



# ANTI-DOPING BY-LAW

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RESPONSIBILITY:	General Manager – Team Performance & Operations			
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## 1. World Anti-Doping Code

- 1.1 Commonwealth Games Australia (*CGA*) is a *Signatory* to the *Code* and, as such, is responsible for assisting Sport Integrity Australia 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 *CGA's* commitment to the purposes of the World Anti-Doping Program of *WADA* and the *Code* and the Australian anti-doping framework including the *Sport Integrity Australia Act 2020* (Cth); (*Sport Integrity Australia Act*) and the *Sport Integrity Australia Regulations 2020* (Cth) (*Sport Integrity Australia Regulations*) including Schedule 1 which comprises the National Anti-Doping scheme (*NAD scheme*). It is in conformance with the *CGA's* responsibilities under the *Code* and *International Standards* and in furtherance of the *CGA's* continuing efforts to eradicate doping in Australia.

## 2. Fundamental Rationale for the *Code* and the *CGA's* Anti-Doping By-Law

Anti-Doping programs are founded on the intrinsic value of sport. This intrinsic value is often referred to as "the spirit of sport" - the ethical pursuit of human excellence through the dedicated perfection of each *Athlete's* natural talents.

Anti-Doping programs seek to maintain the integrity of sport in terms of respect for rules, other competitors, fair competition, a level playing field, and the value of clean sport to the world.

The spirit of sport is the celebration of the human spirit, body and mind – it is the essence of Olympism and is reflected in the values we find in and through sport, including:

- Health
- Ethics, fair play and honesty
- *Athlete's* rights as set forth in the *Code*
- 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

The spirit of sport is expressed in how we play true.

Doping is fundamentally contrary to the spirit of sport.

## 3. Responsibilities

3.1 Under the *Code*, *CGA* has roles and responsibilities, including the following:

- 1) To ensure its anti-doping policies and rules conform with the *Code* and *International Standards*.
- 2) To respect the autonomy of the *National Anti-Doping Organisation* in its country namely, Sport Integrity Australia and not to interfere in its operational decisions and activities.
- 3) To require that *Persons* under the jurisdiction of *CGA* agree to be bound by and adhere to applicable anti-doping policies and rules which are in compliance with the applicable provisions of the *Code* and *International Standards*.
- 4) To require as a condition of membership or recognition that *National Federations's* anti-doping policies and rules are in compliance with the applicable provisions of the *Code* and *International Standards*.

- 5) To require *National Federations* and *Persons* under the jurisdiction of *CGA* to report any information suggesting or relating to an *anti-doping rule violation* to Sport Integrity Australia and to cooperate with investigations conducted by any *Anti-Doping Organisation* with authority to conduct the investigation.
- 6) To fully cooperate with and assist Sport Integrity Australia to vigorously pursue all potential *anti-doping rule violations* within its jurisdiction, including fully cooperating with any investigation Sport Integrity Australia is conducting into whether *Athlete Support Personnel* or *Other Persons* may have been involved in each case of doping.
- 7) To promote and conduct anti-doping *Education*, including requiring *National Federations* to make available or conduct anti-doping *Education* in cooperation with Sport Integrity Australia.
- 8) To co-operate with relevant national organisations and agencies and other *Anti-Doping Organisations*.
- 9) To the fullest extent permitted by law, 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 *CGA's* authority.
- 10) To require as a condition of participation in the *Games* as a member of a *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, such as an *Athlete* and/or *Official Team Membership Agreement*, submitted in connection with the *Games*.

#### 4. Application

4.1 This By-Law applies to:

- 1) The Directors of *CGA's* Board, persons on the *CGA* Executive; members of any commission or committee established pursuant to the Constitution of *CGA*; members of the Commonwealth Games Federation (*CGF*) (if any) who are citizens of Australia, officers, employees, interns and volunteers of *CGA*; *Delegated Third Parties* and their employees who are involved in any aspect of *Doping Control*.
- 2) *Athletes*;
- 3) *Team Members*;
- 4) *Youth Commonwealth Games Team Members*
- 5) *Athlete Support Personnel*;
- 6) Any *Other Person* under *CGA's* authority or jurisdiction, including any *Person* receiving funding or other valuable benefits from *CGA*, and
- 7) *National Federations*.

