



AUSTRALIAN OLYMPIC COMMITTEE INC
ABN 33 052 258 241
Registered Number A0004778J

ETHICAL BEHAVIOUR BY-LAW

1. DEFINITIONS

- “AOC”** means the Australian Olympic Committee Inc.
- “Athlete”** means an Athlete that:
- (a) receives financial or other assistance from the AOC;
 - (b) is a member of a Shadow Team; or
 - (c) has been nominated for selection to, or selected as a member of, any Team.
- “Benefit”** means a benefit of any kind including, but not limited to, remuneration, commission, service, hospitality or gift.
- “Child Abuse”** means physical, emotional harming or exploitation of children, whether sexual or otherwise and includes, but not limited to:
- (a) derogatory or inappropriate behaviour;
 - (b) non-accidental injury to children;
 - (c) inappropriate touching;
 - (d) physical, emotional or sexual abuse; or
 - (e) insensitivity towards children with cultural or religious differences.
- “Direct Discrimination”** means:
- (a) when a person (“Discriminator”) treats or proposes to treat another person (“Aggrieved Person”) less favourably on the ground of the Aggrieved Person’s Disability, Race, Sexuality, marital status, Religious Activity, Religious Belief or age, in circumstances that are the same or are not materially different to circumstances in which the Discriminator treats or would treat a person without or not of the Disability, Race, Sexuality, marital status, Religious Activity, Religious Belief or age; and

- (b) for the purposes of paragraph (a), circumstances in which the Discriminator treats or would treat the Aggrieved Person are not materially different because of the fact that different accommodation or services may be required by the Aggrieved Person as a result of the Aggrieved Person's Disability, Race, Sexuality, marital status, Religious Activity, Religious Belief or age.

“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;
- (e) a disorder, illness or disease that affects a person's thought processes, perception or reality, emotions or judgments or that results in disturbed behaviour;

and includes a disability that:

- (f) presently exists;
- (g) previously existed but no longer exists;
- (h) may exist in the future;
- (i) is imputed to a person.

“Games Period”

means the period commencing at the earlier of:

- (a) the assembly of the Team for the Games under the control and authority of the Chef de Mission; or
- (b) the opening of the Games Accommodation;

and ends at midnight the day after the closing ceremony of the Games.

“Harassment”

means offensive, abusive, belittling, threatening or any unwelcome behaviour directed towards another person for any reason whatsoever.

**“Indirect
Discrimination”**

means where a person requires another person (“Aggrieved Person”) with the Disability, Race, Sexuality, marital status, Religious Activity, Religious Belief or age to comply with a requirement or condition:

- (a) with which a substantially higher proportion of persons without the Disability, Race, Sexuality, marital status,

Religious Activity, Religious Belief or age comply or are able to comply;

- (b) which is not reasonable having regard to the circumstances of the case; and
- (c) with which the Aggrieved Person does not or is not able to comply.

“Official”	means all persons who: <ul style="list-style-type: none"> (a) administer, manage, coach, assist or are otherwise involved in sport and receive financial or other assistance from the AOC (other than as an Athlete); or (b) are selected by the AOC as a member of any Team.
“Race”	means a person’s racial makeup and includes the culture, custom or beliefs of a particular race.
“Relevant Persons”	means the persons to whom this By-Law applies as described in clause 2.1.
“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.
“Sexuality”	means a person’s gender or sexual orientation such as heterosexuality, homosexuality, bisexuality and transgender or trans-sexual.
“Shadow Team”	means those Athletes who are recognised by the AOC as potential members of a particular Team.
“Team”	means any Australian Olympic Team, Australian Winter Olympic Team, East Asian Team or other team selected by the AOC.
“Vilification”	means the act of inciting hatred, contempt or ridicule towards a person based on a person’s Disability, Race, Sexuality, marital status Religious Activity, Religious Belief or age.

- 1.2 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; and
- 1.3 Headings are for convenience only and do not affect the interpretation of this By-Law.
- 1.4 Reference to one gender includes each other gender.
- 1.5 The singular includes the plural and the plural includes the singular.
- 1.6 The meaning of general words is not limited by specific examples introduced by including, for example or similar expressions.
- 1.7 A rule of construction does not apply to the disadvantage of a party because the party was responsible for the preparation of the document or any part of it.

2. COMPLIANCE WITH THIS BY-LAW

- 2.1 This By-Law applies to:
- (1) Athletes;
 - (2) Officials; and
 - (3) Members of the Executive, officers and employees of the AOC.
- 2.2 All Relevant Persons must not, by their acts or omissions, engage or participate in:
- (1) Direct Discrimination;
 - (2) Indirect Discrimination;
 - (3) Harassment;
 - (4) Vilification;
 - (5) Child Abuse; and
 - (6) conduct otherwise prohibited under clause 3 of this By-Law.
- 2.3 All Relevant Persons must provide assistance and disclose honestly and fully all relevant information to the AOC as requested by the President or Secretary-General or the person responsible pursuant to Clause 4.1 of this By-Law.
- 2.4 For the avoidance of doubt, this By-law does not apply to the selection of Athletes and officials as members of Teams where:
- (1) Sexuality, age, experience, capabilities and athletic performance or any combination of these factors are relevant in selecting the Athletes or officials; or
 - (2) a person's Religious Activity or Religious Belief precludes or might preclude that person from participating in a particular event or competition.

