

# ETHICAL BEHAVIOUR BY-LAW



## ETHICAL BEHAVIOUR BY-LAW OF THE AUSTRALIAN OLYMPIC COMMITTEE

### 1. DEFINITIONS

<b>AOC</b>	means the Australian Olympic Committee Inc., AOC Executive or any commission or committee established by the AOC Executive pursuant to the Constitution of the AOC.
<b>AOC Executive</b>	means the Executive as elected or, in the case of the Chief Executive Officer, appointed in accordance with the AOC Constitution.
<b>Athlete</b>	means an athlete that: <ul style="list-style-type: none"> <li>a) receives financial or other assistance from the AOC;</li> <li>b) is a member of a Shadow Team; or</li> <li>c) has been nominated for selection to, or selected as a member of, any Team.</li> </ul>
<b>Benefit</b>	means a benefit of any kind including, but not limited to, remuneration, commission, service, hospitality or gift.
<b>Bullying</b>	means repeated, unreasonable behaviour directed towards a person, or group of persons, that may cause harm. It 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>Child Abuse</b>	means physical, emotional harming or exploitation of children, whether sexual or otherwise and includes, but not limited to: <ul style="list-style-type: none"> <li>a) derogatory or inappropriate behaviour;</li> <li>b) non-accidental injury to children;</li> <li>c) inappropriate touching;</li> <li>d) physical, emotional or sexual abuse; or</li> <li>e) insensitivity towards children with cultural or religious differences.</li> </ul>
<b>Direct Discrimination</b>	means 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, Sex, Sexuality, marital status Activity, Religious Belief or age.
<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> <li>b) the presence in the body of organisms causing or capable of causing disease or illness;</li> <li>c) the malfunction, malformation or disfigurement of a part of the person’s body;</li> <li>d) a disorder or malfunction that results in a person learning differently from a person without the disorder or malfunction;</li> <li>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;</li> </ul>

- f) and includes a disability that:
  - i. presently exists;
  - ii. previously existed but no longer exists;
  - iii. may exist in the future; or
  - iv. is imputed to a person whether or not that person has a disability.

<b>Games Period</b>	means the period commencing at the earlier of: <ul style="list-style-type: none"> <li>a) the assembly of the Team for the Games under the control and authority of the Chef de Mission; or</li> <li>b) the opening of the Games Accommodation,</li> </ul> and ends at midnight the day after the closing ceremony of the Games or on such later date as the Relevant Person is formally discharged from the relevant Team.
<b>Indirect Discrimination</b>	means where a person imposes or proposes to impose a condition, requirement or practice that has or is likely to have the effect of disadvantaging persons of the same Disability, Race, Sex, Sexuality, marital status, Religious Activity, Religious Belief or age as an aggrieved person, but not where the condition, requirement or practice is reasonable in all the circumstances.
<b>Official</b>	means all persons who administer, manage, coach, support, assist or are otherwise involved with any Team, the AOC or Team sponsors.
<b>Race</b>	means a person's race, colour, descent or ethnic origin 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 2.1.
<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>Sex</b>	means a person's gender such as their being a man or woman.
<b>Sexuality</b>	means a person's sexual orientation such as heterosexuality, homosexuality or bisexuality.
<b>Shadow Team</b>	means those Athletes who are recognised by the AOC as potential members of a particular Team.
<b>Team</b>	means any Australian Olympic Team, Australian Olympic Winter Team, Australian Youth Olympic Team, Australian Winter Youth Olympic Team or other team selected by the AOC.
<b>Unlawful Harassment</b>	means conduct which is unwelcome and which a reasonable person would anticipate would offend, intimidate, humiliate or threaten the person exposed to the conduct, and which is based on Disability, Race, Sex, Sexuality, marital status, Religious Activity, Religious Belief or age.
<b>Vilification</b>	means the public act of inciting hatred, contempt or ridicule towards a person based on a person's Disability, Race, Sex, Sexuality, marital status, Religious Activity, Religious Belief or age, but does not include a public act done reasonably and in good faith for purposes in the public interest, including discussion or debate about any act or matter.

## Interpretation

- 1.1. Except so far as the contrary intention appears in this By-Law, an expression in this By-Law has the same meaning as in the Constitution of the AOC.
- 1.2. Headings are for convenience only and do not affect the interpretation of this By-Law.
- 1.3. Reference to one gender includes the other gender.
- 1.4. The singular includes the plural and the plural includes the singular.
- 1.5. The meaning of general words is not limited by specific examples introduced by including, for example or similar expressions.
- 1.6. 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 AOC Executive; members of any commission or committee established pursuant to the Constitution of the AOC; officers, employees, contractors, interns and volunteers of the AOC.
- 2.2. Subject to clause 2.4, all Relevant Persons must not, by their acts or omissions, engage or participate in:
  - (1) Direct Discrimination;
  - (2) Indirect Discrimination;
  - (3) Unlawful Harassment; or
  - (4) Bullying,

