



# ETHICAL BEHAVIOUR BY-LAW

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## 1 DEFINITIONS

<b>"Abuse"</b>	means any type of abuse (including physical, emotional, psychological, sexual, and inappropriate use of power) that has caused, is causing or is likely to cause harm to a person's wellbeing, whether in person or as the result of a publication viewable by any other person by any means.
<b>"Athlete"</b>	means an athlete who: <ul style="list-style-type: none"><li>(a) receives financial or other assistance from CGA; or</li><li>(b) has been nominated for appointment to, or appointed as a member of, any Team.</li></ul>
<b>"Benefit"</b>	means any advantage and is not limited to property.
<b>"Board"</b>	has the same meaning as in the Constitution.
<b>"Bullying"</b>	means when a person or group of people repeatedly and intentionally use words or actions, or the inappropriate use of power, against a person or a group of people that may cause distress and a harm including a risk to health, wellbeing and safety. Bullying includes behaviour that a reasonable person, having regard to all the circumstances, would expect to offend, humiliate, intimidate or threaten the person exposed to the conduct.
<b>"By-Law"</b>	means this ethical behavior by-law.
<b>"CGA"</b>	means Commonwealth Games Australia Limited, formerly known as the Australian Commonwealth Games Association Inc trading as Commonwealth Games Australia.
<b>"Chef de Mission"</b>	means the CGA Chef de Mission appointed for a particular Games.
<b>"CEO"</b>	means the Chief Executive Officer of CGA.
<b>"Child"</b>	means a person who is under the age of 18.
<b>"Child Abuse"</b>	has the meaning given to it in Schedule 1 and includes the following as outlined in that Schedule: <ul style="list-style-type: none"><li>(a) Physical Abuse</li><li>(b) Emotional or Psychological Abuse</li><li>(c) Sexual Abuse</li><li>(d) Neglect</li><li>(e) Exposure to Family Violence</li></ul>
<b>"Constitution"</b>	means the Constitution of CGA including any by-law enacted pursuant to the Constitution.
<b>"Disability"</b>	in relation to a person means: <ul style="list-style-type: none"><li>(a) a total or partial loss of a part of the body or of the person's bodily or mental functions;</li></ul>

- (b) the presence in the body of organisms causing or capable of causing disease or illness;
- (c) the malfunction, malformation or disfigurement of a part of the person's body;
- (d) a disorder or malfunction that results in a person learning differently from a person without the disorder or malfunction; or
- (e) a disorder, illness or disease that affects a person's through processes, perception or reality, emotions or judgments or that results in disturbed behaviour;

and includes a disability that:

- (a) presently exists;
- (b) previously existed but no longer exists;
- (c) may exist in the future; or
- (d) is imputed to a person whether or not that person has a disability.

**"Final Appeal"** means the process outlined in Clause 7.7.

**"First Instance Appeal"** means the process outlined in Clause 7.6.

**"Games"** means the Commonwealth Games or any other sporting competition or event in which any Team is to compete or participate.

**"Games Accommodation"** means any place of any Athlete or Official's accommodation in relation to the Games.

**"Games Period"** means the period commencing at the earlier of:

- (a) the date a Relevant Person receives his or her Games accreditation; or
- (b) 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.

**"Grooming"** refers to the process by which an adult establishes a trusting relationship with a child and those associated with the child's care and wellbeing, to create an environment in which abuse can occur

**"Harassment"** means any type of behavior towards a person that they do not want and that is offensive, abusive, belittling or threatening and is reasonably likely to cause harm to the person who is the subject of the harassment.

**"Illegal Drug"** means any substance listed under Schedule 9 and 10 of the current Commonwealth Poisons Standard, as well as any substance listed in Schedule 1 of the *Criminal Code Regulations 2019* (CT), as well as those substances howsoever proscribed under relevant state or territory legislation, as amended from time to time.

