

RUGBY AU

ILLICIT DRUGS POLICY

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1. Position statement

- 1.1. Rugby Australia Ltd (**Rugby AU**), the Professional Rugby Bodies (**PRBs**) and the Rugby Union Players' Association (**RUPA**) are acutely aware of the challenges faced by society in terms of the availability and use of illicit substances and seek to deter Professional Rugby Players and Team Management from the use of Illicit Drugs. Illicit drugs have a significant impact on the culture and performance of individuals and teams.
- 1.2. Illicit Drugs represent a widespread community problem and a serious health issue for individuals and this Illicit Drugs Policy (**Policy**) seeks to address those issues in a fair and proportionate manner by providing an effective deterrent against involvement and use of Illicit Drugs. This Policy makes provision for education and counselling, implementation of random and targeted testing in relation to Illicit Drugs and sanctions for Violations.
- 1.3. All stakeholders acknowledge the detrimental effects of the use of Illicit Drugs and understand that through their participation in Australian Rugby, they have the ability to significantly influence the lives of others including, in particular, aspiring athletes and supporters and as such acknowledge that the involvement or use of Illicit Drugs risks bringing the sport of Rugby into disrepute.
- 1.4. This Policy is designed to help prevent the uptake of Illicit Drug use and reduce drug-related harm to individuals and the families of stakeholders.
- 1.5. Rugby AU has adopted and implemented an anti-doping Policy and rules which conform to the World Anti-Doping Code, known as the *Rugby AU Anti-Doping Code*. The World Anti-Doping Code Prohibited List includes Illicit Drugs that are prohibited In-Competition. This Policy differs from the Rugby AU Anti-Doping Code in that it addresses the Out-of-Competition use of Illicit Drugs. If there is any inconsistency between this Policy and the Rugby AU Anti-Doping Code, then the Rugby AU Anti-Doping Code will prevail.

2. Objectives

- 2.1. Rugby AU is committed to deterring the use of Illicit Drugs and has developed this Policy with the objective of:
 - 2.1.1. protecting the health and well-being of Professional Rugby Players and Team Management;
 - 2.1.2. educating Professional Rugby Players and Team Management about the dangers of Illicit Drugs;
 - 2.1.3. providing an avenue of rehabilitation for Professional Rugby Players and Team Management that have an issue with Illicit Drugs in the first instance;
 - 2.1.4. providing an effective deterrent to Illicit Drug use by Professional Rugby Players and Team Management;
 - 2.1.5. providing a positive example for young people and others in the community; and
 - 2.1.6. protecting and promoting the image and integrity of Rugby generally, its Professional Rugby Bodies, sponsors and other stakeholders as a game free of Illicit Drugs.

3. Application

- 3.1. This Policy applies to all Professional Rugby Players and Team Management, and they agree to be bound by this Policy.
- 3.2. This Policy shall apply all year, although testing for Illicit Drugs shall only occur Out-of-Competition as per Article 6 of this Policy.

- 3.3.** Rugby AU and RUPA agree to periodically review this Policy, statistical data and matters covered by this Policy with the intent of extending, varying or replacing this Policy. If an agreement to change any part of the Policy is not reached between Rugby AU and RUPA, the Policy will remain in effect, to the extent that it is not inconsistent with any applicable legislation.

4. Obligations

- 4.1.** All Professional Rugby Players and Team Management are bound by this Policy as a condition of their participation and/or involvement in Rugby.

4.2. Roles and responsibilities – Professional Rugby Players and Team Management must, to the greatest extent possible:

- 4.2.1. be knowledgeable of and comply with all Articles applicable to them under this Policy;
- 4.2.2. use their influence to reinforce the education messages regarding Illicit Drugs;
- 4.2.3. read and understand the List of Prohibited Illicit Drugs as it relates to them and keep up to date with any changes to the list;
- 4.2.4. submit to testing pursuant to this Policy and to the Testing Procedures set out at Attachment B;
- 4.2.5. make themselves available for education and prevention programs in relation to this Policy, including but not limited to induction and annual education and prevention programs; and
- 4.2.6. act in a discreet and confidential manner in discharging their obligations under this Policy.

4.3. Roles and responsibilities – Rugby AU will:

- 4.3.1. adopt, implement and comply with this Policy;
- 4.3.2. ensure that each Professional Rugby Player and member of Team Management has a reasonable opportunity to receive and/or attend appropriate education and prevention programs in relation to this Policy prior to being subject to any form of Testing;
- 4.3.3. ensure that each Professional Rugby Player and member of Team Management acknowledges the Policy's application and sanctions for breach;
- 4.3.4. ensure that this Policy is made available to Professional Rugby Players and Team Management, RUPA and any other Person who has agreed to be bound by this Policy;
- 4.3.5. have the authority to enforce this Policy;
- 4.3.6. ensure that all relevant Rugby AU and Professional Rugby Body employees, contractors and personnel are adequately educated, aware of the testing and violation procedures and a Player's rights under this Policy;
- 4.3.7. ensure that all Rugby AU and Professional Rugby Body employees, contractors and personnel act in a discreet and confidential manner in discharging their obligations under this Policy; and
- 4.3.8. obtain RUPA and Rugby AU Board approval for any amendments to this Policy.

4.4. Roles and responsibilities – RUPA will:

- 4.4.1. assist Rugby AU in the implementation of education and prevention programs as noted in Article 4.3.3 of this Policy, including assisting with the preparation of educational material and jointly presenting at education sessions;
- 4.4.2. ensure that all relevant RUPA employees, contractors and personnel are adequately educated, aware of the testing and Violation procedures and Players' rights under this Policy; and
- 4.4.3. ensure that all RUPA employees, contractors and personnel act in a discreet and confidential manner in discharging their obligations under this Policy.

5. Violations

- 5.1. All Professional Rugby Players, Team Management, Rugby AU and RUPA are bound by the terms of this Policy and are required to fulfil their roles and responsibilities as set out in Article 4.2, however for the purposes of this Policy only a Player is capable of a Violation of this Policy as set out below, resulting in a sanction pursuant to Article 8.
- 5.2. A Player shall commit a Violation of this Policy where:
 - 5.2.1. the Testing Agent notifies the Illicit Drugs Policy Officer that there is present, in that Professional Rugby Player's bodily Sample, any Illicit Drug, or its Metabolites or Markers (considered an **Adverse Analytical Finding** under this Policy);
 - 5.2.2. in the reasonable opinion of the Illicit Drugs Policy Officer and the Rugby AU Chief Medical Officer, in consultation with the Testing Agent, a Professional Rugby Player refuses or fails to submit a Sample for collection after notification of a requirement to provide a Sample or otherwise knowingly evades any Sample collection;
 - 5.2.3. in the reasonable opinion of the Illicit Drugs Policy Officer and the Rugby AU Chief Medical Officer, in consultation with the Testing Agent, a Professional Rugby Player deliberately tampers with or attempts to tamper with any part of the Illicit Drugs testing process;
 - 5.2.4. if in the reasonable opinion of the Illicit Drugs Policy Officer and the Rugby AU Chief Medical Officer, in consultation with the Professional Rugby Body Medical Officer, the Testing Agent and the RUPA Illicit Drugs Policy Officer, it is determined that a Professional Rugby Player has unjustifiably failed to comply with the terms of the obligations imposed on the Professional Rugby Player as required by Article 8; or
 - 5.2.5. a Professional Rugby Player is deemed to have committed a Violation as per Articles 8.4, 8.5 or 8.6 of this Policy.
- 5.3. Each party that is privy to information in establishing a Violation pursuant to Article 5.2 of this Policy shall act in a discrete and confidential manner at all times and in accordance with the confidentiality obligations contained within this Policy.
- 5.4. It is not an acceptable defence to any claim that a Professional Rugby Player has committed a Violation for that Professional Rugby Player to contend that:
 - 5.4.1. the use of an Illicit Drug by the Professional Rugby Player was not intentional, or it had otherwise been used inadvertently;
 - 5.4.2. the Professional Rugby Player was negligent, ignorant or otherwise not at fault;
 - 5.4.3. the Professional Rugby Player did not know the Illicit Drug was prohibited under this Policy; or
 - 5.4.4. use of the Illicit Drug in question did not enhance the performance of the Professional Rugby Player concerned or was otherwise not performance enhancing.

