doping”** means:

(a) the presence, in a person's *Sample*, of substances belonging to classes of pharmacological agents; or

(b) the use of the various methods;

prohibited by the *IBA*, or if the *IBA* does not prohibit substances and/or methods or during the Olympic Games, then such substances, methods and classes of drugs described in Chapter II of the *Medical Code*;

**“Doping Offence”**

means and includes:

(a) *Doping*;

(b) the refusal to provide a *Sample* for *Testing* upon request by a *Responsible Authority* or *Agency*,

(c) *Trafficking*; or

(d) (1) aiding, abetting, counselling or procuring;

**(2) inducing (whether by threats or promises or otherwise);**  
**(3) being in any way, whether directly or indirectly, concerned in, or party to; or**

(4) conspiring with any other person to effect;

any of the practices described in paragraphs (a) – (c) of this definition.

**“IBA”** means the International Baseball Association.

**“IOC”** means the International Olympic Committee being an association created by the Congress of Paris of 23 June 1894 and which is entrusted with the control and development of the modern Olympic Games pursuant to the *Olympic Charter*.

**“Medical Code”**

means the Medical Code provided for under Rule 48 of the *Olympic Charter* as in force from time to time.

**“Member”** means:

(a) any person who, or body which is, a member of the *ABF*;

(b) any person who, or body which is, affiliated to the *ABF*;

(c) any person who is a member of a body which is a member of or affiliated with the *ABF*; and

- (d) any person taking part in, or involved in or associated with any sporting activity conducted, authorised or recognised by the *ABF*, whether as an *Officer* or as an *Official* or otherwise.

**“Officer”** means all persons who administer, manage, assist or are otherwise involved in the sport of baseball other than as an *Athlete* or *Official*.

**“Official”** means all persons who administer, manage, coach, assist or are otherwise involved in the sport of baseball other than as an *Athlete* or as an *Officer*.

**“Olympic Charter”** means the Olympic Charter of the *IOC* or any amendment or modification thereto or replacement thereof.

**“Positive Test Result”** means a notice from an *Agency of Doping*.

**“Responsible Authority”** means the *IBA*, *AOC*, the *IOC*, Sydney Organising Committee for the Olympic Games, the *ASC*, the Australian Institute of Sport, *Sporting Organisations*, State Academies and Institutes of Sport and State Sporting Associations.

**“Sample”** means human biological fluid or tissue.

**“Sporting Organisation”** means any body controlling a branch of sport, whether within Australia, overseas or internationally and recognised by the *IOC*, the *AOC* or the *ASC*.

**“Testing”** means the requesting, collecting and analysis of *Samples for Doping*.

**“Trafficking”** means:

- (a) manufacturing, extracting, transforming, preparing, storing, expediting, transporting, importing, transiting, offering (whether subject to payment or free of charge), distributing, selling, exchanging, brokering, obtaining in any form, prescribing, commercialising, making over, accepting, possessing, holding, buying or acquiring in any manner the products or substances which are prohibited under this policy;
- (b) acting in the above respect, financing or serving as an intermediary for the finance of the latter, provoking in any way the consumption or use of such products or prohibited substances or establishing means of procuring or consuming such substances; or
- (c) being concerned or involved in methods which are prohibited by this policy;

other than in the course of the legal exercise of professional medical, pharmaceutical or analogous activities provided that a person, other than an *Athlete*, may rebut the presumption of trafficking arising out

of mere possession of a substance prohibited under this policy if that person proves to the satisfaction of CAS that the substance was solely for personal use.

- 1.2 (1) Reference to:
- (a) the singular includes the plural and the plural includes the singular; and
  - (b) a person includes a body corporate; and
  - (c) a State includes a Territory.
- (2) If a person or *Member* to whom this policy applies consists of more than one person, then this policy binds them jointly and severally.
- (3) The Position Statement and headings are for convenience only and do not form part of this policy or affect its interpretation.
- (4) "Including" and similar words are not words of limitation.
- (5) Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.

## **2. APPLICATION OF ANTI-DOPING POLICY**

2.1 This policy applies to:

- (1) *Athletes*, whether in or out of competition;
- (2) *Members*; and
- (3) all persons involved in *Trafficking*.

