



Australian Sports Anti-Doping Authority Act 2006

No. 6, 2006

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About this compilation

This compilation

This is a compilation of the *Australian Sports Anti-Doping Authority Act 2006* that shows the text of the law as amended and in force on 1 January 2015 (the *compilation date*).

This compilation was prepared on 5 January 2015.

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on ComLaw (www.comlaw.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on ComLaw for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on ComLaw for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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An Act to establish the Australian Sports Anti-Doping Authority, and for other purposes

Part 1—Introduction

1 Short title

This Act may be cited as the *Australian Sports Anti-Doping Authority Act 2006*.

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
Provision(s)	Commencement	Date/Details
1. Sections 1 and 2 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	7 March 2006
2. Sections 3 to 79	A single day to be fixed by Proclamation. However, if any of the provision(s) do not commence within the period of 6 months beginning on the day on which this Act receives the Royal Assent, they commence on the first day after the end of that period.	13 March 2006 (see F2006L00764)

Note: This table relates only to the provisions of this Act as originally passed by the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

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- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

3 Simplified outline of this Act

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.

This Act also creates an Advisory Group, the Anti-Doping Rule Violation Panel (known as the ADRVP) and the Australian Sports Drug Medical Advisory Committee (known as the ASDMAC).

The Advisory Group provides advice and recommendations to the CEO.

The ADRVP has various functions, including those conferred on the ADRVP by the NAD scheme (see section 41). The NAD scheme must authorise the ADRVP to make assertions relating to investigations of possible violations of the anti-doping rules, and require the ADRVP to notify the CEO of such assertions.

The ASDMAC has various functions, including those conferred on the ASDMAC by the NAD scheme (see section 52). The ASDMAC also gives advice and information to the CEO about sports doping and safety matters, and gives information to sporting

administration bodies about individual cases that involve sports doping and safety matters.

This Act contains provisions about disclosing information obtained under or for the purposes of this Act or a legislative instrument made under this Act (see Part 8).

4 Definitions

In this Act:

ADRVP means the Anti-Doping Rule Violation Panel established by section 40.

ADRVP Chair means the Chair of the ADRVP.

ADRVP member means a member of the ADRVP, and includes the ADRVP Chair.

advisory committee means an advisory committee established under section 24P.

advisory committee member means a member of an advisory committee.

Advisory Group means the Advisory Group of the ASADA established by section 25.

Advisory Group Chair means the Chair of the Advisory Group.

Advisory Group member means a member of the Advisory Group, and includes the Advisory Group Chair.

anti-doping rule violation means a violation of an anti-doping rule.

anti-doping rules has the meaning given by the NAD scheme.

anti-doping testing service means a service for testing one or more athletes for the use of drugs or doping methods, where the testing is by means of testing a sample provided by each athlete.

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ASADA means the Australian Sports Anti-Doping Authority.

ASADA staff means the staff described in section 24L.

ASC means the Australian Sports Commission.

ASDMAC means the Australian Sports Drug Medical Advisory Committee.

ASDMAC Chair means the Chair of the Australian Sports Drug Medical Advisory Committee.

ASDMAC member means a member of the Australian Sports Drug Medical Advisory Committee, and includes the ASDMAC Chair.

ASDMAC primary member means an ASDMAC member referred to in paragraph 53(b).

ASDMAC review member means an ASDMAC member referred to in paragraph 53(c).

athlete means a person who competes in sport and who is subject to the NAD scheme.

Note: The NAD scheme must provide that one or more specified classes of athletes are subject to the NAD scheme (see paragraph 13(1)(a)).

Australia, when used in a geographical sense, includes the external Territories.