- 5.5. Any Professional Rugby Player or member of Team Management involved in the trafficking, supply or possession of Illicit Drugs will be liable to action being taken against them under the Rugby AU Anti-Doping Code, Rugby AU Professional Player Code of Conduct or Rugby AU Code of Conduct or other applicable regulation.
- 5.6. A Violation may only be established for Out-of-Competition testing for Illicit Drugs and conduct which constitutes a Violation pursuant to Articles 5.2.1, 5.2.2, 5.2.3, 5.2.4 and 5.2.5. In-Competition testing for Illicit Drugs shall be dealt with under the Rugby AU Anti-Doping Code, to the exclusion of the Policy.

6. Testing

- 6.1. Subject to consultation with RUPA, Rugby AU shall appoint a suitably qualified, professional testing agency (the **Testing Agent**) for the purposes of this Policy.
- 6.2. All Professional Rugby Players and members of Team Management agree to submit to Out-of-Competition testing under this Policy. Out-of-Competition testing may be only conducted by the Testing Agent at a time or place, when and where Professional Rugby Players are assembled pursuant to their training and playing commitments, or where Professional Rugby Players are performing their duties as part of their ordinary course of employment; and without advance notice.
- 6.3. Notwithstanding the limitations of Article 6.2, all Professional Rugby Players who are subject to target testing pursuant to articles 6.9, 8.1.4, 8.2.4 or 5 of this Policy, agree to be tested anywhere, any time.
- 6.4. The Testing Agent shall obtain Samples from Professional Rugby Players and/or Team Management and perform analysis on those Samples in accordance with the procedure set out in Attachment B.
- 6.5. Rugby AU shall have discretion as to the number of tests that it directs the Testing Agent to conduct, which may include hair or urine sampling (subject to the terms of this Policy).
- 6.6. Testing should be conducted such that a Professional Rugby Player shall not be aware of how many tests they may face or the timing of tests such that there is no discernible pattern to the Professional Rugby Players as to when or where testing will take place.
- 6.7. The random testing under this Policy will occur on occasions Out-of-Competition as directed by the Illicit Drugs Policy Officer to the Testing Agent and is limited to urine and hair testing only. On each testing occasion all Professional Rugby Players from the relevant squad will be included in the testing pool for that occasion and the random method of selection, as outlined in Attachment B, will be undertaken to select those Professional Rugby Players to be tested. The Professional Rugby Body Liaison Officer is required to verify the random nature of the selection conducted by the Testing Agent, however once the list of Professional Rugby Players is included within the testing pool for that occasion each selected Professional Rugby Player will not be made known to the Professional Rugby Body Liaison Officer until that Professional Rugby Player is formally notified of their selection for testing. This process is in place to maintain the confidentiality requirements of sanctions and to avoid being able to identify whether the Professional Rugby Player is the subject of target testing.
- 6.8. Should the Professional Rugby Body Liaison Officer and/or a Professional Rugby Player believes the procedure outlined in Attachment B has not been followed correctly, the Professional Rugby Body Liaison Officer and/or Professional Rugby Player must provide their reasons to the Illicit Drugs Policy Officer who in turn will make an assessment, in consultation with the Testing Agent, as to the reliability of the Sample taken. If the Illicit Drugs Policy Officer finds that the procedure or part of the procedure in Attachment B has not been followed correctly and this is likely to impact on the integrity of the Sample, an Adverse Analytical Finding from that Sample will be deemed non-conclusive, and no Violations will apply.
- 6.9. Other than where a Professional Rugby Player has been included in a monitored target testing program as a result of a Violation pursuant to this Policy, the Illicit Drugs Policy Officer, in

consultation with the Professional Rugby Body Liaison Officer and upon approval of RUPA Illicit Drugs Officer, may seek to target test a Professional Rugby Player for a period of time considered appropriate by the Rugby AU Chief Medical Officer (acting in consultation with the Professional Rugby Body Medical Officer) at any time or place, with such decision to be based on one or more of the below criteria being satisfied:

- 6.9.1. behaviour indicating a Professional Rugby Player is or has recently been under the impairment or effects of Illicit Drugs;
 - 6.9.2. apparent and identifiable disregard or opposition to the Policy;
 - 6.9.3. unjustified non-availability for random no-notice testing in the preceding six months;
 - 6.9.4. unexplained or suspicious withdrawal from a match or squad training;
 - 6.9.5. reliable information from a credible and known third party; or
 - 6.9.6. any other justifiable reason.
- 6.10.** In the event the period of time considered appropriate by the Illicit Drugs Policy Officer to target test a Professional Rugby Player pursuant to articles 6.9, 8.1.4 or 8.2.4 of this Policy exceeds twelve (12) months, the Illicit Drugs Policy Officer in consultation with the Rugby AU Chief Medical Officer and the Professional Rugby Body Liaison Officer must obtain approval of RUPA Illicit Drugs Officer to target test the a Professional Rugby Player for a period exceeding twelve (12) months.
- 6.11.** The Illicit Drugs Policy Officer shall be responsible for receiving Sample results from the Testing Agent.
- 6.12.** No Professional Rugby Body shall test a Professional Rugby Player for Illicit Drugs.
- 6.13.** The Testing Agent will include members of Team Management, for testing pursuant to Articles 6.2, 6.7 and 6.9 of this Policy. Where a Sample taken from a member of Team Management returns an Adverse Analytical Finding the Illicit Drugs Policy Officer, the Rugby AU Chief Executive Officer and the relevant Professional Rugby Body Chief Executive Officer shall be notified, and the matter shall be dealt with in a strictly confidential manner and pursuant to that member of Team Management's employment contract. For the avoidance of doubt, the sanctions as set out in Article 8 of this Policy shall not be applied for a Violation by a member of Team Management.
- 6.14.** A Professional Rugby Player that has signed his or her first Player Contract will not commit a Violation following a hair test if the sample was collected within three (3) months from the date of the Professional Rugby Player signing his or her first Player Contract. This provision does not apply to a urine test.
- 6.15.** A Professional Rugby Player that has committed a Violation following a hair test will not commit a further Violation if a further hair sample is collected within three (3) months from the date of the hair test that led to Violation under the Policy. This provision does not apply to a urine test.

7. Therapeutic Use

- 7.1.** Without limitation to the terms of Rugby AU policies (including the Rugby AU Medical Policy, Rugby AU Sports Supplement Policy and Rugby AU Anti-Doping Code) in place from time to time, some Illicit Drugs may be legitimately used under the supervision of a physician for a clinically justified purpose. The possession and use of Illicit Drugs is subject to Commonwealth, State and Territory laws.
- 7.2.** Professional Rugby Players with a documented medical condition requiring the therapeutic use of an Illicit Drug must first obtain a prior approval from the Rugby AU Chief Medical Officer,

who must advise the Professional Rugby Body Medical Officer and Illicit Drugs Policy Officer of any approval granted. In circumstances where:

- 7.2.1. a Professional Rugby Player holds a prior approval in respect of a particular Illicit Drug; and
- 7.2.2. the Professional Rugby Player establishes to the reasonable satisfaction of the Rugby AU Chief Medical Officer (in consultation with the Professional Rugby Body Medical Officer) that the Professional Rugby Player has not used the Illicit Drug other than in accordance with the conditions (if any) of the prior approval,

that particular use of the Illicit Drug shall not be deemed as a Violation.

- 7.3. An approval for therapeutic use will not be considered to apply retroactively except in cases where emergency treatment or treatment of an acute medical condition was necessary and due to exceptional circumstances, there was insufficient time or opportunity to submit an application prior to testing under this Policy.