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<b>"Inside Information"</b>	means any information connected to the conduct, management or organisation of a sporting event that is not generally available and if it were generally available, the information, would, or would be likely to, influence a person's decision to bet on the sporting event or in making any other betting.
<b>"Mandatory Reporting"</b>	means the legislative requirement for specific people or groups of people to report suspected child abuse, a summary of which is available in Schedule 1.
<b>"Misconduct with a Child"</b>	means any behaviour involving a Child that is objectively age inappropriate and/or places the Child at risk of harm.
<b>"NST"</b>	means the National Sports Tribunal established under the NST Legislation, and all of its three Divisions.
<b>"NST Eligible Matter"</b>	means a kind of dispute that falls within the jurisdiction of the NST.
<b>"NST Legislation"</b>	means the <i>National Sports Tribunal Act 2019</i> (Cth) ( <b>NST Act</b> ), and any legislative instruments made under the NST Act as may be in force from time to time, including the <i>National Sports Tribunal Rule 2020</i> (Cth), <i>National Sports Tribunal (Practice and Procedure) Determination 2021</i> (Cth) and <i>National Sports Tribunal Act 2019 - Principles for Allocating a Member to a Dispute 2020</i> .
<b>"Official"</b>	means all persons who: <ul style="list-style-type: none"> <li>(a) administer, manage, coach, assist or are otherwise involved in sport and receive financial or other assistance from CGA (other than as an Athlete); or</li> <li>(b) are appointed by CGA as a member of any Team other than as an Athlete.</li> </ul>
<b>"Prohibited Conduct"</b>	means the categories of conduct set out in clause 6.1.
<b>"Race"</b>	means a person's racial makeup and includes the culture, custom or beliefs of a particular race.
<b>"Relevant Persons"</b>	means the persons to whom this By-Law applies as described in clause 4.1.
<b>"Religious Activity"</b>	means engaging in, not engaging in or refusing to engage in a lawful religious activity
<b>"Religious Belief"</b>	means holding or not holding a religious belief.
<b>"Sexual Misconduct"</b>	means <ul style="list-style-type: none"> <li>a) Sexual Harassment, which is any unwanted or unwelcome sexual behaviour where a reasonable person would anticipate the possibility that the person being harassed would feel offended, humiliated, or intimidated; and</li> <li>(b) Sexual Offences, which include any criminal offence involving sexual activity or actions of indecency.</li> </ul>
<b>"Sexuality"</b>	means a person's gender or sexual orientation such as heterosexuality, homosexuality, bisexuality and transgender or trans-sexual.

<b>"Team"</b>	means any Australian Commonwealth Games Team or other team appointed by CGA.
<b>"Team Membership Agreement"</b>	means the Agreement including its schedules setting out the terms and conditions governing appointment to and continued membership of any Team.
<b>"Unlawful Discrimination"</b>	includes: <p>(a) Direct Discrimination, when a person or group of people is treated less favourably than another person or group, because of a personal characteristic; and</p> <p>(b) Indirect Discrimination, when an unreasonable rule or policy applies to everyone but has the effect of disadvantaging some people because of a personal characteristic they share, where such personal characteristic is protected by applicable anti-discrimination legislation.</p>
<b>"Victimisation"</b>	means subjecting a person, or threatening to subject a person, to any unfair treatment because the person has made, or intends to pursue their right to make, a complaint or lawful disclosure, including under applicable legislation or this By-Law, or for supporting another person to take such action.
<b>"Vilification"</b>	means a public act, conduct or behaviour that incites hatred, serious contempt for or revulsion or severe ridicule towards a person or group of people because of a particular characteristic they hold, as covered by applicable legislation, including their race, Disability, Race, Sexuality, marital status, Religious Activity, Religious Belief, colour, age, or homosexuality, transgender or HIV/AIDS status.
<b>"Wagering Service Provider"</b>	means any company or other undertaking that promotes, brokers, arranges or conducts any form of wagering activity.

## 2 INTERPRETATION

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- 2.1 Except so far as the contrary intention appears in this By-Law, an expression has in this By-Law the same meaning as in the Constitution.
- 2.2 Headings are for convenience only and do not affect the interpretation of this By-Law.
- 2.3 Reference to one gender includes each other gender.
- 2.4 The singular includes the plural and the plural includes the singular.
- 2.5 This By-Law is governed by the laws applicable in the State of Victoria.

