

## AUSTRALIAN OLYMPIC COMMITTEE

(ARBN 052 258 241)

(Registered Number A0004778J)



### ANTI-DOPING BY-LAW

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#### 1. WORLD ANTI-DOPING CODE

- 1.1. On 5 March 2003 the Australian Olympic Committee (AOC) became a *Signatory* to the *Code* and, as such, is responsible for assisting ASADA in initiating, implementing and enforcing the *Doping Control* process and fulfilling all its obligations under the *Code* and the *International Standards*.
- 1.2. This By-Law is adopted and implemented as a result of the AOC's commitment to the purposes of the World Anti-Doping Programme of WADA and the *Code*. It is in conformance with the AOC's responsibilities under the *Code* and in furtherance of the AOC's continuing efforts to eradicate doping in Australia.

#### **Fundamental Rationale for the Code and the AOC's Anti-Doping By-Law**

Anti-Doping programs seek to preserve what is intrinsically valuable about sport. This intrinsic value is often referred to as "the spirit of sport". It is the essence of Olympism, the pursuit of human excellence through the dedicated perfection of each person's natural talents. It is how we play true. The spirit of sport is the celebration of the human spirit, body and mind, and is reflected in values we find in and through sport, including:

- Ethics, fair play and honesty
- Health
- Excellence in performance
- Character and education
- Fun and joy
- Teamwork
- Dedication and commitment
- Respect for rules and laws
- Respect for self and other *Participants*
- Courage
- Community and solidarity

Doping is fundamentally contrary to the spirit of sport.

- 1.3. Under the *Code*, the AOC as the National Olympic Committee for Australia, has roles and responsibilities including the following:
  - (1) To ensure that its anti-doping policies and rules conform with the *Code*.
  - (2) To respect the autonomy of the *National Anti-Doping Organisation* in its country namely, ASADA and not to interfere in its operational decisions and activities.
  - (3) To require as a condition of membership or recognition that *National Federations'* anti-doping policies and rules are in compliance with the applicable provisions of the *Code*.

- (4) To require *National Federations* to report any information suggesting or relating to an *anti-doping rule violation* to ASADA and their *International Federation* and to cooperate with investigations conducted by any *Anti-Doping Organisation* with authority to conduct the investigation.
- (5) To require as a condition of participation in the Olympic Games as a member of an Australian Olympic Team that, at a minimum, *Athletes* who are not regular members of a *National Federation* be available for *Sample* collection and to provide whereabouts information as required by the *International Standard for Testing and Investigations* as soon as the *Athlete* is identified on the list or subsequent entry document submitted in connection with the Olympic Games.
- (6) To fully cooperate with and assist ASADA to vigorously pursue all potential *anti-doping rule violations* within its jurisdiction, including fully cooperating with any investigation ASADA is conducting into whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping.
- (7) To require each of its *National Federations* to establish rules requiring each *Athlete Support Personnel* who participates as coach, trainer, manager, team staff, official, medical or paramedical personnel in a *Competition* or activity authorised or organised by the *National Federation* or one of its member organisations to agree to be bound by anti-doping rules and *Anti-Doping Organisation* results management authority in conformity with the *Code* as a condition of such participation.
- (8) To withhold some or all funding, during any period of his or her *Ineligibility*, to any *Athlete* or *Athlete Support Personnel* who has violated anti-doping rules.
- (9) To withhold some or all funding to its *National Federations* that are not in compliance with the *Code*.
- (10) To promote anti-doping education, including requiring *National Federations* to conduct anti-doping education in cooperation with ASADA.
- (11) To co-operate with relevant national organisations and agencies and other *Anti-Doping Organisations*.
- (12) To have disciplinary rules in place to prevent *Athlete Support Personnel* who are *Using Prohibited Substances* or *Prohibited Methods* without valid justification from providing support to *Athletes* within the AOC's authority.