8. Sanctions

- 8.1. First Violation – where a Professional Rugby Player has committed a first Violation, the Illicit Drugs Policy Officer shall inform the Professional Rugby Player, initially verbally but also as soon as reasonably practical in writing that a Violation has been committed. The following procedures shall then apply:
 - 8.1.1. Notification – the Illicit Drugs Policy Officer shall inform the Rugby AU Chief Medical Officer and the Professional Rugby Body Medical Officer, who all shall keep this notification strictly confidential subject to Article 12.1.3, that the Professional Rugby Player has committed a Violation, the circumstances of the Violation and their rights under this Policy.
 - 8.1.2. Case Review - the Professional Rugby Body Medical Officer, the Illicit Drugs Policy Officer and Rugby AU Chief Medical Officer shall engage in an initial case review with the Professional Rugby Player to discuss the circumstances of the Violation and referral to a Treatment Consultant will be agreed. The Professional Rugby Player may be accompanied by a representative in addition to the Professional Rugby Body Medical Officer, Rugby AU Chief Medical Officer and Illicit Drugs Policy Officer.
 - 8.1.3. Treatment – the Professional Rugby Player must attend a drug treatment program in respect of Illicit Drugs as considered appropriate by the Treatment Consultant, the Professional Rugby Body Medical Officer, the Illicit Drugs Policy Officer and the Rugby AU Chief Medical Officer in consultation with the Professional Rugby Player. The costs of the counselling or treatment program which is specific to the Professional Rugby Player's Illicit Drug use, and which is provided by the appointed service provider under this Policy will be borne by Rugby AU for a period determined by the Rugby AU Chief Medical Officer (acting in consultation with the Professional Rugby Body Medical Officer and the Treatment Consultant)¹.
 - 8.1.4. Target Testing – the Professional Rugby Player will be placed on a monitored target testing program for Illicit Drugs for a period of time considered appropriate by the Rugby AU Illicit Drugs Policy Officer (acting in consultation with the Rugby AU Chief Medical Officer and the Professional Rugby Body Medical Officer).

¹ If a Professional Rugby Player retires whilst a drug treatment program in respect of Illicit Drugs is ongoing, the Rugby AU Chief Medical Officer may, in consultation with the Professional Rugby Player, determine that the counselling or treatment program which is specific to the Illicit Drug use and which is provided by the appointed service provider under this policy should continue and the costs (capped at \$1,000 from the date of retirement) of the counselling or treatment program will be borne by Rugby AU for a period determined by the Rugby AU Chief Medical Officer.

If a Professional Rugby Player ceases to be contracted by a Professional Rugby Body and takes up a new contract with an overseas club, Rugby AU will cease to pay for any further counselling or treatment cost incurred by the player from the date of the termination of the Professional Rugby Body contract.

- 8.1.5. Penalty – to the extent that a Professional Rugby Player is party to a Player Contract the Professional Rugby Player will be fined an amount equal to 5% of his or her current Annual Remuneration, however payment of the penalty will be suspended for a period of up to 24 months in accordance with Articles 8.2 and 8.7.
- 8.1.6. Warning - As part of the sanctioning process the Professional Rugby Player will be formally warned that a further Violation will result in a mandatory fine, a mandatory period of Ineligibility and possible termination of their Player Contract.
- 8.2. Second Violation – where a Professional Rugby Player has committed a second Violation within 24 months, the Illicit Drugs Policy Officer shall inform the Professional Rugby Player, initially verbally but also as soon as reasonably practical in writing that a second Violation has been committed. The following procedures shall then apply:**
 - 8.2.1. Notification – the Illicit Drugs Policy Officer shall inform the Rugby AU Chief Medical Officer, the Professional Rugby Body Medical Officer, the Rugby AU Chief Executive Officer, the Professional Rugby Body Chief Executive Officer and the RUPA Chief Executive Officer.
 - 8.2.2. Case Review - the Professional Rugby Body Medical Officer, the Illicit Drugs Policy Officer and Rugby AU Chief Medical Officer shall engage in an initial case review with the Professional Rugby Player to discuss the circumstances of the Violation and due process. The Professional Rugby Player may be accompanied by a representative in addition to the Professional Rugby Body Medical Officer, Rugby AU Chief Medical Officer and Illicit Drugs Policy Officer. Following the case review, the Illicit Drugs Policy Officer shall convene the Rugby AU Drugs Tribunal in accordance with Article 13, who in turn will determine the sanctions pursuant to Articles 8.2.6 and 8.2.7.
 - 8.2.3. Treatment – the Professional Rugby Player must attend such further drug treatment programs as considered appropriate by the Treatment Consultant, Professional Rugby Body Medical Officer and Rugby AU Chief Medical Officer in consultation with the Professional Rugby Player. The costs of the counselling or treatment program which is specific to the Professional Rugby Player's Illicit Drug use, and which is provided by the appointed service providers under this Policy will be borne by Rugby AU for a period determined by the Rugby AU Chief Medical Officer (acting in consultation with the Professional Rugby Body Medical Officer)².
 - 8.2.4. Target Testing – the Professional Rugby Player will be placed on a monitored target testing program for Illicit Drugs for a period of time considered appropriate by the Rugby AU Illicit Drugs Policy Officer (acting in consultation with the Rugby AU Chief Medical Officer and the Professional Rugby Body Medical Officer).
 - 8.2.5. Penalty – to the extent that a Professional Rugby Player is party to a Player Contract, the Professional Rugby Player will be required to pay the suspended penalty referred to in Article 8.1.5. The specific monetary amount of the penalty shall remain confidential but the fact that it represents 5% of their Annual Remuneration (at the time the First Violation was committed) may be reported by Rugby AU and/or the Professional Rugby Body.
 - 8.2.6. Period of Ineligibility – subject to Article 8.2.7, a mandatory period of Ineligibility of two (2) months will be imposed on the Professional Rugby Player. However, the Rugby AU Drugs Tribunal will be convened to hear the matter and upon consideration of the circumstances may impose an additional period of ineligibility up to a maximum of six

² If a Professional Rugby Player retires whilst a drug treatment program in respect of Illicit Drugs is ongoing, the Rugby AU Chief Medical Officer may, in consultation with the Professional Rugby Player, determine that the counselling or treatment program which is specific to the Illicit Drug use and which is provided by the appointed service provider under this policy should continue and the costs (capped at \$1,000 from the date of retirement) of the counselling or treatment program will be borne by Rugby AU for a period determined by the Rugby AU Chief Medical Officer.
If a Professional Rugby Player ceases to be contracted by a Professional Rugby Body and takes up a new contract with an overseas club, Rugby AU will cease to pay for any further counselling or treatment cost incurred by the player from the date of the termination of the Professional Rugby Body contract.

(6) months, which is in addition to the mandatory period of Ineligibility of two (2) months. The Rugby AU Drugs Tribunal shall take into account the particular circumstances of the case and any aggravating and/or mitigating factors in deciding whether to impose a further period of Ineligibility. The period of Ineligibility shall commence on the date the Professional Rugby Player is notified of a second Violation. Any period of Ineligibility served by the Professional Rugby Player as a result of a second Violation prior to a decision of the Rugby AU Drugs Tribunal will count as time served for the purpose of any period of Ineligibility imposed on the player by the Rugby AU Drugs Tribunal.

- 8.2.7. Termination – the Rugby AU Drugs Tribunal may however order termination of a Player Contract (on the basis that this Policy is deemed to be part of the by-laws, regulations and codes in effect during the Professional Rugby Player's term of employment), with the Professional Rugby Player not being entitled to any compensation other than the payment of accrued benefits under the Player Contract. If this is to occur, no financial penalty or period of ineligibility (as per Article 8.2.5 or 8.2.6) shall be imposed on the Professional Rugby Player. If a Player Contract is terminated by the Rugby AU Drugs Tribunal for a second Violation, that Professional Rugby Player will remain ineligible to play professional Rugby in Australia unless and until:

(1) the Professional Rugby Player has undertaken an appropriate drug treatment program (the costs for the treatment are to be borne by the Professional Rugby Player); and

(2) the Rugby AU Chief Medical Officer, in consultation with Treatment Consultant and the Illicit Drugs Policy Officer, is satisfied that it is appropriate for the Professional Rugby Player to return to playing professional Rugby in Australia having considered the nature and extent of the treatment program that the Professional Player has undergone and the risk of any further Violations.

