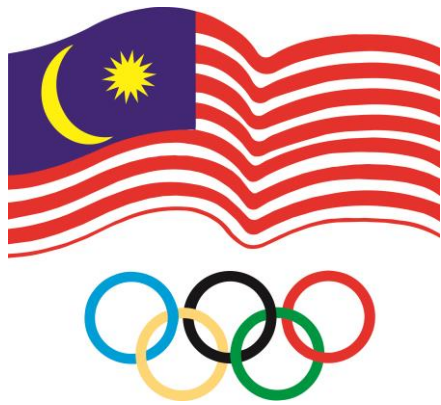


**MAJLIS OLIMPIK MALAYSIA
(OLYMPIC COUNCIL OF MALAYSIA)**



**PERLEMBAGAAN
(CONSTITUTION)**

IN FORCE AS FROM 5 MAY 2018

PERLEMBAGAAN MAJLIS OLIMPIK MALAYSIA
(CONSTITUTION OF OLYMPIC COUNCIL OF MALAYSIA)

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**CONSTITUTION
OF
MAJLIS OLIMPIK MALAYSIA
(OLYMPIC COUNCIL OF MALAYSIA)**

PREAMBLE

We, the Olympic Council of Malaysia, an organization belonging to the Olympic Movement, duly represented by the undersigned, hereby undertake to respect the provisions of the Olympic Charter and the World Anti-Doping Code and to abide by the decisions of the IOC. We undertake, in accordance with our mission and role at national level, to participate in actions to promote peace and to promote women in sport. We also undertake to support and encourage the promotion of sports ethics, to fight against doping and to demonstrate a responsible concern for environmental issues.

MISSION

The mission of the Olympic Council of Malaysia is to develop, promote and protect the Olympic Movement in Malaysia, in accordance with the Olympic Charter.

INTERPRETATION CLAUSE

In this Constitution, unless the context otherwise stipulates, the following interpretations shall prevail: -

- (a) 'OCM' means the Majlis Olimpik Malaysia (Olympic Council of Malaysia).
- (b) 'Place of business' means the Registered Office, for the time being, of the OCM.
- (c) 'Member' means an Ordinary Member or an Associate Member of the OCM.
- (d) 'Registered Organization' means any organization duly registered under the Sports Development Act, 1997, the Societies Act, 1966 and/or the Companies Act 1965 and with an interest in sports.
- (e) 'Ordinary Member' means a registered National Sports Association (NSA) affiliated to an International Federation having jurisdiction over a relevant sport.
- (f) 'Associate Member' means a registered National Sports Association or Registered Organization involved in the promotion and development of sport, which may or may not be affiliated to any International Federation.

- (g) 'NOC' means a National Olympic Committee.
- (h) 'IF' means an International Federation controlling any particular sport.
- (i) 'IOC' means the International Olympic Committee.
- (j) 'CAS' means the Court of Arbitration of Sport.
- (k) 'GA' means General Assembly.
- (l) 'AGA' means an Annual General Assembly of the OCM.
- (m) 'EGA' means an Extraordinary General Assembly of the OCM.
- (n) 'Executive Council' means the body duly constituted pursuant to Article 15 of this Constitution.
- (o) 'Executive Board' means the body duly constituted pursuant to Article 16 of this Constitution.
- (p) 'Office-Bearers' means the officials elected at the AGA pursuant to Article 14.1 of this Constitution.
- (q) 'By-Laws' means the Rules and Regulations of the OCM enacted from time to time pursuant to Article 6 of this Constitution.
- (r) 'In-writing' means hand-writing, printing, photocopying, lithography, typewriting or fax transmission.
- (s) 'Words' importing the singular number shall include the plural and vice-versa.
- (t) 'His' importing the masculine gender shall include the feminine or neuter genders.
- (u) 'Athletes' means persons who participate or who did participate in any particular sport of which the national association is a Member of the OCM.

ARTICLE 1 : NAME

- 1.1. The association as hereunder constituted shall be known as the MAJLIS OLIMPIK MALAYSIA (OLYMPIC COUNCIL OF MALAYSIA), which is hereinafter referred to by its approved abbreviation 'OCM'.

ARTICLE 2 : REGISTERED PLACE OF BUSINESS - HEADQUARTERS

- 2.1 The registered place of the OCM shall be at Mezzanine Floor, Wisma OCM, Jalan Hang Jebat, 50150 Kuala Lumpur and shall also be the Headquarters for all official business transactions and at such other address as may from time to time be decided by the OCM as duly approved by the authority concerned.

ARTICLE 3 : EMBLEM

- 3.1. OCM shall have two Official Emblems, one as the Olympic Council of Malaysia and the second as the Commonwealth Games Association of Malaysia.
- 3.2. The emblem of the OCM shall be made up as follows: -
- 3.2.1 The National Flag of Malaysia in colour.
- 3.2.2. Below the Malaysian Flag shall be the five Olympic Rings in blue, yellow, black, green and red.
- 3.2.3. Below the Olympic Rings shall be the words 'MAJLIS OLIMPIK MALAYSIA' (OLYMPIC COUNCIL OF MALAYSIA) in black.
- 3.2.4. The size of the Olympic Rings shall be two-thirds that of the Malaysian Flag.
- 3.3. The Emblem in its nearest proportion and colour shall be as reproduced below:



- 3.4. The Flag, the emblem and the anthem adopted by the OCM for use in relation to its activities, including the Olympic Games, shall be subject to the approval of the IOC Executive Board.
- 3.5. The emblem of the OCM as the Commonwealth Games Association of Malaysia shall be made up as follows: -
- 3.5.1. The National Flag of Malaysia in colour.

- 3.5.2. Below the Malaysian Flag shall be a Bar in black, which is supported on either side by two broad hemispheric strokes, and in the center by three converging points, which represent the trinity of ideals the Games embraces: Humanity, Equality, and Destiny.
- 3.5.3. Around the Malaysian Flag, the Bar and the supporting strokes, in a circle are the words, "Commonwealth Games" in the upper half and "Malaysia" in the bottom half.
- 3.5.4. The Emblem in its nearest proportion and colour shall be as reproduced below:-



ARTICLE 4 : AUTHORITY

- 4.1. The OCM shall be the National Olympic Committee (NOC) of Malaysia recognized by the International Olympic Committee (IOC) in accordance with the Olympic Charter, and by all the International Federations (IF).

The OCM shall be affiliated to: -

- The Association of National Olympic Committee (ANOC)
 - The Olympic Council of Asia (OCA)
 - The Commonwealth Games Federation (CGF)
 - The South East Asian Games Federation (SEAGF)
 - The International Assembly of National Confederation of Sports (IANOS) and
 - Any other International Sports Organization having similar objects.
- 4.2. The OCM is obliged to participate in the Games of the Olympiad by sending athletes.
- 4.3. The OCM constitute, organize and lead its delegation at the Olympic Games and at the regional, continental or world multi-sports competitions patronized by the IOC. The OCM is responsible for the behavior of the members of its delegation.
- 4.4. The OCM shall have the exclusive authority for the representation of Malaysia at the Olympic Games, Asian Games, Commonwealth Games, Southeast Asian Games and other regional and international multi-sports competitions in accordance to the Rules and Regulations of the IOC, the Olympic Council of Asia, the Commonwealth Games Federation, the

Southeast Asian Games Federation and other regional and international multi-sports bodies.

- 4.5. The OCM has the exclusive authority to select and designate the city, which may apply to organize Olympic Games, the Commonwealth Games, the Asian Games and the SEA Games in Malaysia.
- 4.6. Membership of the OCM provides due recognition to a National Sports Association as being the governing organization for the sport under its jurisdiction in Malaysia.

ARTICLE 5 : OBJECTS

The objects of the OCM shall be: -

- 5.1. To promote the fundamental principles and values of Olympism in Malaysia, in particular, in the fields of sport and education, by promoting Olympic educational programmes in all levels of schools, sports and physical education institutions and universities, as well as by encouraging the creation of institutions dedicated to Olympic education, such as National Olympic Academies, Olympic Museums and other programmes, including cultural, related to the Olympic Movement.
- 5.2. To ensure the observance of the Olympic Charter in Malaysia.
- 5.3. To promote and encourage the development of high performance sports as well as sports for all.
- 5.4. To act as the coordinating body for all its members in Malaysia.
- 5.5. To take such action in co-operation with its Members, to select, organize, train and control the representatives of Malaysia at the Olympic, Asian, Commonwealth, SEA Games and world or regional multi-sports competition.
- 5.6. To encourage and support measures and efforts for protecting the health of athletes and for the social and professional future of athletes.
- 5.7. To make appropriate arrangements for the organization of the Olympic, Asian, Commonwealth, SEA Games and world or regional multi-sports competitions whenever it is appointed to do so.
- 5.8. To contribute towards the development and training of sports administrators and coaches through the organization of courses and to sponsor, where appropriate, the participation of such officials thereat.