2.2 Sanctions are applicable in the event of any infraction of this policy.

## **3. OBLIGATIONS**

3.1 All *Athletes* must give *Samples for Testing* at the request of an *Agency*.

3.2 Every person or body to whom this policy applies must not commit a *Doping Offence*.

3.3 The *ABF*:

- (1) permits and authorises *ASDA* to attend competitions conducted by it or under its auspices to obtain *Samples for Testing*;
- (2) permits and authorises *ASDA* to obtain *Samples for Testing* from *Athletes* out of competition and will provide reasonable assistance for this purpose;
- (3) requires and will cause *Athletes* and *Officials* to permit *ASDA* or other *Agency* to collect *Samples for Testing* and provide reasonable assistance for this purpose. This assistance includes the prompt, complete and correct advice of the address and contact details of any *Athlete* as known to the *ABF* or a *Member* together with any other information requested by *ASDA* or any other *Agency* relevant to the collection of *Samples*;

- (4) uses *ASDA* to conduct any additional test in Australia and at the expense of the *ABF*;
- (5) permits and assists the *IBA* and any *Agency* appointed by the *IBA* to obtain *Samples* from *Athletes* for *Testing*;
- (6) will implement and administer this policy promptly and without favour or discrimination to the satisfaction of the *AOC* and the *ASC*; and
- (7) subject to any applicable law to the contrary, will require *ASDA* or any other *Agency* conducting *Testing* of *Athletes* to notify the *AOC Secretary-General* and the Executive Director of the *ASC* of:
  - (a) all positive results of that *Testing*;
  - (b) the results of all *Testing* conducted at the direction of the *ABF*;
  - (c) the results of such other *Testing* as advised by the *AOC Secretary-General* or the Executive Director of the *ASC* from time to time; and
  - (d) any refusal to provide a *Sample* upon request.

3.4 Except to the extent required by the rules of the *IBA*, the *ABF* observes the Anti-Doping Policy of the *AOC* and to this end will appoint an *Anti-Doping Control Officer* approved by the *AOC Secretary-General*. Failing the appointment of a person to this position, the *President* and *Chief Executive Officer* of the *ABF* will be deemed to be jointly and severally the *Anti-Doping Control Officer*.

3.5 The obligations of the *Anti-Doping Control Officer* are:

- (1) to ensure the *ABF* complies with its obligations to the *AOC*, the *ASC* and the *IBA* pursuant to their respective anti-doping policies,
- (2) without limiting the obligations under paragraph (1):
  - (a) to notify *Athletes* they are liable for selection to provide *Samples* for *Testing* whether in Australia or overseas;
  - (b) to arrange for completion and return of forms required for the purposes of *ASDA* or any other *Agency* at the request of the *AOC*, the *IBA*, *ASDA* or other *Agency*;
  - (c) to submit this anti-doping policy and any amendments thereto to the *AOC* and the *ASC* for approval and consistency with the anti-doping policies of the *IBA*, the *AOC* and the *ASC*;
  - (d) to advise promptly the *AOC* and the *ASC* of the anti-doping policy of the *IBA* and any changes thereto within 48 hours of the *ABF* becoming aware of such changes;
  - (e) to notify promptly the *AOC* and the *ASC* of any circumstances which may be or are an infraction of this policy and/or the anti-doping policies of the *AOC* and the *ASC* including:
    - i. the name of any *Athlete* who returns a *Positive Test Result* and details of that result;
    - ii. the name of any person who the *ABF* or any of its *Officers* knows or reasonably suspects of having committed an infraction

of this policy or the Anti-Doping Policy of the AOC and all relevant circumstances of that possible infraction; and

- iii. the address of the *Athlete* or person concerned which is last known by the *ABF*;
- (f) upon request to promptly provide to the AOC such information and assistance as the AOC may request concerning any alleged infraction of its anti-doping policy or this policy or any practice concerning the use of drugs in sport; and
- (g) to provide the AOC with the opportunity to attend as an observer at any prosecution, and a report concerning the *ABF*'s prosecution of any *Doping Offence* hearing.