- 8.3. Further Violation – where a Professional Rugby Player has committed a further Violation within 24 months of their last Violation, the Illicit Drugs Policy Officer shall inform the Professional Rugby Player, initially verbally but also as soon as reasonably practical in writing that a further Violation has been committed. The following procedures shall then apply:

- 8.3.1. Notification – the Illicit Drugs Policy Officer shall inform the Rugby AU Chief Medical Officer, the Professional Rugby Body Medical Officer, the Rugby AU Chief Executive Officer, the Professional Rugby Body Chief Executive Officer and the RUPA Chief Executive Officer.
- 8.3.2. Case Review - the Professional Rugby Body Medical Officer, the Illicit Drugs Policy Officer and Rugby AU Chief Medical Officer shall engage in an initial case review with the Professional Rugby Player to discuss the circumstances of the Violation and due process. The Professional Rugby Player may be accompanied by a representative in addition to the Professional Rugby Body Medical Officer, Rugby AU Chief Medical Officer and Illicit Drugs Policy Officer. Following the case review, the Illicit Drugs Policy Officer shall convene the Rugby AU Drugs Tribunal in accordance with Article 13, who in turn will determine the sanctions pursuant to Articles 8.3.6 and 8.3.7.
- 8.3.3. Treatment – the Professional Rugby Player must attend such further drug treatment programs as considered appropriate by the Treatment Consultant, Professional Rugby Body Medical Officer and Rugby AU Chief Medical Officer in consultation with the Professional Rugby Player. The costs of the counselling or treatment program which is specific to the Professional Rugby Player's Illicit Drug use and which is provided by the appointed service providers under this Policy will be borne by Rugby AU for a period determined by the Rugby AU Chief Medical Officer (acting in consultation with the Professional Rugby Body Medical Officer)³.

³ If a Professional Rugby Player retires whilst a drug treatment program in respect of Illicit Drugs is ongoing, the Rugby AU Chief Medical Officer may, in consultation with the Professional Rugby Player, determine that the counselling or treatment program which is specific to the Illicit Drug use and which is provided by the appointed service provider under this policy should continue and the

- 8.3.4. Target Testing – the Professional Rugby Player will be placed on a monitored target testing program for Illicit Drugs for a period of time considered appropriate by the Rugby AU Illicit Drugs Policy Officer (acting in consultation with the Rugby AU Chief Medical Officer and the Professional Rugby Body Medical Officer).
- 8.3.5. Penalty – to the extent that a Professional Rugby Player is party to a Player Contract the Professional Rugby Player will be fined an amount equal to 5% of his or her current Annual Remuneration,
- 8.3.6. Period of Ineligibility – subject to Article 8.3.7, a mandatory period of Ineligibility of two (2) months will be imposed on the Professional Rugby Player. However, the Rugby AU Drugs Tribunal will be convened to hear the matter and upon consideration of the circumstances may impose an additional period of ineligibility up to a maximum of six (6) months, which is in addition to the mandatory period of Ineligibility of two (2) months. The Rugby AU Drugs Tribunal shall take into account the particular circumstances of the case and any aggravating and/or mitigating factors in deciding whether to impose a further period of Ineligibility. The period of Ineligibility shall commence on the date the Professional Rugby Player is notified of the further Violation. Any period of Ineligibility served by the Professional Rugby Player as a result of a further Violation prior to a decision of the Rugby AU Drugs Tribunal will count as time served for the purpose of any period of Ineligibility imposed on the player by the Rugby AU Drugs Tribunal.
- 8.3.7. Termination – the Rugby AU Drugs Tribunal may however order termination of a Player Contract (on the basis that this Policy is deemed to be part of the by-laws, regulations and codes in effect during the Professional Rugby Player's term of employment), with the Professional Rugby Player not being entitled to any compensation other than the payment of accrued benefits under the Player Contract. If this is to occur, no financial penalty or period of ineligibility (as per Article 8.2.5 or 8.2.6) shall be imposed on the Professional Rugby Player. If a Player Contract is terminated by the Rugby AU Drugs Tribunal for a further Violation, that Professional Rugby Player will remain ineligible to play professional Rugby in Australia unless and until:
- (1) the Professional Rugby Player has undertaken an appropriate drug treatment program (the costs for the treatment are to be borne by the Professional Rugby Player); and
- (2) the Rugby AU Chief Medical Officer, in consultation with Treatment Consultant and the Illicit Drugs Policy Officer, is satisfied that it is appropriate for the Professional Rugby Player to return to playing professional Rugby in Australia having considered the nature and extent of the treatment program that the Professional Player has undergone and the risk of any further Violations.
- 8.4. Admission - Any first admission by a Professional Rugby Player of use of Illicit Drugs to the Illicit Drugs Policy Officer, Rugby AU Chief Medical Officer and/or Professional Rugby Body Medical Officer made prior to a notice to submit to testing and to a first Violation shall not in itself count as a Violation and no fixed penalty shall be imposed. Upon an admission in accordance with this Article 8.4, the Illicit Drugs Policy Officer, Rugby AU Chief Medical Officer and Professional Rugby Body Medical Officer shall be informed and the Professional Rugby Player shall be subject to the target testing, treatment and counselling provisions within Article 8.1.2, 8.1.3 and 8.1.4 of this Policy. For the avoidance of doubt, second or further admissions (other than those made to third party treatment personnel as part of any program implemented as per Article 8.2.3) shall count as a Violation.
- 8.5. Where a Professional Rugby Player has been included in a target testing program pursuant to Articles 6.9, 8.1.4 and/or 8.2.4 then that Professional Rugby Player may subsequently be

costs (capped at \$1,000 from the date of retirement) of the counselling or treatment program will be borne by Rugby AU for a period determined by the Rugby AU Chief Medical Officer. If a Professional Rugby Player ceases to be contracted by a Professional Rugby Body and takes up a new contract with an overseas club, Rugby AU will cease to pay for any further counselling or treatment cost incurred by the player from the date of the termination of the Professional Rugby Body contract.

tested by either hair or urine testing in accordance with the sample collection procedures set out in Attachment B. Any Adverse Analytical Finding from a hair or urine test will be deemed a Violation for the purpose of this Policy.

- 8.6.** Criminal Proceedings - any conviction for a criminal offence (or admission/finding of guilt at a criminal court where the court does not record a conviction for the offence) brought against a Professional Rugby Player for the use of Illicit Drugs will be deemed a Violation for the purpose of this Policy and the sanctions set out in this Policy shall be applied.
- 8.7.** Cleansing Period – if a Professional Rugby Player has committed a Violation and has fully complied with the requirements imposed upon them for that Violation and has not committed a further Violation within 24 months of the prior Violation, then all previous Violations shall be deemed to have lapsed and shall be struck from that Professional Rugby Player's record.
- 8.8.** Every Professional Rugby Player whose "A" Sample gives rise to an Adverse Analytical Finding shall have the right to request that the "B" Sample be analysed to determine whether or not that Sample confirms the Adverse Analytical Finding in the "A" Sample. Any such request must be made within five business (5) days of the written notification to the Professional Rugby Player that the "A" Sample indicated a Violation. If the "B" Sample does not give rise to an Adverse Analytical Finding, which discloses the same Illicit Drug detected in the "A" Sample then the entire test shall be considered negative, and no Violation shall be deemed to have occurred. If a Professional Rugby Player requests that a "B" Sample be analysed, the analysis shall be at their own expense.

9. Illicit Drugs Policy Officer

- 9.1.** Rugby AU shall appoint an experienced and knowledgeable person to the position of Illicit Drugs Policy Officer.
- 9.2.** The Illicit Drugs Policy Officer (or his/her delegee) shall:
 - 9.2.1.** be responsible for the supervision and administration of this Policy, the associated education and prevention programs, and promulgation of this Policy to Professional Rugby Players and Team Management and any other person who has agreed to be bound by this Policy;
 - 9.2.2.** maintain and update the Illicit Drugs Policy Register; and
 - 9.2.3.** act in a discreet and confidential manner in discharging their obligations under this Policy, including keeping the Illicit Drugs Policy Register confidential.

10. Education Program

- 10.1.** Rugby AU and RUPA agree to develop and implement appropriate education programs and initiatives for Professional Rugby Players regarding the terms of this Policy, including the process for the selection of Professional Rugby Players, collection and processing outlined in Attachment B.
- 10.2.** Rugby AU and RUPA agree to develop and implement appropriate education and prevention programs and initiatives for Rugby through programs which include but are not limited to the Player Development Program, which will reflect the key messages of this Policy such as:
 - 10.2.1.** illicit Drug use is harmful;
 - 10.2.2.** illicit Drug use can affect sporting performance – in or out of competition, during the off-season, or on the weekend;
 - 10.2.3.** illicit Drug use can affect relationships, reputation and sporting career;
 - 10.2.4.** illicit Drug use can affect a sports team;
 - 10.2.5.** illicit Drug use can impact on the community who support Professional Rugby Players;
 - 10.2.6.** the Policy applies to Professional Rugby Players and Violations may have the effect of ending their playing career; and
 - 10.2.7.** participating in sport supports a healthy lifestyle.

