

**ATHLETICS AUSTRALIA LIMITED**  
ACN **006 447 294**

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**BY-LAWS**

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**BY-LAWS of ATHLETICS AUSTRALIA LIMITED (ACN 006 447 294)**

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**2. DEFINITIONS**

2.1 In these By-Laws unless the context otherwise requires:

**“Anti-Doping By-Law”** means the anti-doping By-Law of the Company from time to time adopted as a By-Law.

**“ASADA”** means, where the context requires based on the functions, powers and responsibilities conferred under the ASADA Act:

- (a) the CEO of ASADA appointed under the ASADA Act;
- (b) Australian Sports Anti-Doping Authority established under the ASADA Act: or
- (c) the Anti Doping Rule Violation Panel (ADRVP) established under the ASADA Act.

**“By-Laws”** means the By-Laws of the Company in force from time to time. This includes various Policies and other documents that form part of the By-Laws of the Company and are subject to change.

**“CAS”** means the Court of Arbitration for Sport in Lausanne.

**“Chief Executive Officer” or “CEO”** means the Chief Executive Officer of the Company from time to time.

**“Committee”** means any committee formed pursuant to clause 53 of the Constitution.

**“Company”** means Athletics Australia Limited.

**“Constitution”** means the Constitution of the Company in force from time to time.

**“IAAF”** means the International Association of Athletics Federations.

**“IAAF Rules”** means the Competition Rules of the IAAF.

**“Nomination or Selection Criteria”** means the criteria imposed from time to time upon the Company by each or any of the IAAF, the Board, the Australian Olympic Committee, the Australian Paralympic Committee and the Australian Commonwealth Games Association for the nomination or selection of an individual or team.

**“Notice in Writing”** means notice whether by electronic mail, facsimile, telex, telegram, cable or any other means of written communication.

2.2 Except so far as the contrary intention appears in these By-Laws:

- (1) an expression has in these By-Laws the same meaning as in the Law and the Constitution; and
- (2) if an expression is given different meanings for the purposes of different provisions of the Law or Constitution, the expression has, in a provision of these By-Laws that deals with a matter dealt with by a particular provision of the Law or Constitution, the same meaning as in that provision of the Law or Constitution.

2.3 Headings and any Position Statement are for convenience only and do not affect the interpretation of these By-Laws.

2.4 Reference to one gender includes each other gender.

2.5 The singular includes the plural and the plural includes the singular.

2.6 The word "person" includes a body corporate.

2.7 If a person or Member to whom these By-Laws apply consists of more than one person, then these By-Laws bind them jointly and severally.

### **3. ELIGIBILITY RULES**

3.1 These Eligibility Rules are subject to the eligibility rules of the IAAF and the latter shall prevail in the event of any inconsistency between the two.

#### **Registration**

3.2 All persons:

- (1) wishing to compete in athletic meetings or events;
- (2) coaching persons competing in athletic meetings or events; and
- (3) officiating at athletic meetings or events;

conducted under the permit, auspices or control of the Company or any Member or applying to be selected by a Member or the Company as an athlete, coach or official in any representative team must:

- (4) be registered as an athlete, coach or official with the Company or the Member responsible for the State or Territory in which he or she resides; and
- (5) abide by the Constitution and By-Laws of the Company and the Rules and regulations of the IAAF.

3.3 Subject to By-Law 3.4 all persons registered with a Member will be automatically deemed to be registered in the corresponding capacity with the Company.

3.4 In the event that the Member responsible for the State or Territory in which a person resides is suspended or expelled from membership of the Company, the person may elect to either:

- (1) register with another Member of his or her choice; or
- (2) register directly with the Company.

3.5 Unless an athlete, coach or official resides overseas, the Company will only permit persons to register directly with it in the circumstances described in By-Law 3.3 and then only whilst and for so long as the Member concerned is suspended or expelled from membership of the Company.

- 3.6 Any dispute as to the State or Territory in which a person resides or otherwise concerning a person's registration will be referred to the Chief Executive Officer for determination provided that the person or member or Members concerned may appeal to the Appeals Tribunal in accordance with these By-Laws.

### **Ineligibility for Competition**

- 3.7 The following persons will not take part in competitions, whether held by or under the auspices of the Company or a Member:

- (1) who has taken part in any athletic competition or event in which any of the competitors were, to his or her knowledge, suspended from participation or ineligible to compete under the Rules of the IAAF or which takes place in the country or territory of an IAAF member who is suspended (this does not apply to any athletics competition which is restricted to the masters' age groups);
- (2) who takes part in any athletics competition which is not sanctioned or certified by the IAAF member in the country or territory in which the competition is held;
- (3) who is suspended from participation in or ineligible to compete in competitions under the jurisdiction of the Company, in so far as such ineligibility is consistent with the eligibility rules of the IAAF;
- (4) who contravenes the Anti-Doping Rules of the IAAF or the Anti-Doping By-Laws of the Company, or both these Rules and By-Laws;
- (5) who has committed any act or made any statement either verbally or in writing, or has been responsible for any breaches of the Rules of the IAAF or the By-Laws of the Company or other conduct which is considered by the IAAF or the Chief Executive Officer of the Company to be insulting or improper or likely to bring athletics into disrepute;
- (6) who contravenes By-Law 11;
- (7) who uses the services of an athletes' representative other than one approved by the Company under By-Law 0;
- (8) who has been declared ineligible by virtue of a breach of any By-Law or any regulation of the IAAF.