CEO means the Chief Executive Officer of the ASADA appointed in accordance with section 24A.

civil penalty order has the meaning given by subsection 73B(4).

civil penalty provision has the meaning given by section 73A.

conduct means:

- (a) an act; or
- (b) a failure to act.

constitutional corporation means a corporation to which paragraph 51(xx) of the Constitution applies.

contract includes a deed.

designated associate has the meaning given by section 70.

disclose means divulge or communicate.

disclosure notice has the meaning given by subsection 13A(1).

doping method includes:

- (a) the manipulation or substitution of any human biological material in a manner that is capable of concealing the use of a drug by the individual concerned; and
- (b) the use of a substance in a manner that is capable of concealing the use of a drug by the individual concerned; and
- (c) a prohibited method within the meaning of the World Anti-Doping Code; and
- (d) if the UNESCO Anti-Doping Convention has entered into force for Australia—a prohibited method within the meaning of that Convention.

drug includes:

- (a) any substance (whether naturally occurring or otherwise); and
- (b) a prohibited substance within the meaning of the World Anti-Doping Code; and
- (c) if the UNESCO Anti-Doping Convention has entered into force for Australia—a prohibited substance within the meaning of that Convention.

entrusted person has the meaning given by section 69.

evidential burden, in relation to a matter, means the burden of adducing or pointing to evidence that suggests a reasonable possibility that the matter exists or does not exist.

foreign country includes a region where:

- (a) the region is a colony, territory or protectorate of a foreign country; or
- (b) the region is part of a foreign country; or

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- (c) the region is under the protection of a foreign country; or
- (d) a foreign country exercises jurisdiction or control over the region; or
- (e) a foreign country is responsible for the region's international relations.

foreign sporting organisation means:

- (a) a Department of State of a foreign country, or a government agency in a foreign country, that oversees sport in that country; or
- (b) a national sporting organisation of a foreign country; or
- (c) an organisation established in a foreign country for the purpose of discouraging or eliminating the use of drugs and doping methods in sport; or
- (d) a recognised laboratory in a foreign country; or
- (e) an International Sporting Federation.

General Anti-Doping Convention means:

- (a) the Anti-Doping Convention, done at Strasbourg on 16 November 1989 [1994] ATS 33; or
- (b) if the Convention has been amended by any amendment that has entered into force for Australia—the Convention as so amended.

Note: The text of the Convention is set out in Australian Treaty Series 1994 No. 33. In 2005, the text of a Convention in the Australian Treaty Series was accessible through the Australian Treaties Library on the AustLII website (www.austlii.edu.au).

ineligibility means an athlete or other person being barred on account of an anti-doping rule violation for a specified period of time from participating in any competition or other activity or funding as provided in Article 10.12.1 of the World Anti-Doping Code.

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.

International Standard means a standard adopted by WADA in support of the World Anti-Doping Code, including any technical documents issued pursuant to the standard.

NAD scheme or ***National Anti-Doping Scheme*** means:

- (a) the scheme prescribed for the purposes of section 9; or
- (b) if the scheme has been amended under section 10—the scheme as so amended.

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

- (a) in respect of Australia:
 - (i) 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 Australia; or
 - (ii) whether or not there is an International Sporting Federation that has international control over the sport—a sporting organisation that is recognised by the ASC as being responsible for administering the affairs of the sport, or of a substantial part or section of the sport, in Australia; or
- (b) in respect of a foreign country:
 - (i) 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
 - (ii) if there is no International Sporting Federation that has international control over the sport—a sporting organisation that is generally recognised as being

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responsible for administering the affairs of the sport, or of a substantial part or section of the sport, in that country.

protected information means information that:

- (a) was obtained under or for the purposes of this Act or a legislative instrument made under this Act; and
- (b) relates to the affairs of a person (other than an entrusted person); and
- (c) identifies, or is reasonably capable of being used to identify, the person.

publish means publish on the internet or otherwise.

recognised laboratory means:

- (a) a laboratory that WADA recognises as an accredited laboratory for the purpose of testing for drugs and doping methods in sport; or
- (b) a laboratory approved by WADA.

registered medical practitioner means a medical practitioner within the meaning of:

- (a) for a State or Territory other than Western Australia—the Health Practitioner Regulation National Law set out in the Schedule to the *Health Practitioner Regulation National Law Act 2009* (Qld), as it applies (with or without modification) as a law of the State or Territory; or
- (b) for Western Australia—the *Health Practitioner Regulation National Law (WA) Act 2010* (WA), so far as that Act corresponds to the Health Practitioner Regulation National Law set out in the Schedule to the *Health Practitioner Regulation National Law Act 2009* (Qld).