## 2. APPLICATION OF ANTI-DOPING BY-LAW

### 2.1. This By-Law applies to:

- (1) The members of the AOC Executive; members of any commission or committee established pursuant to the Constitution of the AOC; members of the IOC (if any) who are citizens of Australia; officers, employees, interns and volunteers of the AOC;
- (2) *Athletes*;
- (3) *Team Members*;
- (4) *Youth Olympic Team Members*;
- (5) *Athlete Support Personnel*;
- (6) Any other *Person* under the AOC's authority; and

(7) *National Federations.*

2.2. Sanctions are applicable in the event of any *anti-doping rule violation* or other breach of this By- Law.

### 3. **OBLIGATIONS**

3.1. All *Athletes* must:

(1) be knowledgeable of and comply with all applicable anti-doping policies and rules, namely the *Code*, the *International Standards*, this By-Law and the policies and rules of ASADA and their *National Federation* and *International Federation*;

(2) co-operate with and assist ASADA, including by:

(a) attending an interview to fully and truthfully answer questions; (b)

giving information; and

(c) producing documents,

in an investigation being conducted by ASADA, even if to do so might tend to incriminate them or expose them to a penalty, sanction or other disciplinary measure;

(3) be available for *Sample* collection conducted according to the *Code* at all times;

(4) take responsibility, in the context of anti-doping, for what they ingest and *Use*;

(5) inform medical personnel of their obligation not to *Use Prohibited Substances* and *Prohibited Methods* and to take responsibility to make sure that any medical treatment received does not violate the anti-doping policies and rules applicable to them;

(6) disclose to ASADA and their *National Federation* any decision by a non-*Signatory* finding that they committed an anti-doping rule violation within the previous ten years; and

(7) co-operate with *Anti-Doping Organisations* investigating *anti-doping rule violations*.

3.2. All *Athletes* who are not regular members of a *National Federation* must be available for *Sample* collection conducted according to the *Code* and provide accurate and up-to-date whereabouts information on a regular basis if required during the year before the Olympic Games as a condition of participation in the Olympic Games as a member of an Australian Olympic Team.

3.3. Any *Athlete* who is not a member of a *National Federation* and who fulfills the requirements to be part of the ASADA *Registered Testing Pool*, must become a member of his or her *National Federation*, and must make himself or herself available for *Testing*, at least twelve months before participating in *International Events* or at least six months before participating in *National Events* of his or her *National Federation*.

3.4. All *Athlete Support Personnel* must:

(1) be knowledgeable of and comply with all anti-doping policies and rules, namely the *Code*, the *International Standards*, this By-Law and the policies and rules of their *National Anti-Doping Organisation*, *National Federation* and *International Federation*, applicable to them or to the *Athletes* whom they support;

(2) co-operate with the *Athlete Testing* programme;

(3) use his or her influence on *Athlete* values and behaviour to foster anti-doping attitudes;

- (4) disclose to ASADA and his or her National and International Federation any decision by a non-*Signatory* finding that he or she committed an *anti-doping rule violation* within the previous ten years;
- (5) cooperate with *Anti-Doping Organisations* investigating *anti-doping rule violations*;
- (6) not *Use* or *Possess* any *Prohibited Substance* or *Prohibited Method* without valid justification; and
- (7) co-operate with and assist ASADA, including by:
  - (a) attending an interview to fully and truthfully answer questions; (b) giving information; and
  - (c) producing documents,
 in an investigation being conducted by ASADA, even if to do so might tend to incriminate them or expose them to a penalty, sanction or other disciplinary measure.

3.5. Each *National Federation* must:

- (1) comply with the *Code*, the *International Standards* and this By-Law;
- (2) co-operate with and assist ASADA;
- (3) adopt and implement an anti-doping policy that conforms with the *Code*;
- (4) report any information suggesting or relating to an *anti-doping rule violation* to ASADA and cooperate with investigations conducted by any *Anti-Doping Organisation* with authority to conduct the investigation;
- (5) cooperate with and assist its *International Federation* in its day-to-day anti-doping operations;
- (6) require all *Athletes* and each *Athlete Support Personnel* who participates as coach, trainer, manager, team staff, official, medical or paramedical personnel in a *Competition* or activity authorised or organised by the National Federation or one of its member organisations or a club recognised by it or one of its member organisations to agree to be bound by anti-doping rules and *Anti-Doping Organisation* results management authority in conformity with the *Code* as a condition of such participation;
- (7) prevent *Athlete Support Personnel* who are *Using Prohibited Substances* or *Prohibited Methods* without valid justification from providing support to *Athletes* within the *National Federation's* authority;
- (8) require as a condition of membership that the policies, rules and programmes of its members or clubs recognised by it or one of its member organisations are in compliance with the *Code*;
- (9) take appropriate action to discourage non-compliance with the *Code* and its anti-doping policy;
- (10) notwithstanding the previous paragraph:
  - (a) recognise and respect a finding of an *anti-doping rule violation* by the IOC, its *International Federation*, ASADA or any other *Signatory* or another *National Federation* without the need for a hearing, provided the finding is consistent with the *Code* and within the authority of the body concerned; and