- 3.8 If an athlete competes whilst suspended or ineligible, the period of his or her ineligibility will be deemed to recommence from the time he or she last competed as though no part of the period of suspension or ineligibility had been served.

- 3.9 A schoolboy or schoolgirl who has become ineligible to compete under By-Law 3.7 may compete in school sports without affecting the eligibility of other schoolboys or schoolgirls. A schoolboy or schoolgirl is a bona fide full time student at a primary or secondary educational institution as at 31 August in any calendar year provided that he or she will not attain the age of 20 years by 31 December of that year. A student at a university or other tertiary educational institution is not considered to be a schoolboy or schoolgirl.

- 3.10 Any allegation of a breach of By-Law 3.7 (other than a breach of By-Law 3.7(4)), will be conducted according to Rule 60 of the IAAF Rules.

### **Reinstatements**

- 3.11 All applications for reinstatement will be dealt with by the Chief Executive Officer:

- (1) an applicant for reinstatement must complete Form 1 of the Schedule to these By-Laws, and must make a statutory declaration of the truthfulness of the statements made therein. The application must be forwarded through the Member of the State or Territory with which the applicant is registered;

- (2) no application for reinstatement will be considered unless accompanied by a fee of \$500.00. Should the applicant be recommended to apply again at a future date, they may do so without payment of any additional fee, provided that they have not competed in the meantime;
- (3) without limiting the width of factors to be considered in any application for reinstatement, the applicant must demonstrate that he or she has rectified any breach of these By-Laws and that such breach will not recur;
- (4) when a person is reinstated, the Member in his State/Territory of residence will be informed in writing, within ten days; and
- (5) ineligible athletes seeking registration as non-competing members only are not required to seek reinstatement unless their ineligibility arose through a breach of By-Law 3.7(5), 3.7(6), 3.7(7) or 3.7(8).

3.12 Any person aggrieved by a decision under By-Law 3.8 may appeal to the Appeals Tribunal in accordance with these By-Laws.

#### **4. SELECTION COMMITTEES**

- 4.1 The Board may from time to time establish Selection Committees to be responsible for the selection of athletes, officials and coaches in representative teams or to participate in athletic competitions.
- 4.2 The Board will appoint the members of all Selection Committees and will determine the terms of office and number of persons to serve on each Selection Committee.
- 4.3 Each Selection Committee may, in its discretion, appoint persons to be members of a selection advisory sub-committee to advise the Selection Committee on selection issues. Such sub-committee shall comprise the Athletics Australia High Performance Manager, National Event Group Coaches and such other persons as the Selection Committee in its discretion may choose.
- 4.4 The Selection Committees will comply with the Nomination or Selection Criteria determined from time to time by the Board when nominating or selecting an individual or team, as the case may be.

#### **5. GENERAL COMMITTEES**

- 5.1 The Board may from time to time establish General Committees on either a permanent basis or for a designated purpose or period of time to advise it on specified matters or to oversee particular issues or competition or development programmes.
- 5.2 The Board will appoint and deselect the members of all General Committees and will determine the terms of office and number of persons to serve on each General Committee. The Chief Executive Officer on behalf of the Board may ask Members to submit nominations for persons to be appointed to these committees, however the Board is not obliged to appoint any such nominee.
- 5.3 The General Committees of the Company as at the date of these By-Laws are:
  - (1) Athletes Commission, which will advise the Board generally on matters relating to the concerns, interests and needs of Athletes;
  - (2) Coaching Advisory Committee, which will advise the Board generally on matters relating to coaching;
  - (3) Facilities and Equipment Advisory Committee, which will advise the Board generally on matters relating to athletics facilities and equipment, including technical specifications;
  - (4) Officials Advisory Committee, which will advise the Board generally on matters relating to the development and grading of officials, and the appointment of officials to major events;

- (5) Track and Field Advisory Committee, which will advise the Board generally on matters relating to track and field competition, including amendments to the technical rules of such competition;
- (6) Distance Running and Walking Advisory Committee, which will advise the Board generally on matters relating to road, mountain and ultra running, road walking and cross-country running competitions including amendments to the technical rules of such competitions;
- (7) International Tours Advisory Committee, which is responsible for recommending all Team Management positions for teams travelling overseas including Section Leader, Head Coach, Team Manager, Assistant Manager, Team Doctor, Physiotherapists, Masseurs, Biomechanist;
- (8) The Special Awards Committee as described in By-Law 11.