## 3 PURPOSE

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- 3.1 CGA is committed to ensuring that everyone involved with CGA and the Team is treated with respect and dignity and is protected from Abuse, Bullying, Harassment, Sexual Misconduct, Unlawful Discrimination, Victimisation, and Vilification.

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- 3.2 This By-Law seeks to ensure that everyone involved with CGA and in a Team is aware of their rights and responsibilities. This By-Law sets out the standards of behaviour expected of those involved with CGA and in a Team.

#### 4 COMPLIANCE WITH THIS BY-LAW

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- 4.1 This By-Law applies to:
- (1) Athletes;
  - (2) Officials; and
  - (3) Directors of the Board, officers, employees, contractors, interns and volunteers of CGA, (the **Relevant Persons**).

#### 5 OBLIGATIONS

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- 5.1 All Relevant Persons must act appropriately and honestly in the performance of their roles and responsibilities to CGA including in connection with any Team.
- 5.2 All Relevant Persons must not at any time:
- (1) engage in conduct (whether publicly known or not), which is or would have the tendency to be inconsistent with, contrary to or prejudicial to the best interests, image or values of CGA, the Team or the Games; or
  - (2) commit or be convicted of:
    - (a) any serious offence involving violence or alcohol;
    - (b) any offence involving Illegal Drug/s;
    - (c) any sex offence;
    - (d) any Child Abuse offence;
    - (e) any offence involving Grooming or Misconduct with a Child;
    - (f) any offence relating to competition manipulation, prohibited betting or disclosing inside information; or
    - (g) any offence which is punishable by imprisonment.
- 5.3 All Relevant Persons must provide assistance and disclose honestly and completely all relevant information to CGA as requested by the Board, the CEO or the Chef de Mission to enable CGA to properly implement this By-Law.
- 5.4 Any Relevant Person who has a personal interest or financial interest in any matter involving the performance of that Relevant Person's responsibilities to CGA (including in connection with any Team selected by CGA) must, as soon as possible after the relevant facts have come to that person's attention, make full disclosure of the nature of the interest to the CEO, the CGA President or the Chef de Mission.

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5.5 Relevant Persons must not:

- (1) solicit or accept any benefit (financial or otherwise) for or in connection with the performance of that person's duties to CGA or to the Team unless the receipt of that benefit (financial or otherwise):
  - (a) occurs in the ordinary course of the performance of that Relevant Person's duties to CGA or to the Team; or
  - (b) has been first approved by the CEO or the CGA President;
- (2) make improper use of information acquired by virtue of their position in the Team or their relationship with CGA or to gain (directly or indirectly) an advantage for themselves or to cause detriment to CGA (including but not limited to the use of information related to any betting or gambling activities associated with the staging of the Games or any performance at the Games (including by disclosing inside information) without prior consent from the CEO or the CGA President); and
- (3) offer to provide, promise to provide, actually provide or cause the provision of a benefit (financial or otherwise) to another person with the intention of influencing that person to seek to obtain or retain an improper advantage or benefit to that person or CGA which that person or CGA would not otherwise be entitled.

## 6 PROHIBITED CONDUCT

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6.1 All Relevant Persons must not, by their acts or omissions, engage or participate in:

- (1) Abuse;
- (2) Bullying;
- (3) Harassment;
- (4) Sexual Misconduct;
- (5) Unlawful Discrimination;
- (6) Child Abuse;
- (7) Grooming;
- (8) Misconduct with a Child;
- (9) Victimisation;
- (10) Vilification;
- (11) Competition manipulation, prohibited betting and disclosing inside information (which has the meaning given to it in Schedule 1); or
- (12) other conduct which if publicly known would bring or be likely to bring that person, his/her sport or CGA into disrepute or censure

**(Prohibited Conduct).**

6.2 In addition, Relevant Persons commit a breach of this By-Law when they:

- (1) Fail to report any Prohibited Conduct to the CEO, the CGA President or the Chef de Mission as soon as reasonably practicable; or

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- (2) Deliberately or wilfully withhold information in relation to any possible Prohibited Conduct;
  - (3) Fail to comply with clause 5.2(2) of this By-Law;
  - (4) Fail to comply with clause 5.3 of this By-Law;
  - (5) Fail to comply with or enforce any sanctions imposed as a result of a breach of this By-Law; or
  - (6) Knowingly provide any inaccurate and/or misleading information during the course of any investigation or proceedings under this By-Law.

