



Australian Sports Anti-Doping Authority Amendment (Sport Integrity Australia) Act 2020

No. 11, 2020

***An Act to amend the *Australian Sports Anti-Doping
Authority Act 2006*, and for related purposes***

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

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Australian Sports Anti-Doping Authority Amendment (Sport Integrity Australia) Act 2020

No. 11, 2020

An Act to amend the *Australian Sports Anti-Doping Authority Act 2006*, and for related purposes

[Assented to 6 March 2020]

The Parliament of Australia enacts:

1 Short title

This Act is the *Australian Sports Anti-Doping Authority Amendment (Sport Integrity Australia) Act 2020*.

No. 11, 2020 Australian Sports Anti-Doping Authority Amendment (Sport Integrity Australia) Act 2020 1

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	6 March 2020
2. Schedules 1 and 2	The later of: (a) the day after this Act receives the Royal Assent; and (b) 1 July 2020.	1 July 2020 (paragraph (b) applies)
3. Schedule 3, Part 1	The later of: (a) the day after this Act receives the Royal Assent; and (b) 1 July 2020. However, the provisions do not commence at all if Part 1 of Schedule 1 to the <i>Australian Sports Anti-Doping Authority Amendment (Enhancing Australia's Anti-Doping Capability) Act 2020</i> commences on or before the day on which Schedule 1 to this Act commences.	1 July 2020 (paragraph (b) applies)

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
4. Schedule 3, Part 2	The later of: (a) the day after this Act receives the Royal Assent; and (b) 1 July 2020. However, the provisions do not commence at all unless Part 1 of Schedule 1 to the <i>Australian Sports Anti-Doping Authority Amendment (Enhancing Australia's Anti-Doping Capability) Act 2020</i> commences before the day on which Schedule 1 to this Act commences.	Never commenced
5. Schedule 4	The later of: (a) the day after this Act receives the Royal Assent; and (b) 1 July 2020.	1 July 2020 (paragraph (b) applies)

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Main amendments

Australian Sports Anti-Doping Authority Act 2006

1 Title

Omit “the Australian Sports Anti-Doping Authority”, substitute “Sport Integrity Australia”.

2 Section 1

Omit “*Australian Sports Anti-Doping Authority Act 2006*”, substitute “*Sport Integrity Australia Act 2020*”.

Note: This item amends the short title of the Act. If another amendment of the Act is described by reference to the Act’s previous short title, that other amendment has effect after the commencement of this item as an amendment of the Act under its amended short title (see section 10 of the *Acts Interpretation Act 1901*).

3 Section 3

Omit:

This Act requires the making of a scheme called the National Anti-Doping Scheme (known as the NAD scheme). The NAD scheme implements the General Anti-Doping Convention and the UNESCO Anti-Doping Convention. Certain matters must be in the NAD scheme (see Division 2 of Part 2).

This Act establishes a body called the Australian Sports Anti-Doping Authority (known as the ASADA). The ASADA assists the CEO of ASADA. The CEO has functions relating to the NAD scheme and other sports doping and safety matters. The CEO also maintains the Violations List, which contains information about certain persons who have been sanctioned in relation to an anti-doping rule violation.

substitute:

This Act establishes Sport Integrity Australia. It assists the CEO of Sport Integrity Australia. The CEO has functions in relation to

matters relating to sports integrity, including threats to sports integrity.

This Act requires the making of a scheme called the National Anti-Doping Scheme (known as the NAD scheme). The NAD scheme implements the General Anti-Doping Convention and the UNESCO Anti-Doping Convention. Certain matters must be in the NAD scheme (see Division 2 of Part 2).

The CEO maintains the Violations List, which contains information about certain persons who have been sanctioned in relation to an anti-doping rule violation.