## **6. TRIBUNALS**

### **6.1 The Board:**

- (1) must establish an Appeals Tribunal in accordance with the Constitution; and
- (2) may from time to time establish other Tribunals to hear disputes involving or between athletes, officials, coaches, Members or the Company.

6.2 The Board will appoint the members of all Tribunals and will determine the terms of office and number of persons to serve on each Tribunal. The Chief Executive Officer on behalf of the Board may ask Members to submit nominations for persons to be appointed to these Tribunals, however the Board is not obliged to appoint any such nominee.

6.3 No person appointed to a Tribunal may participate in any hearing before that Tribunal if the person could not reasonably be considered to be impartial by reason of his or her relationship with any party to the matter to be considered by the Tribunal.

6.4 The Tribunals of the Company as at the date of these By-Laws are the:

- (1) Appeals Tribunal;
- (2) Doping Control Tribunal to which breaches of the Anti-Doping Policy may be referred by ASADA;
- (3) Selection Appeals Tribunal to which all investigations and appeals regarding the selection or non-selection of an Athlete by a Selection Committee will be referred.

6.5 All disputes between the Company and Members, athletes, athlete support personnel and other persons under the jurisdiction of the Company, however arising, must be submitted to a hearing before the relevant Tribunal required under these By-Laws and, in the event no Tribunal is specifically named as being the hearing body, then the dispute will be heard by the Appeals Tribunal. Persons affected by this By-Law must exercise their rights under this By-Law 6.5 and have any appeal heard and determined by the relevant Tribunal before commencing any proceedings or becoming a party to any proceedings in a Court of Law.

6.6 Except as otherwise provided in these By-Laws the procedures of each Tribunal are as follows:

- (1) Each Tribunal:
  - (a) will provide any person whose interest will be directly and adversely affected by its decision a reasonable opportunity to be heard;
  - (b) will conduct a fair hearing;
  - (c) will hear and determine the matter before it in an unbiased manner;

- (d) will inform the person before it of the charges against him or her;
  - (e) will hear the appeal giving due consideration to the Constitution and all relevant By-Laws and Laws and Rules of the IAAF;
  - (f) will make a decision that a reasonable body could honestly arrive at;
  - (g) will provide a reasoned decision in writing; and
  - (h) is governed by the laws applicable in the State of Victoria.
- (2) Subject to the Constitution and By-Laws:
- (a) any procedure or requirement regulating the function of a Tribunal is directory in nature and any decision of a Tribunal is not invalid by reason of that procedure or requirement not being fulfilled; and
  - (b) each Tribunal may regulate any proceedings brought before it in such manner as it thinks fit.
- (3) Each matter before a Tribunal will deal with as a new hearing and the Tribunal will reach its own decision regarding the matter irrespective of any prior decision in respect of which appeal may be made.
- (4) A hearing before a Tribunal will be:
- (a) inquisitorial in nature;
  - (b) conducted with as little formality and technicality and with as much expedition as the proper consideration of the matter before it permits;
  - (c) decided according to the laws applicable in Victoria; and
  - (d) confidential.
- (5) Each Tribunal is not bound by the rules of evidence or by practices and procedures applicable to courts of record, but may inform itself as to any matter in such manner as it thinks fit.
- (6) The applicant in any matter before a Tribunal has the right to present evidence, including the right to call and cross examine witnesses and bears the onus of showing that his, her or its application or appeal (as the case may be) should be decided in his, her or its favour.
- (7) Except for matters under the Anti-Doping By-Law, the standard of proof before all Tribunals is the balance of probabilities.
- (8) All persons appearing before any Tribunal have the right, at his, her or its expense, to legal representation and to the services of an interpreter (if appropriate).
- (9) A Tribunal may proceed to hear and determine a matter notwithstanding the failure of any party to attend a hearing.
- (10) All parties to a hearing before a Tribunal will bear their own costs of and incidental to the hearing.
- (11) Each Tribunal will give its decision as soon as practicable after the hearing of the matter in question provided that any decision will be given before the date and time which may be imposed by the IAAF, the Board, the Australian Olympic Committee or the Australian Commonwealth Games Association in respect of the nature of the matter in question.

6.7 The hearing of matters arising under the Athletics Australia Anti-Doping Policy is subject to the provisions of that Policy and to the extent that By-Laws 6.1 - 6.6 conflict with that Policy, the provisions of that Policy shall prevail.

## **7. APPEALS TRIBUNAL**

7.1 The Board will appoint a panel of at least six persons from which the Appeals Tribunal will be constituted. The Panel will consist of:

- (1) At least two persons who are each a barrister or solicitor of not less than 5 years standing, one of whom will be appointed by the Board as the President of the Appeals Tribunal;
- (2) At least two athletes who have retired from international competition; and
- (3) At least two persons with experience in the administration of sport.

