



ETHICAL BEHAVIOUR BY-LAW

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1 DEFINITIONS

Abuse	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.
Activity	means a sporting contest, match, competition, event, or activity (including training), whether on a one-off basis or as part of a series, league, or competition, sanctioned or organized by CGA.
Athlete	means an athlete who receives financial or other assistance from CGA or has been nominated for appointment to, or appointed as a member of, any Team.
Benefit	means any advantage and is not limited to property.
Board	has the meaning given to that term in the Constitution.
Bullying	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/or 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.
By-Law	means this CGA Ethical Behavior By-Law and includes any schedules and annexures.
Bystander	means a Relevant Person who witnesses a behaviour or practice (that they are not directly involved in) or knows about a behaviour or practice (that they are not involved in) which may involve Prohibited Conduct taking place at CGA or involving a Relevant Person.
Bystander Action	means where a Bystander steps in and takes action when they see or hear about the occurrence of Prohibited Conduct taking place at CGA or involving a Relevant Person.
CEO	means the Chief Executive Officer of CGA.
CGA	means Commonwealth Games Australia Limited.
CGA President	means the president of CGA.
CGA Vice President	means the vice president of CGA.
Chef de Mission	means the CGA Chef de Mission appointed for a particular Commonwealth Games or for a particular Commonwealth Youth Games (as applicable).
Child Abuse	has the meaning given to it in Item 10 of Schedule 1 and includes physical Abuse of a Child / Young Person, emotional or psychological Abuse of a Child / Young Person, Sexual Abuse of a Child / Young Person, neglect of a Child / Young Person and exposure to Family Violence of a Child / Young Person.
Child / Young Person	means a person who is under the age of 18.
Close Relative	means a member of a person's immediate family, or someone who is related to the first person according to Aboriginal or Torres Strait Islander kinship rules per the <i>Fair Work Act 2009</i> (Cth).
CMO	means the person appointed by CGA as the chief medical officer.
Constitution	means the Constitution of CGA including any by-law enacted pursuant to the Constitution.
Disability	in relation to a person means: (a) a total or partial loss of a part of the body or of the person's bodily or mental functions; (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 through processes, perception or reality, emotions or judgments or that results in disturbed behaviour, and includes a disability that presently exists, previously existed but no longer exists, may exist in the future or is imputed to a person whether or not that person has a disability.
Family and Domestic Violence	means violent, threatening or otherwise abusive behaviour by a Family Member or Close Relative of a person, who seeks to control or coerce the person, and causes the person harm or to be fearful.
Family Member	means a person who is or has been a person's spouse, domestic partner, intimate partner (whether sexual or not in nature), sibling or child or any other person whom a Relevant Person regards or has regarded as being like a family member having regard to the circumstances of the entirety of the relationship.
Games	means the Commonwealth Games, Commonwealth Youth 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 any Games or other CGA activities.
Games Period	means the period commencing at the earlier of the: (a) assembly of the Team for any training camp relating to the Games under the control and authority of the Chef de Mission; (b) assembly of the Team for the Games under the control and authority of the Chef de Mission; or (c) opening of the Games Accommodation, and ends at midnight the day after the closing ceremony of the Games or on such later date as the Athlete or Official (as applicable) is formally discharged from the Team.
Grooming	means the process by which an adult establishes a trusting relationship with a Child / Young Person and those associated with the Child / Young Person'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.
Health Professional	means a person who is listed as a health professional with the Australian Health Practitioner Regulatory Agency.
Health Professional authorised to administer injections	means a Health Professional who is permitted under their registration and scope of practice to perform an injection (which may include Medical Practitioners, pharmacists, dentists, nurses and paramedics currently registered with the relevant professional board in that field).
Illegal Drug	means any substance under Schedule 9 and 10 of the current Commonwealth Poisons Standard, as well as any substance listed in Schedule 1 of the <i>Criminal Code Regulations 2019</i> (Cth), as well as those substances howsoever proscribed under relevant state or territory legislation, as amended from time to time.
Inside Information	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.