4 After section 3

Insert:

3A Object of this Act

The object of this Act is to establish Sport Integrity Australia to prevent and address threats to sports integrity and to coordinate a national approach to matters relating to sports integrity in Australia, with a view to:

- (a) achieving fair and honest sporting performances and outcomes; and
- (b) promoting positive conduct by athletes, administrators, officials, supporters and other stakeholders, on and off the sporting arena; and
- (c) achieving a safe, fair and inclusive sporting environment at all levels; and
- (d) enhancing the reputation and standing of sporting contests and of sport overall.

5 Section 4

Insert:

Advisory Council means the Sport Integrity Australia Advisory Council established by section 26.

Advisory Council Chair means the Chair of the Advisory Council.

Advisory Council member means a member of the Advisory Council and includes the Advisory Council Chair.

6 Section 4 (definition of ASADA)

Repeal the definition.

7 Section 4 (definition of ASADA staff)

Repeal the definition.

8 Section 4 (definition of CEO)

Repeal the definition, substitute:

CEO means the Chief Executive Officer of Sport Integrity Australia appointed in accordance with section 24A.

9 Section 4

Insert:

matter relating to sports integrity includes a sports doping and safety matter.

10 Section 4 (definition of sporting administration body)

Omit “the ASADA”, substitute “Sport Integrity Australia”.

11 Section 4

Insert:

sports integrity means the manifestation of the ethics and values that promote community confidence in sport.

12 Section 4

Insert:

threats to sports integrity include:

- (a) the manipulation of sporting competitions; and
- (b) the use of drugs or doping methods in sport; and
- (c) the abuse of children and other persons in a sporting environment; and

- (d) the failure to protect members of sporting organisations, and other persons in a sporting environment, from bullying, intimidation, discrimination or harassment.

13 Section 4 (before paragraph (b) of the definition of *vacancy*)

Insert:

- (a) the office of an Advisory Council member; or

14 Before subsection 5(2)

Insert:

- (1) For the purposes of a reference in:
- (a) this Act to a *vacancy* in the office of an Advisory Council member; or
 - (b) the *Acts Interpretation Act 1901* to a *vacancy* in the membership of a body;
- there are taken to be 10 offices of Advisory Council members in addition to the Advisory Council Chair.

15 Paragraph 11(1)(a)

Omit “the ASADA”, substitute “Sport Integrity Australia”.

16 Paragraph 13(1)(c)

Omit “the ASADA”, substitute “Sport Integrity Australia”.

17 Paragraph 14(2)(b)

Omit “the ASADA”, substitute “Sport Integrity Australia”.

18 Paragraphs 15(2)(b) and (c)

Omit “the ASADA”, substitute “Sport Integrity Australia”.

19 Part 3

Repeal the Part, substitute:

Part 3—Sport Integrity Australia’s establishment and function

20 Simplified outline of this Part

This Part establishes Sport Integrity Australia.

Sport Integrity Australia’s function is to assist the CEO of Sport Integrity Australia in performing the CEO’s functions.

20A Establishment of Sport Integrity Australia

Sport Integrity Australia is established by this section.

20B Constitution of Sport Integrity Australia

Sport Integrity Australia consists of:

- (a) the CEO; and
- (b) the Sport Integrity Australia staff.

Note: Sport Integrity Australia does not have a legal identity separate from the Commonwealth.

20C Sport Integrity Australia’s function

Sport Integrity Australia’s function is to assist the CEO in the performance of the CEO’s functions.

20CAA Sport Integrity Australia has privileges and immunities of the Crown

Sport Integrity Australia has the privileges and immunities of the Crown in right of the Commonwealth.

20 Section 20CA

Omit “functions relating to the NAD scheme and other sports doping and safety matters”, substitute “functions in relation to matters relating to sports integrity, including threats to sports integrity”.

21 Section 20CA

Omit “the ASADA and for consultants”, substitute “Sport Integrity Australia and for persons”.

22 Section 20D

Repeal the section, substitute:

20D Chief Executive Officer

There is to be a Chief Executive Officer of Sport Integrity Australia.

