



ANTI-DOPING BY-LAW

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ANTI-DOPING BY-LAW

1. WORLD ANTI-DOPING CODE

- 1.1. Commonwealth Games Australia (*CGA*) is 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 *CGA*'s commitment to the purposes of the World Anti-Doping Programme of *WADA* and the *Code*. It is in conformance with *CGA*'s responsibilities under the *Code* and in furtherance of *CGA*'s continuing efforts to eradicate doping in Australia.

Fundamental Rationale for the Code and CGA'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*, *CGA* 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 Sporting Organisations'* anti-doping policies and rules are in compliance with the applicable provisions of the *Code*.
 - (4) To require *National Sporting Organisations* 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 *Games* as a member of a *Team* that, at a minimum, *Athletes* who are not regular members of a *National Sporting Organisation* 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*.
- (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 Sporting Organisations* to establish rules requiring each *Athlete Support Personnel* who participates in a *Competition* or activity authorised or organised by the *National Sporting Organisation* 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 promote anti-doping education, including requiring *National Sporting Organisations* to conduct anti-doping education in cooperation with *ASADA*.
- (9) To co-operate with relevant national organisations and agencies and other *Anti-Doping Organisations*.
- (10) 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.

2. APPLICATION OF ANTI-DOPING BY-LAW

2.1. This By-Law applies to:

- (1) The Directors of *CGA's Board*; members of any commission or committee established pursuant to the Constitution of the *CGA*; members of the Commonwealth Games Federation (*CGF*) (if any) who are citizens of Australia; officers, employees, interns and volunteers of *CGA*;
- (2) *Athletes*;
- (3) *Team Members*;
- (4) *Youth Commonwealth Games Team Members*;
- (5) *Athlete Support Personnel* or *Officials*;
- (6) Any other *Person* under *CGA's* authority; and
- (7) *National Sporting Organisations*.

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) comply with all applicable anti-doping policies and rules, namely the *Code*, the *International Standards*, this By-Law and the policies and rules of the *CGA*, the *CGF*, *ASADA* and their *National Sporting Organisation* 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 Sporting Organisation* 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 Sporting Organisation* 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 *Commonwealth Games* as a condition of participation in the *Commonwealth Games* as a member of an Australian Commonwealth Games Team.

3.3 Any *Athlete* who is not a member of a *National Sporting Organisation* and who fulfills the requirements to be part of the *ASADA Registered Testing Pool*, must become a member of his or her *National Sporting Organisation*, 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 Sporting Organisation*.

3.4. All *Athlete Support Personnel* must:

- (1) 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 Sporting Organisation* and *International Federation*, applicable to them or to the *Athletes* whom they support;
- (2) co-operate with the *Athlete Testing* programme;

- (3) where practicable use his or her influence on *Athlete* values and behaviour to foster anti-doping attitudes;
- (4) disclose to ASADA and his or her *National Sporting Organisation* 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 Sporting Organisation* 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*, the National Anti-Doping 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 Sporting Organisation* 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 CGA's Chief Executive Officer (CEO) 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 Sporting Organisation* 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 Sporting Organisation'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 its *International Federation*, *ASADA* or any other *Signatory* or another *National Sporting Organisation* 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 *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 *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 policy and rules of its *International Federation*;
- (14) promote anti-doping education in coordination with *ASADA*; and
- (15) provide assistance and information to *CGA* as requested by the CEO to enable *CGA* to properly implement this By-Law.

4. TESTING

- 4.1. CGA 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. CGA may request any *Anti-Doping Organisation* to conduct *Testing* and analysis of *Samples of Team Members* in accordance with the *Code*.
- 4.3. Where CGA 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 Finding* or *Atypical Finding* required pursuant to Articles 7.3 and 7.4 of the *Code* and advise CGA, and the *Team Member's National Sporting Organisation* 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, 17, 24, 25 and Appendix 1 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 Sporting Organisation* to breach any of their obligations to the CGA derived from this By-Law.