Mandatory Reporting	means the legislative requirement for specific people or groups of people to report suspected Child Abuse.
Medical Practitioner	means a person registered in the medical doctor category by the Australian Health Practitioner Regulatory Agency.
Medication	means include substances that are classified by the Therapeutic Goods Administration as a therapeutic good (listed under schedules 1–8 of the current Commonwealth Poisons Standard), which are ingested, infused, inhaled, injected, inserted or absorbed by the human body. Medications may take the form of pills, tablets, capsules, liquids, creams, gels, injectable liquids, sprays, adhesive patches, infusions, inhaled powders, vapours or liquids, pessaries, or suppositories.
Misconduct with a Child / Young Person	means any behaviour involving a Child / Young Person that is objectively age inappropriate and/or places the Child / Young Person at risk of harm.
NST	means the National Sports Tribunal established under the NST Legislation, and all of its three Divisions.
NST Eligible Matter	means a kind of dispute that falls within the jurisdiction of the NST.
NST Legislation	means the <i>National Sports Tribunal Act 2019</i> (Cth) (NST Act), 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> .
Official	means all persons who administer, manage, coach, volunteer, assistant or are otherwise involved in sport and receive financial or other assistance from CGA (other than as an Athlete) and persons who are appointed by CGA as a member of any Team other than as an Athlete.
Permitted Purpose	means where an injection is medically required for vaccination purposes, treatment of a documented medical condition or investigation of a suspected medical condition.
Prohibited Conduct	means each of the following categories of conduct: Abuse, Bullying, Harassment, Sexual Misconduct, Unlawful Discrimination, Family and Domestic Violence, Child Abuse, Grooming, Misconduct with a Child / Young Person, Victimisation, Vilification, Competition manipulation, prohibited betting and disclosing Inside Information, improper use of Medications, Supplements and or injections as well as any other conduct which if publicly known would bring or be likely to bring that person, his/her sport or CGA into disrepute or censure. Schedule 1 includes some examples of what may constitute Prohibited Conduct.
Race	means a person's racial makeup and includes the culture, custom or beliefs of a particular race.
Relevant Persons	means Athletes, Officials and directors of the Board, officers, employees, contractors, interns and volunteers of CGA, and Relevant Person means any one of them.
Relevant Support Personnel	means an individual who works directly with any Athlete in the context of an Activity in the capacity as a coach, employee, , Official, performance support practitioner, and any other person who works directly with Athletes and who has agreed to be bound by this By-Law (other than an Athlete).
Religious Activity	means engaging in, not engaging in or refusing to engage in a lawful religious activity.
Religious Belief	means holding or not holding a religious belief.
Sex	means a person's gender such as being a man or woman as assigned at birth.
Sexual Misconduct	means 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 as well as sexual offences, which include any criminal offence involving sexual activity or actions of indecency.
Sexuality	means a person's sexual orientation such as heterosexuality, homosexuality, bisexuality, non-binary and transgender or trans-sexual.
Supplement	means includes single or multi-ingredient product in powder, limited volume liquid, pill or capsule form providing nutrients or other dietary components to achieve a specific health and/or performance benefit.
Team	means any Australian Commonwealth Games Team, the Australian Commonwealth Games Youth Team or other team selected or appointed by CGA.
Team Membership Agreement	means the team membership agreement including its schedules and annexures setting out the terms and conditions governing membership of any Team for Athletes and Officials.
Unlawful Discrimination	includes: (a) direct discrimination (being, when a person or group of people is treated less favourably than another person or group, because of a personal characteristic); and (b) indirect discrimination (being, 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).
Victimisation	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.
Vilification	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, Sex, Sexuality, marital status, Religious Activity, Religious Belief, colour, age or HIV/AIDS status.
Wagering Service Provider	means any company or other undertaking that promotes, brokers, arranges or conducts any form of wagering activity.