#### **4. TESTING**

4.1 *Testing of Athletes* must be conducted by an *Agency*.

- (a) substantially in conformity with the requirements of the *IBF*;
- (b) if the *IBF* does not prescribe any such requirements or during the Olympic Games, then substantially in conformity with the Medical Code; or
- (c) in the case of *ASDA* conducting government funded tests pursuant to the *Act*, in conformity with the *Act*.

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

#### **5. INFRACTIONS**

5.1 The commission of a *Doping Offence* is an infraction of this policy.

5.2 For the avoidance of doubt, it is expressly stated that intention to use substances belonging to classes of pharmacological agents prohibited under this policy is not relevant in determining whether *Doping* has occurred.

#### **6. ADVICE OF ALLEGED INFRACTION**

Where the *ABF* has requested an *Agency* to conduct *Testing of Athletes*, the *Agency* requested will notify;

- (a) the *Anti-Doping Control Officer*;
- (b) the *AOC Secretary-General* (subject to any law to the contrary); and
- (c) the Executive Director of the *ASC* (subject to any law to the contrary);

of the names and results of *Athletes* who return a *Positive Test Result* or who fail to comply with the requirement to provide a *Sample* for *Testing*.

## **7. INFRACTION NOTICE**

- 7.1 As soon as possible after the *Anti-Doping Control Officer* has received notification or they believe on other grounds that a person may have committed a *Doping Offence*, they will give to the person an infraction notice, together with a copy of this policy.
- 7.2 The infraction notice to be given under clause 7.1 may be given by the AOC *Secretary-General* on behalf of the *Anti-Doping Control Officer*. Where the AOC *Secretary-General* gives the infraction notice, they may do so jointly with any infraction notice under the Anti-Doping Policy of the AOC. Should the AOC *Secretary-General* give the infraction notice on behalf of the *Anti-Doping Control Officer*, then references in the remainder of this clause 7 and in clause 11 to the “*Anti-Doping Control Officer*” will be read as if they were references to the “AOC *Secretary-General*”.
- 7.3 The infraction notice given pursuant to clause 7.1 must:
- (1) be in writing and be delivered to the person’s address as last known to the *ABF*;
  - (2) set out the nature and particulars of the alleged *Doping Offence*;
  - (3) set out the sanction that may be imposed under this policy should the *Doping Offence* be established or deemed to be established; and
  - (4) state that:
    - (a) the person may, by notice in writing to be received by the *Anti-Doping Control Officer* within 14 days of the date of the infraction notice, require the *ABF* to refer the matter to the *CAS* for a hearing;
    - (b) in the absence of such notice to the *Anti-Doping Control Officer*, the person will be deemed to have committed the *Doping Offence* and will be subject to sanction in accordance with clause 8; or
    - (c) the person may admit the *Doping Offence*.
- 7.4 In the event that the person notifies the *Anti-Doping Control Officer* that they require a hearing pursuant to clause 7.3(4)(a), the *Anti-Doping Control Officer* must so refer the matter to the Oceania Registry of the *CAS* for a hearing to be conducted pursuant to clause 9.
- 7.5 In the event that the person who has been sent an infraction notice pursuant to clause 7.3;
- (1) does not notify the *Anti-Doping Control Officer* within 14 days of the date of the infraction notice that they require the *ABF* to refer the matter to the *CAS* for hearing; or
  - (2) notifies the *Anti-Doping Control Officer* that they committed the *Doping Offence*;

the person will be deemed to have committed the *Doping Offence* and the relevant sanction pursuant to clauses 8.1 and 8.2 will be automatically applied including the repayment of all grants paid to the *Athlete* by the *ABF*.

Where a discretion as to sanction is involved, or where the *Anti-Doping Control Officer* is of the view that an increased sanction under clause 8.3 ought be imposed, then the *ABF* will refer the matter solely on the question of the applicable sanction to the Oceania Registry of the *CAS* for a hearing to be conducted pursuant to clause 9.

7.6 Where a person is deemed to have committed a *Doping Offence* under clause 7.5, the *Anti-Doping Control Officer* will inform the person by notice in writing of the recording of the *Doping Offence* and the sanction imposed.