23 Paragraph 21(1)(c)

Omit “sports doping and safety matters”, substitute “matters relating to sports integrity”.

24 Paragraphs 21(1)(e) to (j)

Repeal the paragraphs, substitute:

- (d) to coordinate a national approach in relation to Australia’s response to matters relating to sports integrity, including threats to sports integrity;
- (e) to coordinate and strengthen relationships among governments of the States and Territories, regulators, sporting organisations and law enforcement and other agencies in relation to matters relating to sports integrity, including threats to sports integrity;
- (f) to work with domestic and overseas regulators, sporting organisations and operators of betting services in relation to matters connected with match-fixing in sport or fraud in sports-betting;
- (g) to advise governments of the Commonwealth, the States and Territories on recommended changes to legislation and policies in relation to matters relating to sports integrity, including threats to sports integrity;
- (h) to work with and provide assistance and advice to sporting administrators to identify potential threats to sports integrity for particular sports and to develop a robust integrity framework for those sports;

- (i) to support, encourage, develop and implement initiatives that increase the skills and knowledge of people involved in sporting activities about matters relating to sports integrity, including threats to sports integrity;
- (j) to support and encourage the sporting community to develop and implement comprehensive programs, and education initiatives, about matters relating to sports integrity, including threats to sports integrity;
- (jaa) to support, encourage and conduct research about matters relating to sports integrity, including threats to sports integrity;
- (jab) to provide education resources to sporting administrators about matters relating to sports integrity, including threats to sports integrity;
- (jac) to investigate threats to sports integrity and to collect, analyse, interpret and disseminate information about matters relating to sports integrity, including threats to sports integrity;
- (jad) to encourage the development of ways for the States and Territories, and sporting organisations, to carry out initiatives about matters relating to sports integrity, including threats to sports integrity;
- (jae) to cooperate with the States and Territories, and with sporting organisations, to carry out initiatives about matters relating to sports integrity, including threats to sports integrity;

25 Subparagraph 21(1)(k)(iii)

Omit “relating to sports doping and safety matters”, substitute “in relation to matters relating to sports integrity, including threats to sports integrity”.

26 Subparagraph 21(2)(a)(iii)

Omit “its functions in a place outside Australia”, substitute “the CEO’s functions in relation to persons, places, matters or things outside Australia”.

27 Subparagraph 21(2)(n)(i)

Omit “the ASADA’s”, substitute “Sport Integrity Australia’s”.

28 Subparagraph 21(2)(n)(ii)

Omit “ASADA”, substitute “Sport Integrity Australia”.

29 Subsection 24J(1)

Repeal the subsection, substitute:

- (1) The Minister may terminate the appointment of the CEO:
 - (a) for misbehaviour; or
 - (b) if the CEO is unable to perform the duties of the CEO’s office because of physical or mental incapacity.

30 Division 4 of Part 3A (heading)

Repeal the heading, substitute:

Division 4—Sport Integrity Australia’s staff etc.

31 Subsection 24L(1)

Omit “the ASADA”, substitute “Sport Integrity Australia”.

32 Paragraph 24L(2)(a)

Omit “ASADA”, substitute “Sport Integrity Australia”.

33 Paragraph 24M(b)

Repeal the paragraph, substitute:

- (b) by officers or employees of a State or Territory; or
- (c) by officers or employees of bodies or organisations of the Commonwealth, a State or a Territory;

34 At the end of Division 4 of Part 3A

Add:

24MA Consultants

- (1) The CEO may, on behalf of the Commonwealth, engage consultants to assist in the performance of the CEO’s functions.
- (2) The consultants are to be engaged on the terms and conditions that the CEO determines in writing.

35 Paragraph 24N(1)(a)

Omit “ASADA”, substitute “Sport Integrity Australia”.

36 Subsections 24N(3A) and (3B)

Omit “ASADA”, substitute “Sport Integrity Australia”.