- (b) require *Athletes* who are not regular members of it to be available for *Sample* collection and provide accurate and up-to-date whereabouts information on a regular basis, if required during the year before the Olympic Games as a condition of participation in the Olympic Games as a member of an Australian Olympic Team;
- (11) require any *Person* who is not a regular member and who fulfills the requirements to be part of the *ASADA Registered Testing Pool*, to become a member and to make himself or herself available for *Testing*, at least twelve months before participation in *International Events* or at least six months before participating in *National Events*;
- (12) promptly notify the AOC of the finding of any *anti-doping rule violation* and the imposition of any sanction for an *anti-doping rule violation* on:
  - (a) any *Athlete, Athlete Support Personnel* or other *Person* under its authority; or
  - (b) any *Athlete, Athlete Support Personnel* or other *Person* under its authority under the anti-doping policy and rules of its International Federation;
- (13) promote anti-doping education in coordination with *ASADA*; and
- (14) provide assistance and information to the AOC as requested by the Secretary-General to enable the AOC to properly implement this By-Law.

#### 4. **TESTING**

- 4.1. The AOC will recognise the results of accredited laboratory analysis of *Testing* conducted by *Anti-Doping Organisations* (including *ASADA*) conducted in accordance with the *Code*.
- 4.2. The AOC may request any *Anti-Doping Organisation* to conduct *Testing* and analysis of *Samples* of *Team Members* in accordance with the *Code*.
- 4.3. Where the AOC requests the conduct of *Testing* and analysis of *Samples* of *Team Members* by *ASADA*, whether by itself or, in the case of *Team Members* not within *ASADA*'s jurisdiction, by another *National Anti-Doping Organisation* under Articles 20.5.3 and 20.5.4 of the *Code*, then *ASADA* will either by itself or the other *National Anti-Doping Organisation* which conducts the *Testing* ensure that there is timely initial review pursuant to Article 7.1 of the *Code* and a follow-up review and investigation of any Adverse Analytical or Atypical Finding required pursuant to Articles 7.3 and 7.4 of the *Code* and advise the AOC, and the *Team Member's National Federation* and *International Federation* of the results thereof.

#### 5. **BREACHES OF THIS BY-LAW**

- 5.1. Without limiting any other term of this By-Law, the commission of an *anti-doping rule violation* is a breach of this By-Law.
- 5.2. Articles 1, 2, 3, 4, 5, 6, 7 and 17 of the *Code* apply to determine whether any *anti-doping rule violation* has been committed.
- 5.3. It is an infraction of this By-Law for an *Athlete, Athlete Support Personnel, other Person* or a *National Federation* to breach any of their obligations to the AOC derived from this By-Law.

#### 6. **MUTUAL RECOGNITION OF ANTI-DOPING RULE VIOLATIONS**

- 6.1. The AOC will recognise *Testing*, hearing results or other final adjudications or determinations (a determination) by any *Signatory* and *National Federation* that a *Person* has committed an *anti-doping rule violation* provided the finding is consistent with the *Code* and within that *Signatory's* or *National Federation's* authority.
- 6.2. The AOC will recognise the same actions of other bodies which have not accepted the *Code* if the rules of those bodies are otherwise consistent with the *Code*.

6.3. Upon being advised of a determination under clause 6.1 or 6.2, the Secretary-General will give the *Person* concerned notice in writing of:

- (1) the recognition by the AOC of such determination; and
- (2) the automatic imposition of the applicable sanction under clause 8 for the period determined by the *Anti-Doping Organisation* or CAS to apply to the *anti-doping rule violation* in question.

