



# **Australian Sports Drug Agency Act 1990**

## **Act No. 10 of 1990 as amended**

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Prepared by the Office of Legislative Drafting,  
Attorney-General's Department, Canberra



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**An Act to establish the Australian Sports Drug Agency, and for related purposes**

**Part 1—Preliminary**

**1 Short title** *[see Note 1]*

This Act may be cited as the *Australian Sports Drug Agency Act 1990*.

**2 Interpretation**

- (1) In this Act, unless the contrary intention appears:

***accredited laboratory*** means a laboratory that is included in the list prepared and maintained by the Agency under section 66.

***Agency*** means the Australian Sports Drug Agency established by section 6.

***anti-doping arrangement*** means an international arrangement specified in regulations made for the purposes of section 66A.

***applicable procedures***, in relation to a sample provided by a competitor pursuant to a request made under Part 3, has the meaning given by Division 5 of that Part.

***approved anti-doping body*** means a foreign anti-doping body approved by the Agency under section 66C.

***assessed*** means assessed by notice in writing given to the Agency.

***Australia*** includes the external Territories.

***Chairperson*** means the Chairperson of the Agency.

***Chief Executive*** means the Chief Executive of the Agency.

***Commission*** means the Australian Sports Commission established by the *Australian Sports Commission Act 1989*.

***competitor*** has the meaning given by section 2A.

***contract*** includes any arrangement, whether formal or informal.

***Deputy Chairperson*** means the Deputy Chairperson of the Agency.

***drug testing program*** means a program of testing for the use of drugs included in the schedule maintained by the Agency under paragraph 9(1)(a).

***foreign anti-doping body*** means:

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- (a) an organisation established in a foreign country for the purpose of discouraging or eliminating the use of drugs or doping methods in sport; or
- (b) an accredited laboratory in a foreign country; or
- (c) an International Sporting Federation.

***foreign government sports agency*** means:

- (a) a Department of State of a foreign country; or
- (b) a government agency in a foreign country;

that oversees sport in that country.

***foreign national sporting organisation*** means a national sporting organisation of a foreign country.

***foreign sampling request***, in relation to a competitor, means a request from:

- (a) a foreign anti-doping body; or
- (b) a sporting body in a foreign country of which the competitor is a member; or
- (c) a foreign government sports agency;

to the Agency to take a sample from the competitor for the purpose of testing for the presence, in the sample, of a scheduled drug or doping method.

***foreign sporting organisation*** means a foreign government sports agency, a foreign national sporting organisation or a foreign anti-doping body.

***International Olympic Committee*** means the organisation created by the Congress of Paris on 23 June 1894, being the organisation entrusted with the control and development of the modern Olympic Games.

***International Sporting Federation***, in relation to a particular type of sporting event or sporting activity, means a body having international control over that sport or sporting event.

***member*** means a member of the Agency, and includes:

- (a) the Chairperson; and
- (b) the Deputy Chairperson; and
- (c) the Chief Executive;

of the Agency.

***national sporting organisation***, in relation to a particular sport, means:



- (a) in respect of any country (including Australia)—a sporting organisation that is recognised by the International Sporting Federation that has international control over the sport as being the organisation responsible for administering the affairs of the sport, or of a substantial part or section of the sport, in that country; or
- (b) in respect of a country other than Australia, if there is no International Sporting Federation that has international control over the sport—a sporting organisation that is generally recognised as being responsible for administering the affairs of the sport, or of a substantial part or section of the sport, in that country; or
- (c) in respect of Australia, whether or not there is an International Sporting Federation that has international control over the sport—a sporting organisation that is recognised by the Commission, or is generally recognised, as being responsible for administering the affairs of the sport, or of a substantial part or section of the sport, in Australia.

**negative test result**, in relation to a competitor, means a finding, made by an accredited laboratory by means of testing a sample provided by the competitor, that is not a positive test result.

**non-Australian** means a person who is neither an Australian citizen nor a permanent resident.

**operational plan** means an operational plan of the Agency developed and prepared by the Agency under section 50.

**organisation** includes an academy, institute or other similar body.

**permanent resident** means a person who has been granted, or who is included in, an entry permit under the *Migration Act 1958* that is in force, other than a temporary entry permit within the meaning of that Act.

**positive test result**, in relation to a competitor, means a finding, made by an accredited laboratory by means of testing a sample provided by the competitor, to the effect that:

- (a) the testing reveals the presence of a drug in the sample or the use of a doping method by the competitor, being a drug, or doping method, that is included in the schedule of drugs and doping methods maintained by the Agency under paragraph 9(1)(a); and

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- (b) where that schedule sets out a permitted level in relation to that drug or doping method—the testing reveals that the permitted level has been exceeded.

**Register** means the Register of Notifiable Events established and maintained by the Agency under section 11.

**relevant International Sporting Federation**, in relation to a competitor, means an International Sporting Federation:

- (a) of which the competitor's relevant national sporting organisation is a member or with which that organisation is associated in any way; or
- (a) of which the competitor's relevant sporting organisation is a member or with which that organisation is associated in any way.

**relevant national sporting organisation**, in relation to a competitor, means a national sporting organisation:

- (a) of which the competitor is, in his or her capacity as a competitor, a member or with which the competitor is, in that capacity, associated in any way; or
- (b) of which the competitor's relevant sporting organisation is a member or with which that organisation is associated in any way.

**relevant sporting organisation**, in relation to a competitor, means a sporting organisation (other than a national sporting organisation) of which the competitor is, in his or her capacity as a competitor, a member or with which the competitor is, in that capacity, associated in any way.

**reviewable decision** means:

- (a) a decision by the Agency under subsection 17A(1) that a competitor did not have reasonable cause for failing to comply with a request to provide a sample; or
- (b) a decision by the Agency under subsection 17M(1) that a positive test result from the final testing of a sample is valid.

**sample** means any human biological fluid or tissue.

**scheduled drug or doping method** means a drug, or a doping method, included in the schedule maintained by the Agency under paragraph 9(1)(a).

**sporting competition** means a sporting event or a series of sporting events.

**sporting event** includes any sporting activity.

**sporting organisation** includes, but is not limited to, an organisation that:

- (a) has control in a particular country, or part of a country, or internationally, of one or more sports or sporting events; or
- (b) organises or administers one or more sports or sporting events; or
- (c) accredits people to take part in sporting competition; or
- (d) provides teams to compete in sporting competition; or
- (e) trains, or provides finance for, people to take part in sporting competition.

**strategic plan** means a strategic plan of the Agency developed and prepared by the Agency under subsection 47(1).

**support** has the meaning given by section 3.

**temporarily resident non-Australian** means a non-Australian whom the Agency has requested to supply a sample at the request of, or under a contract entered into with, an Australian national sporting organisation.

**Territory** means the Australian Capital Territory, the Northern Territory or Norfolk Island.

- (2) A reference in this Act to the use of drugs includes a reference to the use of doping methods.

## **2A Competitors**

- (1) The following people, and no others, are competitors for the purposes of this Act:
  - (a) an Australian citizen, or a permanent resident, who competes, or has been selected to compete, as a representative of Australia in international sporting competition;
  - (b) an Australian citizen, or a permanent resident, who has been assessed by an Australian national sporting organisation as having the potential to represent Australia in international sporting competition;
  - (c) a person who competes as a member of a team in sporting competition (whether held, or to be held, in or outside Australia) at a level at which:
    - (i) teams that represent Australia; or

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- (ii) teams that represent organisations in Australia and contain members who have been assessed by an Australian national sporting organisation as having the potential to represent Australia;
  - in international sporting competition take part;
  - (d) a person who competes in sporting competition and:
    - (i) is receiving support from the Commonwealth or the Commission; or
    - (ii) is a party to an arrangement with the Commonwealth or the Commission under which the person will receive support from the Commonwealth or the Commission;
  - (e) a person who competes in international sporting competition held, or to be held, in Australia;
  - (f) a person who competes in sporting competition at a level that has been assessed by an Australian national sporting organisation as being a level at which people representing Australia could be expected to compete;
  - (g) a person:
    - (i) who has been assessed by a foreign sporting organisation as having reached such a standard of performance in the field of sporting activity in which he or she competes as to be capable of representing in international sporting competition the country of which he or she is a citizen or in which he or she is ordinarily resident; and
    - (ii) in respect of whom the Agency has been requested by a foreign sporting organisation, or is required under a contract with a foreign sporting organisation, to obtain a sample for testing;
  - (h) a non-Australian in respect of whom the Agency has been requested by, or is required or permitted under a contract with:
    - (i) a foreign sporting organisation in the country of which the person is a citizen or in which the person is ordinarily resident; or
    - (ii) a relevant International Sporting Federation;
- to obtain a sample for testing;

- (i) a person in respect of whom the Agency, under an anti-doping arrangement, is required or permitted to obtain a sample for testing;
  - (j) a person whose name is entered on the Register and who, as a direct or indirect result of having his or her name so entered, is ineligible to take part in sporting competition.
- (2) Subject to subsection (3), if a person:
  - (a) is training, or has at any time within the last 12 months trained, to compete in sporting competition or international sporting competition, or in sporting competition or international sporting competition at a particular level; or
  - (b) has, at any time within the last 12 months competed in sporting competition or international sporting competition, or in sporting competition or international sporting competition at a particular level;the person is taken for the purposes of subsection (1) to be a person who competes in sporting competition or international sporting competition, or in sporting competition or international sporting competition at that level, as the case may be.
- (3) A person is taken not to have been a competitor for the purposes of this Act at a particular time if the person:
  - (a) notified the relevant national sporting organisation before that time that he or she had retired from taking part in sporting competition; and
  - (b) has not, since the notification was given, taken part in sporting competition.