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

#### 5. Obligations

5.1 All *Athletes* bound by this By-Law must:

- 1) be knowledgeable of and comply with all applicable anti-doping policies and rules that apply to the *Athlete*, namely the *Code*, the *International Standards*, this By-Law and the policies and rules of *CGA*, the Australian Sports Commission, Sport Integrity Australia and their relevant *National Federation* and *International Federation* (together the *Athlete Applicable Anti-Doping Rules*);

2) co-operate with and assist Sport Integrity Australia, 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 Sport Integrity Australia in accordance with the *Sport Integrity Australia Act, Sport Integrity Australia Regulations, NAD scheme and Athlete Applicable Anti-Doping Rules*, 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 conducted in accordance with *Athlete Applicable Anti-Doping Rules*, 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 *Athlete Applicable Anti-Doping Rules*;
- 6) disclose to *CGA*, Sport Integrity Australia 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*.

5.2 All *Athletes* bound by this By-Law who are not regular members of a *National Federation* must be available for *Sample* collection conducted according to the *Code* and *Athlete Applicable Anti-Doping Rules* and provide accurate and up-to-date whereabouts information on a regular basis, if required during the year before the *Commonwealth Games* as a condition of participation in the *Commonwealth Games* as a member of an Australian Commonwealth Games Team.

5.3 Any *Athlete* bound by this By-Law who is not a member of a *National Federation* and who fulfills the requirements to be part of the Sport Integrity Australia *Registered Testing Pool* or the Sport Integrity Australia *National Testing Pool*, or the Sport Integrity Australia *Domestic 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*.

5.4 All *Athlete Support Personnel* must:

- 1) be knowledgeable of and comply with all anti-doping policies and rules that apply to the *Athlete Support Personnel*, namely the *Code*, the *International Standards*, this By-Law and the policies and rules of their relevant *National Anti-Doping Organisation(s)*, *National Federation(s)*, the Australian Sports Commission, and *International Federation(s)*, applicable to them or to the *Athletes* whom they support (together the *Support Personnel Applicable Anti-Doping Rules*);
- 2) co-operate with the *Athlete Testing* program;
- 3) use their influence on *Athlete* values and behaviour to foster anti-doping attitudes;
- 4) disclose to *CGA*, Sport Integrity Australia and their *National Federation(s)* and *International Federation(s)* any decision by a non-*Signatory* finding that they 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 Sport Integrity Australia, 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 Sport Integrity Australia in accordance with the *Sport Integrity Australia Act*, *Sport Integrity Australia Regulations*, *NAD* scheme and *Support Personnel Applicable Anti-Doping Rules*, even if to do so might tend to incriminate them or expose them to a penalty, sanction or other disciplinary measure.

5.5 Each *Other Person* must:

- 1) be knowledgeable of and comply with all anti-doping policies and rules adopted pursuant to the *Code* and *International Standards* which are applicable to them;
- 2) disclose to *CGA*, Sport Integrity Australia and their *National Federation(s)* and *International Federation(s)* any decision by a non-*Signatory* finding that they committed an *anti-doping rule violation* within the previous 10 years.
- 3) cooperate with *Anti-Doping Organisations* investigating *anti-doping rule violations*.
- 4) Cooperate with and assist Sport Integrity Australia, 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 Sport Integrity Australia, even if to do so might tend to incriminate them or expose them to a penalty, sanction or other disciplinary measure.