2 INTERPRETATION

- 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

- 3.1 CGA is committed to ensuring that everyone involved with CGA and the Team:
- (1) is treated with respect and dignity and is protected from Abuse, Bullying, Child Abuse, Harassment, Sexual Misconduct, Unlawful Discrimination, improper use of Medication, Supplements and injections, Victimisation, Family and Domestic Violence and Vilification; and

- (2) is aware of the responsibilities and expected standards of behaviour with respect to the use of Supplements, Medications and injections.

3.2 In addition, this By-Law provides a framework to:

- (1) ensure that only appropriately qualified personnel are appointed to provide science and medicine services to Athletes within CGA;
- (2) ensure injections are only administered to Athletes participating in Activities as part of appropriate medical treatment, being treatment of a documented medical condition or investigation of a suspected medical condition; and
- (3) ensure Medications and Supplements are used lawfully and appropriately with a focus on safety and evidence-based use.

3.3 CGA expects all Relevant Persons and any Relevant Support Personnel to uphold CGA's values and conduct themselves in accordance with this By-Law at all times.

3.4 All reports of Prohibited Conduct will be taken seriously, treated with respect and acted on appropriately by CGA.

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

4 COMPLIANCE WITH THIS BY-LAW & PRIORITY

4.1 This By-Law applies to Relevant Persons and Relevant Support Personnel.

4.2 To the extent that this By-Law is inconsistent with any Team Membership Agreement applicable to a Relevant Person, the terms of the Team Membership Agreement prevail over the terms of this By-Law.

4.3 The Australian National Anti-Doping Policy or an applicable World Anti-Doping Code compliant anti-doping policy (ADP) will prevail to the extent of any inconsistency with this By-Law in all instances. Any allegation relating to a breach or possible breach of the Australian National Anti-Doping Policy (ANADP) or other ADP will be dealt with under that policy. There is a risk that the lawful prescription, administration and use of drugs, Medications and Supplements may amount to a contravention of the ANADP or other ADP.

5 OBLIGATIONS OF RELEVANT PERSONS

5.1 All Relevant Persons **must**:

- (1) act appropriately and honestly in the performance of their roles and responsibilities to CGA including in connection with any Team;
- (2) provide assistance and disclose honestly and completely all relevant information:
 - (a) outside of a Games Period, to CGA as requested by the Board or the CEO; and
 - (b) during a Games Period, to the CEO, or the Chef de Mission of the relevant Team,to enable CGA to properly implement this By-Law;
- (3) report any Prohibited Conduct to the CEO, the CGA President or the Chef de Mission as soon as reasonably practicable; and

- (4) comply with or enforce any sanctions, disciplinary actions or other consequential actions imposed as a result of a breach of this By-Law.

5.2 A Relevant Person who has a personal interest or any financial interest in any matter involving the performance of that Relevant Person's responsibilities to CGA (including in connection with any Team) **must**, as soon as possible after the relevant facts have come to that Relevant Person's attention, make full disclosure of the nature of the interest:

- (1) outside of a Games Period, to the CEO, the CGA President or the CGA Vice President; and
- (2) during a Games Period, to the CEO, or Chef de Mission of the relevant Team.

5.3 All Relevant Persons **must not** at any time:

- (1) engage in conduct (whether publicly known or not), which:
 - (a) 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
 - (b) brings or would have the tendency to bring the Relevant Person or the Relevant Person's sport into disrepute or censure;
- (2) commit, be charged or be convicted of any serious offence involving violence or alcohol, any offence involving Illegal Drug/s, any sex offence, any Family and Domestic Violence, any Child Abuse offence, any offence involving Grooming or Misconduct with a Child / Young Person, any offence relating to competition manipulation, betting, gambling activities on sport or disclosing inside information or any offence which is punishable by imprisonment;
- (3) 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) occurs in the ordinary course of the performance of that Relevant Person's duties to CGA or to the Team or has been first approved by the CEO or the CGA President;
- (4) 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);
- (5) 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) knowingly provide any inaccurate and/or misleading information or knowingly omit any relevant information during the course of any investigation or proceedings under this By-Law;
- (7) by their acts or omissions, engage or participate in any Prohibited Conduct (NB: Schedule 1 sets out examples of what may constitute Prohibited Conduct);
- (8) deliberately or wilfully withhold information in relation to any possible Prohibited Conduct;
- (9) facilitate, assist, aid, abet, encourage, induce, cover-up or are otherwise complicit in any Prohibited Conduct or any conduct prohibited by the Team Membership Agreement; or
- (10) attempt to engage in any conduct which would be Prohibited Conduct if successful.