### **3 People receiving support**

- (1) A person is taken for the purposes of this Act to be receiving support from a government or a government agency if the person, for the purpose of taking part in sporting activities, or for the purpose of training to take part in sporting activities:
  - (a) receives funding from the government or agency; or
  - (b) uses facilities that are provided (wholly or partly) by the government or agency, or are operated or maintained (wholly or partly) with funding received from the government or agency; or
  - (c) is a member of, or is in any way associated with, a sporting organisation that:

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- (i) receives funding from the government or agency; or
  - (ii) uses facilities that are provided (wholly or partly) by the government or agency, or are operated or maintained (wholly or partly) with funding received from the government or agency.
- (2) In this section:
  - government** means the Commonwealth, a State or a Territory.
  - government agency** means the Commission or any sports academy, sports institute, or other similar body, of a State or Territory.

**4 Request to provide a sample**

- (1) A reference in this Act to a request to provide a sample, in relation to a competitor, is a reference to such a request made for the purpose of detecting whether or not the competitor has used a scheduled drug or doping method.
- (2) Nothing in this Act is taken to imply that a person becomes subject to any criminal or civil liability merely because the person has failed to comply with a request to provide a sample.

**5 Extension to external Territories**

This Act extends to all the external Territories.

## **Part 2—Establishment, Objects, Functions and Powers of the Agency**

### **6 Establishment**

The Australian Sports Drug Agency is established.

### **7 Agency is body corporate etc.**

(1) The Agency:

- (a) is a body corporate with perpetual succession; and
- (b) is to have a common seal; and
- (c) may sue and be sued in its corporate name.

Note: The *Commonwealth Authorities and Companies Act 1997* applies to the Agency. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of officers.

(2) The common seal of the Agency is to be kept in such custody as the Agency directs, and is not to be used except as authorised by the Agency.

(3) All courts, judges and persons acting judicially must:

- (a) take judicial notice of the imprint of the common seal of the Agency appearing on a document; and
- (b) presume the imprint was duly affixed.

### **8 Objects**

The objects of the establishment of the Agency are:

- (a) to deter the use of scheduled drugs or doping methods in sport; and
- (b) to encourage the development of programs to educate the sporting community about matters relating to drugs in sport; and
- (c) to advocate the international adoption of consistent and effective anti-doping programs; and
- (d) to co-ordinate the development of a consistent and effective national response to matters relating to drugs in sport.

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**9 Functions**

- (1) The Agency has the following functions:
- (a) to maintain an up-to-date schedule of drugs and doping methods, and permitted levels (if any) in relation to each drug or method, listed by the International Olympic Committee as drugs and doping methods in respect of which competitors may be tested, and to disseminate the contents of the schedule;
  - (b) to establish and maintain, in accordance with Part 3, a Register of Notifiable Events and, in accordance with that Part, to notify persons and bodies of entries made in the Register;
  - (c) to develop and implement drug testing programs;
  - (d) to advocate the international development and implementation of consistent and effective anti-doping programs;
  - (e) to encourage Australian national sporting organisations, State and Territory sporting organisations and professional sporting organisations:
    - (i) to develop and implement comprehensive and consistent anti-doping initiatives (including initiatives relating to testing for the use of drugs and education about matters relating to drugs in sport); and
    - (ii) to use the services of the Agency and accredited laboratories;
  - (f) to develop and implement initiatives that increase the skills and knowledge of people involved in sporting activities about matters relating to drugs in sport;
  - (g) to advocate and support research in and outside Australia about drugs in sport;
  - (h) to implement anti-doping arrangements;
  - (i) to encourage the establishment of means for the carrying out by government Departments and authorities of the States and Territories of initiatives relating to drugs in sport;
  - (j) to co-operate with those Departments and authorities and with non-government sporting organisations to implement those initiatives;
  - (k) any other functions conferred on the Agency under this Act;



- (1) to advise the Minister on matters falling within any of the abovementioned functions and related matters.
- (2) In the performance of its functions, the Agency must not collect samples from competitors for any purpose other than enabling the testing of the samples to determine whether competitors have been using scheduled drugs or doping methods.
- (3) In the performance of its functions, the Agency may prepare and keep a list of all people whom it knows to be competitors.
- (3A) A list kept under subsection (3) may contain, in relation to each person whose name is included in the list, any of the following particulars:
  - (a) addresses of usual places of residence and employment;
  - (b) date of birth;
  - (c) telephone numbers of usual places of residence and employment;
  - (d) if the person is under 18 years of age or has an intellectual disability—the name, and the addresses and telephone numbers, of the usual places of residence and employment of a person who has long-term parental responsibility for, or is the guardian of, the first-mentioned person;
  - (e) sporting activities engaged in;
  - (f) membership of sporting organisations;
  - (g) whether the holder of a scholarship granted by a government, a governmental authority or a sporting organisation;
  - (h) times and places of training;
  - (i) membership of a national team;
  - (j) if the person is competing or training outside Australia—the date on which the person is expected to return to Australia;
  - (k) the capacity in which the person takes part in sporting competition (for example, whether as an amateur, as a professional, as a representative of a country);
  - (l) how the person may be contacted if he or she is competing or training outside Australia;
  - (m) any other particulars necessary to enable the Agency to perform its functions.
- (4) The Agency's functions may be performed within or outside Australia.

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- (5) The Agency may perform any of its functions in co-operation with a State or Territory or any person, body, association or organisation.
- (6) The Agency may perform its functions to the extent only that they are not in excess of the functions that may be conferred on it by virtue of any of the legislative powers of the Parliament, and, in particular, may perform its functions:
  - (a) for purposes related to money appropriated for the purposes of the Commonwealth; and
  - (b) for purposes related to the granting of financial assistance to a State on such terms and conditions as the Parliament thinks fit; and
  - (c) for purposes related to the executive power of the Commonwealth; and
  - (d) for purposes related to the collection of statistics; and
  - (e) for purposes related to external affairs; and
  - (f) for purposes in relation to a Territory; and
  - (g) for purposes related to matters incidental to the execution of any of the legislative powers of the Parliament or the executive power of the Commonwealth.

**9A States may confer powers and functions on Agency etc.**

- (1) If a law of a State or Territory that makes provision for:
  - (a) the collection of samples from persons taking part in sporting events or sporting activities; and
  - (b) the testing of those samples for the presence of a scheduled drug or doping method;confers a power or function on the Agency, the Agency may exercise that power or function.
- (2) If a law of a State or Territory covered by subsection (1) confers jurisdiction, or a power or function, on:
  - (a) the Federal Court of Australia; or
  - (b) the Administrative Appeals Tribunal; or
  - (c) a member or an officer of that Court or Tribunal;then, subject to the regulations, that Court, Tribunal, member or officer, as the case may be, may exercise that jurisdiction or power, or perform that function.

**10 Powers**

- (1) The Agency has power to do all things necessary or convenient to be done for or in connection with the performance of its functions and, in particular, may:
  - (a) enter into contracts; and
  - (b) acquire, hold and dispose of real or personal property; and
  - (ba) despite subsection 61(2), obtain goods or services on credit from any person by the use of a credit card; and
  - (c) occupy, use and control any land or building owned or held under lease by the Commonwealth and made available for the purposes of the Agency; and
  - (d) appoint agents and attorneys, and act as an agent for other persons; and
  - (e) engage persons to perform services for the Agency; and
  - (f) accept gifts, grants, bequests and devises made to the Agency (whether on trust or otherwise) and act as trustee of money or other property vested in the Agency on trust; and
  - (g) develop, maintain, distribute and publish information on procedures for, and developments concerning, the collection and testing of samples; and
  - (h) do anything incidental to any of its powers.
- (2) The Agency may charge fees for providing services, information or advice.
- (3) The amount of a fee must not be such as to amount to taxation.
- (4) The Agency's powers may be exercised within or outside Australia.

## **Part 3—Requesting, Collecting and Testing of Samples by Agency**

### **Division 1—Application of Part**

#### **10A Part not to apply if Part 3A applies**

This Part does not authorise, or apply in relation to, the making of a request to a competitor or the consequences of making such a request if Division 1 of Part 3A authorises, or applies in relation to, the making of a request to the competitor or the consequences of making such a request.

## **Division 2—Register of notifiable events**

### **11 Agency to maintain Register of Notifiable Events**

- (1) The Agency is to establish and maintain a Register of Notifiable Events for the purpose of recording the name of each competitor who:
  - (a) fails, without reasonable cause, to comply with a request by the Agency or an approved anti-doping body to provide a sample; or
  - (b) returns a positive test result in relation to a sample provided as a result of such a request.
- (2) A law of a State or Territory covered by subsection 9A(1) may require the Agency to record in the Register information about each person who, within the meaning of that law:
  - (a) fails, without reasonable cause, to comply with a request to provide a sample made under that law by the Agency or an approved anti-doping body; or
  - (b) returns a positive test result in relation to a sample provided as a result of such a request.
- (3) A law of a State or Territory that, in accordance with subsection (2), requires the Agency to record information in the Register may also require the Agency to remove that information from the Register.

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## **Division 3—Request to provide sample**

### **12 Making of request**

- (1) The Agency may request a competitor to provide a sample.
- (2) Subject to subsection (3), the request is to be made in accordance with the regulations.
- (3) The regulations may make provision as to the manner in which a request is to be made but may provide that strict compliance with regulations so made is not required and substantial compliance is sufficient.