5.6 Each *National Federation* must:

- 1) comply with the *Code*, the *International Standards* and this By-Law;
- 2) co-operate with and assist Sport Integrity Australia;
- 3) adopt and implement an anti-doping policy that conforms with the *Code*, the *International Standards*, the *NAD scheme* and this By-Law;
- 4) adopt and implement an anti-doping policy that requires all *Athletes* and *Athlete Support Personnel* who participate 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 Sport Integrity Australia, 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 Sport Integrity Australia, 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 Sport Integrity Australia and *CGA's* Chief Executive Officer 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 participates 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* and *International Standards* 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 programs of its members or *Clubs* recognised by it or one of its member organisations are in compliance with the *Code* and *International Standards*;
- 10) take appropriate action to discourage non-compliance with the *Code* and *International Standards*, and its anti-doping policy;
- 11) notwithstanding the previous paragraph:
  - a. recognise and respect a finding of an *anti-doping rule violation* by its *International Federation*, Sport Integrity Australia 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 *Commonwealth Games* as a condition of participation in the *Commonwealth Games* as a member of an Australian Commonwealth Games *Team*;
- 12) require any person who is not a regular member and who fulfills the requirements to be part of the Sport Integrity Australia *Registered Testing Pool*, or the Sport Integrity Australia *National Testing Pool*, or the Sport Integrity Australia *Domestic 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 *CGA* 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 By-Law and rules of its *International Federation*;
- 14) promote and conduct anti-doping *Education* in coordination with Sport Integrity Australia; and
- 15) provide assistance and information to *CGA* as requested by the Chief Executive Officer to enable *CGA* to properly implement this By-Law.

## 6. Testing

- 6.1 *CGA* will recognise the results of accredited laboratory analysis of *Testing* conducted by *Anti-Doping Organisations* (including Sport Integrity Australia) conducted in accordance with the *Code* and *International Standards*.
- 6.2 *CGA* may request any *Anti-Doping Organisation* to conduct *Testing* and analysis of *Samples* of *Athletes* in accordance with the *Code* and *International Standards*.
- 6.3 Where *CGA* requests the conduct of *Testing* and analysis of *Samples* of *Athletes* by Sport Integrity Australia, whether by itself or, in the case of *Athletes* not within Sport Integrity Australia's jurisdiction, by another *National Anti-Doping Organisation* under Articles 20.5.3 and 20.5.4 of the *Code*, then Sport Integrity Australia will either by itself or the other *National Anti-Doping Organisation* which conducts the *Testing* ensure that there is timely initial review and a follow-up review and investigation of any *Adverse Analytical Finding* or *Atypical Finding* required pursuant to Article 5.0 of the *International Standard* for Results Management (*ISRM*) and advise *CGA*, and the *Athlete's National Federation* and *International Federation* of the results thereof.

## 7. Breaches of this By-Law

- 7.1 Without limiting any other term of this By-Law, the commission of an *anti-doping rule violation* is a breach of this By-Law.
- 7.2 Without limitation, Articles 1, 2, 3, 4, 5, 6, 7, 17, 26, 27 and Appendix 1 of the *Code* apply to determine whether any *anti-doping rule violation* has been committed.
- 7.3 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 *CGA* derived from this By-Law.

## 8. Mutual recognition of *anti-doping rule violations*

- 8.1 *CGA* shall recognise the decision of any *Signatory* or *National Federation*, and where applicable bodies that are not a *Signatory*, in accordance with Article 15 of the *Code*.
- 8.2 Upon being advised of a determination and its effects under clause 8.1 and provided *CGA* can lawfully do so in the circumstances, the Chief Executive Officer will give the *Person* concerned notice in writing of:
- 1) the recognition by *CGA* of such determination and its effects; and
  - 2) the automatic imposition of the applicable sanction under clause 10 for the period determined by the *Anti-Doping Organisation*, the *NST*, *CAS*, or another sporting tribunal to apply to the *anti-doping rule violation* in question.
- 8.3 Except as provided in the *Code* or otherwise provided for by law, no *Person* may appeal against or challenge any recognition by *CGA* under this clause 8 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 by-law 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, *CGA* 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.