11. List of Prohibited Illicit Drugs

- 11.1.** The substances prohibited and the level which shall constitute an Adverse Analytical Finding under this Policy will be scheduled in the List of Prohibited Illicit Drugs which is an attachment to this Policy (**Attachment A**).
- 11.2.** Any proposed modifications to the List of Prohibited Illicit Drugs must be approved by the RUPA and Rugby AU Boards.
- 11.3.** Rugby AU will make reasonable efforts to notify Professional Rugby Players and Team Management of any changes to the List of Prohibited Illicit Drugs.
- 11.4.** This modification to the List of Prohibited Illicit Drugs set out in Attachment A will only take effect 90 days after Rugby AU has notified Professional Rugby Players and Team Management in accordance with Article 11.3 of this Policy. Professional Rugby Players and Management will not have committed a Violation for use of an Illicit Drug until that substance has been included on the List of Prohibited Illicit Drugs set out in Attachment A.

12. Confidentiality and Jurisdiction

12.1. Confidentiality and Public Disclosure

- 12.1.1.** All persons who acquire information from, or in relation to, Professional Rugby Players under this Policy must not disclose this information to any person unless expressly authorised under this Policy.
- 12.1.2.** There is no entitlement that a Professional Rugby Player's information and details about a first or subsequent Violation will be kept confidential once a second or further Violation has been committed.
- 12.1.3.** This Policy imposes obligations on various persons including the Illicit Drugs Policy Officer, Rugby AU Chief Medical Officer, Professional Rugby Body Liaison Officer and RUPA Illicit Drugs Officer to disclose information in relation to a Professional Rugby Player subject to this Policy to third parties involved in the education, counselling and treatment of that Professional Rugby Player. Each Professional Rugby Player consents to the provision of information by these parties solely in accordance with this Policy.
- 12.1.4.** If a Professional Rugby Player publicly discloses any circumstances relating to a Violation through no fault of Rugby AU or his/her Professional Rugby Body, Rugby AU and/or his/her Professional Rugby Body shall be entitled to be informed by the Illicit Drugs Policy Officer of all details of that Violation including details about the Professional Rugby Player and the Illicit Drugs in issue. In the case of such disclosure by a Professional Rugby Player, any obligations of confidentiality imposed pursuant to this Article 12.1 shall no longer apply.
- 12.1.5.** Subject to RUPA's approval, which shall not unreasonably be withheld, the Illicit Drugs Policy Officer may disclose statistical information on the testing program including the number of Violations by substance; however disclosure shall not breach any of the confidentiality provisions contained within this Policy, including the confidentiality requirements applying to first Violations or an admission pursuant to Article 8.4 and an Adverse Analytical Finding pursuant to Article 8.5.
- 12.1.6.** In the event that a Professional Rugby Player who is in the process of undergoing treatment or has recently undergone treatment under this Policy has transferred to another Professional Rugby Body, the Rugby AU Chief Medical Officer may share or approve the sharing of such information as he/she considers necessary and appropriate between Rugby AU, the Professional Rugby Player's former Professional Rugby Body Medical Officer and the Professional Rugby Body Medical Officer at the Professional Rugby Player's new Professional Rugby Body .

13. Rugby AU Drugs Tribunal – Convening and Composition

- 13.1.** The Rugby AU Drugs Tribunal will be convened as required under this Policy to conduct hearings in relation to sanctions as prescribed in Articles 8.2.6 and 8.2.7 of this Policy.
- 13.2.** The Rugby AU Drugs Tribunal shall be made up of three (3) members and ordinarily comprise:
 - 13.2.1.** an independent chairperson, a judge, retired judge or senior legal practitioner (not a Rugby AU employee), appointed by Rugby AU in consultation with RUPA;
 - 13.2.2.** one other member (not a Rugby AU employee) to be selected at Rugby AU's absolute discretion; and
 - 13.2.3.** one other member (not a RUPA employee) to be appointed by RUPA.

14. Rugby AU Drugs Tribunal - Pre-Hearing Procedure

- 14.1.** Following a second or further Violation and the convening of the Rugby AU Drugs Tribunal, the Professional Rugby Player, as soon as practicable, shall be advised of the:
 - 14.1.1.** date and time of the Rugby AU Drugs Tribunal hearing;
 - 14.1.2.** identity of the members of the Rugby AU Drugs Tribunal;
 - 14.1.3.** right to be represented;
 - 14.1.4.** right to adduce evidence and make submissions in relation to the sanctions available to be imposed upon them by the Rugby AU Drugs Tribunal;
 - 14.1.5.** mandatory period of two-months Ineligibility; and
 - 14.1.6.** the possibility of an extended period of Ineligibility or termination of their Player Contract pending the resolution of his or her case by the Rugby AU Drugs Tribunal.
- 14.2.** Prior to the Rugby AU Drugs Tribunal hearing, the Rugby AU Drugs Tribunal will make available to the Professional Rugby Player as soon as practicable:
 - 14.2.1.** the details of the Professional Rugby Player's first, second and further Violations;
 - 14.2.2.** information pertaining to the Professional Rugby Player on the Illicit Drugs Policy Register; and
 - 14.2.3.** any other relevant evidence or information, including but not limited to information held by the Testing Agent, Professional Rugby Body Medical Officer, Rugby AU Chief Medical Officer and/or the Illicit Drugs Policy Officer which pertains to the Professional Rugby Player and his/her first and/or second and/or further Violations.

15. Rugby AU Drugs Tribunal - Hearing Procedure

- 15.1.** The Rugby AU Drugs Tribunal shall observe the principles of natural justice and conduct a hearing as follows:
 - 15.1.1.** The Chairperson will explain the procedure for the hearing;
 - 15.1.2.** Any other relevant evidence or information adduced pertaining to the Professional Rugby Player and their first, second and further Violations will be heard and reviewed by the Rugby AU Drugs Tribunal;
 - 15.1.3.** Final submissions will be heard;

- 15.1.4. The Rugby AU Drugs Tribunal will hear and consider evidence and submissions in relation to sanction, including considerations of the factors outlined in Article 16;
- 15.1.5. The Professional Rugby Player will then be advised of the Rugby AU Drugs Tribunal's decision, or the intended date of delivery of the Rugby AU Drugs Tribunal's decision; and
- 15.1.6. The Professional Rugby Player will then be advised of their right to appeal.
- 15.2. Hearings will be held as soon as is reasonably practicable in the circumstances. All hearings shall be held in private and shall be recorded. Any such recordings shall be stored in a secure location and at all times remain confidential unless required for any further proceedings.
- 15.3. The decision of the Rugby AU Drugs Tribunal shall be advised to the parties as soon as practicable with a written determination to be provided as soon as possible following the conclusion of the hearing.
- 15.4. Proceedings, findings or decisions of the Rugby AU Drugs Tribunal shall not be quashed or held invalid by reason only of any defect or irregularity unless such defect or irregularity results in a miscarriage of justice or raises a material doubt as to the reliability of the proceedings, findings, decisions or provision of natural justice to the Professional Rugby Player.

16. Rugby AU Drugs Tribunal – Factors Relevant for Sanction

- 16.1. In determining the appropriate sanction, the Rugby AU Drugs Tribunal shall identify all relevant aggravating and mitigating factors and determine the appropriate period of Ineligibility or if the Professional Rugby Player's Player Contract shall be terminated. Aggravating and mitigating factors include consideration of the following, but is not limited to:
 - 16.1.1. the presence and timing of any acknowledgement of culpability by the Professional Rugby Player;
 - 16.1.2. the behaviour record and/or character of the Professional Rugby Player;
 - 16.1.3. the age and experience of the Professional Rugby Player;
 - 16.1.4. the period of time remaining on the Player's Contract;
 - 16.1.5. the Professional Rugby Player's public profile and potential or actual damage his or her Violations have or may have had on their own reputation, the game or stakeholders in the game;
 - 16.1.6. the possible player welfare implications of the sanction if imposed on the Professional Rugby Player, including but not limited to the ability for the Professional Rugby Player to secure a further Player Contract;
 - 16.1.7. the importance of scheduled matches and/or tournaments potentially missed by the Professional Rugby Player due to the imposed period of Ineligibility; and
 - 16.1.8. any other aggravating and/or mitigating factors adduced by the Professional Rugby Player, the Professional Rugby Body, RUPA, Rugby AU or another person.