in any activity where the Relevant Person is participating in that activity in their capacity as an Athlete, Official, Member of the AOC Executive, member of a commission or committee established by the AOC Executive pursuant to the Constitution of the AOC, officer, employee, contractor, intern or volunteer of the AOC.
- 2.3. All Relevant Persons must not, by their acts or omissions, engage or participate in:
  - (1) Vilification;
  - (2) Child Abuse; or
  - (3) conduct otherwise prohibited under clause 3 of this By-Law.
- 2.4. For the avoidance of doubt, the provisions of clauses 2.2(1) and (2) do not apply where Sex, age, Disability, marital status, experience, capabilities and athletic performance or any combination of these factors, are reasonably considered by the AOC to be relevant to any of the following:
  - (1) the selection of Athletes and Officials as members of Teams or Shadow Teams;
  - (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 or Shadow Team;
  - (3) the termination of the membership of an Athlete or Official as a member of a Team or Shadow Team; or
  - (4) decisions about the provision of financial or other assistance by the AOC.

### 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 provide assistance and disclose honestly and fully all relevant information to the AOC and during the Games Period the Chef de Mission of the relevant Team.
- 3.3. All Relevant Persons must truthfully make the statutory declaration regarding anti-doping matters as required by the AOC from time to time. Relevant Persons consent to the AOC obtaining information from, and disclosing information to, relevant anti-doping organisations regarding anti-doping matters (including the statutory declaration).
- 3.4. All Relevant Persons must:
  - (1) not at any time engage in conduct (whether publicly known or not), which has brought, brings or would have the tendency to bring the Relevant Person or the Relevant Person's sport into disrepute or censure, or which is or would have the tendency to be inconsistent with, contrary to or prejudicial to the best interests, image or values of the AOC, Team Sponsors, the Team or Shadow Team; and
  - (2) not at any time be convicted of, or charged with, any serious offence involving violence, alcohol or drugs, or any sex offence, or any offence relating to any betting or gambling activities on sport, or any offence which is punishable by imprisonment.
- 3.5. Any Relevant Person who has a personal interest or direct or indirect pecuniary interest in any matter involving the performance of that person's duties to the AOC including any Team selected by the AOC must, as soon as possible after the relevant facts have come to that person's knowledge, make full disclosure of the nature of the interest to the AOC.
- 3.6. Officials, members of the AOC Executive and any commissions or committees established by the AOC Executive pursuant to the Constitution of the AOC, officers, employees, contractors, interns and volunteers of the AOC 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:
  - (5) enter into a contract with the AOC or appoint that person to any office;
  - (6) cause the body that employs that person or which that person represents to enter into a contract with the AOC or appoint that person to any office; or
  - (7) otherwise seek to obtain or retain an improper advantage or benefit to that person or the AOC which that person or the AOC would not otherwise be entitled.

- 3.7. Officials, members of the AOC Executive and any commissions or committees established by the AOC Executive pursuant to the Constitution of the AOC, officers, employees, contractors, interns and volunteers of the AOC must not solicit nor accept any Benefit from a person or body, corporate or unincorporated, for or in connection with the performance of that person's duties to the AOC including any Team selected by the AOC unless the receipt of that Benefit has been first approved by the AOC Executive.
- 3.8. Relevant Persons 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 includes but is not limited to 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). This duty precludes all Relevant Persons 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. If a breach of this By-Law occurs at any time other than during a Games Period, then the breach and any sanctions to be applied will be determined by the AOC Executive in its sole and absolute discretion. To the extent that the AOC Executive requires assistance and information from the Relevant Person in relation to the determination of the breach and/or sanctions, clause 3.2 applies.
- 4.2. If a breach of this By-Law occurs at any time during a Games Period, then the breach and any sanctions to be applied will be determined by the Chef de Mission of the relevant Team or his or her authorised delegate(s) in their respective sole and absolute discretion. To the extent that the Chef de Mission requires assistance and information from the Relevant Person in relation to the determination of the breach and/or sanctions, clause 3.2 applies.
- 4.3. Any sanctions imposed under clauses 4.1 or 4.2 are non-exclusive and Relevant Persons may be subject to additional sanctions in accordance with any other terms applicable to that persons relationship with the AOC, including any conditions of employment.

#### **5. GENERAL**

- 5.1. A breach of this By-Law will provide the basis for the sanctions set out in clause 4. It does not otherwise provide the basis for any claim by an individual against the AOC or a Relevant Person, and to the extent that this By-Law is inconsistent with any Team Membership Agreement applicable to that person, the terms of the Team Membership Agreement prevail over the terms of this By-Law.
- 5.2. 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.  
 AMENDED on 14 August 2009 effective from that date.  
 AMENDED on 19 August 2011 effective from that date.  
 AMENDED on 8 February 2013 effective from that date.  
 AMENDED on 6 August 2015 effective from that date.