## 9 Non-recognised *anti-doping rule violations*

### 9.1 Where:

- 1) there is evidence of an *anti-doping rule violation* by a *Team Member* including *Athlete Support Personnel* or *Other Person*, and the Chief Executive Officer believes (in consultation with Sport Integrity Australia) 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 *CGA* Chief Executive Officer believes that a *Person* holding a position within *CGA* or on the *CGA* Executive, or on *CGA's Board* or a *Team Member*, including *Athlete Support Personnel* or *Other Person* 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 *CGA* Chief Executive Officer receives notification or believes on other grounds that a *Team Member* including *Athlete Support Personnel* or *Other Person* 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 *CGF* or the Organising Committee for those *Games* in respect of those *Games*,

the *CGA* Chief Executive Officer will issue a Letter of Charge in accordance with Article 7.0 of the *ISRM* provided that it is lawful to do so.

- 4) The *CGA* Chief Executive Officer may at his or her discretion suspend any *Athlete, Athlete Support Person* or *Other Person* who has been charged with or alleged to have committed an *anti-doping rule violation* (including conduct that could be considered to be an *anti-doping rule violation*) pending the final determination of any such allegation or charge by the *NST, CAS*, another sporting tribunal or other decision maker.

## 10 *CGA* imposed sanctions for *anti-doping rule violations*

- 10.1 Any *Athlete, Athlete Support Personnel* or *Other Person* who is found to have committed an *anti-doping rule violation* will be ineligible for membership of or selection in any *Team*, or to receive funding from or to hold any position within *CGA* or on the *CGA* Board or any *Team* for the period or periods specified in the *Code* as applicable to the *anti-doping rule violation* in question.
- 10.2 For the purposes of clause 10.1, the period or periods of any sanction will be determined according to Articles 9, 10, 11 and appendix 1 of the *Code*.
- 10.3 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 *CGA* will recognise previous sanctions imposed by any *Signatory* or *National Federation* to determine whether the breach is a first, second or third offence.
- 10.4 Any period of sanction in respect of an *anti-doping rule violation* may be reduced or otherwise varied by the *NST, CAS* or another sporting tribunal solely in accordance with the provisions of the *Code*.

## 11 Other breaches of this By-Law

- 11.1 The sanctions set out in this clause 11 do not apply in respect of the commitment of an *anti-doping rule violation* by the relevant *Person*.
- 11.2 Without limiting clauses 11.2 and 11.3, any *Person* who, in the sole and absolute discretion of the *CGA* Executive, fails to comply with the obligations set out in clauses 5.1(2) and (7) or 5.4(5) and (7) or 5.5(3) and (4) may be ineligible:
- 1) for selection to, or membership or continued membership of, any *Team*; and
  - 2) receive funding from *CGA*, use *CGA* facilities or to hold any position within *CGA* for such period
- as the *CGA Board* or their delegated representatives determine in their sole and absolute discretion.
- 11.3 Without limiting clauses 11.2 and 11.3, any *National Federation* which fails to comply with the obligations set out in clause 5.6 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 *CGA* which requires a special majority at a general meeting)
- as the *CGA Board* or their delegated representatives determines in their sole and absolute discretion.
- 11.4 Any sanctions imposed under this clause 11 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 *CGA*, including any terms of employment or Team Membership Agreement.

## 12 NSTHearing

- 12.1 The Article 8 hearing body for the purposes of this By-Law at first instance is the *NST*.
- 12.2 All instances of alleged *anti-doping rule violations* will be determined in conformity with the *Code* and the *ISRM* and must be established according to the provisions of the *Code*.
- 12.3 If the *NST* determines that a person has committed an *anti-doping rule violation*, it will impose on the person the relevant sanction pursuant to clause 10.
- 12.4 A hearing by the *NST* under this By-Law will be conducted in the manner that the *NST* determines is appropriate, with as little formality and technicality, and as quickly as proper consideration of the issues permit, and will be conducted in accordance with the *NST Act*.
- 12.5 The hearing of a case involving a *Team Member* including *Athlete Support Personnel* or *Other Person* will be expedited in accordance with *NST Act* and instruments made under it, to ensure the case is concluded prior to the *Team Member* including *Athlete Support Personnel* or *Other Person* participating in the *Games* in question.