17. Appeals and Due Process

- 17.1. The determination of a Violation or the imposition of a sanction may be appealed by Rugby AU, a Professional Rugby Body and/or a Professional Rugby Player to a Rugby AU Drugs Tribunal (composed of different members should the appeal be of an earlier decision of the Rugby AU Drugs Tribunal) or, with the consent of the parties to an appeal, which shall not be unreasonably withheld, the National Sports Tribunal by application within ten (10) business days of the Appellant being sent the notification of a Violation or sanction pursuant to a Violation. Following the decision on appeal, the Appellant has no further right for appeal.

- 17.2. The application providing intent to appeal should be made by sending a written notice to the Illicit Drugs Policy Officer and must set out the grounds upon which the Appellant contends that the appeal should succeed.
- 17.3. Appeals will proceed by way of a rehearing, based on the record of the initial hearing, including the evidence received and considered by the Rugby AU Drugs Tribunal.
- 17.4. Appeal hearings will not commence until the written determination and transcript, or audio file, of the initial hearing has been provided to the Appellant and the Professional Rugby Player and the Professional Rugby Body involved in and/or affected by the appeal.
- 17.5. The Rugby AU Drugs Tribunal may only set aside a Violation or vary a sanction where it is satisfied that there are exceptional and compelling circumstances to do so, taking into consideration Article 5.2 and Article 16, which would make it harsh, unjust and/or unreasonable to apply the original sanctions in all the circumstances of the case.

18. Amendment and Interpretation of Illicit Drugs Policy

- 18.1. This Policy may be amended from time to time by Rugby AU, subject to RUPA approval.
- 18.2. The headings used for the various Parts and Articles of this Policy are for convenience only and shall not be deemed part of the substance of this Policy or to affect in any way the language of the provisions to which they refer.
- 18.3. The Definitions shall be considered an integral part of this Policy.
- 18.4. This Policy shall apply from the date it, or amendments to it, become effective.
- 18.5. Words in the singular include the plural and vice versa.
- 18.6. Reference to “including” and similar words are not words of limitation.

Definitions

Adverse Analytical Finding means a report from the Testing Agent which identifies in a Sample the presence of an Illicit Drug (which amounts to a Violation pursuant to Article 5.2.1).

Annual Remuneration means the gross annual remuneration payable to a Professional Rugby Player (and, where applicable, his or her marketing company) under his or her Player Contract, but not including match payments or other performance-related remuneration. For a Professional Rugby Player who is entitled to receive match payments only under the Short-Term Player Contract, his/her “Annual Remuneration” shall be the total gross value of the match payments earned by the Professional Rugby Player as at the date of the Violation.

Appellant means Rugby AU, Professional Rugby Body or Professional Rugby Player who appeals a determination of a Violation or the imposition of a sanction pursuant to Article 17.

Collective Bargaining Agreement means the agreement entered into by Rugby AU, RUPA and various State Rugby Unions (as amended or replaced from time to time).

Competition means a single match, game or contest and specifically does not mean the extended period of a tournament or event.

Illicit Drugs means the substances listed in the List of Prohibited Illicit Drugs.

Illicit Drugs Policy Officer means the person(s) appointed by Rugby AU pursuant to Article 9.

Illicit Drugs Policy Register means a register managed by the Illicit Drugs Policy Officer which includes details of all results from testing under this Policy, a record of all Violations and Professional Rugby Player

completion of education requirements and attendances, including the player acknowledgment forms in relation to this Policy.

Ineligibility means the Professional Rugby Player is barred from playing in any form of Rugby match, tournament or event, and other activities as determined by the Rugby AU Drugs Tribunal, for a specified period of time. For the avoidance of doubt during a period of Ineligibility:

- (a) a Professional Rugby Player shall continue to receive Annual Remuneration entitlements under Player Contract; and
- (b) the restriction contained in the Collective Bargaining Agreement as to periods of suspension pursuant to Player Contract shall not limit the ability to impose an Ineligibility period pursuant to this Policy.

In-Competition means the period commencing twelve hours before a Competition in which the Professional Rugby Player is scheduled to participate through to the end of such Competition and the Sample collection process related to such Competition.

List of Prohibited Illicit Drugs means the list at Attachment A identifying the Illicit Drugs prohibited under this Policy.

Member means a union in membership of Rugby AU as set out in the Rugby AU Constitution.

Out-of-Competition means any period which is not In-Competition.

Person means a natural person or an organisation or other entity, including but not limited to a Professional Rugby Player and member of Team Management.

Player Contract means the contract of employment to play Rugby entered into by the Professional Rugby Player and a Professional Rugby Body, on standard terms and conditions as set out in the Collective Bargaining Agreement (as amended or replaced from time to time) between the Professional Rugby Players, RUPA and the Professional Rugby Bodies.

Professional Rugby Body means Rugby AU and any entity that holds a Super Rugby licence to compete in the Australian conference of the Super Rugby Competition (or successor tournament).

Professional Rugby Body Liaison Officer means the person appointed by the Professional Rugby Body to manage and administer this Policy. For the avoidance of doubt the Professional Rugby Body Medical Officer may also be the Professional Rugby Body Liaison Officer.

Professional Rugby Body Medical Officer means the senior medical officer of the Professional Rugby Body.

Professional Rugby Player means any person contracted by way of a Player Contract to Rugby AU or any Professional Rugby Body for the purpose of playing Rugby. For the avoidance of doubt, this does not include DS Players, EDS Players, EPS Players, NRC Players, SDS Players, Wallaroo Players or Super-W Players as defined in the Collective Bargaining Agreement.

Rugby means the game of rugby football.

Rugby AU means Rugby Australia Ltd ACN 002 898 544.

Rugby AU Chief Medical Officer means the senior medical officer of Rugby AU.

Rugby AU Drugs Tribunal means the tribunal formed pursuant to Article 13.

RUPA means the Rugby Union Players' Association Incorporated.

RUPA Illicit Drugs Officer means the person appointed by RUPA from time to time to manage and administer Illicit Drugs issues in accordance with this Policy.

Sample means any biological material, including urine, blood, hair (from any part of the body) and oral fluid, collected for the purposes of testing for Illicit Drugs.

Team Management means any person engaged by Rugby AU or a Professional Rugby Body to work directly with any Professional Rugby Players' squad or team (includes, without limitation, medical officers, sports scientists, trainers, coaches and team managers).

Testing Agent means the agent appointed pursuant to Article 6.1 of this Policy.

Treatment Consultant means a professional, qualified expert in the field of Illicit Drugs and its treatment. For the purposes of this Policy the appropriate Treatment Consultant shall be determined by the Rugby AU Chief Medical Officer and the Professional Rugby Body Medical Officer.

Violation shall have the meaning ascribed to it in more detail in Article 5 of this Policy.

Attachment A

List of Prohibited Drugs

| SUBSTANCE | DETECTED SUBSTANCE | URINE CONFIRMATION VALUE | HAIR CONFIRMATION VALUE |
|--|---|--------------------------|-------------------------|
| Amphetamine | Amphetamine | 150ng/mL | 0.2ng/mg |
| Methamphetamine | Methamphetamine | 150ng/mL | 0.2ng/mg |
| MDA | MDA | 150ng/mL | 0.2ng/mg |
| MDMA | MDMA | 150ng/mL | 0.2ng/mg |
| Benzphetamine | Metabolite | - | 0.2ng/mg |
| Ephedrine | Ephedrine | 500ng/mL | 0.2ng/mg |
| Cathine (D-norpseudoephedrine) | Cathine (D-norpseudoephedrine) | - | 0.2ng/mg |
| Methylephedrine | Methylephedrine | - | 0.2ng/mg |
| Dimethylamphetamine | Metabolite | - | 0.2ng/mg |
| Marijuana/cannabis (in any form including flowering or fruiting tops, leaves, seeds or stalks, cannabis resin) | THC metabolite (THC-COOH) | 15ng/mL | 0.1ng/mg |
| Cocaine | Cocaine metabolites (Benzoylecgonine and Ecgonine methyl ester) | 150ng/mL | 0.05ng/mg |
| GBL | Metabolite | - | 0.2ng/mg |
| GHB | GHB | - | 0.2ng/mg |
| Heroin | Heroin metabolite (6-acetylmorphine) | 10ng/mL | 0.2ng/mg |
| LSD (acid) | LSD | - | 0.02ng/mg |
| Psilocine (mushrooms) | Psilocine | - | 0.02ng/mg |
| Psilocybine (mushrooms) | Metabolite | - | 0.2ng/mg |
| Methadone | Methadone | 100ng/mL | 0.2ng/mg |
| | EDDP | | 0.05ng/mg |
| Morphine | | 300ng/mL | 0.2ng/mg |
| Oxycodone | | 100ng/mL | 0.02ng/mg |
| Fentanyl | | 2ng/mL | 0.02ng/mg |
| Pethidine | | - | 0.02ng/mg |