37 After Part 3A

Insert:

Part 4—Sport Integrity Australia Advisory Council

Division 1—Simplified outline of this Part

25 Simplified outline of this Part

This Part establishes the Sport Integrity Australia Advisory Council.

The Advisory Council’s functions are to:

- (a) advise the CEO in relation to the CEO’s functions or to Sport Integrity Australia’s function; and
- (b) advise the Minister about the operations of Sport Integrity Australia or the performance of the CEO’s functions.

Division 2—Establishment and functions of the Sport Integrity Australia Advisory Council

26 Establishment of the Sport Integrity Australia Advisory Council

The Sport Integrity Australia Advisory Council is established by this section.

27 Functions of the Advisory Council

- (1) The functions of the Advisory Council are:

-
- (a) on its own initiative or at the request of the CEO, to provide advice to the CEO in relation to the CEO's functions; and
 - (b) on its own initiative, to provide advice to the CEO in relation to Sport Integrity Australia's function; and
 - (c) at the request of the Minister, to provide advice to the Minister about matters arising in relation to the operations of Sport Integrity Australia or to the performance of the CEO's functions.
- (2) The advice:
- (a) must be strategic advice only; and
 - (b) must not relate to a particular individual or particular investigation.

Division 3—Membership of the Advisory Council

28 Membership of the Advisory Council

The Advisory Council consists of the following members:

- (a) a Chair;
- (b) at least 6, and not more than 10, other members.

29 Appointment of Advisory Council members

- (1) Each Advisory Council member is to be appointed by the Minister by written instrument, on a part-time basis.

Note: An Advisory Council member may be reappointed: see section 33AA of the *Acts Interpretation Act 1901*.

- (2) An Advisory Council member holds office for the period specified in the instrument of appointment. The period must not exceed 3 years.
- (3) The Minister must not appoint a person as an Advisory Council member unless the Minister is satisfied that the person has substantial experience or knowledge in at least one of the following fields:
- (a) sports administration and participation;
 - (b) sports law;
 - (c) intelligence and information gathering;

- (d) law enforcement;
 - (e) anti-doping;
 - (f) high performance sport;
 - (g) athlete physical or mental health or well-being;
 - (h) harassment and discrimination prevention;
 - (i) child protection;
 - (j) formulation of government policy and public administration;
 - (k) education and learning;
 - (l) arbitration, mediation or other dispute resolution;
 - (m) any other appropriate field of expertise.
- (4) The CEO is not eligible for appointment as an Advisory Council member.

30 Acting appointments

Advisory Council Chair

- (1) The Minister may appoint a person (except the CEO) to act as the Advisory Council Chair:
- (a) during a vacancy in the office of the Advisory Council Chair (whether or not an appointment has previously been made to the office); or
 - (b) during any period, or during all periods, when the Advisory Council Chair:
 - (i) is absent from duty or from Australia; or
 - (ii) is, for any reason, unable to perform the duties of the office.

Other Advisory Council members

- (2) The Minister may appoint a person (except the CEO) to act as an Advisory Council member (other than the Advisory Council Chair):
- (a) during a vacancy in the office of an Advisory Council member (other than the Advisory Council Chair), whether or not an appointment has previously been made to the office; or

-
- (b) during any period, or during all periods, when an Advisory Council member (other than the Advisory Council Chair):
- (i) is absent from duty or from Australia; or
 - (ii) is, for any reason, unable to perform the duties of the office.

Eligibility

- (3) A person is not eligible for appointment under subsection (1) or (2) unless the person is eligible for appointment as an Advisory Council member.

Note 1: For eligibility to be appointed as an Advisory Council member, see subsection 29(3).

Note 2: For rules that apply to acting appointments, see sections 33AB and 33A of the *Acts Interpretation Act 1901*.

31 Remuneration and allowances

- (1) An Advisory Council member is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by that Tribunal is in operation, an Advisory Council member is to be paid the remuneration that is prescribed by an instrument under subsection (4).
- (2) An Advisory Council member is to be paid the allowances that are prescribed by an instrument under subsection (4).
- (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.
- (4) The Minister may, by legislative instrument, prescribe:
 - (a) remuneration for the purposes of subsection (1); and
 - (b) allowances for the purposes of subsection (2).