## 13 Appeals from determinations of the NST

- 13.1 A *Person* including *CGA* and those entitled to appeal under Article 13.2.3 of the *Code* aggrieved of a determination of the *NST* under clause 12 may appeal that decision to the Appeals Division of *CAS* in accordance with the provisions applicable before such court.
- 13.2 Any appeal hearing by *CAS* under this clause 13 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.
- 13.3 An appeal will be a rehearing of the matters appealed against by way of a hearing de novo and the provisions of clause 12.2 and 12.3 will apply, mutatis mutandis, to any appeal to *CAS*.

## 14 Notification

- 14.1 Upon the imposition of a sanction under this By-Law, *CGA* will, subject to any constraints imposed by applicable law, send details of the sanction imposed to:
- 1) The *CGF*;
  - 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) Sport Integrity Australia;
  - 7) *WADA*; and
  - 8) any other *Person* or organisation *CGA* believes should be informed in this respect.

14.2 If on appeal *CAS* overturns the finding that an *anti-doping rule violation* has occurred or alters the sanction imposed, *CGA* will advise the decision to all those *Persons* notified of the initial imposition of the sanction pursuant to clause 14.1.

## 15 Costs and expenses of hearings & appeals to *CAS*

15.1 In any appeal before *CAS* pursuant to clause 13, each party shall bear the arbitration costs in accordance with the *CAS Code of Sports-related Arbitration*. Should it be found that no *anti-doping rule violation* has been committed, *CGA* shall reimburse the *Athlete* or *Other Person* their application fee and their portion of the arbitration costs. Each party shall otherwise bear their own costs.

## 16 Review of *anti-doping rule violation*

16.1 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*, *CGA* 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 14.

## 17 Review of *CGA* imposed sanction

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

17.2 The *CGA* 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 *CGA* anti-doping By-Law and may alter a sanction imposed previously including a reduction or withdrawal of that *CGA* imposed sanction.

17.3 The *CGA* Chief Executive Officer will not alter any sanction under clause 18.2 without first consulting with any other sports organisation(s) which he or she knows has a current sanction over the *Person*.

17.4 In the event of any alteration to a sanction by the Chief Executive Officer pursuant to this clause 18, the *CGA* Chief Executive Officer will promptly notify the *Person* concerned as well as those *Persons* who received notification from *CGA* 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 in accordance with the *Code*. Clause 13 will apply to any such appeal.

## 18 Interpretation

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, establishes in a *Sample* the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* or evidence of the *Use* of a *Prohibited Method*.

**"Anti-Doping Organisation"** means *WADA*, or 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 International Olympic Committee, the International Paralympic Committee, other *Major Event Organisations* that conduct *Testing* at their *Events*, *International*