relevant court means:

- (a) the Federal Court of Australia; or
- (b) the Federal Circuit Court of Australia; or
- (c) a court of a State or Territory that has jurisdiction in relation to matters arising under this Act.

relevant international anti-doping instrument means:

- (a) the World Anti-Doping Code; or
- (b) an International Standard; or
- (c) an international agreement to which Australia is a party, if the agreement is prescribed by the regulations for the purposes of this definition.

sample means any human biological material.

sporting administration body means:

- (a) the International Olympic Committee; or
- (b) WADA; or
- (c) a National Anti-Doping Organization as defined in the World Anti-Doping Code; or
- (d) a foreign sporting organisation; or
- (e) a national sporting organisation; or
- (f) a sporting organisation; or
- (g) a tribunal, committee or other investigative body that is associated with a body referred to in one or more of paragraphs (a) to (f); or
- (h) the ASC;

but does not include the ASADA, the Advisory Group or the ADRVP.

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

sporting event includes any sporting activity.

sporting organisation includes an organisation that:

- (a) has control in Australia, a foreign 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

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- (e) trains, or provides finance for, people to take part in sporting competition.

sports doping and safety matter means:

- (a) a matter relating to drugs and/or doping methods in one or more sporting activities; or
- (b) a matter relating to the safety of athletes.

support person means an athlete support person within the meaning of the World Anti-Doping Code.

UNESCO Anti-Doping Convention means:

- (a) the International Convention Against Doping in Sport, adopted by the UNESCO General Conference at Paris on 19 October 2005; or
- (b) if the Convention has been amended by any amendment that has entered into force for Australia—the Convention as so amended.

Note: In 2005, the text of the final draft of the UNESCO International Convention Against Doping in Sport was accessible through the UNESCO website (www.unesco.org).

vacancy, in relation to:

- (a) the office of an Advisory Group member; or
 - (aa) the office of an ADRVP member; or
 - (b) the office of an ASDMAC primary member;
- has a meaning affected by section 5.

violation means breach.

Violations List means the list established under section 19A, as in force from time to time.

WADA means the World Anti-Doping Agency established in November 1999 under the law of Switzerland.

Note: WADA was established following a resolution by the World Conference on Doping in Sport convened by the International Olympic Committee in Lausanne in February 1999.

World Anti-Doping Code means:

- (a) the World Anti-Doping Code adopted by the Foundation Board of WADA on 5 March 2003 at Copenhagen; or
- (b) if the Code has been amended—the Code as so amended.

Note: In 2005, the text of the World Anti-Doping Code was accessible through the website of the World Anti-Doping Agency (www.wada-ama.org).

5 When is there a vacancy?

- (1) For the purposes of a reference in:
 - (a) this Act to a vacancy in the office of an Advisory Group member; or
 - (b) the *Acts Interpretation Act 1901* to a vacancy in the membership of a body;there are taken to be 6 offices of Advisory Group members in addition to the Advisory Group Chair.
- (1A) For the purposes of a reference in:
 - (a) this Act to a vacancy in the office of an ADRVP member; or
 - (b) the *Acts Interpretation Act 1901* to a vacancy in the membership of a body;there are taken to be 8 offices of ADRVP members in addition to the ADRVP Chair.
- (2) For the purposes of a reference in:
 - (a) this Act to a vacancy in the office of an ASDMAC primary member; or
 - (b) the *Acts Interpretation Act 1901* to a vacancy in the membership of a body;there are taken to be 6 offices of ASDMAC primary members.

6 Crown to be bound

- (1) This Act binds the Crown in each of its capacities.

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- (2) This Act does not make the Crown liable to be prosecuted for an offence.

7 Extension to external Territories

This Act extends to every external Territory.

8 Extra-territorial application

This Act extends to acts, omissions, matters and things outside Australia (unless the contrary intention appears).