6.3 Schedule 1 of this By-Law sets out examples of what may constitute Prohibited Conduct under this By-Law.

6.4 For the avoidance of doubt, clause 6.1 does not apply where Sexuality, age, Disability, experience, capabilities and athletic performance or any combination of these factors are reasonably considered (subject to any relevant legislation) by CGA to be relevant to any of the following:

- (1) the selection of Athletes and or Officials as members of the Team;
- (2) any other decisions made or actions taken by a Relevant Person in respect of an Athlete or official as a member of a Team;
- (3) the termination of the membership of an Athlete or Official as a member of a Team; or
- (4) decisions about the provision of financial or other assistance by CGA.

## **7 BREACHES OF THIS BY-LAW**

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7.1 Where a person alleges a breach of this By-Law or CGA has other reason to believe a breach of this By-Law may have occurred, then:

- (1) if the alleged breach concerns an Athlete or Official during the Games Period of the Games for which the Athlete or Official has been selected as a Team member, the alleged breach will be addressed by the Chef de Mission of that Team unless the alleged breach is in respect of the acts or omissions of the Chef de Mission of that Team, in which case the alleged breach will be addressed by the CGA President (if not the Chef de Mission) or CGA Vice President present at the Games in which the Team is participating; and
- (2) if the alleged breach arises other than as described in clause 7.1(1), it will be addressed by the CEO unless the alleged breach is in respect of the acts or omissions of the CEO, in which case the alleged breach will be addressed by the CGA President.

7.2 It is expected that any person who becomes aware of a breach of this By-Law, or suspects on reasonable grounds, potential cases of such a breach, will notify the CEO or the CGA President. Such reports can be made confidentially, securely and both inside and outside of business hours.

7.3 Where it is alleged that a Relevant Person has breached this By-Law, the following procedure will apply:

- (1) the Chef de Mission, the CEO or the CGA President addressing an alleged breach of this By-Law may, in his or her absolute discretion, appoint a person or independent body (including but not limited to Sport Integrity Australia) to investigate and obtain evidence as to whether the breach has occurred;
- (2) the Relevant Person concerned will be informed of the alleged breach in writing and in sufficient detail so that they can respond;



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- (3) the Relevant Person concerned will have the opportunity to respond in writing or in person to the written notice;
  - (4) any person or independent body appointed pursuant to clause 7.3(1):
    - (a) may interview such persons as they believe will assist in determining whether or not the alleged breach of this By-Law occurred; and
    - (b) obtain such other evidence as they believe is relevant to the alleged breach; and
  - (5) if requested by the person alleging a breach of this By-Law or the Relevant Person concerned, the Chef de Mission, the CEO or the CGA President addressing the alleged breach, or their nominee (which may include a person or independent body appointed under clause 7.3(1), excluding Sport Integrity Australia) will conduct a conciliation conference regarding the alleged breach. Any such conference will be conducted as soon as is practicable and informally with the initial objective of achieving a conciliated conclusion of the allegation. If this conciliation does not occur or is genuinely objected to, the Chef de Mission, the CEO or the CGA President may then:
    - (a) seek the consent of the Relevant Person to refer the alleged breach to conciliation in the General Division of the National Sports Tribunal (NST) and, if given, CGA will:
      - i. refer the matter if it is an NST Eligible Matter; or
      - ii. apply to the NST CEO for approval if the matter is not an NST Eligible Matter, failing which it must be dealt with under clause 7.3(5)(b); or
    - (b) if consent of the Relevant Person is not given, determine, having regard to the evidence obtained, whether or not the alleged breach has been established.