	<i>Federations, and National Anti-Doping Organisations</i> (which for Australia is Sport Integrity Australia).
<b>"Anti-doping rule violation"</b>	means the anti-doping rule violations described in Article 2 of the <i>Code</i> .
<b>"Athlete"</b>	means: <ul style="list-style-type: none"> <li>a. any <i>Person</i> who competes or participates in sport at the international level (as defined by each International Federation) or the national level (as defined by <i>Sport Integrity Australia</i>);</li> <li>b. any <i>Person</i> who is neither an <i>International-Level Athlete</i> nor a <i>National-Level Athlete</i> to whom <i>Sport Integrity Australia</i> applies its anti-doping rules;</li> <li>c. for purposes of Articles 2.8 and 2.9 of the <i>Code</i> and for purposes of anti-doping information and Education, any <i>Person</i> who competes or participates in sport under the authority of any <i>Signatory</i>, government or other sports organisation accepting the <i>Code</i>;</li> <li>d. any <i>Person</i> who competes or participates in sport under the authority of a <i>National Federation</i> or under the authority of a member of a <i>National Federation</i>; or</li> <li>e. any <i>Person</i> who is registered as an <i>Athlete</i> or competitor or <i>Participant</i> (however described) with a <i>National Federation</i> or with a member of a <i>National Federation</i> or a club recognised by a <i>National Federation</i>; or</li> <li>f. any <i>Athlete</i> or <i>Other Person</i>, who by virtue of an accreditation or license or other contractual arrangement, or otherwise, is subject to the authority of the <i>National Federation</i> or a member of a <i>National Federation</i>.</li> </ul>
<b>"Athlete Support Personnel"</b>	means any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent or any <i>Other Person</i> working with, treating or assisting an <i>Athlete</i> participating in or preparing for sports <i>Competition</i> .
<b>"Atypical Finding"</b>	means a report from a <i>WADA</i> -accredited laboratory or other <i>WADA</i> -approved laboratory which requires further investigation as provided by the International Standard for Laboratories or related Technical Documents prior to the determination of an <i>Adverse Analytical Finding</i> .
<b>"CAS"</b>	means the Court of Arbitration for Sport.
<b>"CGA"</b>	means Commonwealth Games Australia Limited, formerly known as the Australian Commonwealth Games Association Inc ("ACGA").
<b>"CGA Board"</b>	means the Board of Directors as elected or appointed in accordance with the <i>CGA</i> Constitution.
<b>"CGF"</b>	means the Commonwealth Games Federation.
<b>"Club"</b>	means a club which is a member of a <i>National Federation</i> , <i>Program Sport</i> or one of its member organisations.
<b>"Code"</b>	means the World Anti-Doping Code as in force from time to time.
<b>"Commonwealth Games"</b>	means the multi-sport event held once every four years under the auspices of the <i>CGF</i> .
<b>"Competition"</b>	means a single race, match, game or singular sport contest.