- 5.4 For the avoidance of doubt, the prohibition in clause 5.3(7) – 5.3(10) do not apply where Sex, 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.
- 5.5 It is expected that any Relevant Person who becomes aware of a breach of this By-Law or suspects on reasonable grounds, a reasonably likely breach of this By-Law:
- (1) during a Games Period, will notify the Chef de Mission or the CEO; or
 - (2) outside of a Games Period, will notify, the CEO or the CGA President,
- and such notifications may be made confidentially, securely and both during and outside of business hours. If an alleged breach requires Mandatory Reporting, the CEO, the CGA President, the CGA Vice President or Chef de Mission (as applicable) must report the matter to the relevant law enforcement agency.
- 5.6 The CEO, the CGA President, the CGA Vice President or Chef de Mission (as applicable) may report any suspected criminal conduct by a Relevant Person to the relevant law enforcement agency at their discretion.

6 IMPROPER USE OF SUPPLEMENTS, MEDICATIONS AND INJECTIONS

6.1 Improper use of Supplements and Medications

- (1) Relevant Support Personnel **must not** supply a Category D Supplement within the AIS Sport Supplement Framework to any Athlete.
- (2) Athletes **must not** unlawfully use, possess or distribute prescription or over the counter Medication.
- (3) Relevant Support Personnel **must not** unlawfully provide an Athlete with prescription Medication or over the counter Medication.

6.2 Improper use of Injections

- (1) Subject to clause 6.2(3), an Athlete **must not**:
 - (a) possess hypodermic needles or other injection equipment, unless the individual's possession has been authorised by the CMO or another Medical Practitioner; or
 - (b) self-inject any substance unless authorised to do so by the CMO or other Medical Practitioner for a Permitted Purpose under this By-Law; or
 - (c) allow any person, other than a Health Professional authorised to administer injections or an authorised carer, to administer an injection to them, for a purpose other than a Permitted Purpose.
- (2) Subject to clause 6.2(3), all Relevant Support Personnel **must not**:

- (a) possess any hypodermic needles or other injection equipment, unless the individual is a Health Professional authorised to administer injections or an authorised carer for the Athlete; or
 - (b) administer an injection to an Athlete unless the individual is a Health Professional authorised to administer injections or an authorised carer for the Athlete; or
 - (c) administer an injection to an Athlete for a purpose other than a Permitted Purpose.
- (3) CGA confirms that the possession and use of needles for the purpose of acupuncture, dry needling and management of blisters and splinters or for the personal use of Relevant Support Personnel for the prescribed treatment of a medical condition, are not injections for the purposes of this clause 6.

6.3 Education

- (1) CGA is responsible for developing and implementing an education plan addressing the subject matter of this clause 6.
- (2) CGA may, from time to time, require certain Relevant Support Personnel to undertake education the subject matter of this clause 6, which will be relevant and proportionate to their level of participation in Activities and the associated integrity risks.

7 BYSTANDERS

- 7.1 Bystanders are encouraged to report any occurrence of Prohibited Conduct at the earliest opportunity:
- (1) during a Games Period, to the Chef de Mission or the CEO; or
 - (2) outside of a Games Period, to the CEO or the CGA President.
- 7.2 All Relevant Persons and all Relevant Support Personnel acknowledge that they are encouraged to use their best endeavors to take appropriate Bystander Action in circumstances where the Relevant Person or the Relevant Support Personnel has first reasonably determined that:
- (1) they are aware of the occurrence of behaviour or practices that constitute Prohibited Conduct involving a Relevant Person or any Relevant Support Personnel;
 - (2) their personal safety or the safety of others will not be put at risk by taking appropriate Bystander Action; and
 - (3) the proposed Bystander Action will be helpful to the victim of the Prohibited Conduct.
- 7.3 All Relevant Persons and Relevant Support Personnel are expected (as applicable) to take appropriate Bystander Action that directly facilitates a culture of ethical behaviour at CGA by reinforcing the appropriate standards for behaviour and other practices.
- 7.4 Schedule 2 sets out considerations for intervention as a Bystander and examples of appropriate Bystander Action.

