

ANTI-DOPING BY-LAW



ANTI-DOPING BY-LAW OF THE AUSTRALIAN OLYMPIC COMMITTEE

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 its object under clause 6.10 of the AOC Constitution:

"to protect clean athletes and the integrity of sport by being a leading advocate in the fight against 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 Australia 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 long list or subsequent entry document submitted in connection with the Olympic Games;

- (6) to cooperate with *ASADA*;
- (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 Person* 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 vigorously pursue all potential *anti-doping rule violations* within its jurisdiction including investigation into whether *Athlete Support Personnel* or other Persons may have been involved in each case of doping;
- (11) to promote anti-doping education, including requiring *National Federations* to conduct anti-doping education in cooperation with *ASADA*;
- (12) to co-operate with relevant national organisations and agencies and other *Anti-Doping Organisations*; and
- (13) 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* or *Specimen* collection 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* and *International 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* and this By-Law;
- (4) adopt and implement an anti-doping policy that requires all *Athletes* and *Athlete Support Personnel* who participate 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 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;
- (5) 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;
- (6) cooperate with and assist its *International Federation* in its day-to-day anti-doping operations;
- (7) require all *Athletes* and each *Athlete Support Personnel* who participate 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;
- (8) 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;
- (9) 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*;
- (10) take appropriate action to discourage non-compliance with the *Code* and its anti-doping policy;
- (11) 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;
- (12) 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*;
- (13) 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*;

- (14) promote anti-doping education in coordination with *ASADA*; and
- (15) provide assistance and information to the AOC as requested by the Chief Executive Officer 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 and Atypical or Adverse Passport Finding required pursuant to Articles 7.2, 7.3, 7.4 and 7.5 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, 16 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 Chief Executive Officer 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 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* including *Athlete Support Personnel* and the Chief Executive Officer 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 Chief Executive Officer believes that a *Person* holding a position within the AOC or on the AOC Executive, a *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 until midnight of the day of the Closing Ceremony of those *Games*, a *National Federation* or the Chief Executive Officer receives notification or believes on other grounds that a *Team Member* including *Athlete Support Personnel* in respect of those 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,
- (4) the Chief Executive Officer 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* including *Athlete Support Personnel*, to be concluded prior to the *Team Member* including *Athlete Support Personnel* participating in the 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 8.6, any *Athlete* who is found to have committed an *anti-doping rule violation* will be ineligible for membership of or selection in any *Team as an Athlete*, or to receive funding from or to hold any position within the AOC or on the AOC Executive or any *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. Subject to any exemption by the AOC Executive, any *Person* who is found to have committed an *anti-doping rule violation* as an *Athlete* will be ineligible for membership of or selection in any *Team* as an *Athlete Support Personnel or Person* or to receive funding from or hold any position within the AOC or on the AOC Executive.
- 8.4. Any *Athlete Support Personnel or Person* who is found to have committed an *anti-doping rule violation* as an *Athlete Support Personnel or Person* is ineligible for membership of or selection in any *Team as an Athlete Support Personnel or Person*, or to receive funding from or hold any position within the AOC or on the AOC Executive.
- 8.5. 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.
- 8.6. 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 and clause 32.2 of the AOC Constitution, 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 including under clauses 9.4 and 9.5 will be determined by the AOC Executive in its sole and absolute discretion.
- 9.3. Subject to clause 9.1 and clause 32.2 of the AOC Constitution, if a breach of this By-Law occurs at any time during a *Games Period*, then the breach and any sanctions to be applied including under clauses 9.4 and 9.5 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 Executive or the Chef de Mission (as the case may be), fails to comply with the obligations set out in clauses 3.1(2) and (7) or 3.4(5) and (7) may be ineligible:
 - (1) for selection to, or membership or continued membership of, any *Team*, and
 - (2) to receive funding from or to hold any position within the AOC and for such period as the AOC Executive or the Chef de Mission determine in their respective sole and absolute discretion.
- 9.5. Without limiting clauses 9.2 and 9.3, any *National Federation* which, in the sole and absolute discretion of the AOC Executive, fails to comply with the obligations set out in clauses 3.5(1) to (15) may be:
 - (1) ineligible to nominate or propose *Athletes* and *Athlete Support Personnel* for selection to, or membership or continued membership of, any *Team*, and
 - (2) liable to such other sanction (including a fine but excluding expulsion from membership of the AOC which requires a special majority at a general meeting),as the AOC Executive determines in its sole and absolute discretion.
- 9.6. 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 provisions of the *Commercial Arbitration Act 2010* (NSW), I agree that neither party will have the right of appeal under sections 34 or 34A or to apply for the determination of a question of law under section 27J of the *Commercial Arbitration Act 2010* (NSW) or equivalent legislation in any of the Australian States or Territories.
- 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 provisions of the *Commercial Arbitration Act 2010* (NSW), I agree that neither party will have the right of appeal under sections 34 or 34A or to apply for the determination of a question of law under section 27J of the *Commercial Arbitration Act 2010* (NSW) or equivalent legislation in any of the Australian States or Territories.

14 / COSTS, EXPENSES OF HEARINGS AND 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 Chief Executive Officer setting out the grounds for a possible review of that AOC imposed sanction.
- 16.2. The Chief Executive Officer 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 Chief Executive Officer 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 Chief Executive Officer pursuant to this clause 16, she 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 Chief Executive Officer 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.

Adverse Passport Finding means a report identified as an *Adverse Passport Finding* as described in the applicable *International Standards*.

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*.

AOC Executive means the Executive as elected or, in the case of the Chief Executive Officer, appointed in accordance with the AOC Constitution.