### **13 Provision of sample**

- (1) The regulations must provide, in relation to a competitor who has been requested to provide a sample, that:
  - (a) the competitor:
    - (i) is entitled, subject to subparagraph (ii), to have a representative of his or her choice present to oversee the process of the collection of the sample; but
    - (ii) is not entitled to have such a representative present to witness the actual passing of the sample unless the competitor suffers from a disability that may require him or her to be given assistance in passing the sample; and
  - (b) the Agency is to notify the competitor orally or in writing of:
    - (i) the procedure for collecting and testing samples; and
    - (ii) the competitor's rights under regulations made in accordance with paragraph (a); and
    - (iii) the possible consequences of a failure to comply with a request to provide a sample; and
    - (iv) the possible consequences of returning a positive test result; and
    - (v) the classes of persons who, or organisations and bodies which, are required, under section 17T, to be notified of the particulars of an entry in the Register relating to the competitor; and
    - (vi) the competitor's right to make submissions under sections 17 and 17L; and

- (vii) the classes of persons to whom, and organisations and bodies to which, under section 17H, a negative test result may be disclosed.
- (2) Regulations made for the purposes of paragraph (1)(b) may provide that strict compliance with those regulations is not required and substantial compliance is sufficient.

#### **14 Notice of request**

When the Agency has requested a competitor to provide a sample:

- (a) if it appears to the Agency that the competitor is likely to fail to comply with the request and the Agency thinks that the relevant national sporting organisation should be given an opportunity to try to persuade the competitor to comply with the request—the Agency may tell the organisation of the competitor’s likely failure to comply with the request; and
- (b) if the competitor claims to have retired from taking part in sporting competition—the Agency may request the relevant national sporting organisation to tell the Agency whether the competitor has notified the organisation that he or she has retired from taking part in sporting competition and, if so, the date of notification.

## **Division 4—Failure to provide sample**

### **Subdivision A—General**

#### **15 When failure to comply with request to provide a sample is taken to have occurred**

For the purposes of this Part, a competitor fails to comply with a request by the Agency to provide a sample if, and only if, the manner in which the Agency requested the competitor to provide the sample was, subject to subsection 12(3), in accordance with the regulations and:

- (a) the competitor fails to provide a sample as required by the regulations; or
- (b) the competitor fails to complete or sign any form required by the regulations to be completed or signed by the competitor; or
- (c) after providing the sample, the competitor:
  - (i) fails to do something in relation to the sample that the regulations require the competitor to do; or
  - (ii) does something in relation to the sample that the regulations require the competitor not to do.

### **Subdivision B—Failure by Australian citizen, permanent resident or temporarily resident non-Australian to provide sample**

#### **16 Application of Subdivision**

This Subdivision applies only in relation to a failure by a competitor who is an Australian citizen, a permanent resident or a temporarily resident non-Australian to comply with a request to provide a sample.

#### **17 Notice to competitor who has failed to provide a sample**

- (1) The Agency must, as soon as practicable, give the competitor a written notice:
  - (a) stating that the competitor has failed to comply with the request; and



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- (b) telling the competitor that he or she, or a person acting on his or her behalf, may, within 7 days after receiving the notice:
    - (i) make a written submission to the Agency to the effect that the competitor had reasonable cause for failing to comply with the request; or
    - (ii) by written notice given to the Agency, waive his or her right to make such a submission; and
  - (c) setting out the Agency's obligations under sections 17R, 17T and 18.
- (2) If the Agency considers that the competitor is likely to:
- (a) take part in international sporting competition; or
  - (b) take part in a trial to select Australian representatives to compete in international sporting competition;
- before the end of the period of 7 days after the competitor receives the notice, the Agency may substitute in the notice any shorter period that it considers appropriate in the circumstances for the period of 7 days referred to in paragraph (1)(b).

**17A Agency to decide whether competitor had reasonable cause for failure to provide a sample**

- (1) Subject to this section, the Agency must decide whether the competitor had reasonable cause for failing to comply with the request.
- (2) The Agency must not:
  - (a) before the time fixed under subsection (3), decide that the competitor did not have reasonable cause for failing to comply with the request; or
  - (b) make such a decision without having had due regard to any written submissions made by or on behalf of the competitor in accordance with subparagraph 17(1)(b)(i).
- (3) The time fixed for the purposes of paragraph (2)(a) is:
  - (a) if, within the period stated in the notice given by the Agency to the competitor under subsection 17(1), the Agency receives a written notice by or on behalf of the competitor waiving his or her right to make a submission—the time when the notice of waiver is received by the Agency; or

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- (b) if, within the period stated in the notice, the Agency receives a written submission by or on behalf of the competitor—the time when the submission is received by the Agency; or
  - (c) if, within the period stated in the notice, the Agency:
    - (i) does not receive a written notice by or on behalf of the competitor waiving his or her right to make a submission; and
    - (ii) does not receive a written submission by or on behalf of the competitor;
- the end of that period.

**17B Notice of Agency's decision**

- (1) When the Agency has decided whether a competitor had reasonable cause for failing to comply with a request to provide a sample, the following provisions apply.
- (2) The Agency must, as soon as practicable, give a written notice to the competitor telling him or her of the decision.
- (3) If:
  - (a) the competitor had initially failed to comply with a request to provide a sample; and
  - (b) the Agency had, under paragraph 14(a), told the relevant national sporting organisation that the competitor was likely to fail to comply with the request; and
  - (c) the Agency decides that the competitor had reasonable cause for failing to comply with the request;the Agency must, as soon as practicable, give a written notice to the relevant national sporting organisation telling it of the decision.
- (4) If the Agency decides that the competitor did not have reasonable cause for failing to comply with the request, the Agency must include in the notice to the competitor:
  - (a) the reasons for the decision; and
  - (b) a statement to the effect that, if the competitor is dissatisfied with the decision, application for review of the decision may, subject to the *Administrative Appeals Tribunal Act 1975*, be made to the Administrative Appeals Tribunal.
- (5) A failure to comply with subsection (3) or (4) does not affect the validity of the decision concerned.

**Subdivision C—Failure by non-Australian other than a  
temporarily resident non-Australian to provide  
sample**

**17C Application of Subdivision**

This Subdivision applies only in relation to a failure by a competitor who is a non-Australian other than a temporarily resident non-Australian to comply with a request to provide a sample.

**17D Notice to International Sporting Federation**

- (1) The Agency must, as soon as practicable, notify the relevant International Sporting Federation of the failure.
- (2) If that Federation requests the Agency to take any further action, the Agency may comply with the request so far as it is capable of doing so.

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**Division 5—How sample is to be dealt with**

**17E Applicable procedures to be followed**

A sample provided by a competitor must be dealt with, subject to section 17G, in accordance with the applicable procedures in relation to the sample.

**17F Applicable procedures to be prescribed by regulations**

- (1) The *applicable procedures* are those prescribed by the regulations.
- (2) Regulations prescribing applicable procedures may be of general or specially limited application or may differ according to differences in time, locality, place or circumstance.
- (3) Regulations prescribing applicable procedures may include requirements relating to the following:
  - (a) the selection of competitors who may be requested to provide samples;
  - (b) the notifying of competitors concerned;
  - (c) the collection of samples;
  - (d) the transport of samples to an accredited laboratory;
  - (e) the testing of samples;
  - (f) the notifying of a result from the initial testing of a sample;
  - (g) the notifying of a result from the final testing of a sample.

**17G Extent to which regulations prescribing procedures need not be strictly complied with**

- (1) Subject to subsection (2), the regulations may provide that particular procedures prescribed for the purposes of section 17F need not be strictly complied with and that substantial compliance is sufficient.
- (2) Subsection (1) does not apply to procedures relating to the following matters:
  - (a) the accredited laboratories by which samples are to be tested;
  - (b) ensuring that a sample is not tampered with by anyone who is not authorised to deal with the sample;
  - (c) ensuring that a sample's container is securely sealed and identified;

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- (d) the entering, on forms relating to the provision of samples for testing, of numbers of containers, or numbers of seals of containers, holding any part of the sample;
- (e) the signing of those forms by people required to do so.

## **Division 6—Return of negative test result**

### **17H Disclosure of negative test result**

#### *Application*

- (1) This section applies if either the initial testing or the final testing of a sample provided by a competitor returns a negative test result.

#### *Disclosure if competitor is an Australian citizen, a permanent resident or a temporarily resident non-Australian*

- (2) If the competitor is an Australian citizen, a permanent resident or a temporarily resident non-Australian, the Agency may disclose particulars of the result to:
- (a) the competitor; and
  - (b) if:
    - (i) the Agency thinks that the competitor may be under 18 years of age or may have an intellectual disability; and
    - (ii) the Agency is aware of the name, and the address of the usual place of residence or employment, of a person who has long-term parental responsibility for, or is the guardian of, the competitor;  
the person who has that responsibility or is such a guardian;  
and
  - (c) the relevant national sporting organisation; and
  - (d) the relevant International Sporting Federation.

#### *Disclosure if competitor is a non-Australian other than a temporarily resident non-Australian*

- (3) If the competitor is a non-Australian, other than a temporarily resident non-Australian, the Agency may disclose particulars of the result to:
- (a) the competitor; and
  - (b) any foreign anti-doping body that the Agency thinks appropriate.

## **Division 7—Return of positive test result by Australian citizen, permanent resident or temporarily resident non-Australian**

### **17J Application of Division**

This Division applies only in relation to a sample provided by a competitor who is an Australian citizen, a permanent resident or a temporarily resident non-Australian.

### **17K Positive test result from initial testing of a sample**

- (1) This section applies if the initial testing of a competitor's sample returns a positive test result.
- (2) The competitor is entitled to be present at, or to be represented at, the final testing of the sample (including the unsealing of the sample).
- (3) The Agency must, as soon as practicable, give the competitor a written notice:
  - (a) stating that the initial testing of the sample has returned a positive test result; and
  - (b) stating the competitor's rights under subsection (2); and
  - (c) stating the possible consequences of the final testing of the sample returning a positive test result, including the classes of persons, organisations or bodies that would be required under section 17T to be notified of the particulars of an entry in the Register relating to the competitor.
- (4) The Agency may give the relevant national sporting organisation any information that it thinks appropriate about the return of the positive test result from the initial testing of the sample other than information that would enable the identification of the competitor.