- 5.9. To assist and facilitate exchanges between Olympic Council of Malaysia and its Members with other National Olympic Committees and International Federations.
- 5.10. To preserve complete independence and autonomy and to resist all pressures of any kind, including but not limited to political, legal, religious or economic, which may prevent the OCM from complying with the Olympic Charter.
- 5.11. To adopt and implement the World Anti Doping Code, thereby ensuring that the Olympic Council of Malaysia anti-doping policies and rules, membership and/or funding requirements and results management procedures conform with the World Anti Doping Code and respect all the rules and responsibilities for NOCs that are listed within the World Anti Doping Code.
- 5.12. To take action against any form of discrimination and violence in sport.
- 5.13. To do all things necessary with regard to settling a dispute or disputes as between a Member and the OCM, or as between a Member and another Member, or as between a Member and its members.
- 5.14. To resolve a dispute or disputes of athletes and officials belonging to a Member of OCM or a member belonging to a Member of OCM, amicably through the means of mediation [an alternate dispute resolution (ADR)] or through arbitration, whichever is deemed appropriate in the circumstances of the matter.
- 5.15. The settlement of a dispute by mediation/arbitration shall be final.
- 5.16. Articles 5.13 – 5.15 should be read together with Article 22.
- 5.17. To raise and expend funds for the promotion, development, and management of the various sports of the Members.
- 5.18. Generally to do anything that may be necessary pursuant to the Objects of this Constitution including the employing and making payment of remuneration to employees and expenses incurred by persons for services rendered on behalf of the OCM.

ARTICLE 6 : POWERS

The OCM shall be empowered:-

- 6.1. To make, adopt, vary and publish By-Laws, Rules and Regulations as deemed necessary.

- 6.2. To set qualifying standards in consultation with the appropriate National Sports Association.
- 6.3. To collect and receive subscription, contributions, donations and grants and to administer its funds.
- 6.4. To purchase, take on lease or in exchange, hire or otherwise acquire any movable and immovable property as convenient for the purpose of the OCM and to construct, alter, repair and maintain such property.
- 6.5. To purchase, acquire, hold, sell shares, stock, debenture, debenture stocks, bonds and securities issued or guaranteed by the Malaysian/State Government or public authorities.
- 6.6. To sell, improve, manage, develop, lease, mortgage, charge, dispose of, turn to account or otherwise deal with all or any part of the property of the OCM.
- 6.7. To acquire by subscription, purchase, hold, sell shares or stock in any company, society or any other such undertaking.
- 6.8. To establish a company or companies either fully owned or in partnership.
- 6.9. To obtain or to borrow monies on such terms either with or without securities.
- 6.10. To invest monies of the OCM in such manner as from time to time determined by the Executive Council.
- 6.11. To open and operate bank accounts and to draw, accept, make endorse discount and negotiate bills of exchange and promissory notes.
- 6.12. To print, publish or purchase the copyright in or otherwise acquire any books, journals, newspapers, periodicals, or leaflets or any interest therein and to undertake any promotional articles and to advertise in any manner which the OCM may think desirable for the promotion of its objects and to hold lectures and courses for the promotion of sport.
- 6.13. To work closely with governmental or semi-governmental agencies, non-governmental bodies, the private sector, voluntary associations or individual persons having the same or similar objects as the OCM.
- 6.14. To settle any dispute that may arise between a Member and another Member of OCM and between a Member of OCM and its own members.

- 6.15. Any member who fails to present himself after having received notice to settle a dispute referred to in this section, shall be deemed to have waived his right to resolve the dispute and therefore the dispute could be settled in his absence.
- 6.16. To take disciplinary action against a Member or an athlete or an official of OCM, who acts in breach or in violation of any of the provisions of the OCM's Constitution.

ARTICLE 7 : MEMBERSHIP

- 7.1. Membership of the OCM shall be open to all registered National Sports Associations and other approved Registered Organizations involved in the promotion and development of sports in Malaysia.
- 7.2. OCM shall be solely responsible for the acceptance of membership.
- 7.3. All National Sports Associations affiliated to the International Federations governing sports included in the programme of the Olympic Games must be included as members of the OCM.
- 7.4. Election to membership of the OCM shall be in accordance with Article 9.
- 7.5. Membership may be "Ordinary" or "Associate" or "Honorary" in category.
- 7.6. An 'Ordinary Member' shall be a registered National Sports Association having jurisdiction over a particular sport or sports discipline in Malaysia, provided that it is also affiliated to a recognized International Federation (IF) which controls that particular sport.
- 7.7. An 'Associate Member' shall be any registered National Sports Association or Registered Organization involved in the promotion and development of a particular sport or sports discipline which may or may not be affiliated to any IF.
- 7.8. Associate Members shall be entitled to all the privileges of membership, except the right to vote at General Assemblies or to hold elected office.
- 7.9. An 'Honorary Member' shall be any person who has rendered meritorious service to the OCM.
- 7.10. Any member of the IOC resident in Malaysia shall be a member with the right to vote at General Assemblies.
- 7.11. Independent members shall be one male and one female active athlete or retired athlete having taken part in multi-sports Games under OCM, shall

be appointed by the General Assembly, to attend the General Assemblies of OCM, Executive Council and Executive Board meetings of OCM, with the right to vote.

- 7.12. Non Members of OCM, whose sport is in the programme of a multi-sports Games under the Olympic Council of Asia or the SEA Games Federation, may be invited to participate in the relevant Games, under the terms and conditions stipulated by OCM. The invitation, if accepted, will remain in force for the period 6 months before the Opening Ceremony and 6 months after the Closing Ceremony of the Games.

ARTICLE 8 : AFFILIATION FEE

- 8.1. The annual affiliation fee of an Ordinary or Associate Member shall be RM50.00 and shall become due and payable on the first day of January in each year, in advance. In case of a new member, its affiliation fee shall become due and payable within thirty days (30) upon notification of its election. The effective year of its membership shall be from the date of its election till the end of that calendar year.

ARTICLE 9 : APPLICATION FOR MEMBERSHIP

- 9.1. Application for membership of the OCM shall be made in writing on the prescribed Form obtainable from the Secretary General.
- 9.2. Each application for Membership shall be supported by a certified true copy of its certificate of registration with the Commissioner of Sports or the Registrar of Societies or the Registrar of Companies, a certified true copy of Proof of Affiliation with its International Federation controlling that sport, a copy of its Constitution, details of its membership, activities, latest audited financial statement and a list of current Office-Bearers.
- 9.3. Proof must be adduced with each application for membership that the National Sports Association exercise a specific and real sports activity in Malaysia and internationally, in particular by organizing and participating in competitions and implementing training programmes for athletes.
- 9.4. The OCM shall not recognize more than one national federation for each sport governed by an International Federation.
- 9.5. Where there is an existing Member of any particular sport, application for membership from any other organization for the same sport shall not be considered if the status of the existing member concerned remains bona-fide.

- 9.6. Only Associate Members governing sports which are included in the programme of the Olympic Games may apply to be upgraded to be Ordinary Members.
- 9.7. The election of an Ordinary Member or Associate Member shall be by a majority vote at an Executive Council Meeting with due consideration to the recommendations of the Executive Board. The Executive Council may accept or reject any application for membership at its discretion without attaching any reason thereto.
- 9.8. The election of an Honorary Member shall be by a majority vote at the AGA.

ARTICLE 10: MEMBERS' OBLIGATIONS

- 10.1. A Member of the OCM shall:-
 - 10.1.1. abide by the Constitution, By-Laws and any Rules or Regulations issued from time to time.
 - 10.1.2. notify the Secretary General of every change of its address, principal office-bearers and amendments to its Constitution.
 - 10.1.3. recognize and respect other members of the OCM as the sole governing organization for their respective sport or sports in Malaysia.
 - 10.1.4. pay all monies due to the OCM within the stipulated period.
 - 10.1.5. comply with the WADA Code to continue to be a member of OCM.
 - 10.1.6. exhaust all available internal processes and procedures pursuant to the Articles and By-Laws of the Constitution of OCM, with regards to any dispute or complaint or grievance before resorting to any other ramification.
 - 10.1.7. All Members shall submit to the Secretary General, not less than five (5) days before the date of the GA, the following documents:-
 - (a) the names of their three (3) delegates in writing;
 - (b) bona-fide proof of written submission to the Commissioner of Sports or the Registrar of Societies or the Registrar of Companies by a Member of its OCM, to qualify its attendance at the GA.