<b><i>"Consequences" (Consequences of Anti-Doping Rule Violations)</i></b>	<p>An <i>Athlete's</i> or <i>Other Person's</i> violation of an anti-doping rule may result in one or more of the following:</p> <ol style="list-style-type: none"> <li>a. <i>Disqualification</i> means the <i>Athlete's</i> results in a particular <i>Competition</i> or <i>Event</i> are invalidated, with all resulting <i>Consequences</i> including forfeiture of any medals, points and prizes;</li> <li>b. <i>Ineligibility</i> means the <i>Athlete</i> or <i>Other Person</i> is barred on account of an anti-doping rule violation for a specified period of time from participating in any <i>Competition</i> or other activity or funding as provided in Article 10.14 of the Code;</li> <li>c. <i>Provisional Suspension</i> means the <i>Athlete</i> or <i>Other Person</i> is barred temporarily from participating in any <i>Competition</i> or activity prior to the final decision at a hearing conducted under Article 8 of the Code;</li> <li>d. <i>Financial Consequences</i> means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and</li> <li>e. <i>Public Disclosure</i> means the dissemination or distribution of information to the general public or <i>Persons</i> beyond those <i>Persons</i> entitled to earlier notification in accordance with Article 14 of the Code. Teams in <i>Team Sports</i> may also be subject to <i>Consequences</i> as provided in Article 11 of the Code.</li> </ol>
<b><i>"Delegated Third Party"</i></b>	<p>Any <i>Person</i> to which Sport Integrity Australia delegates any aspect of <i>Doping Control</i> or anti-doping <i>Education</i> programs including, but not limited to, third parties or other <i>Anti-Doping Organisations</i> that conduct <i>Sample</i> collection or other <i>Doping Control</i> services or anti-doping <i>Education</i> programs for Sport Integrity Australia, or individuals serving as independent contractors who perform <i>Doping Control</i> services for Sport Integrity Australia (e.g. non-employee <i>Doping Control</i> officers or chaperones). This definition does not include <i>CAS</i>.</p>
<b><i>"Domestic Testing Pool"</i></b>	<p>Is the pool of <i>Athletes</i> designated as such by Sport Integrity Australia, who are neither in Sport Integrity Australia's <i>Registered Testing Pool</i> nor Sport Integrity Australia's <i>National Testing Pool</i> and who are subject to <i>Testing</i> both <i>In-Competition</i> and <i>Out-of-Competition</i> as part of Sport Integrity Australia's test distribution plan.</p>
<b><i>"Doping"</i></b>	<p>means the occurrence of one or more of the anti-doping rule violations set forth in Article 2.1 through to Article 2.11 of the <i>Code</i>.</p>
<b><i>"Doping Control"</i></b>	<p>means all steps and processes from test distribution planning through to ultimate disposition of any appeal and the enforcement of <i>Consequences</i> including all steps and processes in between including but not limited to <i>Testing</i>, investigations, whereabouts, <i>TUEs</i>, sample collection and handling. Laboratory analysis, Results Management and investigations or proceedings relating to violations of Article 10.14 (Status during period of <i>Ineligibility</i> or <i>Provisional Suspension</i>).</p>
<b><i>"Education"</i></b>	<p>The process of learning to instil values and develop behaviour's that foster and protect the spirit of sport, and to prevent intentional and unintentional doping</p>
<b><i>"Games"</i></b>	<p>means the <i>Commonwealth Games</i>, Youth Commonwealth Games or any other sporting competition or event in which a <i>Team</i> is to compete or participate.</p>
<b><i>"Games Period"</i></b>	<p>means the period commencing on the earlier of:</p> <ol style="list-style-type: none"> <li>(1) the assembly of the <i>Team</i> for the <i>Games</i> and for a period of one month prior to the commencement of the <i>Games</i>, including any <i>Team camps</i> or preparation or training camps prior to the <i>Games</i>;</li> </ol>

	or
	(2) the opening of the official <i>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> .
<b>"International Event"</b>	means an <i>Event</i> or <i>Competition</i> where the International Olympic Committee, the International Paralympic Committee, an International Federation, 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> .
<b>"International Federation"</b>	means an International Federation being an organization controlling a branch of sport.
<b>"International-Level Athlete"</b>	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</i> and Investigations;
<b>"International Standard"</b>	means a standard adopted by <i>WADA</i> in support of the <i>Code</i> . Compliance with an <i>International Standard</i> (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> .
<b>"Major Event Organisations"</b>	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> .
<b>"National Anti-Doping Organisation"</b>	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> , manage test results, and conduct Results Management 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. In Australia, the <i>National Anti-Doping Organisation</i> is Sport Integrity Australia.
<b>"National Event"</b>	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> .
<b>"National Federation"</b>	means a National or regional entity which is a member of or is recognised by an International Federation as the entity governing the <i>International Federation's</i> sport in that nation or region and includes any organisation that is (or was at the time of any alleged breach of this By-Law) a member of <i>CGA</i> , and includes National Federation as referred to in and consistent with the <del><i>Code</i></del> , and <i>Program Sport</i> as defined in the <i>CGA</i> constitution.
<b>"National-Level Athlete"</b>	means <i>Athletes</i> who compete in sport at the national level, as defined by each <i>National Anti-Doping Organization</i> , consistent with the <i>International Standard</i> for <i>Testing</i> and Investigations.
<b>"National Testing Pool"</b>	is the pool of <i>Athletes</i> designated as such by Sport Integrity Australia, who are neither in Sport Integrity Australia's <i>Registered Testing Pool</i> nor Sport Integrity Australia's <i>Domestic Testing Pool</i> and who are subject to testing both <i>In-Competition</i> and <i>Out-of-Competition</i> as part of Sport Integrity Australia's test distribution plan and who may be asked for whereabouts information.
<b>"National Sports Tribunal (NST)"</b>	The Australian tribunal established by the <i>National Sports Tribunal Act 2019</i> (Cth).
<b>"NST Act"</b>	The <i>National Sports Tribunal Act 2019</i> (Cth).
<b>"Other Person"</b>	A <i>Person</i> who is neither an <i>Athlete</i> nor an <i>Athlete Support Personnel</i> , and who is bound by this Anti-Doping By-Law.