6. MUTUAL RECOGNITION OF ANTI-DOPING RULE VIOLATIONS

- 6.1. CGA will recognise *Testing*, hearing results or other final adjudications or determinations (a determination) by any *Signatory* and *National Sporting Organisation* 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 Sporting Organisation's* authority.
- 6.2. CGA 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 CEO will give the *Person* concerned notice in writing of:
 - (1) the recognition by CGA of such determination; and
 - (2) the automatic imposition of the applicable sanction under clause 8 for the period determined by the *Anti-Doping Organisation*, the CAS, or other sporting tribunal 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 CGA 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 Sporting Organisation* concerned (before any tribunal as provided for in the anti-doping policy of the *Signatory* or *National Sporting Organisation* concerned). In the event that a *Person* challenges or appeals the hearing, finding or determination of the *Signatory* or *National Sporting Organisation* 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.

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 CGA CEO believes (in consultation with ASADA) that it is inappropriate in the circumstances of the particular case to refer the matter to a *National Sporting Organisation* for prosecution as a breach of its anti-doping policy; or
- (2) the CGA CEO believes that a *Person* holding a position within CGA or on CGA's *Board*, 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 Sporting Organisation* 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 Sporting Organisation* or the CGA CEO 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 CGF or the Organising Committee for those *Games* in respect of those *Games*,

the CGA CEO 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 or to the person's last known e-mail address as advised by the *National Sporting Organisation* concerned to CGA;
- (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 of this By-Law 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.

- 7.4 The CGA CEO 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 a tribunal, CAS or other decision maker.

8. CGA IMPOSED SANCTIONS FOR ANTI-DOPING RULE VIOLATIONS

- 8.1. 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.
- 8.2. For the purposes of clause 8.1, the period or periods of any sanction will be determined according to Articles 9, 10, 11 and appendix 1 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 Sporting Organisation* provided that CGA will recognise previous sanctions imposed by any *Signatory* or *National Sporting Organisation* 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 commission of an *anti-doping rule violation* by the relevant *Person*.
- 9.2. Without limiting clauses 9.2 and 9.3, any *Person* who 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 CGA and for such period;
- as the *CGA Board* or their delegated representatives determines in their sole and absolute discretion.
- 9.3. Without limiting clauses 9.2 and 9.3, any *National Sporting Organisation* which 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 CGA which requires a special majority at a general meeting)
- as the *CGA Board* or their delegated representatives determines in its sole and absolute discretion.
- 9.4. 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 CGA, including any terms of employment or Team Membership Agreement.

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;
- (3) pursuant to the Code of Sports Related Arbitration, and to this extent Rule 43 of the Code of Sports-Related Arbitration will apply, unless a party has placed the issue in dispute in the public domain prior to the handing down by CAS of its decision; and
- (4) only after all other avenues of appeal within the *Athlete*, *Athlete Support Person's*, or other *Person's* sport or sporting organisation has been exhausted.

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 *CGA* and those entitled to appeal under Article 13.2.3 of the *Code*) aggrieved by 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, and to this extent Rule 43 of the Code of Sports-Related Arbitration will apply, unless a party has placed the issue in dispute in the public domain prior to the handing down by CAS of its decision.

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)*, all parties to an appeal under this clause agree that no party will have the right to 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 above will apply, mutatis mutandis, to any appeal to CAS.

12. NOTIFICATION

12.1. Upon the imposition of a sanction under this By-Law, CGA will 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 Sporting Organisation* of the *Person* concerned;
- (4) the *International Federation* of the *Person* concerned;
- (5) Sport Australia;
- (6) ASADA;
- (7) WADA; and
- (8) any other *Person* or organisation CGA 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, CGA 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)*, all parties to an appeal under this clause agree that no party will have the right to 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 AND EXPENSES OF HEARINGS & APPEALS TO CAS

14.1. In any hearing before CAS pursuant to clause 10 CGA will bear the costs of CAS in respect of the arbitration.

14.2. In any hearing before CAS pursuant to clause 11, the CGA agrees that the costs of the Appeal shall be shared equally between CGA and the Appellant(s) 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.

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*, 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 12.