10.2. Office-Bearers and representatives of the OCM and of Members of the OCM shall:-

10.2.1. act honestly, fairly, prudently and in good faith and in the interest of his organization and of sport;

10.2.2. exercise due care, fairness, diligence and skill of a reasonably prudent person, in carrying out his duties and responsibilities;

10.2.3. no representative of the OCM is permitted to enter into any business of the OCM when his position is in conflict of interest thereof; if permitted, he is required to declare such interest in writing and in advance for the prior approval of the Executive Board;

10.2.4. no office-bearer or representative of the OCM and its Members shall engage in any activity of any nature which may conflict with his duty and loyalty to the OCM and/or his organization, or which may reasonably be construed to be detrimental to the interest and reputation of either or both organizations and of sports.

10.2.5. Office-bearers or representatives of the OCM, except for professional sports administrators, shall not accept any compensation or monies of any kind in consideration for their services or the performance of their duties.

10.2.6. No Office-bearer or representative of the OCM shall be an undischarged bankrupt.

ARTICLE 11 : PATRON

11.1. The General Assembly may confer the title of Patron on any person or persons in recognition of his or their distinguished contributions to sport. Prior written consent of acceptance by the nominee concerned shall be obtained.

ARTICLE 12 : HONORARY LIFE PRESIDENT

12.1. The General Assembly may confer the title of Honorary Life President on any past President of the OCM for meritorious services rendered.

ARTICLE 13 : GENERAL ASSEMBLY

- 13.1. The General Assembly shall be the supreme authority on all matters concerning the OCM.
- 13.1.1. At the GA not more than three (3) accredited delegates of each Ordinary Member of the OCM may attend.
 - 13.1.2. Any member of the IOC resident in Malaysia and the appointed male and female athletes representatives may attend.
 - 13.1.3. Observers comprising one (1) delegate of each Associate Members of the OCM, members of the Executive Board and other persons invited by the President may attend.
 - 13.1.4. An EGA may be held upon the written requisition of at least one third of the Ordinary Members of the OCM; or by order of the Executive Council, to consider any specific urgent business of the OCM. No other business shall be conducted at an EGA.
 - 13.1.5. An EGA requisitioned by the members shall be convened for a date within sixty (60) days of the receipt of such requisition.
- 13.2. Powers of the General Assembly
- 13.2.1. Subject to the provisions of this Constitution, the General Assembly shall have full jurisdiction and authority to do all things necessary to carry out the business, affairs and objects of the OCM. It shall also be empowered to delegate certain of its powers to the Executive Council or to the President in accordance with this Constitution.

ARTICLE 14 : ANNUAL GENERAL ASSEMBLY

- 14.1. The AGA shall elect the following Office-Bearers of the OCM every four (4) years:
- (a) A President;
 - (b) A Deputy President;
 - (c) Five (5) Vice-Presidents, at least one of whom shall be of a different gender;
 - (d) A Secretary General;
 - (e) Two (2) Assistant Secretaries General, whom shall be of different gender;

Save and except that the Office-Bearers elected in for 2018 shall serve for a period of three (3) years only, that is from 2018-2021.

- (f) A Treasurer;
- (g) An Assistant Treasurer

- 14.2. Each Ordinary Member shall have no more than one candidate standing for election as an Office-Bearer.
- 14.3. No person shall accept nomination for more than one post.
- 14.4. All Office-Bearers shall be Malaysian citizens and shall have been an office-bearer of any Ordinary Member.
- 14.5. All Office-Bearers shall hold office for four (4) years and upon expiry of their term, may seek re-election.
- 14.6. The AGA shall appoint a firm of certified public accountants as external auditors. In addition, two suitable persons shall be elected internal auditors.

ARTICLE 15 : THE EXECUTIVE COUNCIL OF THE OCM

- 15.1. The Executive Council shall consist of the following:-

- (a) a President
- (b) an Honorary Life President
- (c) a Deputy President
- (d) five (5) Vice-Presidents
- (e) a Secretary General
- (f) two Assistant Secretaries General
- (g) a Treasurer
- (h) a Assistant Treasurer
- (i) one (1) accredited representative of each Ordinary Member of the OCM;
- (j) one (1) accredited representative of each Associate Member of the OCM, subject to Article 7.6 of this Constitution, and who shall have no voting rights;
- (k) any member of the IOC resident in Malaysia;
- (l) the Secretary General of the Ministry of Youth and Sports, the Director General of the National Sports Council, and the Chief Executive Officer of the National Sports Institute; and
- (m) Not more than four (4) persons, of whom, at least two (2) shall be women, who, in the opinion of the Executive Council, can contribute to the objectives of the OCM.

- 15.1.1. All members of the Executive Council and every officer performing executive functions in OCM shall be Malaysian citizens.

15.2. The duties and powers of the Executive Council are:-

- 15.2.1. to act on and carry out the objects of the OCM and decisions of the General Assemblies.
- 15.2.2. to consider and approve the decisions of the Executive Board.
- 15.2.3. to formulate policies for implementation by the Executive Board.
- 15.2.4. to receive reports, budget proposals and accounts of the Executive Board for submission to the AGA.
- 15.2.5. to establish a National Olympic Academy in accordance with the regulations of the IOC and the laws of Malaysia.
- 15.2.6. to establish committees of the OCM.
- 15.2.7. to attend to disputes and appeals referred to it, pursuant to Article 22 and 26 of this Constitution.
- 15.2.8. to approve Membership of the OCM.
- 15.2.9. to delegate any of its duties or functions to the Executive Board or the committees of the OCM.
- 15.2.10. to convene an EGA whenever it deems necessary.
- 15.2.11. to obtain the services of any person, association, company, corporation, firm or any other body or organization for the purpose of conducting any business or affairs of the OCM.

ARTICLE 16 : EXECUTIVE BOARD

16.1. The Executive Board shall consist of the following:-

- (a) all elected Office-Bearers;
- (b) any member of the IOC resident in Malaysia;
- (c) the Secretary-General of the Ministry of Youth and Sports Malaysia;
- (d) the Director-General of the National Sports Council Malaysia, and the Chief Executive Officer of the National Sports Institute;
- (e) the Director of the National Olympic Academy; and
- (f) not more than four (4) persons to be appointed by the Executive Council, of whom, at least two (2) shall be women, provided they are not from Members of the OCM, whose representative are holding any office under (a) above.

16.2. The duties and powers of the Executive Board are:-

- 16.2.1. to exercise the powers of the Executive Council between meetings.
- 16.2.2. to administer the business of the OCM.
- 16.2.3. to authorize payments pending the approval of the budget by the Executive Council.
- 16.2.4. to decide on OCM's representation to any international meeting, conference, seminar or international Games.
- 16.2.5. to prepare all necessary reports to the Executive Council.
- 16.2.6. to fix the date, venue and agenda of the Executive Council and General Assemblies.
- 16.2.7. to convene an Arbitration Tribunal to settle any dispute or between Members, pursuant to Article 22.2 of this Constitution.
- 16.2.8. to appoint, or dismiss, any employee of the OCM.

ARTICLE 17 : COMMITTEES

17.1. Creation & Classification

- 17.1.1. The Executive Council shall, at the first meeting after the AGA or soon after appoint Chairman and members of Committees and outlined the terms of reference and duties of all Committees. The respective Chairman of the Committees shall report directly to the Executive Board and shall perform their duties under the direction of the Executive Board.
- 17.1.2. The Executive Council may at its discretion dissolve any Committee and may at any time appoint such other Committees as it deems necessary or fill any vacancy that may arise.
- 17.1.3. The OCM shall have the following Standing Committees:-
 - (a) Selection
 - (b) Discipline
 - (c) Finance, Marketing and Sponsorship
 - (d) Sport for All, Sport and Sport & Environment

- (e) Legal Advisory and Alternate Dispute Resolution (ADR)
- (f) Management and Administration
- (g) Women and Sport
- (h) Building
- (i) Sport Museum and Hall of Fame
- (j) Medical & Doping Control
- (k) General Purpose and Awards
- (l) National Olympic Academy
- (m) Such other committees as the Executive Council may deem necessary
- (n) The OCM shall discontinue with any of the above Committees as the Executive Council deems fit.

17.1.4. The duties of the Committees are as set out in the Bye Laws of OCM.

17.1.5. Each Committee shall perform its duties in accordance with its terms of reference and the policy of the Executive Council and may appoint Sub-Committee subject to approval of the Executive Board.