### **17L Notice of positive test result from final testing of a sample**

- (1) This section applies if the final testing of a competitor's sample returns a positive test result.
- (2) The Agency must, as soon as practicable, give the competitor a written notice:

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- (a) stating that the final testing of the sample has returned a positive test result; and
  - (b) telling the competitor that, if the competitor has any information or evidence (*relevant information or evidence*) that may affect the validity of the results of the initial or final testing of the sample, he or she, or a person on his or her behalf, may, within 7 days after receiving the notice:
    - (i) make a written submission to the Agency setting out the relevant information or evidence; or
    - (ii) by written notice given to the Agency, waive his or her right to make such a submission; and
  - (c) setting out the Agency's obligations under sections 17S, 17T and 18.
- (3) If the Agency considers that the competitor is likely to:
  - (a) take part in international sporting competition; or
  - (b) take part in a trial to select people to represent Australia in international sporting competition;before the end of the period of 7 days after the competitor receives the notice, the Agency may substitute in the notice any shorter period that it considers appropriate in the circumstances for the period of 7 days referred to in paragraph (2)(b).

**17M Agency to decide whether positive test result is valid**

- (1) Subject to this section, the Agency must decide whether a positive test result from the final testing of a sample is valid.
- (2) The Agency must not:
  - (a) before the time fixed under subsection (3), decide that the positive test result is valid; or
  - (b) make such a decision without having had due regard to any relevant information or evidence set out in a written submission made by or on behalf of the competitor in accordance with subparagraph 17L(2)(b)(i).
- (3) The time fixed for the purposes of paragraph (2)(a) is:
  - (a) if, within the period stated in the notice given by the Agency to the competitor under subsection 17L(2), the Agency receives a written notice by or on behalf of the competitor waiving his or her right to make a submission—the time when the notice of waiver is received by the Agency; or



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- (b) if, within the period stated in the notice, the Agency receives a written submission by or on behalf of the competitor—the time when the submission is received by the Agency; or
- (c) if, within the period stated in the notice, the Agency:
  - (i) does not receive a written notice by or on behalf of the competitor waiving his or her right to make a submission; or
  - (ii) does not receive a written submission by or on behalf of the competitor;the end of that period.
- (4) The Agency may decide that the positive test result is invalid only if the Agency is satisfied that:
  - (a) the applicable procedures relating to the sealing of any container holding the sample have not been complied with; or
  - (b) the sample was not tested by an accredited laboratory; or
  - (c) the sample was tampered with by someone other than the competitor or a person chosen by the competitor to oversee any part of the collection or testing of the sample.

**17N Notice to competitor of Agency's decision as to validity of positive test result from final testing of sample**

- (1) As soon as practicable after the Agency makes a decision as to the validity of a positive test result from the final testing of a sample, the Agency must give the competitor written notice of the decision.
- (2) If the Agency decides that the positive test result is valid, the Agency must include in the notice:
  - (a) the reasons for the decision; and
  - (b) a statement to the effect that, if the competitor is dissatisfied with the decision, application for review of the decision may, subject to the *Administrative Appeals Tribunal Act 1975*, be made to the Administrative Appeals Tribunal.
- (3) A failure to comply with subsection (2) does not affect the validity of the decision concerned.

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**Division 8—Return of positive test result by non-Australian other than a temporarily resident non-Australian**

**17P Application of Division**

This Division applies only in relation to a sample provided by a non-Australian other than a temporarily resident non-Australian.

**17Q Positive test result from initial testing of a sample**

- (1) If the initial testing of a sample returns a positive test result, the Agency must, as soon as practicable, notify the relevant International Sporting Federation of the result.
- (2) If that Federation requests the Agency to take any further action, the Agency may comply with the request so far as it is capable of doing so.

## **Division 9—Entry of competitor's name on Register**

### **17R Entry of competitor's name on Register—failure to provide a sample**

If:

- (a) a competitor referred to in section 16 fails to comply with a request to provide a sample; and
- (b) the Agency decides under subsection 17A(1) that the competitor did not have reasonable cause for failing to comply with the request;

the Agency must, as soon as practicable, enter on the Register the competitor's name and any other particulars known to the Agency that are required by the regulations to be entered.

### **17S Entry of competitor's name on Register—positive test result**

If:

- (a) the final testing of a sample provided by a competitor referred to in section 17J returns a positive test result; and
- (b) the Agency decides under subsection 17M(1) that the positive test result is valid;

the Agency must, as soon as practicable, enter on the Register the competitor's name and any other particulars known to the Agency that are required by the regulations to be entered.

### **17T Notice of entry of competitor's name on Register**

#### *Application*

- (1) This section applies when the Agency enters a competitor's name and other particulars on the Register, whether under section 11, 17R or 17S.

#### *Notice of entry on Register*

- (2) The Agency must, as soon as practicable, give written notice of the making, and of particulars, of the entry to:
  - (a) the competitor; and
  - (b) if:
    - (i) the Agency thinks that the competitor may be under 18 years of age or may have an intellectual disability; and

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- (ii) the Agency is aware of the name, and the address of the usual place of residence or employment, of a person who has long-term parental responsibility for, or is the guardian of, the competitor;  
the person who has that responsibility or is such a guardian;  
and
- (c) if the Agency is aware that the competitor receives support from the Commission—the Commission; and
- (d) if the Agency is aware that the competitor receives support from an academy, institute or other similar body of a State or Territory—the institute, academy or other body; and
- (e) the relevant national sporting organisation.

*Notice to identify all other persons, organisations or bodies notified*

- (3) When the Agency gives a notice of the making of an entry on the Register under this section, the Agency must include in the notice a statement setting out the name of each other person to whom, or organisation or body to which, the Agency has given or proposes to give notice of the making of the entry.

*Copy of competitor's submission may be given to national sporting organisation in certain circumstances*

- (4) If the Agency gives to a national sporting organisation a notice under this section of the making of an entry on the Register in relation to a competitor, the Agency may, if the organisation requests, also give the organisation:
  - (a) a statement of the Agency's reasons for the decision under section 17A or 17M that resulted in the entry being made on the Register; and
  - (b) if the competitor consents in writing, a copy of any submission made by or on behalf of the competitor to the Agency under section 17 or 17L.
- (5) A failure to comply with subsection (2), (3) or (4) does not affect the validity of the entry of the competitor's name and other particulars on the Register.

**17U Certain competitors' names to be removed from the Register**

- (1) This section applies if:

- (a) a competitor's name, and other particulars, have been entered on the Register; and
  - (b) at the time of the occurrence of the event as a result of which the competitor's name was entered on the Register the competitor was under 18 years of age; and
  - (c) as a direct or indirect result of having his or her name so entered, the competitor has been prevented from taking part, or has become ineligible to take part, in sporting competition for a particular period (the *suspension period*).
- (2) Subject to subsection (3), the Agency must, as soon as practicable after the end of the suspension period, remove from the Register the name and other particulars entered as mentioned in paragraph (1)(a) in relation to the competitor.
- (3) If, as a result of the competitor's name being entered on the Register as mentioned in paragraph (1)(a), the Commission has disqualified the competitor from:
  - (a) receiving funding from the Commission; or
  - (b) using facilities that:
    - (i) are provided, in whole or in part, by the Commission; or
    - (ii) are operated or maintained, in whole or in part, with funding received from the Commission;for a period (the *disqualification period*) that ends after the suspension period, subsection (2) does not apply but the Agency must, as soon as practicable after the end of the disqualification period, remove from the Register the name and other particulars entered as mentioned in paragraph (1)(a) in relation to the competitor.

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## **Division 10—Review of decisions**

### **17V Reviews by Administrative Appeals Tribunal**

Application may be made to the Administrative Appeals Tribunal for the review of a reviewable decision.

### **17W Action by Agency following decision or order on review**

- (1) If the Administrative Appeals Tribunal sets aside a reviewable decision, the Agency must, as soon as practicable, remove from the Register any entry that was made as a result of the Agency's decision.
- (2) If, after the making of an entry on the Register in relation to a decision of the Agency:
  - (a) the entry is removed from the Register under subsection (1) of this section; or
  - (b) an order is made under section 41 of the *Administrative Appeals Tribunal Act 1975* staying or otherwise affecting the operation or implementation of the decision, or an order so made is afterwards revoked;the Agency must, as soon as practicable, give written notice of that fact to each person to whom, and each organisation or body to which, notice of the making of the entry was given.

## **Part 3A—Requesting, collecting and testing of samples on behalf of or by a foreign sporting organisation**

### **Division 1—Testing on behalf of a foreign sporting organisation**

#### **17X Agency may contract with foreign sporting organisations to collect and test samples**

- (1) The Agency may enter into a contract with a foreign sporting organisation under which the Agency may:
  - (a) collect samples from people for the purpose of testing whether any scheduled drug or doping method is present in the samples; and
  - (b) arrange for the secure transport of the samples to an accredited laboratory; and
  - (c) arrange for the testing of the samples by an accredited laboratory; and
  - (d) give notice of the results of the testing so far as is permitted by section 17ZA.
- (2) The Agency may do anything required or permitted by the contract to be done or necessary to be done to give effect to the contract.

#### **17Y Making of request at instance of foreign sporting organisation**

If:

- (a) the Agency has been asked by, or is required or permitted under a contract with, a foreign sporting organisation to request a competitor to provide a sample for testing; or
- (b) the Agency is required or permitted under an anti-doping arrangement to request a competitor to provide a sample for testing;

the Agency may request the competitor to provide a sample for testing.

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**17Z Procedures to be followed**

The procedures to be followed in respect of the making of the request, the collection and testing of the sample and the notifying of the results of the testing of the sample are:

- (a) if paragraph 17Y(a) applies—the procedures agreed to between the Agency and the foreign sporting organisation; or
- (b) if paragraph 17Y(b) applies—the procedures stated in, or determined under, the anti-doping arrangement.