7.4 Subject to clauses 7.4(4), 7.4(5), 7.4(6) and 7.6, all persons concerned must keep confidential and not comment publicly on or disseminate to any person information concerning:

- (1) the fact of and details of any allegation that a Relevant Person has breached this By-Law;
- (2) all evidence obtained on behalf of CGA or provided by any person in connection with the alleged breach of this By-Law; and
- (3) the fact, details and outcome of any hearing into the alleged breach of this By-Law;

except that:

- (4) in the event that the alleged breach is resolved by conciliation, CGA will release a public statement in such form as is agreed by the parties;
- (5) in the event that the alleged breach is established other than by conciliation, CGA will release a public statement in such form as agreed by the parties or, failing agreement, as determined by the person addressing the alleged breach; or
- (6) in any event CGA may release a public statement or statements in such form as it determines appropriate in all the circumstances if the fact of or details of the alleged breach has become publicly known (whether through a breach of this clause 7.4 or otherwise).

7.5 If a breach of this By-Law is established and if:

- (1) the Relevant Person concerned is a member of a Team, then that Relevant Person will be subject to sanctions described in the Team Membership Agreement;

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- (2) the Relevant Person receives financial or other assistance from CGA as an Athlete or Official, then that relevant person will be ineligible for any future assistance for such period as is determined appropriate in the circumstances and may in the absolute discretion of the CEO be required to repay part or the whole of the financial or other assistance received prior to a breach of this By-Law;
  - (3) the Relevant Person is an employee of CGA, then such sanction as is determined by the CEO after giving the Relevant Person concerned the opportunity to be heard on this aspect;
  - (4) the Relevant Person is a Director of the Board or an official of CGA (other than as an employee), such sanction as is determined by the Board after giving the Relevant Person concerned the opportunity to be heard on this aspect; and
  - (5) the Relevant Person may be required to undergo counselling or rehabilitation as directed by CGA.

#### 7.6 First Instance Appeal to the General Division of the NST

- (1) If the Relevant Person disputes that the alleged breach has been established, or disputes the sanction imposed, and if it is an NST Eligible Matter, CGA must refer the alleged breach to the General Division of the NST, in the first instance.
- (2) The NST:
  - (a) will apply the standard of proof in its arbitration of the alleged breach, and otherwise arbitrate the dispute in accordance with the NST Legislation; and
  - (b) may, if applicable, impose a sanction; and
  - (c) where it considers it appropriate to do so and all the involved parties agree, may determine the appeal without a hearing; and
  - (d) will notify the involved parties of the determination in accordance with the NST Legislation. Subject only to an appeal to the Appeals Division of the NST pursuant to clause 7.7, the determination of the NST is final and binding on the parties and no party may institute proceedings in any other court or tribunal.

#### 7.7 Final Appeal to the Appeals Division of the NST

- (1) Any second and final instance appeal (Final Appeal) must be heard by the Appeals Division of the NST and will proceed in accordance with the NST Legislation.
- (2) A Final Appeal must be lodged after the determination of a First Instance Appeal by the NST.
- (3) A Final Appeal in respect of a decision or determination that is made by the NST in a First Instance Appeal may only be lodged by a party to the First Instance Appeal.
- (4) The NST may uphold or dismiss a Final Appeal and will notify all Parties of the determination in accordance with the NST Legislation.
- (5) The determination handed down by the Appeal Panel with respect to a Final Appeal is final and binding on the Parties.

- 7.8 If an alleged breach requires Mandatory Reporting or refers to criminal conduct, the CEO or the CGA President or Chef de Mission must refer/report the matter to a relevant law enforcement agency.
- 7.9 The Chef de Mission, the CEO or the CGA President will consider if provisional action should be taken against the Relevant Person while any type of investigation is underway, such as supervision, restriction of duties or suspension. If the Relevant Person disputes any provisional action taken, the processes outlined in clauses 7.3(5), 7.6 and 7.7 will apply.