8 BREACHES OF THIS BY-LAW DURING A GAMES PERIOD

- 8.1 Where it is alleged that a breach of this By-Law has occurred or CGA has reason to believe a breach of this By-Law may have occurred at any time **during the Games Period**, then clause 12.3 of the Team Membership Agreement applies. Where such breach relates to the acts or omissions of:
- (1) a Relevant Person or any Relevant Support Personnel (other than the Chef de Mission), then the alleged breach will be addressed and the application of any sanctions, disciplinary

actions or any other consequential actions will be determined by the Chef de Mission and the CEO (in their absolute discretion);

- (2) the Chef de Mission, then the alleged breach will be addressed and the application of any sanctions, disciplinary actions or any other consequential actions will be determined by the CEO or the CGA President (in their absolute discretion); and

8.2 For the avoidance of doubt, the Relevant Persons and the Relevant Support Personnel must comply with clause 5.1(2) to the extent that the Chef de Mission, the CEO or the CGA President require assistance and information from the Relevant Person and or the Relevant Support Personnel in relation to the determination of the breach of this By-Law and/or the application of any sanctions, disciplinary actions or any other consequential actions pursuant to this clause 8 and the Team Membership Agreement.

8.3 The Chef de Mission, the CEO or the CGA President (as applicable) will consider if provisional action should be taken against the Relevant Person or the Relevant Support Personnel while any type of investigation is underway, such as supervision, restriction of duties or suspension.

9 BREACHES OF THIS BY-LAW OUTSIDE A GAMES PERIOD

9.1 Where it is alleged that a breach of this By-Law has occurred or CGA has reason to believe a breach of this By-Law may have occurred at any time **outside of the Games Period**, then where such breach relates to the acts or omissions of:

- (1) a Relevant Person or any Relevant Support Personnel other than the CEO, the alleged breach will be addressed and the application of any sanctions, disciplinary actions or other consequential actions will be determined by the CEO (in the CEO's sole and absolute discretion);
- (2) the CEO, the alleged breach will be addressed and the application of any sanctions, disciplinary actions or other consequential actions will be determined by the CGA President or the CGA Vice President (in their absolute discretion);
- (3) a director on the Board, the alleged breach will be addressed and the application of any sanctions, disciplinary actions or other consequential actions will be determined by the CGA President (in the CGA President's absolute discretion); and
- (4) the CGA President, the alleged breach will be addressed and the application of any sanctions, disciplinary actions or other consequential actions will be determined by the CGA Vice President or the CGA Chair of the Finance, Risk and Audit Committee (in their absolute discretion).

9.2 For the avoidance of doubt, the Relevant Persons and the Relevant Support Personnel must comply with clause 5.1(2) to the extent that the CEO, the CGA President or the CGA Vice President require assistance and information from the Relevant Person and or the Relevant Support Personnel in relation to the determination of the breach of this By-Law and/or the application of any sanctions, disciplinary actions or any other consequential actions pursuant to this clause 9.

9.3 The CEO, the CGA President or the CGA Vice President (as applicable) will consider if provisional action should be taken against the Relevant Person or the Relevant Support Personnel while any type of investigation is underway, such as supervision, restriction of duties or suspension.

9.4 Where it is alleged that a Relevant Person and or any Relevant Support Personnel has breached this By-Law **outside of a Games Period**, the following procedure will apply:

- (1) the CEO, the CGA President or the CGA Vice President addressing an alleged breach of this By-Law may 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 or the Relevant Support Personnel concerned will be informed of the alleged breach in writing and in sufficient detail so that they can respond and will have the opportunity to respond in writing or in person to such written notice; and
- (3) any person or independent body appointed pursuant to clause 9.4(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.