7.2 On the referral of any matter to the Appeals Tribunal, the President of the Appeals Tribunal will appoint from the panel three members to hear and determine the matter. Subject to any panel member being ineligible or unable to hear the matter in question, the President will endeavour to appoint:

- (1) a barrister or solicitor (including the President) to act as chairperson; and
- (2) one retired athlete and one person with experience in sports administration

to hear and determine each matter.

7.3 In the event that there are insufficient members of the panel available to hear any matter, the President may appoint an independent person or persons not on the panel to the Tribunal for the sole purpose of hearing and determining the matter in question as part of the three member Appeals Tribunal.

7.4 All referrals of matters to the Appeals Tribunal:

- (1) must be in writing in accordance with Form 1 of the Schedule to these By-Laws;
- (2) may be lodged in person, sent by post or transmitted by facsimile or electronic mail;
- (3) must be received by the Chief Executive Officer within 14 days of the day on which the applicant was advised in writing of the decision being the subject of the referral; and
- (4) accompanied by an application fee of \$5,000 in the case of a referral by a Member and \$1,000.00 for all other referrals – such application fees to be increased on each anniversary of the adoption of this By-Law in accordance with increases over the preceding year in the Consumer Price Index (All Groups) for Melbourne published from time to time by the Australian Bureau of Statistics.

7.5 Upon receipt of a referral, the Chief Executive Officer will promptly provide a copy thereof to the President and to any person named in the referral as a party or person who may be adversely affected by the determination of the Appeals Tribunal. The President will then appoint the panel members to constitute the Appeals Tribunal.

7.6 The Appeals Tribunal will convene a preliminary hearing with the parties as soon as is practicable after receipt of the referral by the Chief Executive Officer. At the preliminary hearing the Appeals Tribunal will give directions as to the conduct of the matter including, but not limited to, the provision of written submissions by the parties, the joinder of any person who may be adversely affected by the determination of the Appeals Tribunal, the provision of documents and the manner of taking evidence.

7.7 All communications (other than during the course of a preliminary hearing or the hearing) between the parties and the Appeals Tribunal will be transmitted through the Chief Executive Officer.

7.8 The application fee will only be refunded to the applicant if the Appeals Tribunal so directs.

## **8. SELECTION APPEALS TRIBUNAL**

- 8.1 The Board may determine by resolution the right of appeal to any selection or nomination to a team or competition and the rules applicable to any such appeal (“the Selection Appeal Process”). In such a case the Board will publish the Selection Appeal Process in the relevant Nomination or Selection Criteria and the Selection Appeal Process will solely and conclusively apply to any appeal or dispute to the exclusion of any other right that may otherwise exist but for this By-Law to appeal or commence proceedings in any Court or tribunal, including under the other provisions of these By-Laws.
- 8.2 Where any Nomination or Selection Criteria does not specify a Selection Appeals Process the Selection Appeals Process will be in accordance with the following provisions of this By-Law 8.
- 8.3 The Selection Appeals Tribunal will consist of:
- (1) a person with a thorough knowledge of the sport and preferably has had recent international competition experience in the sport;
  - (2) another person of experience and skills suitable to the function of the Tribunal;
  - (3) a barrister or solicitor who will act as chairperson;
- 8.4 An athlete who is not nominated for or selected in a representative team or to participate in an athletic competition by a Selection Committee may request the Selection Committee to reconsider its decision by giving Notice in Writing to the Chairperson of the Selection Committee within 24 hours of the announcement of the nomination or selection (“request”). In this request the Athlete must provide all the information the athlete considers relevant to the Selection Committee’s reconsideration of its decision.
- 8.5 Upon receiving a request under the preceding By-Law, the following procedure will apply:
- (1) the Selection Committee will immediately provide a copy of the request to any athlete who may be directly and adversely affected by the reconsideration of its decision (“affected athlete”);
  - (2) an affected athlete provided with the request may within 24 hours of receipt provide written submissions relevant to the reconsideration by the Selection Committee of its decision. The relevant Selection Committee will still reconsider its decision as required under the following paragraph of this By-Law if an affected Athlete does not provide written submissions within the prescribed time;
  - (3) as soon as practicable but no later than 72 hours after receiving a request, the Selection Committee will:
    - (a) reconsider its decision giving due consideration to the written information provided by the athlete making a request and any written submissions provided by any affected athlete;
    - (b) advise the Athlete(s) concerned of its decision in writing; and
    - (c) in the notice advising the athlete(s) of its decision the Selection Committee will also advise the athlete of his or her right to appeal the decision made by the Selection Committee to the Selection Appeals Tribunal.

The Selection Committee is not obliged to give reasons for its decision concerning the nomination or selection of an athlete or athletes.

- (4) The Chief Executive Officer may in his or her absolute discretion extend the time within which an athlete may request reconsideration from the Selection Committee, provided any request for an extension is made before the relevant time is due to expire and the Chief Executive Officer is satisfied that there are compelling reasons to grant the extension.