**17ZA Notifying matters arising out of testing**

- (1) The Agency may notify the relevant foreign sporting organisation of any matter arising out of the making of the request to the competitor, including:
  - (a) a failure by the competitor to provide a sample; or
  - (b) a failure by the competitor to complete or sign any form required by the Agency to be completed or signed by the competitor or to do anything in relation to the sample that is required by the Agency to be done; or
  - (c) any provision of a sample by a person who was not the competitor and represented, by pretending to be the competitor, that the sample was provided by the competitor; or
  - (d) any other interference with the provision, collection or testing of the sample; or
  - (e) the results of the testing.
- (2) Subject to subsection (3), the Agency may notify any matter referred to in subsection (1) to:
  - (a) the competitor; and
  - (b) if:
    - (i) the Agency thinks that the competitor may be under 18 years of age or may have an intellectual disability; and
    - (ii) the Agency is aware of the name, and the address of the usual place of residence or employment, of a person who has long-term parental responsibility for, or is the guardian of, the competitor;  
the person who has that responsibility or is such a guardian;  
and



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- (c) if the Agency is aware that the competitor receives support from the Commission—the Commission; and
  - (d) if the Agency is aware that the competitor receives support from an academy, institute or other similar body of a State or Territory—the institute, academy or other body; and
  - (e) the relevant national sporting organisation.
- (3) The Agency is not to notify a person, organisation or body of a matter under subsection (2) if the relevant foreign sporting organisation directs the Agency not to do so.

## **Division 2—Testing by a foreign sporting organisation**

### **17ZB Disclosure if Australian citizen or permanent resident is requested by foreign sporting organisation to provide sample for testing**

- (1) Subject to subsection (2), if:
  - (a) a competitor who is an Australian citizen or a permanent resident was requested by a foreign sporting organisation to provide a sample for testing; and
  - (b) the foreign sporting organisation tells the Agency:
    - (i) that the competitor has refused to provide a sample to the organisation; or
    - (ii) that another person has provided a sample to the organisation and has represented, by pretending to be the competitor, that the sample was provided by the competitor; or
    - (iii) the testing of the sample provided by the competitor returned a positive test result;the Agency may disclose the information received from the foreign sporting organisation to any one or more of the persons, organisations or bodies referred to in paragraphs 17T(2)(a), (b), (c), (d) and (e).
- (2) If the foreign sporting organisation is a foreign anti-doping body that was not an approved anti-doping body when the request for the provision of the sample was made, subsection (1) does not permit the Agency to disclose the information received from the anti-doping body unless and until the anti-doping body is approved under section 66C.

### **18 Minister may request notification**

- (1) The Minister may, in writing, request the Agency to give to the Minister a written notice stating, in respect of each competitor specified in the request, whether the competitor's name has been entered on the Register.
- (2) The Minister may include in the request a further request that the Agency set out in the notice, in respect of each specified

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competitor whose name has been entered on the Register, the contents of the entry.

- (2A) The Minister may, in writing, request the Agency to give to the Minister a written notice stating, in respect of each competitor specified in the request, whether the competitor has returned a negative test result.
- (2B) The Minister may, in writing, request the Agency to give to the Minister a written notice stating, in respect of each competitor named in the Minister's request:
- (a) who is not an Australian citizen, a permanent resident or a temporarily resident non-Australian and has, pursuant to a request by the Agency under Part 3, provided a sample for testing; or
  - (b) who, pursuant to a request by the Agency under Part 3A, has provided a sample for testing;
- any information that is stated in the Minister's request in relation to the outcome of the Agency's request to the competitor to provide a sample.
- (3) The Agency must comply with any request under subsection (1), (2A) or (2B), and any further request under subsection (2).

## **Part 4—Constitution and Meetings of the Agency etc.**

### **Division 1—Constitution of the Agency**

#### **19 Constitution**

- (1) The Agency consists of:
  - (a) the Chairperson; and
  - (b) the Deputy Chairperson; and
  - (c) the Chief Executive; and
  - (d) not fewer than 1 nor more than 3 other members.
- (2) The performance of the functions and the exercise of the powers of the Agency are not affected merely because of vacancies in the Agency's membership.

#### **20 Appointment of members**

- (1) The members of the Agency are to be appointed by the Minister.
- (2) The Minister must not appoint a person as a member unless the Minister is satisfied that the person has qualifications relevant to, or special experience or interest in, a field related to the Agency's functions.
- (3) The Minister must not:
  - (a) appoint a person who has attained the age of 65 years as the Chief Executive; or
  - (b) appoint a person as the Chief Executive for a term that extends beyond the day on which the person will attain the age of 65 years.
- (4) The appointment of a member is not invalid because of a defect or irregularity in connection with the member's appointment.

## **Division 2—Meetings of the Agency**

### **21 Convening of meetings**

- (1) The Agency is to hold such meetings as are necessary for the efficient performance of its functions.
- (2) The Chairperson:
  - (a) may, at any time, convene a meeting of the Agency; and
  - (b) must, on receipt of a written request from the Minister or from not less than 2 other members, convene a meeting of the Agency.

### **22 Presiding at meetings**

- (1) The Chairperson is to preside at all meetings at which he or she is present.
- (2) Where the Chairperson is not present at a meeting, the Deputy Chairperson is to preside.
- (3) Where the Chairperson and Deputy Chairperson are not present at a meeting, the members present are to elect one of their number to preside at the meeting.

### **23 Quorum**

At a meeting, 3 members constitute a quorum.

### **24 Voting at meetings**

At a meeting:

- (a) all questions are to be decided by a majority of votes of the members present and voting; and
- (b) the person presiding has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

### **25 Conduct of meetings**

- (1) The Agency may, subject to this Division, regulate proceedings at its meetings as it considers appropriate.
- (2) Without limiting subsection (1), the Agency may permit a member to participate in a meeting by telephone, closed circuit television or any other means of communication.

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- (3) A member who is permitted to participate in a meeting under subsection (2) is to be regarded as being present at that meeting.

### **26 Resolutions without meetings**

- (1) Where a majority of the members (being a majority that includes the Chairperson) sign a document containing a statement that they are in favour of a resolution in terms set out in the document, a resolution in those terms is to be taken to have been passed at a duly constituted meeting of the Agency held on the day the document was signed, or, if the members sign the document on different days, on the last of those days.
- (2) For the purposes of subsection (1), 2 or more separate documents containing statements in identical terms each of which is signed by one or more members are together to be taken to constitute one document containing a statement in those terms signed by those members on the respective days on which they signed the separate documents.
- (3) A member must not sign a document containing a statement in favour of a resolution if the resolution is in respect of a matter in which the member would, for the purposes of section 28, be taken to have an interest.

### **27 Records relating to meetings**

The Agency is to keep minutes of its meetings and records of resolutions taken to have been passed in accordance with section 26.

### **28 Disclosure of interests**

- (1) A member who has an interest in a matter being considered, or about to be considered, by the Agency must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Agency.
- (2) The disclosure is to be recorded in the minutes of the meeting and, unless the Minister or the Agency otherwise determines, the member must not:
  - (a) be present during any deliberation of the Agency in relation to the matter; or
  - (b) take part in any decision of the Agency in relation to the matter.

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- (3) For the purposes of the making of a determination by the Agency under subsection (2) in relation to a member who has made a disclosure under subsection (1), a member who has an interest in the matter to which the disclosure relates must not:
  - (a) be present during any deliberation of the Agency for the purposes of making the determination; or
  - (b) take part in the making by the Agency of the determination.
- (4) For the purposes of this section, a member is to be taken to have an interest in a matter if:
  - (a) the member has a direct or indirect pecuniary interest in the matter; or
  - (b) the matter concerns a particular sport and the member participates in, or is involved in any way in the administration of, that sport; or
  - (c) the matter concerns a particular sporting organisation and the member is a member of, or is involved in any way in the administration of, that organisation; or
  - (d) the matter concerns a particular sporting event or sporting venue and the member is involved in any way in the administration of that event or venue; or
  - (e) the matter concerns a particular competitor and the member is related to, or has some involvement in the affairs of, that competitor.

**29 Persons may be invited to attend meeting**

The Agency may invite a person to attend a meeting for the purpose of advising or informing it on any matter.

## **Division 3—Provisions relating to members**

### **30 Terms of office**

- (1) The Chairperson and the Deputy Chairperson:
  - (a) are to be appointed on a part-time basis; and
  - (b) hold office for such periods (not exceeding 5 years) as are specified in their instruments of appointment, but are eligible for re-appointment.
- (2) The Chief Executive:
  - (a) is to be appointed on a full-time basis; and
  - (b) holds office for such period (not exceeding 5 years) as is specified in the instrument of appointment, but is eligible for re-appointment.
- (3) A member referred to in paragraph 19(1)(d):
  - (a) is to be appointed on a part-time basis; and
  - (b) holds office for such period (not exceeding 3 years) as is specified in the instrument of appointment, but is eligible for re-appointment.

### **31 Terms and conditions of appointment not provided for by Act**

A member holds office on such terms and conditions (if any) in relation to matters not provided for by this Act as are determined, in writing, by the Minister.

### **32 Remuneration and allowances**

- (1) The Chairperson, the Deputy Chairperson, the Chief Executive and the other members are to be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, are to be paid such remuneration as is prescribed.
- (2) A member is to be paid such allowances as are prescribed.
- (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.



### **33 Leave of absence**

- (1) The Minister may grant leave of absence to the Chairperson on such terms and conditions as to remuneration or otherwise as the Minister considers appropriate.
- (2) The Chairperson may grant leave of absence to another part-time member on such terms and conditions as to remuneration or otherwise as the Chairperson considers appropriate.
- (3) Subject to section 87E of the *Public Service Act 1922*, the Chief Executive has such recreation leave entitlements as are determined by the Remuneration Tribunal.
- (4) The Chairperson may grant the Chief Executive leave of absence, other than recreation leave, on such terms and conditions as to remuneration or otherwise as the Chairperson determines.
- (5) The Chairperson must notify the Minister if the Chief Executive is to be absent on leave for a continuous period of more than 4 weeks.