17.1.6. The President and Secretary General shall be ex-officio members of all Committees with the right to vote.

ARTICLE 18 : ELECTION PROCEDURES

18.1. The Executive Council preceding the AGA shall appoint a three (3) member Independent Panel, one of whom shall be the Returning Officer, to supervise, manage and conduct the elections of Office Bearers of OCM.

18.2. The Returning Officer shall be overall responsible for the purpose of the elections including all procedures prior to the elections including sending out nominations forms, receiving nomination forms and informing candidates of their qualification or disqualification to stand as candidates.

18.3. The Independent Panel shall disqualify a candidate for furnishing incorrect or false particulars or failing to provide particulars that are required or where a candidate is an undischarged bankrupt or has been convicted of a statutory offence involving fraud or dishonesty or a criminal offence within or without Malaysia within a period of five (5) years of his conviction.

18.4. The Returning Officer shall ensure all delegates who attend the AGA have been nominated by their respective NSAs and are eligible to vote. Only accredited delegates are entitled to vote.

- 18.5. Nominations for Office-Bearers shall be invited from Ordinary Members by the Returning Officer, at least twenty-one (21) days before the AGA in which election are to be held.
- 18.6. Nominations with the consent, in writing, of the candidates concerned shall be in the prescribed OCM form, duly proposed and signed by the President or the Secretary General of an Ordinary Member, and must be received by the office of OCM during office hours, up to 5.00 p.m., not later than ten (10) days before the AGA.
- 18.7. After receipt and verifying the completed nomination forms, the Independent Panel shall thereafter within two (2) days after the receipt thereof inform each candidate as to whether he is qualified or otherwise to stand for election.
- 18.8. The Returning Officer shall send to every Ordinary Member the list of qualified candidates for each of the positions nominated not later than seven (7) days before the said AGA.
- 18.9. Voting shall be by secret ballot to be presided by the Returning Officer who shall be assisted by scrutineers appointed at the AGA.
- 18.10. Any ballot paper on which an accredited delegate has voted for more or less than the number of vacancies shall be declared null and void.
- 18.11. All ballot papers received shall indicate clearly and unambiguously in the space provided, the intended candidate voted for. Any erasure, obliteration, or deletion on the said ballot paper, shall render such ballot paper null and void.

ARTICLE 19 : VACANCY

- 19.1. In the event of any vacancy arising from whatever cause amongst the Office-Bearers, the Executive Council shall have the power to appoint any person qualified to hold such office for the period of the unexpired term.
- 19.2. The office of an Office-Bearer shall become automatically vacant if an Office Bearer:-
 - (a) Becomes bankrupt;
 - (b) Resigns his office by notice in writing, and which resignation is accepted by the Executive Council;
 - (c) Absent from attending more than six (6) consecutive meetings without prior consent of the Executive Council;
 - (d) Is convicted of a statutory offence involving fraud or dishonesty or a criminal offence within or without Malaysia with a sentence for imprisonment;

- (e) Becomes prohibited from being an Office-Bearer by law or by reason if any court order;
- (f) Becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental disorder.

ARTICLE 20 : DUTIES OF OFFICE-BEARERS

- 20.1. The President shall be the Chief Executive of the OCM and shall preside at all General Assemblies and meetings of the Executive Council and the Executive Board.
- 20.2. The Hon. Life President shall advise and assist the OCM on any matter as may be assigned to him by the President.
- 20.3. The Deputy President shall exercise the functions of the President during his absence.
- 20.4. A Vice-President shall exercise such duties and responsibilities as may be assigned to him by the President.
- 20.5. The Secretary General shall conduct the business of the OCM in accordance with the decisions of the General Assemblies, the Executive Council, the Executive Board and the Committees. He shall be responsible for all documents of the OCM and shall attend all meetings and record the proceedings. He shall maintain a register of minutes of all meetings.
- 20.6. The Assistant Secretaries General shall assist the Secretary General in carrying out his duties.
- 20.7. The Treasurer shall be responsible for all financial transactions of the OCM and for their correctness. He shall prepare quarterly statements of receipts and payments, duly audited by the internal auditors, for submissions to the Executive Council. At the end of each financial year, he shall prepare the Annual Accounts. The Annual Accounts shall be audited by the external auditors appointed under Article 14.6 herein, before submission to the AGA.
- 20.8. The Assistant Treasurer shall assist the Treasurer in carrying out his duties.
- 20.9. Other members of the Executive Council and Executive Board shall endeavour to attend all their meetings and to contribute towards the achievement of the objectives of OCM.

ARTICLE 21 : REGISTERS OF MEMBERS

- 21.1. The Secretary General shall maintain at all times a Registrar of all Members of the OCM.

ARTICLE 22 : DISPUTES

- 22.1 Any dispute between a Member and OCM, or with another Member of OCM or between a Member of OCM and any of its member (state or club or individual), shall be resolved amicably in the first instance through the process of ADR, namely, mediation and if amicably resolved at this stage, the matter shall be deemed fully settled with no further recourse.
- 22.2 If any member wishes mediation to be carried out by OCM, OCM shall provide the necessary services of mediation. Alternatively, the mediation may be referred to the Kuala Lumpur Regional Centre for Arbitration (KLRCA) for a mediation process under the KLRCA Mediation and Conciliation Rules. Mediation shall be carried out by the process of appointing a mediator(s) by the parties concerned from the panel members as appointed by the Kuala Lumpur Regional Centre for Arbitration (KLRCA). Before commencement of mediation, the mediator(s) shall be agreed to by both the parties concerned. The mediator's role is that he acts independently and facilitates the mediation process. The procedure to be decided by the mediator and agreed to by the parties concerned. If the mediation is successful, the parties shall sign an agreement agreeing to the amicable settlement of the dispute and such agreement shall be final, conclusive and binding upon the parties.
- 22.3. If, however, mediation fails then the unresolved dispute shall be referred either to the Minister of Youth and Sports where his decision shall be final in accordance with Section 24 of the Sports Development Act 1997 or to arbitration where the parties to the dispute shall agree and consent to abide by the KLRCA Sports Arbitration Rules. The governing Rules shall be made known to the parties concerned prior to the appointment of the arbitrator(s). The role of the arbitrator(s) is to arbitrate the dispute. He acts independently and adopts an acceptable procedure as agreed to by the parties or as provided by the rules. The arbitrator(s) shall at the conclusion of the arbitration process, make an Award which shall be binding on the parties concerned. The Award shall be binding on the parties unless challenged in which case Article 22.5 shall apply.
- 22.4. The process of mediation and arbitration is an alternate means of resolving a dispute amicably pursuant to the Constitution and By-Laws of OCM.

- 22.5 Any decision after the process of arbitration may be submitted exclusively by way of an appeal to the Court of Arbitration for Sport (CAS) in Lausanne, Switzerland, which will resolve the dispute definitively in accordance with the Code of Sports-Related Arbitration. The time limit for appeal is twenty-one (21) days after the reception of the decision concerning the appeal. However, the right of a party to apply to the High Court in Malaysia to set aside the Arbitrators' award on jurisdiction and public policy grounds would remain as a mandatory provision of the Act.
- 22.6. All national bodies shall first exhaust all available internal remedies if possible, pursuant to the Article/Clause of its own Constitution including disciplinary action before the commencement of the mediation or arbitration process.

ARTICLE 23 : PENALTIES

- 23.1 The OCM may impose any of the following penalties for any breach, infringement, non-compliance or violation of any of the provisions of this Constitution and any misconduct by its officials and similarly by all Members and their officials. Misconduct shall include any act or action that brings disrepute to the sports association, any other official or the OCM.
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| (a) a caution | (b) a censure |
| (c) a fine | (d) a suspension |
| (e) an expulsion | |
- 23.2 The Executive Council shall have the power to impose any of the penalties provided for in Article 23.1 except expulsion of a Member.
- 23.3 The Executive Board shall establish a disciplinary committee to investigate any breach, infringement, non-compliance or violation of any provision of this Constitution and misconduct by any Official or Member of OCM. In the event the disciplinary committee finds the Member/person guilty of the offence complained of, the disciplinary committee shall recommend to the Executive Board, which in turn shall recommend to the Executive Council to impose any of the penalties as provided for in Article 23.1.
- 23.4 The General Assembly may impose any of the penalties as provided for in Article 23.1.
- 23.5 The Executive Council may suspend a Member until the next Annual General Assembly or Extraordinary General Assembly by a decision supported by at least three-fourths of the Members present and voting.

- 23.6 A General Assembly, shall expel a Member only by a decision supported by at least three-fourths of those present and voting.
- 23.7 All votes taken under this Article shall be by secret ballot.