32 Leave of absence

- (1) The Minister may grant leave of absence to the Advisory Council Chair on the terms and conditions that the Minister determines.

- (2) The Advisory Council Chair may grant leave of absence to another Advisory Council member on the terms and conditions that the Chair determines.

33 Disclosure of interests to the Minister

An Advisory Council member must give written notice to the Minister of all interests, pecuniary or otherwise, that the member has or acquires and that conflict or could conflict with the proper performance of the member's duties.

34 Resignation

- (1) An Advisory Council member may resign the member's appointment by giving the Minister a written resignation.
- (2) The resignation takes effect on the day it is received by the Minister or, if a later day is specified in the resignation, on that later day.

35 Termination of appointment

- (1) The Minister may terminate the appointment of an Advisory Council member:
 - (a) for misbehaviour; or
 - (b) if the Advisory Council member is unable to perform the duties of the office because of physical or mental incapacity.
- (2) The Minister may terminate the appointment of an Advisory Council member if:
 - (a) the Advisory Council member:
 - (i) becomes bankrupt; or
 - (ii) applies to take the benefit of any law for the relief of bankrupt or insolvent debtors; or
 - (iii) compounds with the member's creditors; or
 - (iv) makes an assignment of the member's remuneration for the benefit of the member's creditors; or
 - (b) the Advisory Council member is absent, except on leave of absence, from 3 consecutive meetings of the Advisory Council; or

- (c) the Advisory Council member fails, without reasonable excuse, to comply with section 33 (which deals with the disclosure of interests).

36 Other terms and conditions

An Advisory Council member holds office on the terms and conditions (if any) in relation to matters not covered by this Act that are determined, in writing, by the Minister.

Division 4—Ministerial directions

37 Directions

- (1) The Minister may give the Advisory Council written directions about either or both of the following:
 - (a) the way in which the Advisory Council is to carry out its functions;
 - (b) the procedures to be followed in relation to meetings of the Advisory Council.
- (2) The Advisory Council must comply with a direction under subsection (1).
- (3) A direction under subsection (1) is not a legislative instrument.

38 Subparagraph 50F(d)(ii)

Omit “ASADA”, substitute “Sport Integrity Australia”.

39 Subparagraph 50F(d)(v)

Omit “and”.

40 At the end of paragraph 50F(d)

Add:

- (vi) consultants engaged under section 24MA; and

41 Subparagraph 50F(e)(i)

Omit “the ASADA referred to in section 20B”, substitute “Sport Integrity Australia referred to in section 20C”.

42 Section 67A

Omit “a member of the ASADA staff”, substitute “a member of the Sport Integrity Australia staff”.

43 Section 67A

Omit “for the purposes of the ASADA”, substitute “for the purposes of Sport Integrity Australia”.

44 After paragraph 68B(3)(f)

Insert:

(fa) a sporting administration body;

45 Paragraph 68E(c)

Omit “the ASADA”, substitute “Sport Integrity Australia”.

46 Paragraph 69(b)

Omit “ASADA”, substitute “Sport Integrity Australia”.

47 After paragraph 69(b)

Insert:

(ba) an Advisory Council member; or

48 After paragraph 69(e)

Insert:

(ea) a consultant engaged under section 24MA; or

49 Paragraph 73B(4)(a)

Omit “ASADA”, substitute “Sport Integrity Australia”.

50 After section 74

Insert:

75 CEO may request information or documents

(1) The CEO may request information or documents from any person or body about matters relating to sports integrity.

- (2) If the CEO requests personal information about an individual, the giving of the information by the person to whom the request is made, and the collection of the information, is taken to be authorised by this Act for the purposes of the *Privacy Act 1988*.