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*

	<i>Standard</i> for Laboratories or related Technical Documents prior to the determination of an <i>Adverse Analytical Finding</i> .
Atypical Passport Finding	means a report described as an <i>Atypical Passport Finding</i> as described in the applicable <i>International Standards</i> .
CAS	means the Court of Arbitration for Sport.
Code	means the World Anti-Doping <i>Code</i> 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 <i>anti-doping rule violations</i> set forth in Article 2.1 through to Article 2.10 of the <i>Code</i> .
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, <i>Sample</i> collection and handling, laboratory analysis, <i>TUEs</i> , results management and hearings.
Games	means the Olympic Games, Youth Olympic Games or any other sporting competition or event in which a <i>Team</i> is to compete or participate.
Games Period	means the period commencing on the earlier of: <ol style="list-style-type: none"> (1) the assembly of the <i>Team</i> or <i>Youth Olympic Team</i> for the Games or <i>Youth Olympic Games</i> under the control of the Chef de Mission; or (2) the opening of the official <i>Games</i> or <i>Youth Olympic Games</i> accommodation, and ends at midnight the day after the closing ceremony of the <i>Games</i> or on such later date as the <i>Person</i> is formally discharged from the relevant <i>Team</i> or <i>Youth Olympic Team</i>.
IOC	means the International Olympic Committee.
International Event	means <i>Event</i> or <i>Competition</i> where the International Olympic Committee, the International Paralympic Committee, an <i>International Federation</i> , a <i>Major Event Organisation</i> , or another international sport organisation is the ruling body for the <i>Event</i> or appoints the technical officials for the <i>Event</i> .
International Federation	means an <i>International Federation</i> being an organisation controlling a branch of sport and recognised as such by the IOC.
International-Level Athlete	means <i>Athletes</i> who compete in sport at the international level, as defined by each International Federation, consistent with the <i>International Standard</i> for <i>Testing and Investigations</i> ;
International Standard	means a standard adopted by WADA in support of the <i>Code</i> . 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 <i>International Standard</i> were performed properly. <i>International Standards</i> shall include any Technical Documents issued pursuant to the <i>International Standard</i> .
Major Event Organisations	means the continental associations of <i>National Olympic Committees</i> and other international multi-sport organisations that function as the ruling body for any continental, regional or other <i>International Event</i> .
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 <i>Samples</i> , 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 <i>National Olympic Committee</i> or its designee.
National Event	means a sport <i>Event</i> or <i>Competition</i> involving <i>International</i> or <i>National-Level Athletes</i> that is not an <i>International Event</i> .

National Federation	means any organisation that is a member of the AOC.
National-Level Athlete	means <i>Athletes</i> who compete in sport at the national level, as defined by each <i>National Anti-Doping Organisation</i> , consistent with the <i>International Standard for Testing and Investigations</i> .
Olympic Games	means the Games of an Olympiad and the Olympic Winter Games conducted under the authority of the IOC.
Person	means a natural <i>Person</i> or an organisation or other entity.
Prohibited List	means the List identifying the <i>Prohibited Substances</i> and <i>Prohibited Methods</i> .
Prohibited Method	means any method so described on the <i>Prohibited List</i> .
Prohibited Substance	means any substance, or class of substances, so described on the <i>Prohibited List</i> .
Sample or Specimen	means any biological material collected for the purposes of <i>Doping Control</i> .
Signatory	An entity signing the <i>Code</i> and agreeing to comply with the Code, including the IOC, <i>International Federations</i> , <i>International Paralympic Committee</i> , <i>National Olympic Committees</i> , <i>Major Event Organisations</i> , <i>ASADA</i> , other <i>National Anti-Doping Organisations</i> , and <i>WADA</i> .
Team	means any Australian Olympic <i>Team</i> , Australian Olympic Winter <i>Team</i> , Australian Youth Olympic <i>Team</i> , Australian Winter Youth Olympic <i>Team</i> or other <i>Team</i> selected by the AOC.
Team Member	means: <ul style="list-style-type: none"> A I a member of a <i>Team</i>, or B I a <i>Person</i> advised by a <i>National Federation</i> to the AOC as a <i>Person</i> considered suitable as a member of a <i>Team</i> and recognised as such by the AOC.
Testing	means the parts of the <i>Doping Control</i> process involving test distribution planning, <i>Sample</i> collection, <i>Sample</i> handling, and <i>Sample</i> transport to the laboratory.
TUE	means <i>Therapeutic Use Exemption</i> as described in Article 4.4 of the <i>Code</i> .
Use	means the utilisation, application, ingestion, injection or consumption by any means whatsoever of any <i>Prohibited Substance</i> or <i>Prohibited Method</i> .
WADA	means the World Anti-Doping Agency being a Foundation constituted under the Swiss Civil <i>Code</i> in Lausanne on 10 November 1999 and any Agency contracted by <i>WADA</i> .
Youth Olympic Games	means the <i>Youth Olympic Games</i> and the <i>Youth Olympic Winter Games</i> conducted under the authority of the IOC.
Youth Olympic Team	means any Australian <i>Youth Olympic Team</i> or Australian Youth Olympic Winter Team selected by the AOC.
Youth Olympic Team Member	means: <ul style="list-style-type: none"> A I a member of a <i>Youth Olympic Team</i>, or B I a <i>Person</i> advised by a <i>National Federation</i> to the AOC as a <i>Person</i> considered suitable as a member of a <i>Youth Olympic Team</i> 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 20 March 1998 both the adoption and amendment effective from 1 December 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 9 March 2001 both the adoption and amendment effective from 9 March 2001.

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

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

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

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 8 May 2009 both the adoption and amendment effective from 8 May 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.

AMENDED on 6 August 2015 both the adoption and amendment effective from 6 August 2015.