6.4. Except as provided in the *Code*, no *Person* may appeal against or challenge any recognition by the AOC under this clause 6 of an *anti-doping rule violation* by that *Person* unless that *Person* has first exhausted all his or her rights of appeal and other legal rights (if any) in respect of the hearing and finding of the *Signatory* or *National Federation* concerned (before any tribunal as provided for in the anti-doping policy of the *Signatory* or *National Federation* concerned). In the event that a *Person* challenges or appeals the hearing, finding or determination of the *Signatory* or *National Federation* concerned, the AOC will defer recognition of the *anti-doping rule violation* pending the conclusion of the challenge or appeal and will abide by the decision of the tribunal concerned.

## 7. **NON-RECOGNISED ANTI-DOPING RULE VIOLATIONS**

7.1. Where:

- (1) there is evidence of an *anti-doping rule violation* by a *Team Member* or a *Youth Olympic Team Member* including *Athlete Support Personnel* and the Secretary-General believes that it is inappropriate in the circumstances of the particular case to refer the matter to a *National Federation* for prosecution as a breach of its anti-doping policy; or
- (2) the Secretary-General believes that a person holding a position on the AOC a *Team* or a *Youth Olympic Team Member* including *Athlete Support Personnel* may have committed an *anti-doping rule violation* and is not subject to the anti-doping policy of any *National Federation* in respect of that alleged *anti-doping rule violation*; or
- (3) in the period commencing one month before the Opening Ceremony of a *Games* or *Youth Olympic Games* until midnight of the day of the Closing Ceremony of those *Games* or *Youth Olympic Games*, a *National Federation* or the Secretary-General receives notification or believes on other grounds that a *Team Member* or *Youth Olympic Team Member* including *Athlete Support Personnel* in respect of those *Games* or *Youth Olympic Games* may have committed an *anti-doping rule violation* and, unless the alleged *anti-doping rule violation* arises out of circumstances within the authority of the IOC or the Organising Committee for those *Games* under the Olympic Charter or the *Code* in respect of those *Games*,

the Secretary-General will issue an infraction notice under clause 7.2.

7.2. The infraction notice referred to in the preceding clause will: (1)

be in writing and be given to the *Person* by:

- (a) personal service; or
- (b) delivered to the person's last known address as advised by the *National Federation* concerned to the AOC;
- (2) set out the nature and particulars of the alleged *anti-doping rule violation*;
- (3) set out the sanction that may be imposed under this By-Law in respect of the *anti-doping rule violation*; and

- (4) state that the matter has been referred to the Oceania Registry of CAS for hearing as soon as possible to determine:
- (a) whether or not the *anti-doping rule violation* has been committed; and
  - (b) the sanction to be imposed in respect of the *anti-doping rule violation* should it be found to have been committed.

7.3. The hearing of the matter referred to in Clause 7.2(4) by CAS will be conducted pursuant to clause 10 and as expeditiously as possible in order, in the case of a *Team Member* or *Youth Olympic Team Member* including *Athlete Support Personnel*, to be concluded prior to the *Team Member* or *Youth Olympic Team Member* including *Athlete Support Personnel* participating in the *Games* or *Youth Olympic Games* in question. To this end the CAS will implement an expedited procedure and R44.4 of the Code of Sports-Related Arbitration requiring the consent of the parties will not apply.

## 8. AOC IMPOSED SANCTIONS FOR ANTI-DOPING RULE VIOLATIONS

8.1. Subject to clause 8.5, any *Person* who is found to have committed an *anti-doping rule violation* will be ineligible for membership of or selection in any *Team* or *Youth Olympic Team*, or to receive funding from or to hold any position on the AOC or any *Team* or *Youth Olympic Team* for the period or periods specified in the *Code* as applicable to the *anti-doping rule violation* in question.

8.2. For the purposes of clause 8.1, the period or periods of any sanction will be determined according to Articles 10 and 11 of the *Code*.

8.3. The above sanctions may be applied to a *Person* independently of any sanction or penalty, its duration or timing or whether current or past, imposed by any *Signatory* or *National Federation* provided that the AOC will recognise previous sanctions imposed by any *Signatory* or *National Federation* to determine whether the breach is a first, second or third offence.

8.4. Any period of sanction in respect of an *anti-doping rule violation* may be reduced or otherwise varied by CAS solely in accordance with the provisions of the *Code*.