51 Paragraph 78(1)(b)

Omit “ASADA”, substitute “Sport Integrity Australia”.

52 After paragraph 78(1)(c)

Insert:

- (ca) a consultant engaged under section 24MA;

53 After subsection 78(1)

Insert:

- (1A) An Advisory Council member 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 of the Advisory Council.

54 Paragraphs 78(4)(a) to (d)

Omit “the ASADA”, substitute “Sport Integrity Australia”.

Schedule 2—Consequential amendments

Age Discrimination Act 2004

1 Schedule 1 (table item 32A)

Omit “*Australian Sports Anti-Doping Authority Act 2006*”, substitute “*Sport Integrity Australia Act 2020*”.

Australian Border Force Act 2015

2 Paragraph 46(m)

Omit “*Australian Sports Anti-Doping Authority Act 2006*”, substitute “*Sport Integrity Australia Act 2020*”.

Australian Postal Corporation Act 1989

3 Subsection 90J(12) (heading)

Repeal the heading, substitute:

Disclosure to Sport Integrity Australia

4 Subsection 90J(12)

Omit “the Australian Sports Anti-Doping Authority for the purposes of the administration of the NAD scheme (within the meaning of the *Australian Sports Anti-Doping Authority Act 2006*”, substitute “Sport Integrity Australia for the purposes of the administration of the NAD scheme (within the meaning of the *Sport Integrity Australia Act 2020*”.

Australian Sports Commission Act 1989

5 Subsection 7(4)

After “Subject to”, insert “subsection (4A) and”.

6 Subsection 7(4A)

Omit “function of the Commission under paragraph (1)(r) may only be performed to the extent that it does”, substitute “functions of the Commission may only be performed to the extent that they do”.

7 Subsection 7(4A)

Omit “the Australian Sports Anti-Doping Authority”, substitute “Sport Integrity Australia”.

8 Section 57A (heading)

Omit “the Australian Sports Anti-Doping Authority”, substitute “Sport Integrity Australia”.

9 Subsection 57A(1)

Omit “the Australian Sports Anti-Doping Authority” (first occurring), substitute “Sport Integrity Australia”.

10 Paragraph 57A(1)(a)

Omit “*Australian Sports Anti-Doping Authority Act 2006*”, substitute “*Sport Integrity Australia Act 2020*”.

11 Paragraph 57A(1)(b)

Omit “the Australian Sports Anti-Doping Authority”, substitute “Sport Integrity Australia”.

12 Subsection 57A(2)

Omit “*Australian Sports Anti-Doping Authority Act 2006*”, substitute “*Sport Integrity Australia Act 2020*”.

Freedom of Information Act 1982

13 Schedule 3

After:

Private Health Insurance Act 2007, sections 323-1 and 323-40

insert:

Sport Integrity Australia Act 2020, section 67

National Sports Tribunal Act 2019

14 Subsection 5(1) (definition of ASADA CEO)

Repeal the definition.

15 Subsection 5(1)

Insert:

Sport Integrity Australia CEO means the Chief Executive Officer of Sport Integrity Australia.

16 Paragraphs 22(1)(a), (2)(a) and (f) and (3)(c)

Omit “ASADA CEO”, substitute “Sport Integrity Australia CEO”.

17 Paragraph 31(2)(c)

Omit “ASADA CEO”, substitute “Sport Integrity Australia CEO”.

18 Subsections 32(1) and (2)

Omit “ASADA CEO” (wherever occurring), substitute “Sport Integrity Australia CEO”.

19 Paragraph 32(4)(c)

Omit “ASADA CEO”, substitute “Sport Integrity Australia CEO”.

20 Subsections 33(1) and (2)

Omit “ASADA CEO” (wherever occurring), substitute “Sport Integrity Australia CEO”.

21 Paragraph 33(4)(c)

Omit “ASADA CEO”, substitute “Sport Integrity Australia CEO”.