7.7 A person who receives notification pursuant to clause 7.6 may apply to *CAS* to have the recording of the *Doping Offence* and the sanction imposed set aside. As a preliminary issue to any hearing, the person must first establish to the satisfaction of *CAS* that he or she was unaware of the infraction notice sent to him or her or the contents thereof and, as result, did not request the matter be referred to the *CAS* for a hearing. Should *CAS* be so satisfied, *CAS* will then proceed to hear the matter as if the person had requested it be referred to it for hearing.

## **8. SANCTIONS**

8.1 An *Athlete* who is found to have returned a *Positive Test Result* for *Doping* will:

- (1) unless otherwise determined by the *CAS*, be required to repay to the *ABF* all funding and grants received from the *ABF* since the earlier of the implementation of this policy or the occurrence of the *Doping Offence*;
- (2) have all games, titles, points, prizes or medals won by the *Athlete* and their team from the date of the infraction notice forfeited. The *ABF* Office Bearers may also forfeit all games, titles, points, prizes or medals won by the *Athlete* and their team from the date of the provision of the *Sample*, including any games played on that day; and
- (3) be disqualified for that competition where the *Testing* was in competition;

and will be:

- (a) ineligible for membership of, or selection by the *ABF* in, any Australian representative team;
- (b) banned from competing in any events and competitions conducted by or under the auspices of the *ABF*;
- (c) ineligible to receive, directly or indirectly, funding or assistance from the *ABF*; and
- (d) ineligible to hold any position with the *ABF*;

for the applicable period described in clause 8.2 and may be required to undergo counselling.

8.2 The applicable period for paragraphs (a) – (d) of clause 8.1 are:

- (1) for a first infraction other than in the cases provided in paragraph (2) - suspension for two years;
- (2) for a first infraction in cases of a *Positive Test Result* for ephedrine, phenylpropanolamine, pseudoephedrine, caffeine, strychnine and related compounds - suspension for a maximum period of three months;

- (3) for a subsequent infraction other than in the cases provided in paragraph (4) - suspension for his or her lifetime;
  - (4) for a second infraction in cases of a *Positive Test Result* for ephedrine, phenylpropanolamine, pseudoephedrine, caffeine, strychnine and related compound - suspension for two years; and
  - (5) for a subsequent infraction in cases of a *Positive Test Result* for ephedrine, phenylpropanolamine, pseudoephedrine, caffeine, strychnine and related compound - suspension for his or her lifetime.
- 8.3 Where an *Athlete* or person is found to have committed a *Doping Offence* other than a *Positive Test Result*, they will be subject to at least the same penalties as described in clauses 8.1 and 8.2, provided that such penalties are a minimum only and may be increased according to the circumstances and culpability involved.
- 8.4 The above sanctions may be applied to a person regardless of any sanction or penalty, its duration or timing or whether current or past, imposed by any *Responsible Authority* provided that:
- (1) in accordance with clause 12, the *ABF* and *CAS* will recognise previous sanctions imposed by any *Responsible Authority* to determine whether the infraction is a first or second offence, provided that the event which resulted in the sanction imposed by the *Responsible Authority* would be an infraction of this policy if this policy had applied to that event; and
  - (2) in the event that a *Responsible Authority* has imposed a heavier sanction than that imposed pursuant to clauses 8.1 and 8.2, the *CAS* may impose the same sanction imposed by that *Responsible Authority*.
- 8.5 Where the rules of the *IBA* provide for a lesser sanction in respect of a *Positive Test Result* for alcohol, cannabinoids, local anaesthetics, corticosteroids or beta blockers, then that same sanction will be substituted for the sanctions described in clauses 8.1 and 8.2.
- 8.6 Notwithstanding clauses 8.1 - 8.5, the *CAS* has an overriding ability under clause 9.5 to reduce the sanction imposed in respect of a *Positive Test Result*.
- 8.7 At the end of the suspension period, the *Athlete* will be permitted to compete again provided they submit to a request for *Testing*, and the results for those tests are negative.