9.5 If a breach of this By-Law is established **outside of the Games Period**, the sanctions, disciplinary actions or any other consequential actions (including non-punitive actions) that may be imposed include but are not limited to:

- (1) if the Relevant Person or the Relevant Support Personnel is an employee, contractor or director of CGA, such actions as determined in accordance with the CGA Workplace Practices Policy;
- (2) if the Relevant Person or the Relevant Support Personnel is not an employee, contractor or director of CGA, such actions as determined in accordance with the CGA Members Disputes Procedure By-Law (if applicable) which can be read on the CGA website (<https://commonwealthgames.com.au/about-commonwealth-games-australia/policies/>) or as otherwise determined by the CEO, the CGA President or the CGA Vice President (as applicable); and
- (3) a requirement that the Relevant Person or the Relevant Support Personnel undergo any counselling or rehabilitation as directed by CGA.

9.6 Any sanctions, disciplinary actions or any other consequential actions (including non-punitive actions) imposed under this By-Law are non-exclusive and Relevant Persons and Relevant Support Personnel may be subject to additional sanctions in accordance with any other terms applicable to that Relevant Person's or that Relevant Support Personnel's relationship with CGA.

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:

- inappropriate physical contact such as 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 / Young Person and possession of pornography of a Child / Young Person.

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

- age;
- physical or mental disability;
- race, colour, nationality, ethnicity, or migrant status;
- employment activity, profession, trade or occupation;
- industrial activity;
- pregnancy, marital or relationship status, family or career responsibilities or breastfeeding;
- lawful sexual activity;
- physical features, sex characteristics, Sexuality, gender identity or intersex status;
- political and religious beliefs or activity;
- an expunged homosexual conviction or spent conviction; and
- personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes.

6. **Family and Domestic Violence** can include (but is not limited to) the "direct" experience of the following behaviour(s) inflicted by a Family Member or Close Relative:

- physical or sexual abuse;
- emotional or psychological abuse;
- economic or financial abuse;
- threatening, coercive behaviour; and
- controlling or dominating behaviour towards a Family Member or Close Relative that causes that Family Member or Close Relative to fear for the safety or wellbeing of that Family Member or Close Relative or another person.

Family and Domestic Violence can also occur "indirectly" through:

- the overhearing threats of physical abuse by one Family Member or Close Relative towards another Family Member or Close Relative;
- seeing or hearing an assault of a Family Member or Close Relative by another Family Member or Close Relative;
- comforting or providing assistance to a Family Member or Close Relative who has been physically abused by another Family Member or Close Relative;
- cleaning up a site after a Family Member or Close Relative has intentionally damaged another Family Member or Close Relative's property;
- being present when police officers attend an incident involving physical abuse of a Family Member or Close Relative by another Family Member or Close Relative; and
- for a Child / Young Person, any other exposure to the direct experiences listed above.

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

- dismissal of a Relevant Person or disadvantage to a Relevant Person's employment/involvement in sport;
- alteration of a Relevant Person's position or duties to that Relevant Person's disadvantage;
- discrimination between Relevant Persons;
- 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.

8. 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.

9. 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 (such as intentionally conceding points, influencing athlete selections or strategy, to intentionally alter the course of a competition for a purpose other than winning the competition or deliberate underperformance (also known as 'tanking') in any manner for the intention to progress to an easier draw, or for the intention of benefiting a 'friendly' opponent);
 - providing modified or false information related to an athlete's identity or personal information (such as providing false age information for an athlete to compete in a competition they are normally illegible for);
 - intentionally modifying playing surfaces, equipment or athlete's physiology to improperly influence the natural course of the event (such as tampering with the equipment of a competitor to limit their competitiveness); 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, each of the following shall be treated as if the bet was placed by the Relevant Person as an individual:
 - 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
- 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;
- disclosing inside information, other than as required as part of their official duties; or
- authorising, permitting or facilitating another Relevant Person to engage in such conduct

10. Child Abuse is the mistreatment of a Child / Young Person that:

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

often results from an abuse of authority (meaning the improper use of a position of influence, power or authority by a person against a Child / Young Person), and includes each of the types of abuse described in Items 10.1 – 10.6 below.