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## Schedule 1 – Examples of Prohibited Conduct

**1. Abuse** can be behaviour of a nature and level of seriousness which includes, but is not limited to:

- physical abuse and assault including hitting, slapping, punching, kicking, destroying property, sleep, and food deprivation, forced feeding, unreasonable physical restraint, spitting at another person or biting;
- sexual abuse including rape and assault, using sexually degrading insults, forced sex or sexual acts, deliberately causing pain during sex, unwanted touching or exposure to pornography, sexual jokes, using sex to coerce compliance;
- emotional abuse such as repeated and intentional embarrassment in public, preventing or excluding someone from participating in sport activities, stalking, humiliation, or intimidation;
- verbal abuse such as repeated or severe insults, name calling, criticism, swearing and humiliation, attacks on someone's intelligence, body shaming, or aggressive yelling;
- financial abuse such as restricting access to bank accounts, taking control of finances and money, forbidding someone from working, taking someone's pay and not allowing them to access it; and
- neglect of a person's needs.

**2. Bullying** can be behaviour of a nature and level of seriousness which includes, but is not limited to, repeatedly:

- keeping someone out of a group (online or offline);
- acting in an unpleasant way near or towards someone;
- giving nasty looks, making rude gestures, calling names, being rude and impolite, constantly negative and teasing;
- spreading rumours or lies, or misrepresenting someone (i.e. using their social media account to post messages as if it were them);
- 'fooling around', 'messaging about' or other random or supposedly playful conduct that goes too far;
- harassing someone based on their race, sex, religion, gender, age or a disability;
- intentionally and repeatedly hurting someone physically;
- intentionally stalking someone; and
- taking advantage of any power over someone else,

but does not include legitimate and reasonable management action, management processes, disciplinary action or allocation of activities in compliance with agreed systems.

**3. Harassment** can be behaviour of a nature and level of seriousness which includes, but is not limited to:

- telling insulting jokes about racial groups;
- sending explicit or sexually suggestive emails or text messages;
- displaying racially offensive or pornographic images or screen savers;
- making derogatory comments or taunts about someone's race;
- asking intrusive questions about someone's personal life, including sex life;
- sexual harassment or any of the above conduct in the workplace by employers, co-workers, and other workplace participants;
- any of the above conduct in the workplace, based on or linked to a person's disability or the disability of an associate; and
- offensive behaviour based on race or racial hatred, such as something done in public that offends, insults, or humiliates a person or group of people because of their race, colour or nationality or ethnicity.

**4. Sexual Misconduct** can be behaviour including, but not limited to:

- unwelcome touching;
- staring or leering;
- suggestive comments or jokes;
- showing or sharing sexually explicit images or pictures;
- unwanted invitations to go out on dates;
- requests for sex;
- intrusive questions about a person's private life or body;
- unnecessary familiarity, such as deliberately brushing up against a person;
- insults or taunts based on sex;

- sexually explicit physical contact;
- sending sexually explicit or suggestive emails, texts, or other electronic/social media messages;
- displaying pornographic images or screen savers;
- asking intrusive questions about someone's personal life, including sex life; and
- criminal offences such as rape, indecent or sexual assault, sexual penetration, or relationship with a child under the age of 16 and possession of Child pornography.

**5. Unlawful Discrimination** can be unfair treatment based on a person's:

- age;
- disability;
- race, colour, nationality, ethnicity, or migrant status;
- sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding; and
- sexual orientation, gender identity or intersex status.

**6. Victimization** can be behaviour including, but not limited to:

- dismissal of an employee/volunteer or disadvantage to their employment/involvement in sport;
- alteration of an employee's position or duties to his or her disadvantage;
- discrimination between an employee and other employees;
- repeated failure to select an individual on merit;
- a reduction in future contract value; and
- removal of coaching and other financial and non-financial support.

**7. Vilification** can be behaviour including, but not limited to:

- speaking about a person's race or religion in a way that could make other people dislike, hate, or ridicule them;
- publishing claims that a racial or religious group is involved in serious crimes without any evidence in support;
- repeated and serious verbal or physical abuse about the race or religion of another person;
- encouraging violence against people who belong to a particular race or religion, or damaging their property; and
- encouraging people to hate a racial or religious group using flyers, stickers, posters, a speech, or publication, or using websites or email.