## **9. CAS HEARING**

- 9.1 A hearing under this clause 9 will be conducted pursuant to the Code of Sports-Related Arbitration. All parties to any such hearing may appear in person (or if a body corporate to be represented by any of its officers) or to be represented by their legal representative.
- 9.2 Where the alleged *Doping Offence* arises out of a *Positive Test Result*, the *CAS* may only determine that a *Doping Offence* has not occurred if the *Athlete* establishes on the balance of probabilities that:
- (1) the Sampling or *Testing* procedure was not conducted in accordance with this policy;
  - (2) the *Samples* which led to the *Positive Test Result* were not those of the *Athlete*; or

- (3) the *Samples* which led to the *Positive Test Result* were so contaminated as to affect the result of the test;

or any combination of these factors.

9.3 In all other instances of alleged *Doping Offences* the *ABF* bears the onus of establishing on the balance of probabilities that the *Doping Offence* has been committed.

9.4 Subject to clauses 9.5 and 9.6, if the *CAS* determines that a person has committed a *Doping Offence* as detailed in the infraction notice, it will impose on the person the relevant sanction pursuant to clauses 8.1 – 8.4 and determine whether the person ought repay all or part of all grants paid to them by the *ABF*.

9.5 In any hearing of the kind referred to in clause 9.2, the *CAS* may reduce the sanction (but not overturn the *Doping Offence*) only if the *Athlete* establishes on the balance of probabilities that extenuating circumstances exist and that as a result of those extenuating circumstances the sanction should be reduced.

For the purposes of this clause, “extenuating circumstances” means circumstances where the *Athlete*:

- (1) did not know or suspect that the relevant substance was prohibited and had no reasonable grounds to know or suspect the substance was prohibited; or
- (2) did not know that they had taken or been administered the relevant substance, provided they had acted reasonably in all the relevant circumstances.

9.6 The *CAS* may impose a sanction greater than specified in clause 8.3 if it is satisfied on the balance of probabilities that it is appropriate to do so in all the circumstances (including the need to fight against the use of drugs in sport and for the *ABF* to lead that fight by example),

9.7 In any hearing by *CAS*:

- (a) *CAS* will decide according to the laws applicable in New South Wales;
- (b) the *ABF* will bear the costs of *CAS* but each party will bear their own costs of the hearing;
- (c) the hearing will not be confidential and the provisions of R43 of the Code of Sports-Related Arbitration regarding confidentiality will not apply; and
- (d) the *CAS* award will be made public, except in exceptional cases at the direction of *CAS*.

## **10. APPEALS FROM DECISIONS OF THE CAS**

10.1 A person (including the *ABF*) aggrieved of a decision of the *CAS* under this policy may appeal that decision to the *CAS*. An appeal may be against the finding that a *Doping Offence* has occurred, the sanction imposed or both.

10.2 Any appeal from a decision of the *CAS* must be solely and exclusively resolved by the *CAS*. The decision of the *CAS* will be final and binding on the parties to the appeal and no person (including the *ABF*) may institute or maintain proceedings in any court or tribunal other than the *CAS*.

- 10.3 An appeal will be a rehearing of the matters appealed against and the provisions of clause 9 will apply, mutatis mutandis, to any appeal to the CAS.

## **11. NOTIFICATION**

- 11.1 Upon the imposition of a sanction under clauses 7.5 or 9, the *Anti-Doping Control Officer* will send details of the *Doping Offence* and the sanction imposed to:

- (1) the IBA;
- (2) the AOC;
- (3) the *Agency(ies)* (if any) concerned in the incident;
- (4) ASC; and
- (5) any other person or organisation the *Anti-Doping Control Officer* believes should be informed.

- 11.2 If on appeal the CAS overturns the finding that a *Doping Offence* has occurred or alters the sanction imposed, the *Anti-Doping Control Officer* will advise the decision to all those persons notified of the initial imposition of the sanction pursuant to clause 11.1.

## **12. RECOGNITION OF OTHER DECISIONS**

- 12.1 The ABF will recognise any finding and sanction of a *Responsible Authority* that a person has committed an infraction of the anti-doping policy of that *Responsible Authority*, provided that infraction of the anti-doping policy would also have been an infraction of this policy.

- 12.2 Where clause 12.1 applies, the provisions of this policy will apply to that infraction.