3. APPROPRIATE CONDUCT

- 3.1 All Relevant Persons must at all times act honestly in the exercise of their powers and the performance of their functions to the AOC including any Team selected by the AOC.
- 3.2 All Relevant Persons must :
- (1) not at any time engage in conduct (whether publicly known or not), which has brought or would have the tendency to bring the Relevant Person into disrepute or censure, or which would be inconsistent with, contrary to or prejudicial to the best interests, image or values of the AOC or the Australian Olympic Team;
 - (2) not at any time be convicted of, or charged with, any serious offence involving alcohol or drugs, or any sex offence, or any offence which is punishable by imprisonment;
 - (3) acknowledge that any matter arising under (1) or (2) above is to be determined, or breach thereof excused, by the person responsible pursuant to Clause 4.1 of this By-Law in their sole and absolute discretion.

3.3 Any Official who has a personal interest or direct or indirect pecuniary interest in any matter involving the performance of that Official's duties to the AOC including any Team selected by the AOC must, as soon as possible after the relevant facts have come to the Official's knowledge, make full disclosure of the nature of the interest to the Secretary-General.

3.4 An Official must not:

- (1) offer to provide, or promise to provide, a Benefit to another person;
- (2) provide a Benefit to another person;
- (3) cause a Benefit to be provided to another person; or
- (4) cause an offer of the provision of a Benefit, or a promise of the provision of a Benefit, to another person;

with the intention of influencing that person to:

- (1) enter into a contract with the AOC or appoint the Official to any office; or
- (2) cause the body that employs that person or which that person represents to enter into a contract with the AOC or appoint the Official to any office;

or to otherwise seek to obtain or retain an improper advantage or benefit to that Official or the AOC which that Official or the AOC would not otherwise be entitled.

3.5 An Official must not solicit nor accept any Benefit from a person or body, corporate or unincorporated, for or in connection with the performance of that Official's duties to the AOC including any Team selected by the AOC unless the receipt of that Benefit has been first approved by the Executive of the AOC.

3.6 Officials are not permitted to make improper use of information acquired by virtue of their position in any Team selected by the AOC or relationship with the AOC or to gain, directly or indirectly, an advantage for themselves or for any other person or to cause detriment to the AOC. This duty precludes Officials from breaching the confidentiality of the affairs of the AOC and any member of any Team selected by the AOC and from misusing information obtained by virtue of their position in any Team selected by the AOC or relationship with the AOC and from acting without the proper authority of the AOC.

4. BREACHES OF THIS BY-LAW

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

- (1) if, during the Games Period, a breach of this By-Law by an Athlete or Official is alleged or the AOC forms the belief that a breach by an Athlete or Official may have occurred ('the alleged breach') the alleged breach will be determined in his sole and absolute discretion by the Chef de Mission of the Team of which the Athlete or Official is a member 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 determined in their respective sole and absolute discretion by the President (if not the Chef de Mission) or a Vice President present at the Games in which the Team is participating; and

- (2) if the alleged breach arises at any time, other than the Games Period or concerns a person who is not an Athlete or Official during the Games Period, it will be determined by the Secretary-General in his sole and absolute discretion unless the alleged breach is in respect of the acts or omissions of the Secretary-General, in which case the alleged breach will be determined by the President in his sole and absolute discretion.

4.2 Where it is alleged, or the AOC has reason to believe, that a Relevant Person has breached this By-Law:

- (1) the Chef de Mission, Secretary-General or President responsible for addressing an alleged breach of this By-Law may, in his or her sole and absolute discretion, provide the Relevant Person concerned with a written notice specifying the nature of the alleged breach. The Relevant Person must provide honestly and fully all relevant information, to the person responsible for addressing the alleged breach, concerning the alleged breach and a response to the alleged breach.

4.3 Subject to clause 4.4, 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 information obtained on behalf of the AOC or provided by any person in connection with the alleged breach of this By-Law; and
- (3) the fact of and details of any communications relating to the alleged breach of this By-Law;

4.4 Except that:

- (1) in the event that the alleged breach is resolved by conciliation or negotiation, the AOC will release a public statement in such form as is agreed by the parties;
- (2) in the event that the alleged breach is established other than by conciliation or negotiation, the AOC will release a public statement in such form as is agreed by the parties or, failing agreement, as determined by the person responsible for addressing the alleged breach; or
- (3) in any event the AOC 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 4.4 or otherwise).

4.5 If a breach of this By-Law is established:

- (1) if the Relevant Person concerned is a member of that Team, then that Relevant Person will be subject to the sanctions described in the agreement governing that Relevant Person's membership of that Team;
- (2) if the Relevant Person is a member of a Shadow Team, then that Relevant Person's membership of the Shadow Team may be suspended or terminated;
- (3) if the Relevant Person receives financial or other assistance from the AOC 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;

- (4) if the Relevant Person has been appointed by the AOC to a position or office, then that appointment may be suspended or terminated;
- (5) if the Relevant Person is an employee of the AOC, then that relevant person may be sanctioned in accordance with the conditions governing his or her employment;
- (6) if the Relevant Person is a member of the Executive or an official of the AOC (other than as an employee), such sanction as is determined by the Executive after giving the Relevant Person concerned the opportunity to be heard on this aspect; and
- (7) the Relevant Person may be required to undergo counselling or rehabilitation as directed by the AOC.

This By-Law is governed by the laws applicable in the State of New South Wales.

ADOPTED as a By-Law of the AOC
by the Executive on 10 May 2002
effective from that date.

AMENDED on 12 April 2005 effective
from that date.

AMENDED on 7 September 2005 effective
from that date.

AMENDED on 21 November 2008
effective from that date.