#### 8.6 Appeal to Selection Appeals Tribunal

- (1) An athlete who is not nominated for or selected in a representative team or to participate in an athletic competition by a Selection Committee may appeal that decision to the Selection Appeals Tribunal if, and only if, the athlete has made a request pursuant to By-Law 8.4.
- (2) An appeal to the Selection Appeals Tribunal will be according to the procedure set out below.

#### 8.7 Grounds of Appeal

The sole grounds of any appeal are that:

- (1) the Athlete's omission from the Team was as a result of a failure by The Selectors to properly apply the Selection Criteria set out in the Policy; or
- (2) there were no grounds on which the selection decision could reasonably be based.

#### 8.8 Notice of Appeal

- (1) Any Athlete wishing to appeal to the Selection Appeals Tribunal **must** lodge a Notice of Appeal in writing set out at Form 2 to be received by the CEO of Athletics Australia (the CEO) by 5:00pm on the second clear working day following receipt of advice from the Selection Committee regarding the Athlete's application for reconsideration (the reconsideration decision) as set out in clause 8.5(3)(b).

**The Notice of Appeal must set out the grounds upon which the appeal is made.**

- (2) After lodging the Notice of Appeal, the Appellant (the Athlete making the appeal) **must** send to the CEO a written document setting out all of the arguments and/or submissions that the Athlete wishes to be considered in support of his/her appeal together with an outline of all the evidence that will be relied upon in support of those arguments and/or submissions. This document **must** be received by the CEO by 5:00pm on the fifth clear working day following receipt by the Athlete of the reconsideration decision.
- (3) The document setting out all the arguments and submissions in support of the Athlete's appeal must be accompanied by an appeal fee of \$500. If the appeal fee is not filed at the same time, and received by the CEO as required the Athlete will be presumed to have withdrawn his/her appeal.
- (4) Within three clear working days of receipt of the Notice of Appeal the Selectors may lodge a document with the CEO setting out the grounds on which the disputed decision was made.

- (5) The Appellant can withdraw an appeal at any time.
- (6) The time limits for lodging the Notice of Appeal, the written arguments and submissions and the appeal fee are mandatory, failure to comply with these time limits will, at the absolute discretion of the Athletics Australia Chief Executive Officer, result in the appeal being dismissed without consideration on the merits. The Chief Executive Officer may in his or her absolute discretion extend the time within which an athlete may appeal to the Selection Appeals Tribunal provided any request for an extension is made before the relevant time is due to expire and the Chief Executive Officer is satisfied that there are compelling circumstances to grant the extension.

#### 8.9 **Functions of the Tribunal**

The Tribunal has no power of selection or re-selection. The Tribunal may review the matter(s) set out in the appeal and may (as appropriate) refer the matter back to The Selectors for consideration.

#### 8.10 **The Tribunal Decision Final and Binding**

The decision of the Tribunal will be binding on the parties and, subject only to any Appeal to CAS pursuant to By-Law 8.12, neither party may institute or maintain proceedings in any Court or Tribunal other than the Tribunal.

#### 8.11 **Hearing of the Appeal**

- (1) The Tribunal shall, as soon as practical after receiving the appeal documents, investigate and consider the matter and determine whether:
  - (a) the matter should be dismissed because, in the opinion of the Tribunal, there is no credible evidence, submission or argument upon which the Tribunal could be satisfied that a ground of the appeal can be made out; **or**
  - (b) the appeal should be the subject of a hearing as set below.
- (2) If the Tribunal determines the matter should be dismissed under By-Law 8.11(1)(a) above that decision is final and the appeal has failed.

If the Tribunal determines that the appeal should be dismissed without a hearing, the Appellant's appeal fee of \$500 is forfeited to Athletics Australia as the costs of the appeal.

If the Tribunal determines the matter warrants a hearing, the Tribunal will advise the Appellant and set the date for such a hearing as soon as practicable and necessary having regard to the timing of selection and the proximity of relevant events.

- (3) The Tribunal must conduct any appeal hearing as follows:
  - (a) it must observe the principles of natural justice;
  - (b) it is not bound by the rules of evidence and may inform itself as to any matter in such manner as it thinks fit;
  - (c) it will conduct its hearings with as little formality and technicality and with as much expedition as the proper consideration of the matter permits;
  - (d) hearings may occur in such manner as the Chairman decides, including telephone or video conferencing;

- (e) the Appellant must establish one or more grounds of appeal to the reasonable satisfaction of the Tribunal with full regard to the importance and gravity of the issue;
  - (f) the parties to an appeal may be represented at a hearing by a barrister, solicitor or a legally trained person;
- (4) Following consideration of all information that the Tribunal considers relevant the Tribunal shall arrive at a finding. A decision of the Tribunal may be by a majority decision;
- (a) the Tribunal shall notify the CEO of its findings as soon as practicable;
  - (b) if the Tribunal considers the ground(s) alleged by the Appellant to be made out, it shall recommend that The Selectors reconsider the relevant selection or nomination decision;
  - (c) where the Tribunal considers that a ground of appeal has been made out, it may stipulate that all or part of the appeal fee be refunded to the Appellant;
  - (d) The Selectors shall comply with any direction of the Tribunal to reconsider the relevant selection or nomination decision;
  - (e) any further nomination or selection decision of The Selectors under the direction of the Tribunal shall be final and binding, and no further appeal shall be available to the Appellant in respect of that selection.