ARTICLE 24 : CESSATION OF MEMBERSHIP

- 24.1. A Member shall cease to be a Member by resignation with due notification in writing and acceptance by the OCM.
- 24.2. A member shall forfeit its membership with the OCM if:-
- (a) it ceases to be registered under the Sports Development Act 1997, Societies Act 1966 or the Companies Act 1965;
 - (b) it infringes the Constitution, Rules or Regulations of the OCM;
 - (c) when it is in arrears of affiliation fee of three (3) years or more;
 - (d) it ceases to be a member of its International Federation;
 - (e) its dues or debts to the OCM are not paid on time; or
 - (f) it is expelled pursuant to Article 23.
- 24.3. A Member shall be suspended and shall lose its right of representation and its right to vote, until it pays up its arrears, within the stipulated time.

ARTICLE 25 : REINSTATEMENT

- 25.1. A Member who has forfeited or ceased its membership by default of subscription payments or resignation under Article 23, may, upon formal application, be reinstated by the Executive Council upon payment of the current year's subscription together with all the arrears due, as if there had been no lapse of membership.
- 25.2. A Member who has been expelled pursuant to Article 23 may be reinstated to membership by a General Assembly. The provisions governing the voting for such reinstatement shall be pursuant to Article 23.

ARTICLE 26 : APPEALS

- 26.1. Any party which has been penalized in accordance with Article 23 may appeal in writing to the Executive Council against the penalty imposed within twenty-eight (28) days of notification of such penalty.
- 26.2. Upon receipt of an appeal, the Executive Council shall take the following actions:-
- (a) Refer the appeal against a suspension to the General Assembly.
 - (b) Refer the appeal against an expulsion to an Appeals Board.

- 26.3. The Appeals Board shall comprise three (3) independent members to be appointed by KLRCA.
- 26.4. Any appeal outside the provision of Article 26.2 may be submitted exclusively by way of appeal to the Court of Arbitration for Sport in Lausanne, Switzerland, which will resolve the dispute definitively in accordance with the Code of Sports-Related Arbitration. The time limit for appeal is twenty-one (21) days after the receipt of the decision concerning the appeal.
- 26.5. The payment of costs for appeals, if any, shall be in accordance with the decision of the relevant Tribunals.

ARTICLE 27 : MEETINGS

- 27.1. The Meetings of the OCM shall be classified as:-
- (a) The Annual General Assembly (AGA);
 - (b) Extraordinary General Assembly (EGA);
 - (c) Executive Council Meeting;
 - (d) Executive Board Meeting and
 - (e) Committee Meeting
- 27.2. Subject to the provisions of this Constitution and its By-Laws and Rules and Regulations, the Meetings of the OCM shall be conducted as prescribed by the Executive Council.
- 27.3. At a General Assembly (whether Annual or Extraordinary) and at meetings of the Executive Council and the Executive Board, the President or, in his absence, the Deputy President shall preside. In the absence of the President and the Deputy President, one of the Vice-Presidents appointed by the respective meetings shall preside.
- 27.4. Annual General Assembly
- 27.4.1. The AGA shall be held not before 1st April and not later than the 30th day of June of each year on the date, time and place as the Executive Council may determine.
- 27.4.2. The Notice of the AGA together with the audited Annual Statements of Accounts and the Annual Report for the previous year shall be circulated to the general membership at least twenty-one (21) days before the said AGA.
- 27.4.3. The business of the AGA shall be as follows:-

- (a) Roll Call
- (b) President's Address
- (c) Confirmation of the Minutes of the previous AGA for EGA, if applicable.
- (d) Matters arising
- (e) Presentation and adoption of the Annual Report of the previous year
- (f) Presentation and adoption of the Audited Statements of Accounts of the previous financial year
- (g) Any other business for which due notice in writing shall have been given to the Secretary General at least twenty one (21) days before the date of the AGA.
- (h) Election of Office-Bearers (where applicable)
- (i) Election of Honorary Internal Auditors (where applicable)
- (j) Appointment of External Auditors (where applicable)

27.5 Meeting of the Executive Council

27.5.1. The Executive Council shall meet as often as business may require but at least once in every three (3) months. At least ten (10) days' notice of meeting shall be given.

27.6 Meeting of the Executive Board

27.6.1. The Executive Board shall meet as often as business may require but at least once every two months. At least seven (7) days' notice of meeting shall be given.

27.7. Meeting of Committees

27.7.1. Committees shall meet as often as business may require but at least once in every six (6) months. At least seven (7) days' notice of meeting shall be given.

ARTICLE 28 : QUORUM FOR MEETINGS

28.1. The quorum for meetings shall be as follows:-

- General Assembly - at least one half of the total membership eligible to vote.
- Executive Council - at least one half of the Executive Council eligible to vote.
- Executive Board - at least one half of the Executive Board eligible to vote.
- Committees - three (3) members.

- 28.2. In the event of a quorum not being present for a General Assembly within thirty (30) minutes of the hour fixed for the commencement of such meeting, the meeting shall stand adjourned to the same place and time within thirty (30) days thereof, as decided by the Executive Council when the Members present, whatever their numbers, shall constitute a quorum.

ARTICLE 29 : VOTING AT MEETING

- 29.1. At any General Assembly every accredited delegate present, any member of the IOC resident in Malaysia and the appointed male and female athlete representatives, shall be entitled to one vote. In the case of an equality of votes, the Chairman of the meeting shall have a casting vote. Voting shall be by secret ballot.
- 29.2. At Executive Council meetings, the Office-Bearers, the IOC Member and every representative of any Ordinary Member present shall have one vote each, and in the case of an equality of votes, the Chairman of the meeting shall have a casting vote.
- 29.3. At Executive Board meetings, each member present shall have one vote, and in the case of an equality of votes, the Chairman of the meeting shall have a casting vote.
- 29.4. When dealing with questions relating to the Olympic Games, the Asian Games, the Commonwealth Games, and the SEA Games, only the votes cast in the General Assembly and in the Executive Council on that particular Games, by the members of the Executive Board and by members whose sports are included in the programmes of the Games concerned shall be taken into consideration.
- 29.5. The voting majority of OCM and its Executive Council shall always be with the Ordinary Members of sports included in the programme of the Olympic Games.
- 29.6. All matters, excluding those provided for under Article 23, 25, 26, 34 and 35, put to vote at any General Assembly, Executive Council, Executive Committee, or Committee meetings, shall be decided by a simple majority of the votes cast.

ARTICLE 30 : FINANCE & ACCOUNTS

- 30.1. The finances of the OCM shall be derived from:-

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| (a) Annual Subscription; | (b) Donations; |
| (c) Fund raising project; | (d) Rentals; |

- (e) Sponsorship fees; and
- (f) Any other source consistent with the objects of the OCM as approved by the Executive Council.

- 30.2. The Accounts of the OCM shall be examined and audited by the external auditors appointed under Article 14.6 herein at least once in every twelve months. The Financial Year of the OCM shall be from the 1st of January to the 31st of December of the year.
- 30.3. The Treasurer may hold a petty cash advance not exceeding RM3,000/- at any one time. All money in excess of this sum shall within seven (7) days of receipt be deposited in a bank approved by the Executive Council. The bank account shall be in the name of OCM.
- 30.4. The signatories of the Bank Account of OCM shall be the Treasurer or Assistant Treasurer AND the President or Secretary General.

ARTICLE 31 : NOTIFICATION AND SUBMISSION OF DOCUMENTS

- 31.1 Any notice, document or other communication by OCM and/or by party under this Constitution must be in writing and in English or Bahasa Malaysia, sent by hand, facsimile transmission, email or registered post. Such notice, document or communication sent:
- (a) by hand, shall be deemed to have been received on the day of delivery duly acknowledged by the recipient;
 - (b) by facsimile transmission or by email (and confirmed by the delivery of the original or a copy thereof sent by hand or by registered post within three (3) days of the facsimile transmission), shall be deemed to have been received upon confirmation of completion of transmission; and
 - (c) by registered post, shall be deemed received on the seventh (7th) day after posting, with proof of prepaid postage.

ARTICLE 32 : ASSETS AND LIABILITIES

- 32.1. All assets, including immovable properties and all liabilities, shall be vested with the OCM.

ARTICLE 33 : BY-LAWS

- 33.1. Pursuant to this Article, the Executive Board is empowered to make enabling By-Laws for the proper function of the Constitution. Such By-Laws as proposed, amended or repealed from time to time, as the case may be, shall be ratified by Council at its first available meeting thereat.