Part 2—National Anti-Doping Scheme

Division 1A—Simplified outline of this Part

8A Simplified outline of this Part

The regulations must prescribe a 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). For example, the NAD scheme must:

- (a) contain the anti-doping rules; and
- (b) authorise the CEO to test samples provided by athletes; and
- (c) authorise the CEO to investigate possible violations of the anti-doping rules; and
- (d) contain rules (known as sporting administration body rules) that are applicable to certain sporting administration bodies.

The NAD scheme must authorise the CEO to give a person a disclosure notice in certain circumstances. A disclosure notice can require a person to attend an interview to answer questions, to give specified information, or to produce specified documents or things. There are consequences for failing to comply with a disclosure notice (see section 13C).

The NAD scheme must comply with certain rights of athletes and support persons. These include notification and review rights.

Division 1—Making and amending the NAD scheme

9 Making the National Anti-Doping Scheme

The regulations must prescribe a scheme about any or all of the following matters:

- (a) the implementation of the General Anti-Doping Convention;
- (b) if the UNESCO Anti-Doping Convention has entered into force for Australia—the implementation of that Convention;
- (c) ancillary or incidental matters.

Note: For *NAD scheme* or *National Anti-Doping Scheme*, see section 4.

10 Amending the National Anti-Doping Scheme

- (1) The CEO may, by legislative instrument, amend the NAD scheme, so long as:
 - (a) the amendment relates to any or all of the following matters:
 - (i) the classes of athletes who are subject to the NAD scheme;
 - (ii) the meaning of *support person* for the purposes of the NAD scheme;
 - (iii) a request to an athlete to keep the CEO informed of where the athlete can be found;
 - (iv) the things that an athlete may do before providing a sample;
 - (v) the things that the CEO may do with a sample;
 - (vi) the disclosure of information, other than information included in the Violations List, that relates, or appears to relate, to a person in connection with a possible breach of the anti-doping rules;
 - (vii) a matter that is ancillary or incidental to one or more of the matters mentioned in subparagraphs (i) to (vi); and

- (b) the amended NAD scheme is about any or all of the following matters:
 - (i) the implementation of the General Anti-Doping Convention or the UNESCO Anti-Doping Convention;
 - (ii) a matter that is ancillary or incidental to one or both of the matters mentioned in subparagraph (i).

Note: For public consultation requirements, see section 11.

- (2) To avoid doubt, the regulations may also amend the NAD scheme in relation to a matter mentioned in paragraph (1)(a).

11 Public consultation

- (1) Before making an instrument under subsection 10(1) amending the NAD scheme, the CEO must:
 - (a) publish a draft of the instrument and invite people to make submissions to the ASADA on the draft; and
 - (b) consider any submissions that are received within the time limit specified by the CEO when he or she published the draft.
- (2) The time limit specified by the CEO when he or she publishes the draft must be at least 28 days after the day of publication.
- (3) A failure to comply with this section does not affect the validity of the instrument.

12 Use of relevant international anti-doping instruments

- (1) The NAD scheme may make provision in relation to a matter by applying, adopting or incorporating, with or without modification, any matter contained in a relevant international anti-doping instrument:
 - (a) as in force or existing at a particular time; or
 - (b) as in force or existing from time to time.
- (2) Subsection (1) has effect despite anything in subsection 14(2) of the *Legislative Instruments Act 2003*.

Part 2 National Anti-Doping Scheme
Division 1 Making and amending the NAD scheme

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(3) Subsection (1) has effect subject to sections 9 and 10.

Division 2—What must be in the NAD scheme

13 Anti-doping rules etc. relating to certain athletes and support persons

- (1) The NAD scheme must:
 - (a) provide that one or more specified classes of athletes and support persons are subject to the NAD scheme; and
 - (b) contain the anti-doping rules; and
 - (c) authorise the CEO to request an athlete to keep the ASADA informed of where the athlete can be found; and
 - (d) authorise the CEO to request an athlete to provide a sample; and
 - (e) authorise the CEO to test, or arrange the testing of, samples so provided; and
 - (ea) authorise the CEO to request a specified person to do one or more of the following within a specified period:
 - (i) attend an interview to answer questions;
 - (ii) give information of a specified kind;
 - (iii) produce documents or things of a specified kind;if the CEO reasonably believes that the person has information, documents or things that may be relevant to the administration of the NAD scheme; and
 - (f) authorise the CEO to investigate possible violations of the anti-doping rules; and
 - (fa) authorise the CEO to notify an athlete or other person that association, in a professional or sport-related capacity, by the athlete or other person with a support person described in Article 2.10.1, 2.10.2 or 2.10.3 of the World Anti-Doping Code may be a possible violation of the anti-doping rules; and
 - (g) authorise the CEO to disclose information, documents or things obtained in relation to the administration of the NAD scheme (including information obtained during investigations