#### 8.12 **Appeal from the Selection Appeals Tribunal**

- (1) Any Appeal from a decision of the Tribunal must be solely and exclusively resolved by CAS according to the Code of Sports-Related Arbitration and applying the law of Victoria.
- (2) The decision of CAS will be final and binding on the parties and it is agreed that neither party will institute or maintain proceedings in any Court or Tribunal other than CAS.
- (3) The sole grounds of any Appeal against the decision of the Tribunal are:
  - (a) there has been a breach of the rules of national justice by the Tribunal; or
  - (b) that the decision of the Tribunal is otherwise wrong in law.
- (4) An Athlete wishing to Appeal to CAS against the decision of the Tribunal must give written notice of that fact to the CEO of Athletics Australia within 48 hours of the announcement of the decision against which the Appeal is made, and must then file his or her Statement of Appeal with CAS within 5 working days of that written notification. Failure to observe these time limits will render any Appeal nullity provided that an Athlete may apply to the body that will hear the Appeal in question for an extension of time in which to commence an Appeal. The body to hear the Appeal in question may grant such an extension of time only in extenuating circumstances outside the control of the Athlete concerned.
- (5) All Appeals to CAS will be heard by a Panel constituted subject to Rule 50 of the Code of Sports-Related Arbitration.

- (6) The power of the CAS Panel to review the facts and law pursuant to Rule 57 of the Code of Sports-Related Arbitration will be initially limited to determining whether the Appellant has made out one or more of the grounds of Appeal pursuant to By-Law 7.12(3). If the CAS Panel determines in favour of the Appellant, the hearing will only then proceed to a hearing De Novo confined to a hearing as to whether one or more of the grounds of Appeal pursuant to By-Law 7.7 have been established.
- (7) If CAS determines that the ground(s) alleged by the Appellant have been established then CAS shall refer the matter back to The Selectors for reconsideration as set out in By-Law 7.9.

## **9. GENERAL MEETINGS**

- 9.1 Each Committee and Member will provide to the Company not later than 2 months after the close of the Company's financial year a full report on its activities during the period since the previous annual general meeting together with an executive summary thereof not exceeding 300 words. The executive summary will be published in the Company's annual report and copies of each full report will be available on request to Members, Associate Members and Honorary Life Members at the annual general meeting.
- 9.2 The Chief Executive Officer will provide a register book in which to record the names, addresses and signatures of all attendees at the general meetings other than telecommunications meetings.
- 9.3 The Board may invite any person it considers appropriate to attend a general meeting and permit that person the right to address the general meeting.

## **10. EXHAUSTIVE BALLOT FOR ELECTION OF DIRECTORS**

- 10.1 The election of each Director pursuant to clause 30.4 of the Constitution will be by an exhaustive ballot to be decided between all candidates eligible for election in accordance with the following rules:
  - (1) each voting person will write on his ballot paper the name of the candidate he or she most prefers. Such votes will then be counted and if any candidate receives an absolute majority of formal votes cast, such candidate will be elected to office;
  - (2) if no candidate receives an absolute majority of formal votes cast as aforesaid the candidate who receives the least number will be eliminated provided that if a candidate receives no votes he together with the candidate who receives the least number of votes will be eliminated;
  - (3) a further ballot or ballots will then be conducted between the remaining candidates in accordance with the rules herein set out until one candidate receives an absolute majority of formal votes cast and upon a candidate receiving an absolute majority of formal votes cast as aforesaid such candidate will be elected to office;
  - (4) if after a ballot has been conducted any two or more candidates receive an equal number of votes and it is necessary for one of them to be eliminated then a special ballot will be held in accordance with the rules herein set out to decide which of such candidate will be eliminated;
  - (5) if after a special ballot as aforesaid has been conducted between three or more candidates no candidate has received a greater number of votes than the other candidates then the Chairman will nominate one candidate who will not be eliminated and a further special ballot will be held between the candidates not so nominated to determine which of them will be eliminated;
  - (6) if on any ballot between two candidates such candidates receive an equal number of votes then the Chairman will have a casting vote to decide the issue between such candidates;
  - (7) at any time when it is necessary for a candidate to be eliminated the Chairman shall only declare the name of the candidate or candidates to be eliminated and shall not disclose the number of votes received by any candidate;

- (8) at the conclusion of the voting the Chairman shall declare the result of each ballot in the following manner, namely he shall state the number of ballot papers issued with respect to each ballot, the number of formal votes cast in each ballot and the number of votes received by each candidate; and
- (9) notwithstanding anything in this rule to the contrary, those voting persons present at any meeting at which an election is to be held in accordance with this rule may by unanimous resolution waive the application of the foregoing provisions and substitute therefore, for that election only, such other method of voting that may unanimously be agreed upon.