ARTICLE 34 : AMENDMENTS TO THE CONSTITUTION

- 34.1 The provisions of this Constitution may be repealed or amended by a resolution at any Annual or Extraordinary General Assembly of the OCM, provided that no such resolution shall be deemed to have been passed unless it be carried by a majority of at least two-thirds of the Members present and voting.
- 34.2 Such resolution shall be submitted to the Commissioner of Sports within sixty (60) days of its approval by the AGA or the EGA, as the case may be.
- 34.3 The approval of the Constitution of the OCM by the IOC Executive Board is a condition for recognition. The same applies for any subsequent change or amendment to the Constitution of OCM.

ARTICLE 35 : DISSOLUTION

- 35.1 The OCM may be dissolved by a General Assembly especially convened for the purpose, subject to a resolution being given due notice of thirty-five (35) days, and be carried by a majority of three-quarters of the full voting memberships of the OCM.
- 35.2 In the event of such dissolution a Special Committee shall be appointed by the General Assembly for the purpose of conducting such dissolution, and any assets in hand shall, after all debts and liabilities of the OCM have been fully discharged, be held in trust until such time as a similar objects as the OCM may be formed. Such funds may then be transferred to the new organization with the approval of the Commissioner of Sports.

ARTICLE 36 : DOUBTS IN INTERPRETATION OF ARTICLES

- 36.1 The Constitution of the Olympic Council of Malaysia shall, at all times, comply with the Olympic Charter to which it must refer expressly. If there is any doubt as to the signification or interpretation of the Constitution of the OCM, or if there is a contradiction between such Constitution and the Olympic Charter, the latter takes precedence.
- 36.2 All matters not provided for under this Constitution and any dispute regarding the interpretation of any of the Articles thereof, shall be decided by the Executive Council, unless otherwise decided by a General Assembly.
- 36.3 In the event of any contradiction between the interpretation of any of the Articles of this Constitution and the Constitution of any Member of the OCM, the provisions of the Constitution of the OCM shall prevail and take precedence.

Bye Law to Sub Article 5.11 of the Constitution of OCM

The OCM's Commitment to Anti-Doping

The Olympic Council of Malaysia (OCM) has accepted the World Anti-Doping Code (the Code) on 24th February 2004. These Anti-Doping rules are adopted and implemented as a result of the OCM's commitment to the purposes of the World Anti-Doping programmes. They are in conformance with the OCM's commitment under the Code, and in furtherance of the OCM's continuing efforts to eradicate doping in Malaysia.

Fundamental Rationale for the Code and the OCM's Anti-Doping Rules

Anti-doping programs seek to preserve what is intrinsically valuable about sport. This intrinsic value is often referred to as "the spirit of sport"; it is the essence of Olympism; it is how we play true. The spirit of sport is the celebration of the human spirit, body and mind, and is characterized by the following values:

- Ethics, fair play and honesty
- Health
- Excellence in performance
- Character and education
- Fun and joy
- Teamwork
- Dedication and commitment
- Respect for rules and laws
- Respect for self and other Participants
- Courage
- Community and solidarity

Doping is fundamentally contrary to the spirit of sport.

1. The World Anti-Doping Code

1.1 The OCM is a Signatory to the Code and, as such, is responsible for assisting The Anti-Doping Agency of Malaysia (ADAMAS) in initiating, implementing and enforcing the Doping Control process.

1.2. Under the Code, the Olympic Council of Malaysia (OCM) as the National Olympic Committee for Malaysia has roles and responsibilities including the following:

- (1) To ensure its anti-doping policies and rules conform to the Code,
- (2) To require as a condition of membership or recognition that National Sports Associations' anti-doping policies and rules are in compliance with the applicable provisions of the Code,

- (3) To require all Athletes who are not regular members of a National Sports Association to be available for Sample collection and provide accurate and up-to-date whereabouts information on a regular basis, if required, during the year before the Olympic Games as a condition of participation in the Olympic Games as a member of the Malaysian Olympic Contingent.
- (4) To cooperate with ADAMAS the National Anti-Doping Organization of Malaysia
- (5) To withhold some or all funding, during any period of his or her Ineligibility, to any Athlete or Athlete Support Personnel who has violated anti-doping rules.
- (6) To withhold some or all funding to the National Sports Association who are not in compliance with the Code.

2. Application of Anti-Doping Rules

2.1 These rules apply to:

- (1) The OCM
- (2) Athletes,
- (3) Team Members,
- (4) Athlete Support Personnel, and
- (5) National Sport Associations

2.2 Sanctions are applicable in the event of any Anti-Doping Rule Violation or Doping Offence or other breach of these rules.

3. Obligations

3.1 All Athletes must:

- (1) be knowledgeable of and comply with all anti-doping policies and rules applicable to them, namely the Code, these rules, and the policies and rules of Anti-Doping Organizations and their National Sports Associations or International Federations;
- (2) take responsibility, in the context of anti-doping, for what they ingest and use; and
- (3) inform medical personnel of their obligation not to Use Prohibited Substances and Prohibited Methods and to take responsibility to make sure that any medical treatment received does not violate the anti-doping policies and rules applicable to them.

- 3.2 All Athletes who are not regular members of a National Sports Association must be available for Sample collection conducted according to the Code and provide accurate and up-to-date whereabouts information on a regular basis, if required, during the year before the Olympic Games as a condition of participation in the Olympic Games as a member of the Malaysian Olympic Contingent.
- 3.3 All Athlete Support Personnel must:
- (1) be knowledgeable of and comply with all anti-doping policies and rules applicable to them or Athletes whom they support, namely the Code, these rules and the policies and rules of Anti-Doping Organizations and their National Sports Association;
 - (2) co-operate with the Athlete Testing programme; and
 - (3) use their influence on Athlete values and behaviour to foster anti-doping attitudes.
- 3.4 Each National Sports Association must:
- (1) comply with these rules;
 - (2) cooperate with and assist ADAMAS to fulfill its obligations under the Code;
 - (3) adopt and implement an anti-doping policy that conforms with the Code;
 - (4) cooperate with and assist its International Federation conduct its day-to-day anti-doping programmes;
 - (5) require Persons who:
 - (a) participate in sport under its authority; or
 - (b) are registered as an athlete or competitor (however described) or as an Athlete Support Personnel with it or with a club recognized by it;
 - (c) to recognize and be bound by its anti-doping policy, the Code and these rules;
 - (6) require Persons who:
 - (a) participate as an athlete or competitor (however described) in a sport under its authority; or
 - (b) are registered as an athlete or competitor (however described) with it or with a club recognized by it;

- (c) to be available for Sample collection and provide accurate and up-to-date whereabouts information;
 - (7) require as a condition of membership that the policies, rules and programmes of its members or clubs recognized by it are in compliance with the Code; and
 - (8) take appropriate action to discourage non-compliance with the Code and its Anti-Doping Policy.
- 3.5 Notwithstanding paragraph 3.4 a National Sport Association will also:
- (1) recognize and respect a finding of an Anti-Doping Rule Violation by its International Federation or other Signatory or other National Sports Association without the need for a hearing provided the finding is consistent with the Code and within the authority of the body concerned; and
 - (2) require Athletes who are not regular members to be available for Sample collection and provide accurate and up-to-date whereabouts information on a regular basis, if required, during the year before the Olympic Games as a condition of participation in the Olympic Games as a member of the Malaysian Olympic Contingent.
 - (3) promptly notify the OCM of the finding of any Anti-Doping Rule Violation or Doping Offence and the imposition of any sanction for an Anti-Doping Rule Violation or Doping Offence on:
 - (a) any Person under its anti-doping policy and rules; or
 - (b) any Athlete, Athlete Support Personnel or other Person under its authority or control under the anti-doping policy and rules of its International Federation.
 - (4) provide assistance and information to the OCM as requested by the Secretary General to enable the OCM to properly implement these Rules.

4. Testing

The OCM will recognize the results of accredited laboratory analysis of Testing conducted by Anti-Doping Organizations and the ADAMAS conducted in accordance with the Code.

5. Breaches of These Rules

- 5.1 The commission of an Anti-Doping Rule Violation is a breach of these Rules.

5.2 Articles 1, 2, 3, 4, 5, 6 and 17 of the Code apply to determine whether any Anti-Doping Rule Violation has been committed.

5.3 It is an infraction of these rules for a National Sports Association to breach any of its obligations to the OCM pursuant to these rules.

6. Recognized Anti-Doping Rule Violations and Doping Offences

The OCM will recognize and respect all determinations by all Anti-Doping Organizations that a Person has committed an Anti-Doping Rule Violation provided the finding is consistent with the Code and within the authority of the body concerned.