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- of possible violations of the anti-doping rules) for the purposes of, or in connection with, that administration; and
- (h) authorise the ADRVP to make assertions relating to investigations referred to in paragraph (f); and
 - (i) require the ADRVP to notify the CEO of such assertions; and
 - (j) authorise the CEO to notify athletes, support persons and sporting administration bodies of such assertions; and
 - (ja) authorise the CEO to provide recommendations to sporting administration bodies as to the consequences of such assertions; and
 - (k) authorise the CEO to present:
 - (i) assertions mentioned in paragraph (i); and
 - (ii) additional information;at hearings of the Court of Arbitration for Sport and other sporting tribunals, either:
 - (iii) at the request of a sporting administration body; or
 - (iv) on the CEO's own initiative; and
 - (m) authorise the CEO to publish information relating to assertions mentioned in paragraph (i) if:
 - (i) the CEO considers the publication to be in the public interest; or
 - (ia) the publication is required or permitted by the World Anti-Doping Code; or
 - (ii) the athlete or support person to whom the information relates has consented to the publication;and the other conditions (if any) specified in the NAD scheme for the purposes of this paragraph are satisfied.

Note: The NAD scheme may make different provision with respect to different matters or different classes of matters (see subsection 33(3A) of the *Acts Interpretation Act 1901*).

- (2) The anti-doping rules may deal with matters arising before or after the commencement of this section.
- (3) The NAD scheme must include a provision (a ***limitations provision***) to the effect that an action may be commenced against

an athlete or support person in relation to a possible violation of the anti-doping rules within 10 years after the violation is alleged to have occurred.

- (4) The limitations provision prevails over a law of a State or Territory, to the extent of any inconsistency.

13A Power to require information or documents to be given

- (1) The NAD scheme must authorise the CEO to give a person a written notice (a *disclosure notice*) requiring the person to do one or more of the following within the period specified in the notice:
- (a) attend an interview to answer questions;
 - (b) give information of the kind specified in the notice;
 - (c) produce documents or things of the kind specified in the notice.
- (1A) The NAD scheme must provide that the CEO must not give a disclosure notice to a person unless:
- (a) the CEO declares in writing that the CEO reasonably believes that the person has information, documents or things that may be relevant to the administration of the NAD scheme; and
 - (b) if:
 - (i) the person is a registered medical practitioner; and
 - (ii) the notice is given to the person in his or her capacity as a registered medical practitioner;the CEO declares in writing that the CEO reasonably believes that the person has been involved, in that capacity, in the commission, or attempted commission, of a possible violation of the anti-doping rules; and
 - (c) 3 ADRVP members agree in writing that the belief referred to in paragraph (a) (and, if applicable, paragraph (b)) is reasonable.
- (2) The NAD scheme may make provision in relation to:
- (a) disclosure notices; and

Section 13B

- (b) the form and conduct of interviews; and
 - (c) the form in which information, documents, things and answers to questions must or may be given.
- (3) Without limiting subsection (2), the NAD scheme must provide that a person who is given a disclosure notice has the right to be notified in writing of the possible consequences of a failure to comply with the disclosure notice.

13B CEO may retain and copy documents etc.

Inspecting and making copies of documents

- (1) The CEO may:
- (a) inspect a document produced in response to a disclosure notice; and
 - (b) make and retain copies of, or take and retain extracts from, such a document.

Retaining documents and things

- (2) The CEO may take, and retain for as long as is necessary, possession of a document or thing produced in response to a disclosure notice.
- (3) While the CEO retains the document or thing, he or she must allow a person who would otherwise be entitled to inspect the document or view the thing to do so at the times that the person would ordinarily be able to do so.