<b>"Person"</b>	means a natural <i>Person</i> or an organisation or other entity.
<b>"Program Sport"</b>	means those Australian Affiliates of the <i>International Federations</i> recognised by the <i>CGF</i> as a Recognised <i>International Federation</i> and in respect of which the <i>CGF</i> has approved that the sport will be on the program of the next following <i>Games</i> .
<b>"Prohibited List"</b>	means the List identifying the <i>Prohibited Substances</i> and <i>Prohibited Methods</i> .
<b>"Prohibited Method"</b>	means any method so described on the <i>Prohibited List</i> .
<b>"Prohibited Substance"</b>	means any substance, or class of substances, so described on the <i>Prohibited List</i> .
<b>"Registered Testing Pool"</b>	The pool of highest-priority <i>Athletes</i> established separately at the international level by International Federations and at the national level by <i>National Anti-Doping Organisations</i> , who are subject to focused <i>In-Competition</i> and <i>Out-of-Competition Testing</i> as part of that International Federation's or <i>National Anti-Doping Organisation's</i> test distribution plan and therefore are required to provide whereabouts information as provided in Article 5.5 of the <i>Code</i> and the <i>International Standard for Testing and Investigations</i> .
<b>"Results Management"</b>	The process encompassing the timeframe between notification as per Article 5 of the <i>International Standard for Results Management</i> , or in certain cases (e.g., <i>Atypical Finding</i> , <i>Athlete Biological Passport</i> , whereabouts failure), such pre-notification steps expressly provided for in Article 5 of the <i>International Standard for Results Management</i> , through the charge until the final resolution of the matter, including the end of the hearing process at first instance or on appeal (if an appeal was lodged).
<b>"Sample or Specimen"</b>	means any biological material collected for the purposes of <i>Doping Control</i> .
<b>"Signatory"</b>	An entity signing the <i>Code</i> and agreeing to comply with the <i>Code</i> , as provided in Article 23 of the <i>Code</i> .
<b>"Team"</b>	means any Australian <i>Commonwealth Games Team</i> , Australian Youth Commonwealth Games Team or other Team selected by <i>CGA</i> .
<b>"Testing"</b>	means the parts of the <i>Doping Control process</i> involving test distribution planning, <i>Sample</i> collection, <i>Sample</i> handling, and <i>Sample</i> transport to the laboratory.
<b>"Team Member"</b>	means: <ul style="list-style-type: none"> <li>a. a member of a <i>Team</i> including a Team Member as notified by <i>CGA</i> or by signing an <i>Athlete</i> or <i>Athlete Support Personnel/Team Membership Agreement</i>; or</li> <li>b. a person advised by a <i>National Federation</i> to <i>CGA</i> as a person considered suitable as a member of a <i>Team</i> and recognised as such by <i>CGA</i>.</li> </ul>
<b>"TUE"</b>	allows an <i>Athlete</i> with a medical condition to <i>Use</i> a <i>Prohibited Substance</i> or <i>Prohibited Method</i> but only if the conditions set out in Article 4.4 and the <i>International Standard for Therapeutic Use Exemptions</i> are met.
<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.

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*.

The *Code* and the *International Standards* shall be considered as part of this By-Law, apply automatically and prevail in case of conflict.

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.

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.

Reference to:

- a. the singular includes the plural and the plural includes the singular; and
- b. a *Person* includes a body corporate.

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.

Headings are for convenience only and do not form part of this By-Law or affect its interpretation.

"Including" and similar words are not words of limitation.

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.