Additional information regarding prohibited conduct and acceptable ways of working with Children/Young People can be found in CGA's Child Safe Practices.

10.1 Physical Abuse occurs when a person subjects a Child / Young Person 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 / Young Person. Physically abusive behaviour includes, but is not limited to:

- shoving, hitting, slapping, shaking, throwing, punching, biting, burning, kicking; and
- harmful training methods or overtraining where there is the potential to result in damage to a Child / Young Person's physical development.

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

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

10.3 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 / Young Person in any sexual activity. A Child / Young Person 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 / Young Person for their own benefit. It can include making sexual comments to a Child / Young Person, kissing, touching a Child / Young Person's genitals or breasts, oral sex, or intercourse with a Child / Young Person.

10.4 Sexual exploitation is a form of Sexual Abuse and occurs when a Child / Young Person is 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 sexual abuse material of a Child / Young Person. Such material can be in the form of photographs or videos, whether published or circulated on the internet or social media. Encouraging a Child / Young Person to view pornographic videos, websites, or images, or engaging a Child / Young Person to participate in sexual conversations over social media or otherwise is also considered sexual exploitation.

10.5 Neglect is the persistent failure or deliberate failure or denial to meet a Child / Young Person'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 / Young Person's health and development is or is likely to be harmed. Types of neglect include physical, medical, emotional, educational neglect and abandonment.

10.6 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 / Young Person 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.

11. Improper use of Medications, Supplements and injections can be behaviour including, but not limited to:

- Athlete self-injecting Medications without requisite authority;
- Athlete using a prescription Medication that was prescribed by a Health Professional to another person; and
- Coach providing a prohibited Supplement to any Athlete.

Schedule 2 – Examples of appropriate Bystander Action

Bystander action can be taken:

- 'in the moment' when a Relevant Person sees or hears about the event, behaviour or practice of Prohibited Conduct; or
- 'after the moment' when the event, behaviour or practice of Prohibited Conduct took place.

Appropriate Bystander Action to be taken 'in the moment' a Relevant Person witnesses Prohibited Conduct may include:

- telling a colleague when their behaviour is not appropriate for the workplace;
- intervening when a colleague is behaving inappropriately to another colleague; or
- speaking up when a colleague tells a joke in relation to Prohibited Conduct.

Appropriate Bystander Action to be taken 'after the moment' a Relevant Person witnesses Prohibited Conduct may include:

- speaking to colleagues or managers about the Prohibited Conduct;
- raising concerns about the impact of certain behaviour or practices; or
- raising ideas to improve ethical behaviour in relation to particular conduct.

Examples of Bystander Action

Taking Bystander Action at any time is important as doing nothing supports and encourages the Prohibited Conduct.

Some action examples of Bystander Action include:

- politely and calmly telling a colleague their behaviour is not appropriate in the workplace;
- stepping in when a colleague is behaving inappropriately to another colleague;
- speaking up when someone tells a sexist joke or shows you sexist images;
- telling your manager when you hear of an incident of sexual harassment or sex discrimination;
- seek to distract the person engaging in the Prohibited Conduct with a view to allowing the victim of that conduct to move away;
- comforting the victim of the Prohibited Conduct;
- seeking assistance from friends, colleagues, management, teachers, coaches etc.;
- noting any language or content in your policies or procedures that you think may need to be updated or changed to promote inclusiveness and discussing this with your manager;
- talking to colleagues or managers about your workplace culture;
- talking to your managers about workplace safety concerns for women;
- supporting a colleague who is making a complaint about sex discrimination or sexual harassment; or
- looking for opportunities to be inclusive and actively making room for people to join in wherever appropriate.