13C Failure to comply with disclosure notice

Failure to give information or produce documents in time

- (1) A person contravenes this subsection if:
- (a) the person is given a disclosure notice; and
 - (b) the notice requires the person to:
 - (i) give information; or

- (ii) produce documents or things;
of a kind specified in the notice; and
- (c) the person fails to comply with the notice within the period
specified in the notice.

Civil penalty: 30 penalty units.

- (2) Subsection (1) does not apply if the person gives the CEO a
statutory declaration stating that:
 - (a) the person does not possess the information, document or
thing; and
 - (b) the person has taken all reasonable steps available to the
person to obtain the information, document or thing and has
been unable to obtain it.

Note: A person bears an evidential burden in relation to the matter in this
subsection: see section 73R.

Failure to attend interview

- (3) A person contravenes this subsection if:
 - (a) the person is given a disclosure notice; and
 - (b) the notice requires the person to attend an interview to
answer questions; and
 - (c) the person fails to comply with the notice.

Civil penalty: 30 penalty units.

Failure to answer questions

- (4) A person contravenes this subsection if:
 - (a) the person is given a disclosure notice; and
 - (b) the notice requires the person to attend an interview to
answer questions; and
 - (c) the person refuses or fails to answer a question.

Civil penalty: 30 penalty units.

Section 13D

13D Self-incrimination

- (1) An individual is excused from complying with a requirement to answer a question or to give information if the answer to the question or the information might tend to incriminate the individual or expose the individual to a penalty.
- (1A) A person is not excused from producing a document or thing as required by a disclosure notice given to the person on the ground that the document or thing might tend to incriminate the person or expose the person to a penalty.
- (2) However, in the case of an individual, none of the following:
 - (a) the document or thing produced;
 - (b) the producing of the document or thing;
 - (c) any information, document or thing obtained as a direct or indirect consequence of producing the document or thing; is admissible in evidence against the individual in:
 - (e) criminal proceedings, other than proceedings for an offence against section 137.1 (false or misleading information) or 137.2 (false or misleading documents) of the *Criminal Code* that relates to this Act; or
 - (f) any proceedings that would expose the individual to a penalty, other than proceedings in connection with this Act or the regulations.
- (3) To avoid doubt, proceedings (however described) before a sporting administration body or the Court of Arbitration for Sport or other sporting tribunal that relate to sports doping and safety matters are proceedings in connection with this Act or the regulations.

14 Rights of athletes and support persons

- (1) The NAD scheme must comply with the rights of athletes and support persons set out in subsections (2) to (4).

Rights

- (2) An athlete has a right to be notified orally, or in writing, of the possible consequences of a failure to comply with a request by the CEO:
 - (a) to provide a sample; or
 - (aa) to attend an interview to answer questions; or
 - (ab) to give information; or
 - (ac) to produce documents or things; or
 - (b) to keep the ASADA informed of where the athlete can be found.
- (3) If the ADRVP proposes to make an assertion relating to an investigation of a possible violation of the anti-doping rules by an athlete or support person:
 - (a) the athlete or support person has a right to be notified in writing about the proposal; and
 - (b) the athlete or support person has a right to make written submissions to the ADRVP about the proposal; and
 - (c) the athlete or support person has a right to be notified in writing of a decision of the ADRVP to make such an assertion.
- (4) An athlete or support person has a right to apply to the Administrative Appeals Tribunal for review of a decision of the ADRVP to make an assertion relating to an investigation of a possible violation of the anti-doping rules by the athlete or support person.

Waiver of rights

- (5) The NAD scheme may allow an athlete or support person to waive a right under the NAD scheme. However, the NAD scheme must not allow waiver of a right to apply to a court, tribunal or other body or person for review of a decision under the NAD scheme.