## 9. OTHER BREACHES OF THIS BY-LAW

9.1. The sanctions set out in this clause 9 do not apply in respect of the commitment of an *anti-doping rule violation* by the relevant *Person*.

9.2. Subject to clause 9.1, if a breach of this By-Law occurs at any time other than during a *Games Period*, then the breach and any sanction to be applied will be determined by the AOC in its sole and absolute discretion.

9.3. Subject to clause 9.1, if a breach of this By-Law occurs at any time during a *Games Period*, then the breach and any sanctions to be applied will be determined by the Chef de Mission of the relevant *Team* or his or her authorised delegate(s) in their respective sole and absolute discretion.

9.4. Without limiting clauses 9.2 and 9.3, any *Person* who, in the sole and absolute discretion of the AOC or the Chef de Mission (as the case may be), fails to comply with the obligations set out in clauses 3.1(2), 3.4(7) or in the case of any *National Federation*, 3.5(2) may be ineligible for membership or continued membership of or selection to any *Team*, or to receive funding from or to hold any position within or continued membership of the AOC for such period as determined by the AOC or the Chef de Mission.

9.5. Any sanctions imposed under this clause 9 are non-exclusive and the *Person* may be subject to additional sanctions in accordance with any other terms applicable to that *Person's* relationship with the AOC, including any terms of employment.

## 10. CAS HEARING

10.1. A hearing by CAS under this By-Law will be conducted:

- (1) by a single arbitrator appointed by the Permanent Secretary of the Oceania Registry of CAS;
- (2) as an ordinary arbitration proceeding; and
- (3) pursuant to the Code of Sports Related Arbitration, provided that the Award and the arbitrator's reasons therefore will be made public and to this extent Rule 43 of the Code of Sports-Related Arbitration will not apply.

10.2. All instances of alleged *anti-doping rule violations* will be determined in conformity with the *Code* and must be established according to the provisions of the *Code*.

10.3. If CAS determines that a person has committed an *anti-doping rule violation*, it will impose on the person the relevant sanction pursuant to clause 8.

## 11. APPEALS FROM DETERMINATIONS OF CAS.

11.1. A *Person* (including the AOC and those entitled to appeal under Article 13.2.3 of the *Code*) aggrieved of a determination of CAS under clause 10 may appeal that decision to CAS.

11.2. Any appeal hearing by CAS under this clause 11 will be conducted:

- (1) by a panel of three arbitrators appointed by the Permanent Secretary of the Oceania Registry of CAS;
- (2) as an appeal arbitration proceeding; and
- (3) pursuant to the Code of Sports Related Arbitration, provided that the Award and the arbitrator's reasons therefore will be made public and to this extent Rule 43 of the Code of Sports-Related Arbitration regarding confidentiality will not apply.

11.3. Any appeal from a determination of CAS under clause 10 must be solely and exclusively resolved by CAS. The determination of CAS will be final and binding on the parties to the appeal and no person may institute or maintain proceedings in any court or tribunal other than CAS. In particular, and without restricting the generality of the foregoing and for further and better assurance notwithstanding that such provisions have no applicability, neither party will have the right of appeal under Sections 34 and 34A of the Commercial Arbitration Act of any of the Australian States or to apply for the determination of a question of law under Section 27I of such Act.

11.4. An appeal will be a rehearing of the matters appealed against by way of a hearing de novo and the provisions of clause 10 will apply, *mutatis mutandis*, to any appeal to CAS.

## 12. NOTIFICATION.

12.1. Upon the imposition of a sanction under this By-Law, the AOC will send details of the sanction imposed to:

- (1) the IOC;
- (2) those *Persons* entitled to notification under Article 14.1 of the *Code*
- (3) the *National Federation* of the *Person* concerned;
- (4) the *International Federation* of the *Person* concerned;



- (5) the Australian Sports Commission;
- (6) ASADA;
- (7) WADA; and
- (8) any other person or organisation the AOC believes should be informed in this respect.

12.2. If on appeal CAS overturns the finding that an *anti-doping rule violation* has occurred or alters the sanction imposed, the AOC will advise the decision to all those persons notified of the initial imposition of the sanction pursuant to clause 12.1.