**8. Competition Manipulation, prohibited betting and disclosing inside information** includes but is not limited to:

- participating (whether by act or omission) in improperly altering the result or the course of an event in order to remove all or part of the unpredictable nature of the event to obtain a benefit for themselves or others by:
  - the direct, pre-meditated or planned interference with the natural course of an event or element of an event;
  - providing modified or false information related to an athlete's identity or personal information;
  - intentionally modifying playing surfaces, equipment or athlete's physiology to improperly influence the natural course of the event; or
- betting, or enter into any other form of financial speculation on any event, or on any incident or occurrence in an event, connected with the Commonwealth Games, whether or not they are participating in the event. For the avoidance of doubt:
  - any bets placed by a betting syndicate or group, such as a 'punter's club', of which the Relevant Person is a member;
  - an interest in any bet, including having someone else place a bet on their behalf; or
  - allowing another person to place a bet using a Relevant Person's account

shall be treated as if the bet was placed by the Relevant Person as an individual;

- facilitating or assisting with the making of a bet on any event or part of any event including communicating in any way, such as by using a mobile phone, computer or other electronic or other device, information that might give another person an unfair advantage if they were to engage in betting related to that information, other than as required as part of their official duties; or
- disclosing inside information, other than as required as part of their official duties.

**9. Child Abuse** is the mistreatment of a Child that:

- causes, is causing or is likely to cause any detrimental effect so that a Child's physical, psychological, or emotional wellbeing; or
- does, or is likely to, endanger that a Child's physical or emotional health, development, or wellbeing, whether through a:
  - single act, omission, or circumstance; or
  - series or combination of acts, omissions, or circumstances,

and includes:

**Physical Abuse** occurs when a person subjects a Child to application of physical force, which may cause injury intentionally or inadvertently as a result of physical punishment or the aggressive treatment of a Child. Physically abusive behaviour includes, but is not limited to:

(a) shoving, hitting, slapping, shaking, throwing, punching, biting, burning, kicking; and

(b) harmful training methods or overtraining where there is the potential to result in damage to a Child's physical development.

**Emotional or Psychological Abuse** occurs when a Child does not receive the love, affection, or attention they need for healthy emotional, psychological, and social development or are exposed to violence/abuse against other Children or adults. Such abuse may involve:

- (a) repeated rejection or threats to a Child;
- (b) constant criticism, teasing, ignoring, threatening, yelling, scapegoating, ridicule, intentional exclusion, continual coldness, and rejection;
- (c) Bullying and Harassment;
- (d) harmful training methods or overtraining where there is the potential to result in damage to a Child's physical, intellectual, or emotional wellbeing and development.

**Sexual Abuse** occurs when an adult, or a person in authority (i.e. older, or younger but more physically or intellectually developed) involves a Child in any sexual activity. A child cannot provide consent, therefore even if 'consent' is given, it still constitutes sexual abuse.

Perpetrators of sexual abuse take advantage of their power, authority, or position over the Child for their own benefit. It can include making sexual comments to a Child, kissing, touching a Child's genitals or breasts, oral sex, or intercourse with a Child.

**Sexual exploitation** is a form of Sexual Abuse and occurs when Children are forced into or involved in sexual activities that are then unlawfully recorded in some way, or recorded without the consent of one or more parties, or used to produce child sexual abuse material. Such material can be in the form of photographs or videos, whether published or circulated on the internet or social media. Encouraging a Child to view pornographic videos, websites, or images, or engaging a Child to participate in sexual conversations over social media or otherwise is also considered sexual exploitation.

**Neglect** is the persistent failure or deliberate failure or denial to meet a Child's basic needs. Child Neglect includes the failure to provide adequate food, clothing, shelter, adequate supervision, clean water, medical attention, or supervision to the extent that the Child's health and development

is or is likely to be harmed. Types of neglect include physical, medical, emotional, educational neglect and abandonment.

**Exposure to Family Violence** is any abusive behaviour used by a person in a relationship to gain and maintain control over their partner or ex-partner. It can include a broad range of behaviour that causes fear and physical and/or psychological harm. If a Child is living in a household where there have been incidents of domestic violence, then they may be at risk of significant physical and/or psychological harm.