Olympic Insignia Protection Act 1987

22 Section 23 (definition of national sporting organisation)

Omit “*Australian Sports Anti-Doping Authority Act 2006*”, substitute “*Sport Integrity Australia Act 2020*”.

Privacy Act 1988

23 Subsection 6(1) (after paragraph (b) of the definition of *enforcement body*)

Insert:

(c) Sport Integrity Australia; or

Schedule 3—Contingent amendments

Part 1—First contingency

Australian Sports Anti-Doping Authority Act 2006

1 Subparagraph 50F(a)(i)

Repeal the subparagraph, substitute:

- (i) Sport Integrity Australia;

2 Paragraph 50F(b)

Omit “the Australian Sports Anti-Doping Authority”, substitute “Sport Integrity Australia”.

Part 2—Second contingency

Australian Sports Anti-Doping Authority Act 2006

3 Paragraphs 50F(a), (c), (d) and (e)

Omit “the Australian Sports Anti-Doping Authority”, substitute “Sport Integrity Australia”.

Freedom of Information Act 1982

4 Schedule 3

Omit:

Australian Sports Anti-Doping Authority Act 2006, section 67

Schedule 4—Saving and transitional provisions

1 Transfer of appropriated money

- (1) For the purposes of the operation of an Appropriation Act on and after the commencement of this item, references to the Australian Sports Anti-Doping Authority are to be read as references to Sport Integrity Australia.
- (2) In this item:
Appropriation Act means an Act appropriating money for expenditure out of the Consolidated Revenue Fund.

2 Transitional—legal proceedings involving the CEO of the Australian Sports Anti-Doping Authority

If, immediately before the commencement of this item, the Chief Executive Officer of the Australian Sports Anti-Doping Authority was a party to proceedings pending in any court or tribunal, the Chief Executive Officer of Sport Integrity Australia is substituted for the Chief Executive Officer of the Australian Sports Anti-Doping Authority as a party to the proceedings on and after that commencement.

3 Things done by, or in relation to, the CEO of the Australian Sports Anti-Doping Authority

- (1) If, before the commencement of this item, a thing was done by, or in relation to, the Chief Executive Officer of the Australian Sports Anti-Doping Authority for the purposes of:
 - (a) the *Australian Sports Anti-Doping Authority Act 2006* or a legislative instrument made under that Act; or
 - (b) the *National Sports Tribunal Act 2019* or the rules made under that Act;then the thing has effect, on and after that commencement, as if it had been done by, or in relation to, the Chief Executive Officer of Sport Integrity Australia.

-
- (2) The rules may provide that subitem (1) does not apply in relation to a specified thing done by, or in relation to, the Chief Executive Officer of the Australian Sports Anti-Doping Authority.

4 Transfer of records

- (1) This item applies to any records or documents that were in the possession of the following immediately before the commencement of this item:
- (a) the Chief Executive Officer of the Australian Sports Anti-Doping Authority;
 - (b) the Australian Sports Anti-Doping Authority;
 - (c) a member of the ASADA staff;
 - (d) an individual whose services were made available to the Chief Executive Officer of the Australian Sports Anti-Doping Authority under section 24M of the *Australian Sports Anti-Doping Authority Act 2006*.
- (2) The records and documents are to be transferred to the Chief Executive Officer of Sport Integrity Australia after that commencement.

Note: The records and documents are Commonwealth records for the purposes of the *Archives Act 1983*.

5 Protected information

- (1) Part 8 of the *Australian Sports Anti-Doping Authority Act 2006*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a person who at any time before that commencement was:
- (a) the Chief Executive Officer of the Australian Sports Anti-Doping Authority; or
 - (b) a member of the ASADA staff; or
 - (c) a person engaged by the Commonwealth to perform services for the Chief Executive Officer of the Australian Sports Anti-Doping Authority; or
 - (d) a designated associate of:
 - (i) a person; or
 - (ii) a partnership;

engaged by the Commonwealth to perform services for the Chief Executive Officer of the Australian Sports Anti-Doping Authority; or

- (e) an individual whose services were made available to the Chief Executive Officer of the Australian Sports Anti-Doping Authority under section 24M of the *Australian Sports Anti-Doping Authority Act 2006*.