16. REVIEW OF CGA IMPOSED SANCTION

- 16.1. Where a *Person* to whom a sanction has been applied under this By-Law or any preceding CGA 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 CGA CEO setting out the grounds for a possible review of that CGA imposed sanction.
- 16.2. The CGA CEO 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 policy and may alter a sanction imposed previously including a reduction or withdrawal of that CGA imposed sanction.
- 16.3. The CGA CEO 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 CGA CEO pursuant to this clause 16, the CGA CEO will promptly notify the *Person* concerned as well as those *Persons* who received notification from CGA of that sanction and any other *Person* entitled to appeal under Article 13.2.3 of the Code. 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 CGA CEO 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 <i>Sample</i> the presence of a <i>Prohibited Substance</i> or its <i>Metabolites</i> or <i>Markers</i> (including elevated quantities of endogenous substances) or evidence of the <i>Use of a Prohibited Method</i> .
"Anti-Doping Organisation"	means a <i>Signatory</i> 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 <i>Major Event Organisations</i> that conduct <i>Testing</i> at their <i>Events</i> , WADA, <i>International Federations</i> , and <i>National Anti-Doping Organisations</i> (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 <i>National Anti-Doping Organisation</i> for Australia.
"Athlete"	means: <p>(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 ASADA);</p>

(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 2.9 and 2.10 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 Sporting Organisation or under the authority of a member of a National Sporting Organisation; or

(e) any Person who is registered as an Athlete or competitor or Participant (however described) with a National Sporting Organisation or with a member of a National Sporting Organisation or a club recognised by a National Sporting Organisation.

"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.

"CGA"

means Commonwealth Games Australia Limited, formerly known as the Australian Commonwealth Games Association Inc ("ACGA").

"CGA Board"

means the Board of Directors as elected or appointed in accordance with the CGA Constitution.

"CGF"

means the Commonwealth Games Federation.

"Club"

means a club which is a member of a *National Sporting Organisation*, Program Sport or one of its member organisations.

"Code"

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

"Commonwealth Games"

means the multi-sport event held once every four years under the auspices of the CGF.

"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 *Commonwealth Games*, Youth Commonwealth 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* for the *Games* and for a period of one month prior to the commencement of the *Games*, including any *Team* camps or preparation or training camps prior to the *Games*; or
 - (2) the opening of the official *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*.
- "International Event"** means an *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 CGF.
- "International-Level Athlete"** means *Athletes* who compete in sport at the international level (or are capable of competing at that level), as defined by each International Federation, consistent with the International Standard for Testing and Investigations;
- "International Standards"** 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 <i>Event</i> or <i>Competition</i> involving <i>International- or National-Level Athletes</i> that is not an <i>International Event</i> .
"National-Level Athlete"	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 for Testing and Investigations</i> .
"National Sporting Organisation"	means 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 <i>National Federation</i> as referred to in and consistent with the <i>Code</i> , and <i>Program Sport</i> as defined in the <i>CGA</i> constitution.
"Person"	means a natural <i>Person</i> or an organisation or other entity.
"Program Sport"	means those Australian Affiliates of the International Federations recognised by the <i>CGF</i> as a Recognised International Federation and in respect of which the <i>CGF</i> has approved that the sport will be on the program of the next following Games.
"Prohibited List"	means the List identifying the <i>Prohibited Substances</i> and <i>Prohibited Methods</i> under the <i>Code</i> .
"Prohibited Method"	means any method so described on the <i>Prohibited List</i> under the <i>Code</i> .
"Prohibited Substance"	means any substance, or class of substances, so described on the <i>Prohibited List</i> applicable under the <i>Code</i> .
"Sample or Specimen"	means any biological material collected for the purposes of <i>Doping Control</i> .
"Signatory"	means 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> .
"Team"	means any Australian <i>Commonwealth Games Team</i> , Australian Youth Commonwealth Games Team or other <i>Team</i> selected by <i>CGA</i> .
"Team Member"	means: <ul style="list-style-type: none"> (a) a member of a <i>Team</i> including a <i>Team Member</i> as notified by <i>CGA</i> or by signing an <i>Athlete</i> or <i>Athlete Support Personnel Team Membership Agreement</i>; or (b) a person advised by a <i>National Sporting Organisation</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>.
"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 in compliance with the <i>International Standard</i> .
"TUE"	means Therapeutic Use Exemption 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 *Prohibited Substance* or *Prohibited Method*.
- "WADA"** means the World Anti-Doping Agency.

17.2. In this By-Law, the following interpretations shall apply:

- (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 Sporting Organisation* 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 CGA by its Board of Management on 3rd March, 2017 and having effect from 3rd March, 2017.

Updated and approved by the CGA Board on 22nd March, 2019.