## **11. PAYMENTS AND SPONSORSHIP, ADVERTISING AND MARKETING ACTIVITIES**

- 11.1 Athletics is an open sport and, subject to the IAAF Rules and Regulations, athletes may be paid in cash or in kind in any way appropriate for appearing, participating or performing in any athletics competition or engaging in any other commercial activity related to their participation in athletics.
- 11.2 At all events, competitions and functions under their control or auspices, athletes and Members may only permit or approve advertising of a commercial or charitable nature. No advertising which has as its objective the advancement of any political cause or the interests of any pressure group, whether domestic or international, is allowed.
- 11.3 Athletes and Members may not enter into sponsorships or engage in other marketing activities or permit or approve advertising which, in the opinion of the Company, is tasteless, distracting, offensive, defamatory or unsuitable to the image and reputation of athletics. The advertising or promotion of tobacco products is prohibited.

### **11.(a) Special Awards Committee**

11.1(a) The Special Awards Committee (“SAC”) shall comprise the following persons:

- 11.1.1(a) President of Athletics Australia or his nominee, who shall act as Chairperson;
- 11.1.2(a) Two nominees of the Board of Athletics Australia;
- 11.1.3(a) The Presidents of two Member Associations; and
- 11.1.4(a) Two Life Governors.

11.2(a) SAC shall have the following duties and responsibilities:

- 11.2.1(a) to call for nominations from Member Associations and the Board of Athletics Australia in relation to: -
  - (1) the conferral of Life Governorship by the Company in general meeting on a person who has rendered outstanding service to the sport of athletics in Australia;
  - (2) the conferral of Life Membership by the Company in general meeting on a person who has rendered distinguished service to the sport of athletics in Australia;
  - (3) the conferral by the Board of the E H Flack Award upon one athlete per annum who has rendered distinguished service to the sport of athletics in Australia;
  - (4) the induction by the Company in general meeting of an athlete into the Athletics Australia Hall of Fame;
  - (5) the nomination of a person to the Order of Australia Committee of the Australian Government for consideration of the award of an honour in the Order of Australia; and

- (6) the provision of special material assistance to an athlete upon recommendation of the Chief Executive Officer of the Company and the creation of trust funds on behalf of individual athletes;
- 11.2.2(a) to consider the nominations and made recommendations to the relevant bodies for implementation;
- 11.2.3(a) to issue guidelines applicable to any Award or the provision of assistance;
- 11.2.4(a) to establish procedures and create forms to allow nominations to be considered adequately and comprehensively; and
- 11.2.5(a) to report on its activities to the Board and to the Company at the Annual General Meeting.

## **12. ATHLETES REPRESENTATIVES**

12.1 In accordance with Rule 7 of the IAAF Rules, the Company may allow an athlete to use the services of an athletes' representative authorised by the Company to assist the athlete in the planning, arranging and negotiating of the athlete's athletic programme.

12.2 The Company will not:

- (1) consent to an athlete using an athletes' representative, or
- (2) authorise any athletes' representative to assist an athlete;

unless a written contract exists between the athlete and the representative which contains the minimum terms set out in the IAAF Regulations concerning National Federation/athletes' representatives. Any such consents and authorisations will be given on behalf of the Company by the Chief Executive Officer.

12.3 Any athlete who uses an athletes' representative not authorised by the Company may be subject to sanctions in accordance with the IAAF Rules and Regulations.

## **13. COMPETITIONS, CHAMPIONSHIPS AND RECORDS**

13.1 Athletics will be conducted under the competition rules of the IAAF in force from time to time with such modifications as are necessary.

13.2 The Championships set out in this By-Law 13 will be conducted annually unless otherwise specified:

- (1) Track and Field
  - (a) Open–Men and Women
  - (b) Under 20–Men and Women
  - (c) Under 18– Men and Women
- (2) Cross Country
  - (a) Open–Men and Women
  - (b) Under 20– Men and Women
  - (c) Under 18– Men and Women
- (3) Road Walking
  - (a) Open–Men and Women