## **13. DISPUTES**

Any dispute regarding the construction and/or application of this policy must be solely and exclusively resolved by the CAS according to the Code of Sports-Related Arbitration. The decision of the CAS will be final and binding on the parties concerned and no *Athlete* or person may institute or maintain proceedings in any court or tribunal other than the CAS.

## **14. REVIEW OF DOPING OFFENCE**

If a person recorded as having committed a *Doping Offence* is subsequently found not to have committed that *Doping Offence* or is otherwise cleared or pardoned of any relevant wrongdoing by:

- (1) the CAS; or
- (2) the IBA or the IOC;

the ABF will overturn the *Doping Offence* and any sanction that had been imposed as a result of that *Doping Offence* and the *Anti-Doping Control Officer* will advise this fact to those persons notified of the *Doping Offence* pursuant to clause 11.1.

## **15. RETIREMENT**

- 15.1 An *Athlete* who wishes to retire from competition must give the ABF notice in writing. This notice will not excuse the *Athlete* from having to

give a *Sample for Testing* where prior notification has been given to the *Athlete*, nor will it serve to negate the results of the *Testing* of any *Sample* already given or the results of such *Testing*.

- 15.2 Subject to clause 15.3, upon giving a notice under clause 15.1, the *Athlete* will thereafter be ineligible to compete for a minimum of 2 years from the date of receipt of the retirement notice by the *ABF*.
- 15.3 At any time beginning 1 year after the retirement date the *Athlete* may seek reinstatement by written request to the *ABF*, at which time the *Athlete* will again be subject to the provisions of this policy. Reinstatement will not be automatic and the *Anti-Doping Control Officer* may require the *Athlete* to provide a *Sample for Testing* prior to any decision being made by the *ABF* as to the *Athlete's* reinstatement. If the *ABF* reinstates the *Athlete*, then during the ensuing 6 months from the reinstatement the *Athlete* will be eligible to compete in domestic competitions only and may be subject to further *Testing* at the discretion of the *Anti-Doping Control Officer*.
- 15.4 *CAS* may authorise an *Athlete* to be reinstated or to compete in international competitions before the expiry of the relevant time periods described in clause 15.3, upon the *Athlete* demonstrating that his or her retirement was not motivated in any way by an attempt to avoid *Testing*

## **16. REVIEW OF SANCTION**

- 16.1 Where a person to which a sanction has been applied under this policy in respect of a *Doping Offence* (including any preceding the *ABF* anti-doping policy) has new and relevant information concerning the subject *Doping Offence*, they or it may make written application to the *Anti-Doping Control Officer* setting out the grounds for a possible review of that sanction.
- 16.2 The *Anti-Doping Control Officer* will consider the application and:
- (1) after first consulting with any other *Sporting Organisation* which has a current sanction over the person; and
  - (2) with the prior approval of the *AOC Secretary-General* and the Executive Director of the *ASC*;
- determine whether to review any sanction imposed under this policy and may alter a sanction imposed previously including a reduction or withdrawal of the sanction.
- 16.3 The *Anti-Doping Control Officer* will not alter any sanction under clause 16.2 without the prior approval of the *AOC Secretary-General* and the Executive Director of the *ASC*.
- 16.4 In the event of any alteration to a sanction by the *ABF* pursuant to this clause 16, the *Anti-Doping Control Officer* will promptly notify the person concerned as well as those persons who received notification from them of the *Doping Offence* and sanction.

## **17. CONFIDENTIALITY**

- 17.1 Subject to the required notification to the *AOC* and the *ASC* pursuant to clause 3.5, the *ABF* and any person given an infraction notice under this policy will maintain the confidentiality of;

- (1) the fact that an infraction notice has been issued;
  - (2) the circumstances which are alleged to constitute a *Doping Offence*; and
  - (3) the hearing before the CAS in accordance with the Code of Sports-Related Arbitration.
- 17.2 This obligation will not apply to the ABF in the event that the person alleged to have committed the *Doping Offence* breaches their obligations under this clause, or where the matter is otherwise in the public domain.
- 17.3 This clause will not apply to notification pursuant to clause 11.

**Adopted as a By-Law of the ABF in 1999.**