### 13. **DISPUTES**

Any dispute regarding the construction and/or application of this By-Law must be solely and exclusively resolved by CAS according to the Code of Sports-Related Arbitration. The decision of 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 CAS. In particular, and without restricting the generality of the foregoing and for further and better assurance notwithstanding that such provisions have no applicability, neither party will have the right of appeal under Sections 34 and 34A of the Commercial Arbitration Act of any of the Australian States or to apply for the determination of a question of law under Section 27I of such Act.

### 14. **COSTS AND EXPENSES OF HEARINGS & APPEALS TO CAS**

14.1. In any hearing before CAS pursuant to clause 10 or clause 11, the AOC will bear the costs of CAS in respect of the arbitration save that the fee payable to CAS pursuant to Rule 64.1 of the Code on lodgment of any appeal under clause 11 will be paid by the party instituting that appeal.

14.2. Recognising the AOC's commitment contained in clause 14.1 and the fact that any hearing by CAS under this By Law is disciplinary in nature and resulted from the requirement of the AOC to apply and enforce anti-doping provisions common to all *Athletes* and *Athlete Support Personnel* under the *Code*,

- (1) the person alleged to have committed an *anti-doping rule violation* will indemnify and keep indemnified the AOC from and against any award by CAS of a contribution towards that person's legal costs and expenses; and
- (2) the AOC will indemnify and keep indemnified the person alleged to have committed an *anti-doping rule violation* from and against any award by CAS of a contribution towards the AOC's legal costs and expenses solely in respect of any hearing before CAS pursuant to clause 10.

### 15. **REVIEW OF ANTI-DOPING RULE VIOLATION**

If a *Person* recorded as having committed an *anti-doping rule violation* is subsequently found not to have committed that *anti-doping rule violation* or is otherwise cleared or pardoned of any relevant wrongdoing by CAS or any other *Anti-Doping Organisation's* Appellate Body acting in conformity with the *Code*, the AOC will overturn the *anti-doping rule violation* and any sanction which had been imposed as a result of that *anti-doping rule violation* and will report the decision to all those *Persons* notified of the initial imposition of the sanction pursuant to clause 12.

### 16. **REVIEW OF AOC IMPOSED SANCTION**

16.1. Where a *Person* to whom a sanction has been applied under this By-Law or any preceding AOC anti-doping policy in respect of an *anti-doping rule violation* has new and relevant information concerning the subject *anti-doping rule violation*, he or she or it may make written application to the Secretary-General setting out the grounds for a possible review of that AOC imposed sanction.

- 16.2. The Secretary-General will consider the application and determine in his or her sole and absolute discretion whether to review any sanction imposed under this By-Law or any preceding AOC anti-doping policy and may alter a sanction imposed previously including a reduction or withdrawal of that AOC imposed sanction.
- 16.3. The Secretary-General will not alter any sanction under clause 16.2 without first consulting with any other sports organisation which he or she knows has a current sanction over the person.
- 16.4. In the event of any alteration to a sanction by the AOC pursuant to this clause 16, the Secretary- General will promptly notify the *Person* concerned as well as those *Persons* who received notification from the AOC of that sanction. In such instance, those *Persons* entitled to appeal under Article 13.2.3 of the *Code* (other than the *Person* to whom the sanction has been applied) will have the right to appeal the decision of the Secretary-General to CAS in accordance with the Code. Clauses 11.2 – 11.4 will apply to any such appeal.

## 17. INTERPRETATION

- 17.1. In this By-Law, the following words have the following respective meanings:

**“Adverse Analytical Finding”**

means a report from a WADA-accredited laboratory or other WADA-approved laboratory that, consistent with the International Standard for Laboratories and related Technical Documents, identifies in a *Sample* the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* (including elevated quantities of endogenous substances) or evidence of the *Use* of a *Prohibited Method*.

**“Anti Doping Organisation”**

means a *Signatory* that is responsible for adopting rules for initiating, implementing or enforcing any part of the Doping Control process. This includes, but is not limited to, the *IOC*, the *International Paralympic Committee*, other *Major Event Organisations* that conduct *Testing* at their *Events*, *WADA*, *International Federations*, and *National Anti-Doping Organisations* (which for Australia is *ASADA*).