### **34 Resignation**

A member may resign by writing signed by the member and delivered to the Minister.

### **35 Outside employment**

- (1) The Chief Executive must not, except with the Minister's approval, engage in paid employment outside the duties of the Chief Executive's office.
- (2) A member (other than the Chief Executive) must not engage in any paid employment that, in the Minister's opinion, conflicts with the proper performance of the member's functions.

### **36 Termination of appointment**

- (1) The Minister may terminate a member's appointment for misbehaviour or physical or mental incapacity.
- (2) The Minister may terminate a member's appointment if the member:
  - (a) fails, without reasonable excuse, to comply with an obligation imposed by subsection 26(3) or section 28; or
  - (b) commits an offence against section 67; or

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- (c) is absent, except on leave of absence granted under section 33, from 3 consecutive meetings of the Agency; or
- (d) being the Chief Executive, engages, without the Minister's approval, in any paid employment outside the duties of the Chief Executive's office; or
- (e) being a member other than the Chief Executive, engages in any paid employment that, in the Minister's opinion, conflicts with the proper performance of the member's functions.

**37 Acting appointments**

- (1) The Minister may appoint the Deputy Chairperson, or a member (other than the Chief Executive) to act as Chairperson:
  - (a) during a vacancy in the office of Chairperson, whether or not an appointment has previously been made to the office; or
  - (b) during any period, or during all periods, when the Chairperson is absent from duty or from Australia or is, for any reason, unable to perform the duties of the office.
- (2) The Minister may appoint a member (other than the Chief Executive) to act as Deputy Chairperson:
  - (a) during a vacancy in the office of Deputy Chairperson, whether or not an appointment has previously been made to the office; or
  - (b) during any period, or during all periods, when the Deputy Chairperson is absent from duty or from Australia or is, for any reason (including the reason that the Deputy Chairperson is acting as the Chairperson), unable to perform the duties of the office.
- (3) The Minister may appoint a person, whether or not the person is a member, to act as the Chief Executive:
  - (a) during a vacancy in the office of the Chief Executive, whether or not an appointment has previously been made to the office; or
  - (b) during any period, or during all periods, when the Chief Executive is absent from duty or from Australia or is, for any reason, unable to perform the duties of the office.
- (4) The Minister may appoint a person to act as a member (other than the Chairperson, Deputy Chairperson or Chief Executive):

- (a) during a vacancy in the office of the member, whether or not an appointment has previously been made to the office; or
  - (b) during any period, or during all periods, when the member is absent from duty or from Australia or is, for any reason (including the reason that the member is acting as the Chairperson, Deputy Chairperson or Chief Executive), unable to perform the duties of the office.
- (5) A person appointed to act during a vacancy under paragraph (1)(a), (2)(a), (3)(a) or (4)(a) must not continue so to act for more than 12 months.
- (6) In its application in relation to a person appointed to act under this section, section 33A of the *Acts Interpretation Act 1901* is modified by inserting at the end of subparagraph (b)(i) “, being terms and conditions that are, as far as practicable, equivalent to the terms and conditions that are applicable to that particular office”.
- (7) Anything done by or in relation to a person purporting to act under this section is not invalid merely because:
  - (a) the occasion for the appointment had not arisen; or
  - (b) there was a defect or irregularity in connection with the appointment; or
  - (c) the appointment had ceased to have effect; or
  - (d) the occasion for the person to act had not arisen or had ceased.

## **Division 4—Committees of the Agency**

### **38 Establishment of committees**

The Agency may establish committees to assist it in the performance of its functions and the exercise of its powers.

### **39 Constitution of committees**

- (1) A committee is to be constituted wholly by members of the Agency or partly by members of the Agency and partly by other persons.
- (2) In all cases, the Chairperson of the committee must be a member of the Agency.

### **40 Reimbursement of expenses**

Where:

- (a) a member of a committee who is not a member or an employee of the Agency has incurred reasonable expenses in performing his or her duties as a member of the committee; and
  - (b) the Chairperson of the committee has approved the reimbursement of such expenses;
- the Agency must reimburse such expenses.

### **41 Quorum**

The number of members of a committee required to constitute a quorum at a meeting of the committee is:

- (a) if the number of committee members is an odd number—the number of committee members that constitute a majority of the committee's membership; or
- (b) if the number of committee members is an even number—the number of committee members equal to one more than half the committee's membership.

### **42 Voting at meetings**

At a meeting of a committee:

- (a) all questions are to be decided by a majority of votes of the members of the committee present and voting; and

- (b) the person presiding has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

#### **43 Persons may be invited to attend meeting**

A committee may invite a person to attend a meeting of the committee for the purpose of advising or informing it of any matter.

#### **44 Report to the Agency**

The Chairperson of a committee must report to the Agency, at meetings of the Agency, on the committee's activities carried on since the last time (if any) a report was given, concerning those activities, at a meeting of the Agency.

#### **45 Minutes**

A committee is to keep minutes of its meetings.

#### **46 Applied provisions**

Section 28 applies to a member of a committee as if references in that section:

- (a) to a member were references to the member of the committee; and
- (b) to a meeting were references to a meeting of the committee; and
- (c) to the Agency were references to the committee; and
- (d) to the Minister were references to the Agency.

## **Part 5—Strategic Plans and Annual Operational Plans**

### **Division 1—Strategic plans**

#### **47 Strategic plans**

- (1) The Agency must develop, and prepare in writing, for each successive period referred to in subsections (2) and (3), a strategic plan setting out:
  - (a) the Agency's broad objectives in performing its functions during the period; and
  - (b) the manner in which it proposes to perform its functions during that period.
- (2) The first strategic plan prepared after the commencement of this subsection is to be expressed to relate to the period that began at the end of the last preceding strategic plan and ends on 30 June 2000, 30 June 2001 or 30 June 2002, as the Minister determines.
- (3) Each strategic plan after the strategic plan to which subsection (2) applies is to relate to a period determined by the Minister (being a period of 3, 4 or 5 years) beginning at the end of the period to which the immediately preceding strategic plan relates.
- (4) Each strategic plan must be laid before each House of the Parliament within 15 sitting days of that House after approval by the Minister of the plan.

#### **48 Approval and commencement of strategic plans**

- (1) A strategic plan must be submitted to the Minister for approval not less than 3 months, or such shorter period as the Minister, in special circumstances, allows, before the day of commencement of the period to which the strategic plan relates.
- (2) A strategic plan does not come into operation until:
  - (a) the day on which it is approved by the Minister; or
  - (b) the day of commencement of the period to which it relates; whichever is the later.

#### **49 Variation of strategic plans**

- (1) The Agency must, from time to time, during the period in respect of which a strategic plan is in force, consider whether a variation of the plan is necessary.
- (2) Where the Agency considers that a variation of the strategic plan is necessary, the Agency may, with the approval of the Minister, vary the plan.
- (3) Where a variation of the strategic plan is approved by the Minister the plan as so varied continues in force on and after the day on which the variation is so approved as if the plan had originally been approved by the Minister as so varied.

## **Division 2—Annual operational plans**

### **50 Annual operational plans**

- (1) The Agency must develop, and prepare in writing, in respect of each financial year ending after the commencement of this Act, an operational plan, setting out particulars of:
  - (a) the programs the Agency proposes to carry out; and
  - (b) the resources the Agency proposes to allocate to each such program; and
  - (c) the mechanisms by which the Agency's performance in carrying out these programs is to be regularly monitored and evaluated;during that year in giving effect to the strategic plan that relates, or the intended strategic plan that will relate, to a period that includes that year or a part of that year.
- (2) Each operational plan must be laid before each House of the Parliament within 15 sitting days of that House after approval by the Minister of that plan.

### **51 Revision of annual operational plans**

- (1) If the Minister is of the opinion that an operational plan in relation to a financial year is inconsistent with the strategic plan relating to the period that includes that year or a part of that year, the Minister may, in writing, request the Agency to revise the operational plan.
- (2) The Agency may, at any time, revise an operational plan, and must revise the plan if the Minister requests it under subsection (1) to do so and gives written reasons for the request.

### **52 Approval and commencement of annual operational plans**

- (1) An operational plan, or a revision of an operational plan:
  - (a) must be submitted to the Minister as soon as practicable; and
  - (b) comes into force when it is approved, in writing, by the Minister.
- (2) The Minister must approve an operational plan, or a revision of an operational plan, unless the Minister is of the opinion that the plan,



or the plan as proposed to be revised (as the case may be), is inconsistent with the strategic plan.

## **Division 3—Compliance with plans**

### **53 Compliance with plans**

To the extent that it is practicable to do so and subject to this Act, the Agency must perform its functions and exercise its powers in a manner that is consistent with, and is designed to give effect to, any strategic plan and any operational plan that are in force.

### **54 Reporting requirements**

The Agency must, in each annual report, include particulars of the extent to which:

- (a) the Agency has complied with any strategic plan, and the operational plan, in force during the financial year to which the report relates; and
- (b) its operations during the financial year to which the report relates have:
  - (i) achieved its objectives as stated in any relevant strategic plan; and
  - (ii) implemented the operational plan in force during that financial year.

## **Part 6—Chief Executive, Staff and Consultants**

### **55 Duties of the Chief Executive**

- (1) The Chief Executive is to manage the affairs of the Agency subject to the directions of, and in accordance with policies determined by, the Agency.
- (2) All acts and things done in the name of, or on behalf of, the Agency by the Chief Executive, for the purposes of this Act, are to be taken to have been done by the Agency.