- (2) If information was protected information for the purposes of the *Australian Sports Anti-Doping Authority Act 2006* immediately before the commencement of this item, the information is taken, on and after that commencement, to be protected information for the purposes of the *Sport Integrity Australia Act 2020*.

Note: Subitem (2) includes information taken, by subsection 57A(2) of the *Australian Sports Commission Act 1989*, to be protected information for the purposes of the *Australian Sports Anti-Doping Authority Act 2006*.

6 Protection from civil actions

- (1) Subsection 78(1) of the *Australian Sports Anti-Doping Authority Act 2006*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to an act done or omitted to be done before that commencement by a person who at any time before that commencement was:
 - (a) the Chief Executive Officer of the Australian Sports Anti-Doping Authority; or
 - (b) a member of the ASADA staff; or
 - (c) an individual whose services were made available to the Chief Executive Officer of the Australian Sports Anti-Doping Authority under section 24M of the *Australian Sports Anti-Doping Authority Act 2006*.
- (2) Subsection 78(3) of the *Australian Sports Anti-Doping Authority Act 2006*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a publication or disclosure made before that commencement:
 - (a) in the performance or purported performance of any function of the Chief Executive Officer of the Australian Sports Anti-Doping Authority; or

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- (b) in the exercise or purported exercise of any power of the Chief Executive Officer of the Australian Sports Anti-Doping Authority.
- (3) Subsection 78(4) of the *Australian Sports Anti-Doping Authority Act 2006*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to the making of a statement to, or the giving of a document or information to, the Australian Sports Anti-Doping Authority, or the Chief Executive Officer of the Australian Sports Anti-Doping Authority, at any time before that commencement.

7 References to the CEO of the Australian Sports Anti-Doping Authority etc. in instruments

- (1) This item applies to an instrument if:
- (a) the instrument was in force immediately before the commencement of this item; and
 - (b) the instrument contains a reference to:
 - (i) the Chief Executive Officer of the Australian Sports Anti-Doping Authority; or
 - (ii) the Australian Sports Anti-Doping Authority.
- (2) The instrument has effect, on and after that commencement, as if:
- (a) a reference in the instrument to the Chief Executive Officer of the Australian Sports Anti-Doping Authority were a reference to the Chief Executive Officer of Sport Integrity Australia; and
 - (b) a reference in the instrument to the Australian Sports Anti-Doping Authority were a reference to Sport Integrity Australia.
- (3) The rules may provide that subitem (2) does not apply in relation to a specified instrument or a specified reference.
- (4) This item does not prevent the instrument from being amended or repealed after the commencement of this item.
- (5) In this item:
- instrument*** includes:
- (a) a contract, deed, undertaking, arrangement or agreement; and
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- (b) a notice, authority, order or instruction; and
- (c) an instrument made under an Act or regulation.

8 Rules

- (1) The Minister may, by legislative instrument, make rules prescribing matters:
 - (a) required or permitted by this Schedule to be prescribed by the rules; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) Without limiting subitem (1), the rules may prescribe matters of a transitional nature (including prescribing any saving or application provisions) relating to:
 - (a) the amendments made by this Act; or
 - (b) the enactment of this Act.
- (3) To avoid doubt, the rules may not do the following:
 - (a) create an offence or civil penalty;
 - (b) provide powers of:
 - (i) arrest or detention; or
 - (ii) entry, search or seizure;
 - (c) impose a tax;
 - (d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in this Act;
 - (e) directly amend the text of this Act.
- (4) This Schedule (other than subitem (3)) does not limit the rules that may be made for the purposes of subitems (1) and (2).

*[Minister's second reading speech made in—
House of Representatives on 17 October 2019
Senate on 5 December 2019]*

(201/19)