Attachment B

Testing Procedures

Introduction: Sample Collection

The Sample collection process, including selection and notification of Professional Rugby Players and Team Management, as well as the collection, sealing and transportation of the Sample, shall be the responsibility of the Testing Agent's approved Drug Control Officer (DCO). The DCO may be assisted by a Chaperone(s). If multiple Samples are being collected the Testing Agent shall appoint a suitable number of Chaperones to ensure that the Sample collection can be completed with the minimum of inconvenience or delay for the Professional Rugby Players or Team Management.

If the Professional Rugby Players at the venue are being subjected to doping control by Sport Integrity Australia or other anti-doping authority, the DCO shall work with such officials from those bodies and may make alternative selections where authorised by Rugby AU.

The DCO shall carry personal photo identification and a letter from Rugby AU authorising them to collect Samples from Professional Rugby Players and Team Management. Such identification should be made available when an individual is notified of his/her selection for a test. Chaperones will also carry personal photo identification and carry a letter of authorisation from Rugby AU.

If the collection is to take place at a training, team accommodation, Professional Rugby Players residence or other designated venue, the authorised DCO's and Chaperone(s) shall be granted access to the venue(s), training grounds and to areas within the venue(s) and training grounds in which they may require access in order to carry out their duties. Members of Team Management, Professional Rugby Body Liaison Officers, Professional Rugby Players (if at their residence) and Professional Rugby Body doctors should provide appropriate assistance in identifying suitable facilities for carrying out the Testing.

Any DCO or Chaperone that may have an interest in the outcome of the collection or testing of a Sample from any Professional Rugby Player or member of Team Management who might provide a Sample at a testing session shall not be appointed to the notification, Sample collection or Sample processing of that individual.

Selection of Professional Rugby Players and members of Team Management

A random number generator will be used for the purposes of the selection of Professional Rugby Players and members of Team Management (**selected individual**).

In the case of a selected individual being injured/ prior to their selection he/she shall remain selected for testing unless he/she requires immediate hospitalisation. If the selected individual does require immediate hospitalisation, then the team Doctor shall be required to provide a brief written report to the DCO outlining the reasons for the selected individual's hospitalisation and his/her inability to provide a Sample. The DCO will then provide this report to Rugby AU. A further random selection of another individual may be made in this case, dependent on Rugby AU selection process.

Once the selections have been made, whether random or targeted, these selections should not be made aware to any other person until the selected individuals are formally notified of their selection.

In the event that the DCO or the Chaperone(s) requires assistance from the Professional Rugby Body Liaison Officer in identifying a selected individual for notification, the Professional Rugby Body Liaison Officer or other officials will assist the DCO and the Chaperone(s) in identifying the individuals that have been selected.

The DCO/Chaperone(s) shall make every effort to collect the Samples as discreetly as possible and with maximum privacy.

If a selected individual wishes to leave the location against the DCO's direction, the DCO shall inform the individual that he/she is required to provide a Sample for testing at the current location and outline the possible consequences of not complying with a request to provide a Sample and that it may constitute a Violation in accordance with the Policy. If the selected individual still does not comply, then a failure to

comply shall be recorded. The DCO shall compile a written report relating to the circumstances of the failure to comply and provide this to Rugby AU.

Where team meetings occur after notification that require the presence of the selected individual, it shall be a requirement that a DCO or Chaperone is present at the team meeting to ensure that the selected individual is kept under direct observation. Any Person that restricts the DCO or Chaperone from gaining entry to the team changing room or meeting room to notify or escort a selected individual may be in breach of the Policy and shall be reported to Rugby AU.

Sample Collection Procedure

Notification of the Professional Rugby Player or member of Team Management

- The DCO/Chaperone will identify themselves to the selected individual as a Chaperone for drug testing and show their identification and authorisation for testing.
- Advise the selected individual that they have been selected to provide a Sample as part of their obligations under the Policy.
- Ask the selected individual to read and sign the Notification Section of the Illicit Drugs Control Form at the time of notification.
- Inform the selected individual that he/she should report to the drug testing station immediately or as agreed.
- DCO/Chaperone may, at his/her discretion, consider any reasonable request by the selected individual for permission to delay reporting to the drug testing station following acknowledgement and acceptance of notification and may grant such permission if the selected individual can be continuously chaperoned and kept under direct observation during the delay.
- Reasonable considerations can include:
 - Completing a training session;
 - Receiving necessary medical treatment;
 - Obtaining photo identification;
 - Any other exceptional circumstances which can be justified, and which shall be documented.
- Inform the selected individual that he/she will be accompanied at all times until the end of the Sample collection session. The selected individual is responsible for remaining within sight of the DCO/Chaperone at all times.
- Inform the selected individual that he/she will need to have photo identification with him/her at the drug testing station.
- The DCO should never identify the selected individual himself. Where possible, any identification must be retrievable (i.e., trace the individual back to that form of identification). The following are acceptable forms of identification, listed by priority:
 - Photographic identification, including a driver's license, passport etc.
 - Third party identification only if a photographic identification for the selected individual is not available. This could include the selected individual being identified by a coach or PRB official. This individual should sign the Illicit Drugs Control Form, to acknowledge that he/she identifies the selected individual.
- Inform the selected individual of their right to have a representative present during the processing of their Sample
- Inform the selected individual of possible consequences of refusing or failing to comply with the process under the Policy.
- Inform the selected individual that they must not empty their bladder prior to their arrival at the drug testing station and then must do so under the observation of Sample collection personnel.
- Inform the selected individual that they will have access to more detailed information about the testing process at the drug testing station.
- Ask the selected individual to accompany the Chaperone to the drug testing station.
- Following notification, the Chaperone should keep the selected individual under observation at all times until the end of the Sample collection session. The selected individual shall cooperate with the Chaperone to ensure that visual contact with the selected individual is maintained.

NOTE: Chaperones should encourage selected individual to report to the drug testing station immediately.

- Should the selected individual choose to consume fluids prior to arrival at the drug testing station it is at their own discretion. The selected individual will be responsible for the security and integrity of any drinks or food that the selected individual chooses to consume. The Chaperone should not handle these items.
- It is the selected individual's choice to either consume their own beverage or chose from the selection offered by the DCO or Chaperone.
- If the selected individual evades, or attempts to evade, the Chaperone in order to avoid being notified and the Chaperone is not able to notify them that they must inform the DCO immediately, who will then report this to Rugby AU.
- If a selected individual fails to comply with a request to provide a Sample or refuses to accompany the Chaperone to the drug testing station, the Chaperone should:
 - Inform the selected individual of possible consequences of failure to comply under this Policy; and
 - Inform the DCO immediately.
- Once the selected individual checks into the drug testing station, then they may only leave the station if they have been granted approval by the DCO. Under these circumstances, a Chaperone must accompany and observe the selected individual at all times until he/she returns to the drug testing station.
- If a Chaperone observes any unusual behavior by a selected individual whilst keeping them under observation, the Chaperone shall report this to the DCO as soon as practical without leaving the selected individual unattended. The DCO may request that the Chaperone completes a Supplementary Report Form.

Urine Sample Collection Process

- When the selected individual indicates that they are ready to provide a Sample, the DCO shall ensure that they are informed of their rights and responsibilities and understand the Sample collection procedure as outlined in this Policy.
- The selected individual should select a sealed collection kit (includes collection vessel, vacutainers, security seals) and verify that it is empty, clean and intact.
- It is recommended that there be at least three (3) collection kits from which the selected individual can make his/her selection.