**"Anti-doping rule violation"**

means the anti-doping rule violations described in Article 2 of the *Code*.

**"ASADA"**

means the Australian Sports Anti-Doping Authority and includes any successor thereto established by the Australian Government as the *National Anti-Doping Organisation* for Australia.

**"Athlete"**

means:

- (a) any *Person* who competes or participates in sport at the international level (as defined by each International Federation) or the national level (as defined by *ASADA*);
- (b) any *Person* who is neither an *International-Level Athlete* nor a *National-Level Athlete* to whom *ASADA* applies its anti-doping rules;
- (c) for purposes of Articles 2.8 and 2.9 of the *Code* and for purposes of anti-doping information and education, any *Person* who competes or participates in sport under the authority of any *Signatory*, government or other sports organisation accepting the *Code*;
- (d) any *Person* who competes or participates in sport under the authority of a *National Federation* or under the authority of a member of a *National Federation*; or

- (e) any Person who is registered as an athlete or competitor or participant (however described) with a *National Federation* or with a member of a *National Federation* or a club recognised by a *National Federation*.

**“Athlete Support Personnel”**

means any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent or any other *Person* working with, treating or assisting an *Athlete* participating in or preparing for sports *Competition*.

**“Atypical Finding”**

means a report from a WADA-accredited laboratory or other WADA-approved laboratory which requires further investigation as provided by the *International Standard for Laboratories* or related Technical Documents prior to the determination of an *Adverse Analytical Finding*.

**“CAS”**

means the Court of Arbitration for Sport.

**“Code”**

means the World Anti-Doping Code as in force from time to time.

**“Competition”**

means a single race, match, game or singular sport contest.

**“Doping”**

means the occurrence of one or more of the anti-doping rule violations set forth in Article 2.1 through to Article 2.10 of the *Code*.

**“Doping Control”**

means all steps and processes from test distribution planning through to ultimate disposition of any appeal including all steps and processes in between such as provision of whereabouts information, *Sample* collection and handling, laboratory analysis, *TUEs*, results management and hearings.

**“Games”**

means the Olympic Games, or any other sporting competition or event in which a *Team* is to compete or participate.

**“Games Period”**

means the period commencing on the earlier of:

- (1) the assembly of the *Team* or *Youth Olympic Team* for the *Games* or *Youth Olympic Games* under the control of the Chef de Mission; or
- (2) the opening of the official *Games* or *Youth Olympic Games* accommodation,

and ends at midnight the day after the closing ceremony of the *Games* or on such later date as the *Person* is formally discharged from the relevant *Team* or *Youth Olympic Team*.

**“IOC”**

means the International Olympic Committee.

**“International Event”**

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

**“International Federation”**

means an International Federation being an organisation controlling a branch of sport and recognised as such by the IOC.

**“International-Level Athlete”**

means *Athletes* who compete in sport at the international level, as defined by

each International Federation, consistent with the *International Standard for Testing and Investigations*;

**“International Standard”**

means a standard adopted by WADA in support of the *Code*. Compliance with an *International Standard* (as opposed to another alternative standard, practice or procedure) shall be sufficient to conclude that the procedures addressed by the *International Standard* were performed properly. *International Standards* shall include any Technical Documents issued pursuant to the *International Standard*.

**“Major Event Organisations”**

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

**“National Anti-Doping Organisation”**

means the entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of *Samples*, the management of test results, and the conduct of hearings at the national level. If this designation has not been made by the competent public authority(ies), the entity shall be the country’s *National Olympic Committee* or its designee.

**“National Event”**

means a sport *Event* or *Competition* involving *International-* or *National-Level Athletes* that is not an *International Event*.

**“National Federation”**

means any organisation that is a member of the AOC.

**“National-Level Athlete”**

means *Athletes* who compete in sport at the national level, as defined by each *National Anti-Doping Organization*, consistent with the *International Standard for Testing and Investigations*.

**“Olympic Games”**

means the Games of an Olympiad and the Olympic Winter Games conducted under the authority of the IOC.

**“Person”**

means a natural person or an organisation or other entity.

**“Prohibited List”**

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

**“Prohibited Method”**

means any method so described on the *Prohibited List*.