### **56 Employees**

- (1) The Chief Executive may, on behalf of the Agency, employ such persons as the Agency considers necessary for the performance of its functions and the exercise of its powers.
- (2) An employee is to be employed on such terms and conditions as are determined by the Agency.
- (3) The Chief Executive may arrange with the Secretary of any Department of the Australian Public Service, or with a body established by an Act, for the services of officers or employees of that Department or of that body to be made available to the Agency.

### **57 Consultants**

- (1) The Agency may engage persons having suitable qualifications and experience as consultants to the Agency.
- (2) The terms and conditions of engagement are to be determined by the Agency.

## Part 7—Finance

### 58 Appropriation of money

- (1) There is payable to the Agency such money as is appropriated by the Parliament for the purposes of the Agency.
- (2) The Minister for Finance may give directions as to the amounts in which, and the times at which, money referred to in subsection (1) is to be paid to the Agency.

### 60 Application of money

- (1) The Agency's money is to be applied only:
  - (a) in payment or discharge of the expenses, charges, obligations and liabilities incurred or undertaken by the Agency in the performance of its functions and the exercise of its powers; and
  - (b) in payment of remuneration and allowances payable under this Act.
- (2) Subsection (1) does not prevent investment of surplus money of the Agency under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

### 61 Borrowing from the Commonwealth

- (1) The Minister for Finance may, on behalf of the Commonwealth, out of money appropriated by the Parliament for the purpose, lend money to the Agency at such rates of interest and on such other terms and conditions as that Minister determines.
- (2) The Agency must not borrow money except in accordance with subsection (1).
- (3) The Agency may give security over the whole or part of its assets for the repayment of amounts borrowed under subsection (1) and the payment of interest on amounts so borrowed.

### 62 Contracts

- (1) The Agency must not, except with the Minister's written approval:
  - (a) enter into a contract involving the payment or receipt by the Agency of an amount exceeding \$100,000; or

- (b) enter into a lease of land for a period of 10 years or more.
- (2) Paragraph (1)(a) does not apply to the investment of money by the Agency in accordance with section 18 of the *Commonwealth Authorities and Companies Act 1997*.

**63 Extra matters to be included in annual report**

- (2) In each report on the Agency under section 9 of the *Commonwealth Authorities and Companies Act 1997*, the members must:
  - (a) include the particulars (if any) that the Agency is required to include under regulations made for the purposes of subsection (3) of this section; and
  - (b) include the list of accredited laboratories maintained under subsection 66(1); and
  - (c) include particulars of each direction given to the Agency by the Minister under subsection 68(1) that is applicable in relation to the financial year to which the report relates; and
  - (d) include the particulars that the Agency is required to include under section 54; and
  - (e) include particulars of:
    - (i) significant capital works programs (if any) undertaken by the Agency during the financial year to which the report relates; and
    - (ii) significant acquisitions and dispositions of real property by the Agency during the financial year; and
    - (iii) variations to the strategic plan and to the operational plan agreed to by the Minister during that financial year.
- (3) The regulations may provide for further particulars to be included in each such report, being particulars relating to one or more of the following:
  - (a) the provision of samples by competitors;
  - (b) the testing of samples so provided;
  - (c) the extent of the participation by sporting organisations in testing programs operated or supported by the Agency.

**65 Trust money**

- (1) The Agency must ensure that any money received or held by the Agency on trust is paid into an account, or more than one account,

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maintained under subsection 18(2) of the *Commonwealth Authorities and Companies Act 1997* that does not contain any money of the Agency not held on trust.

- (2) Despite section 60:
    - (a) money or other property held by the Agency on trust is to be applied or dealt with only in accordance with the powers and duties of the Agency as trustee; and
    - (b) money held by the Agency on trust may be invested:
      - (i) in any manner in which the Agency is authorised to invest that money by the terms of the trust; or
      - (ii) in any manner in which trust money may, for the time being, be invested under law;
- but not otherwise.

### **65A Agency exempt from taxation**

- (1) Subject to subsection (3), the Agency is not subject to taxation under any law of the Commonwealth or of a State or Territory.
- (2) Subject to subsection (3), sales tax is not payable by the Agency, or by any other person, on goods that are for use by the Agency.
- (3) The regulations may provide that subsection (1) or (2) does not apply in relation to taxation under a specified law.

## **Part 8—Miscellaneous**

### **66 Accredited laboratories**

- (1) The Agency is to prepare and maintain a list of the laboratories that the International Olympic Committee recognises as accredited laboratories for the purpose of testing for the use of drugs in sport.
- (2) The laboratories may be situated either within or outside Australia.

### **66A Anti-doping arrangements**

- (1) The regulations may specify that an international arrangement entered into by the Commonwealth is an anti-doping arrangement for the purposes of this Act.
- (2) The Agency is to prepare and maintain a list of anti-doping arrangements that are in force.

### **66C Agency may approve anti-doping bodies**

- (1) If the Agency is satisfied that the procedures of a foreign anti-doping body relating to:
  - (a) sample collection; and
  - (b) the sealing of the containers in which the sample is to be kept until it is tested; and
  - (c) transportation of samples to an accredited laboratory; and
  - (d) analysis of samples at an accredited laboratory; and
  - (e) the competitor's rights in relation to the testing of the sample;are satisfactory, the Agency may approve the anti-doping body.
- (2) The Agency is to prepare and maintain a list of bodies so approved.

### **66D Agency may request approved anti-doping body to test an Australian competitor**

- (1) The Agency may request an approved anti-doping body to take a sample from a competitor who:
  - (a) is an Australian citizen or a permanent resident; and
  - (b) is in a foreign country.

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- (2) If such a request is made, the Agency may set out in the request, or may make a further request to the anti-doping body setting out, any matters relevant to the request that the Agency thinks appropriate, including the procedures to be followed for requesting the provision of the sample, collecting and testing the sample and notifying the results of the testing.

**67 Disclosure of confidential information**

- (1) This section applies to a person who is or has been:
- (a) a member of the Agency; or
  - (b) a member of a committee of the Agency; or
  - (c) an employee of, or consultant to, the Agency; or
  - (d) a person attending a meeting of the Agency or a committee of the Agency; or
  - (e) a member of the Commission; or
  - (f) a member of a committee of the Commission; or
  - (g) an employee of, or consultant to, the Commission; or
  - (h) a person attending a meeting of the Commission or a committee of the Commission; or
  - (j) an employee of an accredited laboratory.
- (2) This section applies to information if the information concerns a person and is obtained by a person to whom this section applies:
- (a) in the course of that person performing functions or duties or exercising powers under this Act; or
  - (b) as a result of another person performing functions or duties or exercising powers under this Act.
- (3) A person to whom this section applies must not disclose or communicate (whether directly or indirectly) to any person any information to which this section applies unless the information is disclosed or communicated:
- (a) for the purposes of this Act; or
  - (b) for the purposes of, or in connection with, the performance of a function or duty or the exercise of a power under this Act; or
  - (c) where the person is a person of a kind referred to in paragraph (1)(e), (f), (g) or (h)—for the purposes:
    - (i) of the *Australian Sports Commission Act 1989*; or



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- (ii) of, or in connection with, the performance of a function or duty or the exercise of a power under that Act.

Penalty: Imprisonment for 2 years.

- (4) A person to whom this section applies must not be required:
  - (a) to produce in a court any document containing information to which this section applies; or
  - (b) to divulge or communicate to any court any information to which this section applies;

except where it is necessary to do so for the purposes of carrying into effect the provisions of this Act.

- (4A) Nothing in this section:

- (a) prevents the Agency or an accredited laboratory from disclosing or communicating to the International Olympic Committee or to an International Sporting Federation any statistics of test results in respect of samples provided by people competing, or training to compete, in sporting competition relevant to the Committee or Federation, as the case may be, provided that the identity of a competitor whose sample has been tested is not revealed; or
- (b) if the Agency has carried out a test of a sample at the request of, or under a contract with, a foreign anti-doping body—prevents the Australian Sports Drug Testing Laboratory from notifying that body and the Agency of the results of the test; or
- (c) if the Agency has carried out a test of a sample under an anti-doping arrangement—prevents the Australian Sports Drug Testing Laboratory from notifying the foreign anti-doping body referred to in the arrangement.

- (5) In this section:

***court*** includes any tribunal, authority or person having power to require the production of documents or the answering of questions.

***produce*** includes permit access to.

### **67A Provisions relating to giving of notices**

A written notice by the Agency to a person or to a sporting organisation for the purposes of this Act or the regulations may be given:

- (a) in respect of a notice to a person:

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- (i) by delivering it personally to the person; or
  - (ii) by sending it by post, or by means of a prescribed courier service, to the person at the address of the person's place of residence last known to the Agency; or
  - (iii) if the person has notified the Agency of a number to which notices may be sent to the person by facsimile transmission—by sending it to the person by facsimile transmission to that number; or
  - (iv) if the notice is to be given to a competitor but cannot be given as mentioned in subparagraph (i), (ii) or (iii)—by sending by post, or by means of a prescribed courier service, to the relevant sporting organisation, at its address last known to the Agency, a written notice (to which the notice to the competitor is attached in a sealed envelope addressed to the competitor) requesting the organisation to send the envelope to the competitor; or
- (b) in respect of a notice to a sporting organisation:
- (i) by sending it by post, or by means of a prescribed courier service, to the organisation at its address last known to the Agency; or
  - (ii) if the organisation has notified the Agency of a number to which notices may be sent to the organisation by facsimile transmission—by sending it to the organisation by facsimile transmission to that number; or
- (c) in any case—in any other manner prescribed by the regulations.

**67B Person interfering with collection of sample**

If:

- (a) a competitor is requested by the Agency to provide a sample; and
- (b) the Agency believes that another person:
  - (i) has provided a sample and represented, by pretending to be the competitor, that the sample was provided by the competitor; or

(ii) has otherwise interfered with the provision, collection or testing of the sample;  
the Agency may notify the relevant national sporting organisation of the circumstances of the other person's actions as understood by the Agency.