NOTE: If the selected individual is not satisfied that the collection kit is empty, clean and intact, then they should select another collection vessel.

- The DCO or Chaperone and selected individual should proceed to the toilet area to collect a Sample.
- The DCO or Chaperone who observes the passing of the Sample must be of the same gender as the selected individual.
- If the selected individual is a minor, then a representative (**Representative**) may, with the consent of the selected individual, accompany them into the toilet area to observe the Chaperone or DCO when the selected individual is passing a urine Sample, but may not be in view of the selected individual passing the Sample, unless authorized to do so by the selected individual. If the selected individual is a minor and chooses to have the Representative accompany them, this should be documented on the Illicit Drugs Control Form.
- In all cases, the Chaperone or DCO must directly observe the selected individual passing of the Sample.
- The selected individual must wash/sanitise their hands and comply with all relevant Covid-19 health and safety requirements (which may include wearing PPE) prior to providing a Sample to ensure their hands are clean and that they cannot contaminate the Sample with foreign objects.
- Direct observation of the urine passing from the selected individual into the collection vessel is critical. The DCO or Chaperone must witness the actual provision of the urine Sample to ensure there is no interference with substitution, or contamination of the Sample during the course of the collection. The DCO or Chaperone should explain to the selected individual that in order to ensure that they have provided the Sample, the DCO or Chaperone must have a clear and unobstructed view of the passing of the Sample.
- The DCO or Chaperone should ensure that the required amount of urine is collected; however, the DCO or Chaperone should encourage the selected individual to empty their bladder and provide as much urine as possible in the collection vessel. If the collection vessel is completely filled and the selected individual's bladder is not yet empty, they should be instructed to finish emptying their bladder into the toilet.
- The selected individual should then be requested to flush the toilet so that no residual urine is left.

- If the selected individual wishes to wash his/her hands after providing the Sample, make sure the Sample is placed in a safe and secure location where both the selected individual and the DCO or Chaperone have a clear and unobstructed view of the Sample at all times.
- Return to the processing area with the selected individual carrying their Sample. The selected individual should retain control of the collection vessel and any Sample provided until the Sample collection kit bottles are sealed. The collection vessel must be in clear view of the selected individual, DCO and/or Chaperone at all times. A DCO and/or Chaperone may only handle the collection vessel if requested to do so by the selected individual, and this should be documented on the Illicit Drugs Control Form or on a Supplementary Form.
- The DCO or Chaperone who witnessed the passing of the Sample will sign the Urine Sample Witness line on the Illicit Drugs Control Form to verify that the selected individual provided the Sample, and that a clear, unobstructed view was maintained.

NOTE: If during the Sample collection session, a Sample is deemed by the DCO and/or selected individual to be unsuitable, or if there are doubts as to the origin or authenticity of the Sample, the selected individual shall be asked to provide an additional Sample.

Urine Sample Processing Procedure*

- Once the selected individual has provided the required amount of urine, the sample processing should begin as soon as practical. The selected individual should retain control of the collection vessel and any sample provided until the sample is sealed inside the collection kits. The collection vessel must be in clear view of the selected individual and the DCO or Chaperone at all times.
- The DCO should ask the selected individual to read the security seal number, which is included in the collection kit, so it can be recorded on the Illicit Drugs Control Form. The DCO should also visually confirm the number before recording it on the Form.
- The selected individual or the DCO (with the player's permission) will fill the vacutainers with the required amount of urine from the collection vessel.
- The DCO with the left-over urine in the collection vessel will then conduct an adulteration check on the sample to ensure the sample is legitimate for the purpose of laboratory analysis and record these details on the Illicit Drugs Control Chain of Custody Form.
- The security seals included in the collection kit are then initialled and dated and placed over the vacutainers to ensure they are tamper-free from the time of collection to their arrival at the laboratory by both the selected individual and the DCO.
- The DCO should request that the selected individual provides information about any medications and other substances, including vitamins, minerals, herbs and other dietary supplements, used in the previous seven (7) days (or as requested by Rugby AU) and record the information on the Illicit Drugs Control Chain of Custody Form. If the selected individual has no substances to declare, the DCO should write *nil*.
- The DCO should complete the Illicit Drugs Control Chain of Custody Form. The DCO who processes the Sample(s) is responsible for ensuring that the form is complete, accurate and legible. If any of the information on the Illicit Drugs Control Chain of Custody Form is not applicable, the DCO should draw a line through each non-applicable area, or check the *N/A* box, if available.

NOTE: The Illicit Drugs Control Chain of Custody Form should be filled out as completely as possible before reviewing it with the selected individual. The only information that should be left blank during the review is the signature lines of the applicable persons present (e.g. DCO, Representative and the selected individual).

- Once the Illicit Drugs Control Chain of Custody Form is completed, the DCO should thoroughly review it with the selected individual and Representative, if present. If there are any mistakes on the Form, if required a new one should be re-written and the Form with the error should be voided and torn up whilst in the selected individual's presence. This voided Form should be returned to Rugby AU along with the other sample collection documentation.
- The DCO will then print and sign their names on the Illicit Drugs Control Chain of Custody Form to verify the accuracy of the information.
- The DCO shall provide to the selected individual at the completion of the testing session and the completion of the Illicit Drugs Control Form with the signature of the selected individual, DCO and selected individual's Representative (if applicable) a copy of the Illicit Drugs Control Form (selected individual's copy).
- The DCO shall provide to Rugby AU at the completion of the testing session and the completion of the

Illicit Drugs Control Chain of Custody Form with the signature of the selected individual, DCO and Representative (if applicable) a copy of the Illicit Drugs Control Chain of Custody Form (Rugby AU's copy).

- The sealed samples are to be placed in a transport satchel and when all collections are completed, the satchel is to be closed with a tamper evident plastic lock, the number of which is recorded on the Laboratory Advice Form (with no personal information of the selected individual), which is also placed in the satchel.
- The transport satchel is stored in a secure place until all specimen collections are completed.
- Once the testing session is complete the DCO will remain in custody of the samples until he/she ships and/or delivers it directly to the laboratory or drops it off to a designated collection centre.

* Sample Processing procedure may vary depending on the collection kit utilized.

Hair Sample Collection Process

- When the selected individual indicates that they are ready to provide a Sample, the DCO shall ensure that the selected individual is informed of their rights and responsibilities and understand the Sample collection procedure as outlined in the Policy.
- The selected individual should select a hair collection and chain of custody kit.
- It is recommended that there be at least three (3) kits from which the selected individual can make their selection.

NOTE: If the selected individual is not satisfied with the hair collection and chain of custody kit, they should select another hair collection and chain of custody kit.

- If the selected individual is a minor, the Representative may, with the consent of the selected individual, accompany them to the drug testing station.

Hair Sample Processing Procedure *

- Once the selected individual has selected the hair collection and chain of custody kit, the DCO will then using the necessary materials prepare for taking a hair sample.
- The DCO will wipe the scissors with an alcohol swab before use and select a suitable lock or locks of hair from the selected individual's head (which may be from one or more sites) and cut next to the scalp (approx. 50-100 hairs in total) for each sample collected. In the absence of head hair, hair will be collected from an alternate site (including armpit hair but excluding pubic hair).
- Once the hair sample is collected the DCO will place the cut lock of hair on the foil (from the hair collection and chain of custody kit), with the root end at the 'Red Dot' overlapping the edge of the foil.
- The DCO will then fold the foil around the lock of hair tightly so that the individual strands of hair are securely held in place.
- The DCO will then place each sample collected in the envelope from the hair collection and chain of custody kit.
- The DCO will then take the barcode marked 'Donor Initials' and use it to seal the envelope to prevent tampering 'tamper evident'.
- The selected individual will then initial or sign the barcode label.
- The DCO will then place the envelope with the hair sample and the initialed or signed tamper evident barcode in the bag attached with the Chain of Custody form (COC).
- The DCO will then seal the bag using the adhesive seal and place a barcode label across the seal.
- The DCO will then complete the COC form and ensure all the information is correct and have the selected individual also check the information is correct before signing the form.
- The DCO once the COC form is signed will provide the selected individual with a copy for their records.

* NOTE: Hair Sample Processing procedure may vary from time to time depending on the Hair Collection and Chain of Custody kit used for collection.