7. OCM Imposed Sanctions

7.1 Any Person who is found to have committed an Anti-Doping Rule Violation will be ineligible for membership or for selection in any Team, to receive funding from the OCM, or, to hold any position on the OCM,

7.2 The period or periods of any sanction will be determined according to Articles 10 and 11 of the Code.

7.3 The OCM will recognize previous sanctions imposed by any Anti-Doping Organization or National Sports Association to determine whether the breach is a first or second offence.

7.4 For Doping Offences recognized by the OCM pursuant to Article 6.1:

(1) Any Person found to have committed a Doping Offence will be ineligible for membership or selection in any Team, or to receive funding from or to hold any position on the OCM for a period of two (2) years.

(2) Where a Person is found to have committed a Doping Offence other than an Anti-Doping Rule Violation, the Person will be ineligible for membership or selection in any Team, or to receive funding from, or to hold any position on the OCM based on the decision of the disciplinary board and consistent with the WADA code

(3) The OCM will recognize previous sanctions imposed by any International Federation or National Sports Association to determine whether the breach is a first or second offence.

8. Disciplinary Procedures

- 8.1 All instances of alleged Anti-Doping Rule Violations will be determined in conformity with the Code and must be established according to the provisions of the Code.
- 8.2 The OCM Disciplinary Committee shall have the power to regulate its procedures so long as they are in conformity with Article 8 of the Code.

9. Notifications

Upon the imposition of a sanction under these rules, the OCM will send details of the sanction imposed to:

- (1) the IOC;
- (2) those Persons entitled to notification under Article 14.1 of the Code;
- (3) the National Sport Association of the Person concerned;
- (4) the ADAMAS;
- (5) WADA; and
- (6) any other Person or organization the OCM believes should be informed.

10. Appeals

- 10.1 Except as provided in the Code, no Person may appeal or challenge any recognition by the OCM of an Anti-Doping Rule Violation unless that Person has first exhausted all his or her rights of appeal and other legal rights (if any) in respect of the hearing and finding of the Anti-Doping Organization or National Sports Association concerned (whether before any tribunal as provided for in the anti-doping policy of the Anti-Doping Organization or National Sports Association concerned or in a court of law). In the event that a Person challenges or appeals the hearing or finding of the Anti-Doping Organization or National Sports Association concerned, the OCM will defer recognition of the Anti-Doping Rule Violation pending the conclusion of the challenge or appeal and will abide by the decision of the tribunal or court concerned.
- 10.2 Decisions under these Anti-Doping Rules may be appealed in conformity with Art 13 of the Code. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise.

11. **Review of Anti-Doping Violation**

If a Person recorded as having committed an Anti-Doping Rule Violation is subsequently found not to have committed that Anti-Doping Rule Violation or is otherwise cleared or pardoned of any relevant wrongdoing by CAS or any other Anti-Doping Organization's Appellate Body acting in conformity with the Code, the OCM will overturn the Anti-Doping Rule Violation and any sanction which had been imposed as a result of that Anti-Doping Rule Violation and will report the decision to all those Persons notified of the initial imposition of the sanction pursuant to article 9.

12. **Interpretation**

All the words utilized in these Rules shall have the same meaning as that ascribed to them in the World Anti-Doping Code.

Bye Law to Article 17.1.4 of the Constitution of OCM

The duties of the Committees are:-

Selection Committee

- (a) to establish selection criteria and qualifying standards for the selection of athletes and teams to participate in the Olympic, Asian and SEA Games and World or regional multi-sports competitions patronized by the IOC and the Commonwealth Games;
- (b) to select the athletes/teams for the above Games;
- (c) to establish rules/regulations and code of conduct/ethics for the participants of the above Games;
- (d) to establish list of duties/responsibilities of Chef de Mission, Team Managers, coaches and other team officials managing the athletes/teams of the above Games;
- (e) to receive periodic reports on the training of the athletes/ teams undergoing preparation for selection;
- (f) to monitor the centralized training of the Malaysian Contingent prior to departure for the Games;
- (g) to study the Chef de Mission's and Team Managers' reports on the Games and to make recommendations to the Council.

Discipline Committee

- (a) to investigate any disciplinary cases assigned by the Executive Board;
- (b) to convene hearings and to gather evidence on any case under investigation;
- (c) to prepare and submit its findings and recommendations to the Executive Board for further action.

Finance, Marketing and Sponsorship Committee

- (a) to keep the financial position of the OCM under continual review and to report thereon to the Executive Board and the Council as necessary from time to time;
- (b) to make recommendations as and when necessary for the approval of the Council relating to subscription and others fees;
- (c) to take responsibility for the sound investment of OCM's liquid assets;
- (d) to prepare the annual budget and submit it to the Council for approval;
- (e) to keep record of the movable and immovable assets of the OCM which shall show their value and to adjust this value from time to time to allow for depreciation;
- (f) to arrange for all necessary and desirable insurance to cover both staff and assets and to ensure that such insurances are renewed at the appropriate time;
- (g) to examine the monthly statements of receipts and payments and submit them in writing to the Executive Board together with recommendations thereon;
- (h) to make recommendations as and when necessary for the approval of the Executive Board for the procedure to be followed in conducting the financial affairs of the OCM;
- (i) to review the Auditors Report and Statements Accounts and make recommendations thereon to the Council;
- (j) to identify areas and activities of OCM for marketing and sponsorships;
- (k) to prepare terms and conditions for the marketing and sponsorship packages of OCM;
- (l) to invite for and consider the proposals submitted for the marketing and sponsorships packages of OCM and to make recommendations to the Executive Board;
- (m) to prepare and sign agreements/contracts with the successful sponsors, and franchise holders;
- (n) to monitor and supervise the sponsors and franchise holders to ensure there is no breach of agreement/contract conditions;
- (o) to monitor and prevent any pirating, misuse or unauthorized usage of OCM's Logo, the Olympic
- (p) symbol, flag, motto, and the designations 'Olympic' and 'Olympiad' in Malaysia.
- (q) to evaluate all sponsorship proposals, coins programmes, etc, such as the TOP programme from the IOC, or other international bodies and to make recommendations to the Executive Board.

Sports for All, Sports and Sports & Environment Committee

- (a) to study and comment on the technical hand-books of World/regional multi-sports Games such as the Olympics, Asian, Commonwealth and SEA Games;
- (b) to advise and assist in the preparation of sports development programmes of National Sports Associations, and other sports bodies;

- (c) to study and comment on technical specifications of competition equipment to be used in World/regional multi-sports Games;
- (d) to study the requests for technical officials by National Sports Associations, to officiate at world/regional multi-sports Games, and make recommendations to the Selection Committee;
- (e) to advise sports facilities developers on the technical specifications of International Sports Federations, when requested;
- (f) to study the development programmes of National Sports Association submitted for funding by the National Sports Council;
- (g) to liaise with the National Sports Council on the above development programmes;
- (h) to study past performance of Malaysian Contingent in world/regional multi-sports Games and to publish the findings;
- (i) to encourage and support the promotion and development of Sports for All, through cooperation with members of OCM, other sports organizations and the mass media;
- (j) to assist and encourage the members of OCM in the practice of Sport for All;
- (k) to increase the awareness, knowledge and practice of Sports for All through the organization of seminars, meetings, talks, and training courses on Sport for All;
- (l) to organize and to encourage the organization of events and activities on Sport for All;
- (m) to participate in Sport for All events/activities both locally and internationally.

Legal Advisory and Alternate Dispute Resolution (ADR) Committee

Legal Advisory

- (a) to advise OCM on all matters involving legal issues that are referred to the Committee;
- (b) to advise and assist in the preparation of legal documents including agreements as and when required;
- (c) to advise OCM on issues related to the OCM's Constitution and By-Laws;
- (d) to advise and assist all OCM's affiliates as regards their constitutions and by-laws.

Alternate Dispute Resolution (ADR)

Mediation

- (a) to assist national sports associations to resolve a sport dispute as between:-
 - (i) a member and OCM;
 - (ii) a member and another member of OCM;
 - (iii) a member of OCM and any of its member affiliate in the state, club or individual.
- (b) to assist its members by making available the list of the panel members of the ADR Committee of OCM for the parties to agree on a mediator;

- (c) the role of the Mediator is that he acts independently and as a facilitator of the mediation process. The parties sign an "Agreement to Mediate", before the Mediator commences mediation;
- (d) the procedure to be followed would be as agreed to by the parties. Mediation process is unregulated, there is informality and flexibility and direct involvement of the parties;
- (e) the parties would be aware of the procedure before the commencement of proceedings. Confidentiality is essential and parties are allowed to reach a settlement agreement without pressure;
- (f) where the mediation process is successful, the parties execute a consensual agreement agreeing to the amicable settlement of the dispute on their own free will;
- (g) the agreement of the parties shall be final, conclusive and binding on the parties subject to normal contractual principles as regards validity and review;
- (h) the parties share costs (expenses) involved in the mediation;
- (i) if mediation fails, each party may enforce its rights before a court of arbitration depending on the rules applicable in the courts concerned.