**68 Minister may give directions**

- (1) The Minister may give to the Agency written directions as to the performance of its functions and the exercise of its powers.
- (2) The Minister must, before giving a direction:
  - (a) inform the Agency, in writing, that the Minister is considering giving the direction; and
  - (b) give the Chairperson a reasonable opportunity to discuss the proposed direction with the Minister.
- (3) The Agency must comply with the directions.
- (4) The Minister must cause a copy of each direction given under subsection (1):
  - (a) to be published in the *Gazette* as soon as practicable after giving the direction; and
  - (b) to be laid before each House of the Parliament within 15 sitting days of that House after giving the direction.

**70 Delegation by the Agency**

- (1) The Agency may, by resolution, delegate to:
  - (a) the Chairperson; or
  - (b) the Chief Executive; or
  - (c) any employee of the Agency;all or any of the Agency's powers under this Act, other than the Agency's powers under sections 38, 47, 49, 50 and 51 and subsection 55(1).
- (2) The delegate is, in the exercise of a power so delegated, subject to any directions given by the Agency.

**71 Delegation by the Chief Executive**

- (1) The Chief Executive may, by instrument in writing, delegate to an employee of the Agency all or any of the Chief Executive's powers under this Act.

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- (2) The Chief Executive must not delegate powers under subsection (1) to an employee of the Agency unless the Agency has, by resolution, determined that it is desirable, for the efficient running of the Agency, that powers of the Chief Executive be delegated under this section to the person holding the office or position in the Agency that the employee holds.
- (3) The delegate is, in the exercise of a power so delegated, subject to any directions given by the Chief Executive.

### **72 Protection from civil actions**

A member or an employee of the Agency is not liable to an action or other proceeding for damages for or in relation to an act done or omitted to be done in good faith in the performance or purported performance of any function, or in the exercise or purported exercise of any power, of the Agency.

### **73 Regulations**

The Governor-General may make regulations, not inconsistent with this Act, prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
  - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
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**NOTE**  
**Table of Acts**

**NOTE**

1. The *Australian Sports Drug Agency Act 1990* as shown in this reprint comprises Act No.18, 1991 amended as indicated in the Tables below.

**Table of Acts**

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Australian Sports Drug Agency Act 1990</i>	18, 1991	21 Jan 1991	18 Feb 1991	
<i>Arts, Sport, Environment, Tourism and Territories Legislation Amendment Act 1991</i>	33, 1991	21 Mar 1991	S. 3: Royal Assent (a)	—
<i>Arts, Sport, Environment, Tourism and Territories Legislation Amendment Act (No. 2) 1991</i>	179, 1991	25 Nov 1991	25 Nov 1991	S. 3(2)
<i>Arts, Sport, Environment and Territories Legislation Amendment Act 1992</i>	21, 1992	10 Apr 1992	8 May 1992	—
<i>Australian Sports Drug Agency Amendment Act 1992</i>	108, 1992	9 July 1992	9 July 1992	—
<i>Sales Tax Amendment (Transitional) Act 1992</i>	118, 1992	30 Sept 1992	28 Oct 1992	—
<i>Australian Sports Drug Agency Amendment Act 1994</i>	42, 1994	15 Mar 1994	15 Mar 1994	—
<i>Environment, Sport and Territories Legislation Amendment Act 1995</i>	25, 1995	6 Apr 1995	6 Apr 1995	—
<i>Australian Sports Drug Agency Amendment Act 1996</i>	20, 1996	28 June 1996	Ss. 1 and 2: Royal Assent Remainder: 24 July 1996 (see <i>Gazette</i> 1996, No. GN29)	Sch. 1 (item 24)
<i>Environment, Sport and Territories Legislation Amendment Act 1997</i>	118, 1997	7 July 1997	Schedule 1 (items 5, 6): Royal Assent (b)	—
<i>Audit (Transitional and Miscellaneous) Amendment Act 1997</i>	152, 1997	24 Oct 1997	Schedule 2 (items 513-524): 1 Jan 1998 (see <i>Gazette</i> 1997, No. GN49) (c)	—

## NOTE

### Act Note

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- (a) The *Australian Sports Drug Agency Act 1990* was amended by section 3 only of the *Arts, Sport, Environment, Tourism and Territories Legislation Amendment Act 1991*, subsection 2(1) of which provides as follows:
  - “(1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.”
- (b) The *Australian Sports Drug Agency Act 1990* was amended by Schedule 1 (items 5, 6) only of the *Environment, Sport and Territories Legislation Amendment Act 1997*, subsection 2(1) of which provides as follows:
  - “(1) Subject to subsections (2), (3) and (4), this Act commences on the day on which it receives the Royal Assent.”
- (c) The *Australian Sports Drug Agency Act 1990* was amended by Schedule 2 (items 513-524) only of the *Audit (Transitional and Miscellaneous) Amendment Act 1997*, subsection 2(2) of which provides as follows:
  - “(2) Schedules 1, 2 and 4 commence on the same day as the *Financial Management and Accountability Act 1997*.”

**NOTE**  
**Table of Amendments**

**Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision affected	How affected
S. 2 .....	am. Nos. 21 and 108, 1992; No. 20, 1996
S. 2A .....	ad. No. 20, 1996
S. 3 .....	rs. No. 20, 1996
S. 4 .....	am. No. 108, 1992
Note to s. 7(1) .....	ad. No. 152, 1997
S. 8 .....	rs. No. 20, 1996
S. 9 .....	am. No. 108, 1992; No. 20, 1996
S. 9A .....	ad. No. 108, 1992 am. No. 42, 1994
S. 10 .....	am. No. 25, 1995; No. 118, 1997
Heading to Part 3 .....	rs. No. 108, 1992; No. 20, 1996
Div. 1 of Part 3 (s. 10A) .....	ad. No. 20, 1996
S. 10A .....	ad. No. 20, 1996
Heading to Div. 2 of Part 3 .....	ad. No. 20, 1996
S. 11 .....	am. No. 108, 1992; No. 42, 1994
Heading to Div. 3 of Part 3 .....	ad. No. 20, 1996
S. 12 .....	am. Nos. 21 and 108, 1992 rs. No. 20, 1996
Ss. 13, 14 .....	rs. No. 20, 1996
Heading to Div. 4 of Part 3 .....	ad. No. 20, 1996
Heading to Subdiv. A .....	ad. No. 20, 1996
of Div. 4 of Part 3	
S. 15 .....	am. No. 33, 1991; No. 108, 1992 rs. No. 20, 1996 am. No. 118, 1997
Heading to Subdiv. B .....	ad. No. 20, 1996
of Div. 4 of Part 3	
S. 16 .....	rs. No. 108, 1992; No. 20, 1996
Ss. 16A-16D .....	ad. No. 108, 1992 rep. No. 20, 1996
S. 17 .....	am. No. 21, 1992 rs. No. 20, 1996
S. 17A .....	ad. No. 21, 1992 rs. No. 20, 1996
S. 17B .....	ad. No. 108, 1992 rs. No. 20, 1996
Heading to Subdiv. C .....	ad. No. 20, 1996
of Div. 4 of Part 3	
S. 17C .....	ad. No. 108, 1992 rs. No. 20, 1996

## NOTE

### Table of Amendments

ad. = added or inserted      am. = amended      rep. = repealed      rs. = repealed and substituted

Provision affected	How affected
S. 17D .....	ad. No. 20, 1996
Div. 5 of Part 3 .....	ad. No. 20, 1996
(ss. 17E-17G)	
Ss. 17E-17G .....	ad. No. 20, 1996
Div. 6 of Part 3 (s. 17H) .....	ad. No. 20, 1996
S. 17H .....	ad. No. 20, 1996
Div. 7 of Part 3 (ss. 17J-17N) ...	ad. No. 20, 1996
Ss. 17J-17N .....	ad. No. 20, 1996
Div. 8 of Part 3 (ss. 17P, 17Q) .	ad. No. 20, 1996
Ss. 17P, 17Q .....	ad. No. 20, 1996
Div. 9 of Part 3 (ss. 17R-17U) ..	ad. No. 20, 1996
Ss. 17R-17U .....	ad. No. 20, 1996
Div. 10 of Part 3 .....	ad. No. 20, 1996
(ss. 17V, 17W)	
Ss. 17V, 17W .....	ad. No. 20, 1996
Part 3A .....	ad. No. 20, 1996
(ss. 17X-17Z, 17ZA, 17ZB)	
Ss. 17X-17Z, 17ZA, 17ZB .....	ad. No. 20, 1996
S. 18 .....	am. No. 21, 1992; No. 20, 1996
S. 20 .....	am. No. 179, 1991
S. 33 .....	am. No. 179, 1991
S. 47 .....	am. No. 20, 1996
S. 56 .....	am. No. 20, 1996
S. 59.....	rep. No. 152, 1997
S. 60.....	am. No. 152, 1997
S. 62.....	am. No. 152, 1997
Heading to s. 63	rs. No. 152, 1997
S. 63.....	am. No. 152, 1997
S. 64 .....	rs. No. 20, 1996
	rep. No. 152, 1997
S. 65.....	am. No. 152, 1997
S. 65A .....	ad. No. 21, 1992
	am. No. 118, 1992
S. 66A .....	ad. No. 21, 1992
S. 66B .....	ad. No. 108, 1992
	rep. No. 20, 1996
Ss. 66C, 66D .....	ad. No. 108, 1992
	am. No. 20, 1996
S. 67 .....	am. No. 20, 1996
Ss. 67A, 67B .....	ad. No. 20, 1996
S. 69.....	rep. No. 152, 1997
S. 70 .....	am. No. 21, 1992