- (b) Under 20–Men and Women
    - (c) Under 18– Men and Women
  - (4) Road Running
    - (a) Open– Men and Women
- 13.3 For the purpose of all under age and schools' championships conducted under this By-Law 13 and all under age and school competition conducted under the jurisdiction of the Company, an Athlete will be under the specified age as at 31 December in the year of the competition.
- 13.4 Allocation of Championships
- (1) The Board will allocate the championships to be held.
  - (2) Financial responsibility for all championships of Australia will rest with the Company. Administrative responsibility for the championships of Australia will be determined by agreement between the Company and the host.
- 13.5 Australian Records and Indoor Records
- (1) Australian Records will be recognised for all events which are for the time being included in the list of events for which World Records are recognised by the IAAF and for those events (if any) which are not on World Record list but are included for the time being in the Track and Field Championships of Australia and any other events or events which the Company may decide to recognise from time to time.
  - (2) The Company will also recognise as Australian under age records performances registered by male and female athletes under the age as determined by By-Law 13.3 for the under age categories listed below and for such other events as the Board will from time to time determine:
    - (a) Under 20 years
    - (b) Under 18 years
    - (c) Under 16 years
    - (d) Under 16 years
    - (e) Under 14 years
- The Company will also recognise Australian All School Championships meet records for each event in each contested age group thereat.
- Provided all the usual conditions have been complied with, it is not necessary for the applicant for an Australian Under Age Record to be the winner of the particular event.
- (3) Australian Records will be one of the two following classes:
    - (a) An Australian Allcomers Record will be one established by a person or relay team at an accredited meeting in Australia;
    - (b) An Australian National Record will be one established at an accredited meeting conducted under the IAAF rules by a person or relay team who is an Australian citizen;
    - (c) Under Age Records will be maintained in only the category of Australian National Records. To be recognised as the holder of an Under Age record, the athlete must be under the specified age as at 31 December in the year of the performance;

- (d) Australian Indoor Records will be recognised for all events which are for the time being included on the list of events for which World Indoor records are recognised; and
- (e) Australian Indoor Records will be maintained in the class of Australian National Records only, in accordance with the By-Law 13.5(3)(b). No Australian Indoor Records will be maintained for under age categories.

## **14. ANTI-DOPING BY-LAW**

### **14.1 INTRODUCTION**

At the 44<sup>th</sup> IAAF Congress in Paris on 20 August 2003, the IAAF Congress decided to accept the World Anti-Doping Code as a basis for the fight against doping in sport. In accordance with the mandate given by the Congress, the IAAF Council has adopted Anti-Doping Rules compliant with the Code effective from 1 March 2004. Athletics Australia has adopted this Anti-Doping By-Law pursuant to its obligations to the IAAF under the latter's Constitution and Anti-Doping Rules.

- 14.2 The Anti-Doping By-Law of Athletics Australia is the Athletics Australia Anti-Doping Policy approved by ASADA (and as amended from time to time). The Policy that comprises this By-Law may be accessed on the internet at [http://www.athletics.com.au/inside/428/anti\\_doping\\_policy](http://www.athletics.com.au/inside/428/anti_doping_policy)

**SCHEDULE 1 – FORMS**

<b>Form Number</b>	<b>Name</b>	<b>By-Law</b>
1	Application for Reinstatement	3.11(1)
3	Notice of Appeal	8.8(1)(b)

**FORM 1**

**ATHLETICS AUSTRALIA**

**APPLICATION FOR REINSTATEMENT – BY-LAW 3.11(1)**

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To: Chief Executive Officer  
Athletics Australia

I, .....

of .....

make application on behalf of .....

being an athlete seeking registration as a \*Competing/ \*Non Competing member and GIVE NOTICE that I seek that the athlete be reinstated, details of which are set out below.

\*Enclosed with this Application is the fee in the sum of \$500.00 as required under By-Law 3.11(2) of Athletics Australia.

(\*Delete inapplicable)

The grounds for the athlete’s ineligibility were as follows:

.....  
.....

The grounds for reinstatement are as follows:

.....  
.....

(Attach further pages if necessary)

I acknowledge that this Declaration is true and correct and I make it in the belief that a person making a false declaration is liable to the penalties of perjury.

.....

Declared at Applicant’s Name

This day of

Before me:

.....

Received by the Chief Executive Officer on .....(date) .....(time)

**FORM 2**

**ATHLETICS AUSTRALIA**

**NOTICE OF APPEAL – BY-LAW 8.8(1)**

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To: Chief Executive Officer  
Athletics Australia

I, .....

of .....

being an athlete eligible for nomination / selection for the..... (Team/ Event).

GIVE NOTICE that I appeal the decision of the \*Track and Field Selection Committee/\* Road Walking, Road Running, Relays and Cross Country Selection Committee to the Selection Appeals Tribunal, details of which are set out below.

(\*Delete inapplicable)

The Selection Committee did not \*nominate/\*select me for the following event(s):

.....  
.....

(\*Delete inapplicable)

.....

Appellant

.....

Print Name

Dated: .....

Received by the Chief Executive Officer on .....(date) .....(time)

**PLEASE NOTE: THIS FORM MUST BE LODGED WITH THE CHIEF EXECUTIVE OFFICER BY 5.00PM ON THE SECOND CLEAR WORKING FOLLOWING RECEIPT OF ADVICE FROM THE SELECTION COMMITTEE REGARDING THE ATHLETE'S APPLICATION FOR RECONSIDERATION.**