**“Prohibited Substance”**

means any substance, or class of substances, so described on the *Prohibited List*.

**“Sample or Specimen”**

means any biological material collected for the purposes of *Doping Control*.

**“Signatory”**

An entity signing the *Code* and agreeing to comply with the *Code*, including the IOC, International Federations, International Paralympic Committee, National Olympic Committees, Major Event Organisations, ASADA, other National Anti-Doping Organisations, and WADA.

**“Team”**

means any Australian Olympic Team, Australian Olympic Winter Team or other team selected by the AOC.

|                                    |   |
|------------------------------------|---|
| <b>“Team Member”</b>               | means:<br><br>(a) a member of a <i>Team</i> ; or<br><br>(b) a person advised by a <i>National Federation</i> to the AOC as a person considered suitable as a member of a <i>Team</i> and recognised as such by the AOC.       |
| <b>“Testing”</b>                   | means the parts of the Doping Control process involving test distribution planning, Sample collection, Sample handling, and Sample transport to the laboratory.   |
| <b>“TUE”</b>                       | means Therapeutic Use Exemption as described in Article 4.4 of the <i>Code</i> .  |
| <b>“Use”</b>                       | means the utilisation, application, ingestion, injection or consumption by any means whatsoever of any <i>Prohibited Substance</i> or <i>Prohibited Method</i> .  |
| <b>“WADA”</b>                      | means the World Anti-Doping Agency being a Foundation constituted under the Swiss Civil Code in Lausanne on 10 November 1999 and any Agency contracted by WADA.   |
| <b>“Youth Olympic Games”</b>       | means the Youth Olympic Games and the Youth Olympic Winter Games conducted under the authority of the IOC.  |
| <b>“Youth Olympic Team”</b>        | means any Australian Youth Olympic Team or Australian Youth Olympic Winter Team selected by the AOC.  |
| <b>“Youth Olympic Team Member”</b> | means:<br><br>(a) a member of a Youth Olympic Team; or<br><br>(b) a person advised by a National Federation to the AOC as a person considered suitable as a member of a Youth Olympic Team and recognised as such by the AOC. |

17.2.

- (1) All the words utilised in this By-Law shall have the same meaning as that ascribed to them in the *Code* and the *International Standards*.
- (2) The *Code* and the *International Standards* shall be considered as part of this By-Law, apply automatically and prevail in case of conflict.
- (3) Words not defined in this By-Law have the meaning ascribed to them in the *Code* and the *International Standards* unless a contrary meaning appears from the context.
- (4) In the interpretation of this By-Law, should there be any inconsistency or conflict between this By-Law and the *Code* and the *International Standards*, then the provisions of the *Code* and the *International Standards* will prevail.
- (5) Reference to:
  - (a) the singular includes the plural and the plural includes the singular; and

- (b) a person includes a body corporate.
  - (6) If a *Person* or *National Federation* to whom this By-Law applies consists of more than one person, then this By-Law binds them jointly and severally.
  - (7) Headings are for convenience only and do not form part of this By-Law or affect its interpretation.
  - (8) "Including" and similar words are not words of limitation.
- 17.3. 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.

**ADOPTED** as a By-Law of the AOC by its Executive on 20 November 1997

**AMENDED** on 21 July 2000 by the Doping Offences Special Purpose By-Law both the adoption and amendment effective from 21 July 2000.

**AMENDED** on 21 March 2003 both the adoption and amendment effective from 21 March 2003.

**AMENDED** on 18 November 2005 with the amendment effective from 1 January 2006.

**AMENDED** on 8 May 2009 both the adoption and amendment effective from 8 May 2009.

**AMENDED** on 20 March 1998 both the adoption and amendment effective from 1 December 1997.

**AMENDED** on 9 March 2001 both the adoption and amendment effective from 9 March 2001.

**AMENDED** on 31 May 2004 both the adoption and amendment effective from 31 May 2004

**AMENDED** on 16 March 2007 both the adoption and amendment effective from 16 March 2007.

**AMENDED** on 14 August 2009 both the adoption and amendment effective from 14 August 2009.

**AMENDED** on 3 May 2013 both the adoption and amendment effective from 3 May 2013.

**AMENDED** on 21 November 2014 both the adoption and amendment effective from 1 January 2015.