Arbitration

- (a) OCM is to assist its members by making available the list of panel members of the ADR Committee of OCM for the parties to agree on a Arbitrator;
- (b) the Arbitrator is appointed by the parties to look into unresolved sports disputes;
- (c) the rules of the process of arbitration shall be made known to the parties by the Arbitrator before the commencement of the arbitration process which the parties agree to;
- (d) the Arbitrator acts as an independent person to have the dispute resolved and delivers a decision at the conclusion of proceedings, by making an Award which is final, legal and binding on the parties concerned. The winning party is entitled to costs. It can be enforced through the Courts and is not subject to appeal or review except where the Arbitrator has misconducted himself or acted unfairly;
- (e) any decision made by the Arbitrator on behalf of OCM may be submitted exclusively by way of a request/appeal to the Court of Arbitration for Sport (CAS) in Lausanne, Switzerland, which will resolve the dispute definitively in accordance with the Code of Sports-Related Arbitration. The time limit for request/appeal is twenty-one (21) days after the reception of the decision concerning the request/appeal. The party wishing to have recourse to CAS must first file a request for arbitration with the Court Office. The claimant must also pay a Court fee;
- (f) the International Council of Arbitration for Sport (ICAS) is the supreme organ of CAS. Its main task is to safeguard the independence of CAS and the rights of the parties.

Constitutional Provision

The process of mediation and then arbitration is to be attempted for the settlement of sports disputes as provided in the Constitution and Bye-laws of OCM and the Constitution and Bye-laws of all national sports associations affiliated to OCM.

Management and Administration Committee

- (a) to establish rules and regulations terms and conditions of service, and duties and responsibilities of the Staff of OCM;
- (b) to establish administrative procedures for the management and operation of the office of OCM;
- (c) to establish procedures for the recruitment and appointment of Staff of OCM;
- (d) to invite tenders/quotations for OCM's annual supplies of stationeries, consumerable items, annual maintenance services, etc;
- (e) to invite tenders/quotations for the supply of uniforms, shoes, air-passages and other items for Malaysian Contingents participating in the SEA, Asian, Commonwealth and Olympic Games;
- (f) to open tenders/quotations and make recommendations of acceptance (or otherwise) to the Executive Board;
- (g) to decide on the design and colour schemes of the uniforms, shoes, track-suites, etc and other requirements of the Malaysian Contingents and to make recommendations to the Executive Board.

Women and Sport Committee

- (a) to increase awareness on the issues concerning participation of women in sport;
- (b) to encourage and support women in sports at every level regardless of age and competence;
- (c) to study and propose means to encourage increase opportunities and facilities for participation of women in sport;
- (d) to study and propose means to achieve the targets set by the IOC for women to be holding decision making positions in sports organizations, including the OCM;
- (e) to conduct courses for women in sports administration, sports management and sports event implementation;
- (f) to confirm items which require assistance and encouragement in order to increase the participation of women in sport;
- (g) to prepare and formulate middle term and long strategies in order to increase the participation of women in sport.

Building Committee

- (a) to establish rules and regulations for the proper management and maintenance of Wisma OCM;
- (b) to plan and submit proposals for upgrading of OCM Building to Council from time to time, for consideration and approval;

Sport Museum and Hall of Fame Committee

Medical & Doping Committee

- (a) To study the medical and doping control regulations of organizing committees of multi-sports games and to liaise with Malaysian Contingents doctors on the means to ensure that the regulations are followed;
- (b) To advice and update OCM and its members on doping control regulations of WADA, the IOC and the International Federations;
- (c) To advice members of OCM on the implementation of doping control tests when organizing international and regional championships of their sports concerned;
- (d) To organize on behalf of OCM, national, regional and international medical and doping control course, conferences, seminars, etc.;
- (e) To represent OCM at international and regional medical and doping control committees, conferences, seminars, etc.;
- (f) To advice OCM on positive test results of Malaysian athletes participating in the Olympic Games, Asian Games, Commonwealth Games, SEA Games, international/regional multi-sports Games, and international/regional sports championships.

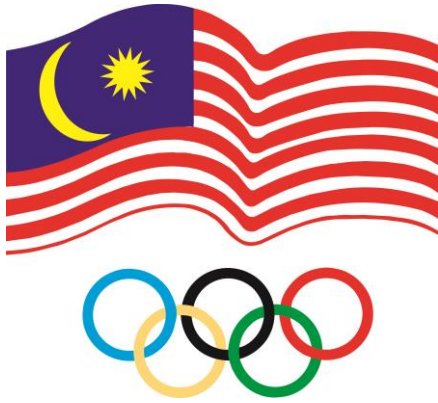
Bye Law to Article 27 of the Constitution of OCM

PROCEDURES FOR CONDUCTING THE ANNUAL GENERAL ASSEMBLY

1. The AGA shall be held in accordance with the provisions in the Constitution of the Organisation.
2. At least one (1) month before the notification for the holding of the Annual General Assembly (AGA), the OCM shall submit the list of its Ordinary Members to the Commissioner of Sports to verify their status. At least three (3) months before the deadline for the holding of the Annual General Assembly (AGA), the General Manager shall send the list of members of the Organisation to the Commissioner of Sports to verify their status.
3. If no reply is received from the Office of the Commissioner of Sports to the contrary within thirty (30) days thereof, the AGA shall proceed as scheduled.
4. The Secretary General and the President shall call for an Executive Council/Board meeting to fix the date, time and venue of the AGA.
5. The date, time and place shall be determined by the Executive Council/Board.

6. Once the date, time and place of the AGA have been finalised, the Secretary General of the Organisation shall circulate the Notice of the AGA together with the audited Annual Statements of Accounts and the Annual Report for the previous year to the members of the Organisation within the due period stipulated in the Constitution of the Organisation.
7. The Notice of the AGA shall include the Agenda which shall be as follows:-
 - (a) Roll Call
 - (b) President's Address
 - (c) Confirmation of the Minutes of the previous AGA
 - (d) Matters arising
 - (e) Presentation and adoption of the Annual Report of the previous year
 - (f) Presentation and adoption of the Audited Statements of Accounts of the previous financial year.
 - (g) Any other business for which due notice in writing shall have been given to the Secretary General at least twenty one (21) days before the date of the AGA.
 - (h) Election of Office-Bearers (where applicable)
 - (i) Election of Honorary Internal Auditors (where applicable)
 - (j) Appointment of External Auditors (where applicable)
8. Together with the Notice of the AGA, there shall be the Delegates Registration Form for the registration of delegates who are eligible to attend and vote at the AGA.
9. Each Ordinary Members may register not more than three (3) delegates and two (2) alternates. In the absence of any of the three (3) delegates, they may be replaced by the alternates.
10. The Delegates Registration Form shall be signed by either the President or the Secretary General of the Member Organisation.
11. The Delegates Registration Form shall have to be submitted to the Secretary General of the Organisation 24 hours before the time of the AGA. Delegates Registration Forms and changes to the names of the registered delegates, after the deadline for acceptance of the Delegates Registration Forms shall not be accepted.
12. Only accredited delegates, who are issued with official non-transferable OCM Accreditation Cards, are eligible to vote.

13. At an Annual General Assembly, the President or, in his absence, the Deputy President shall preside. In the absence of the President and the Deputy President, one of the Vice-Presidents appointed by the respective meetings shall preside.
14. The President or, in his absence, the Deputy President shall preside the AGA only up to Agenda Item (g) only.
15. A three (3) member Independent Panel shall be appointed by the Executive Council at its meeting preceding the AGA, one of whom shall be appointed the Returning Officer.
16. A Returning Officer shall be appointed from amongst the three (3) member Independent Panel to supervise, manage and conduct the election of Office-Bearers of the OCM, to do all things necessary prior to the election including sending out nomination forms, receiving nomination forms and informing the candidate as to whether he is qualified to stand for election or otherwise.
17. At an Annual General Assembly every accredited delegate present, shall be entitled to one vote. In the case of an equality of votes, the Chairman of the meeting shall have a casting vote. Voting shall be by secret ballot.
18. All matters, excluding those specifically stated in the Constitution, put to vote at an Annual General Assembly, shall be decided by a simple majority of the votes cast.



Citius, Altius, Fortius

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FAMILY OF PARTNERS

WORLDWIDE OLYMPIC PARTNER



SPONSORS OF OCM