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15 Sporting administration body rules

- (1) The NAD scheme must:
- (a) contain rules (the *sporting administration body rules*) that:
 - (i) are applicable to one or more specified sporting administration bodies; and
 - (ii) relate to the anti-doping rules; and
 - (b) authorise the CEO to monitor the compliance by sporting administration bodies with the sporting administration body rules; and
 - (c) authorise the CEO to notify the ASC about the extent of such compliance by sporting administration bodies other than the ASC; and
 - (d) authorise the CEO to publish reports about the extent of compliance by sporting administration bodies with the sporting administration body rules.

Note: The NAD scheme may make different provision with respect to different matters or different classes of matters (see subsection 33(3A) of the *Acts Interpretation Act 1901*).

- (2) The following are examples of sporting administration body rules:
- (a) rules about promoting compliance with the anti-doping rules by athletes and support persons;
 - (b) rules about referring possible violations of the anti-doping rules to the ASADA;
 - (c) rules about assisting, and giving information to, the ASADA in relation to investigations of possible violations of the anti-doping rules;
 - (d) rules about taking action in response to the ADRVP's assertions relating to such investigations;
 - (e) rules about hearings and appeals arising from such assertions.

16 Matters required by the regulations

The regulations may provide that the NAD scheme must deal with specified matters.

Division 3—Miscellaneous

17 NAD scheme may deal with other matters

Division 2 does not limit the matters in relation to which the NAD scheme may make provision.

18 Decisions under the NAD scheme

The NAD scheme may make provision in relation to a matter by conferring a power to make a decision of an administrative character on any or all of the following:

- (a) the CEO;
- (aa) the ADRVP;
- (b) the ASDMAC;
- (c) a body specified in regulations made for the purposes of this paragraph.

19 Fees

- (1) The NAD scheme may authorise either or both of the following:
 - (a) the CEO to charge fees for performing his or her functions under the NAD scheme;
 - (b) the ASDMAC to charge fees for performing its functions under the NAD scheme.
- (2) A fee:
 - (a) must not be such as to amount to taxation; and
 - (b) is payable to the Commonwealth.

Part 2A—Violations List

19AA Simplified outline of this Part

This Part requires the CEO to establish and maintain a list, known as the Violations List.

If the CEO becomes aware that an athlete or support person has been sanctioned by a sporting administration body in relation to an anti-doping rule violation, the CEO must generally include certain information in the Violations List in relation to the violation.

The information includes details about the person, and the nature and consequences of the violation. The CEO may also include other information.

The Violations List is to be made available for public inspection on the internet.

19A Violations List

- (1) The CEO must establish and maintain a list, to be known as the Violations List.
- (2) If the CEO becomes aware that an athlete or support person has been sanctioned by a sporting administration body in relation to an anti-doping rule violation, and:
 - (a) the time within which any appeal in relation to the sanction may be instituted has expired, and no such appeal has been instituted; or
 - (b) any appeal in relation to the sanction has been completed; or
 - (c) the athlete or support person has waived his or her right to any appeal in relation to the sanction;the CEO must, within 20 days of becoming so aware, include in the Violations List the information required by subsection (3).

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- (3) The following information is required in relation to an anti-doping rule violation:
- (a) the name of the athlete or support person;
 - (b) for an athlete:
 - (i) the athlete's date of birth; and
 - (ii) the athlete's sport; and
 - (iii) if the athlete is a member of a team—the team;
 - (c) the nature of the anti-doping rule violation;
 - (d) the date of the anti-doping rule violation;
 - (e) the consequences (within the meaning of the World Anti-Doping Code) of the anti-doping rule violation, including the period of ineligibility (if any) for the anti-doping rule violation.
- (4) The CEO may include in the Violations List any other information he or she considers appropriate.
- (5) Despite subsection (2), the CEO is not required to include in the Violations List any information in relation to an anti-doping rule violation, if:
- (a) the anti-doping rule violation:
 - (i) was committed by an individual who was, at the time the anti-doping rule violation was committed, aged under 18; and
 - (ii) is the first anti-doping rule violation committed by the individual of which the CEO is aware; or
 - (b) the CEO is satisfied that the inclusion of the information is likely to prejudice a current investigation into a possible violation of the anti-doping rules; or
 - (c) WADA has authorised the non-inclusion of the information.
- (6) Information included in the Violations List in relation to an anti-doping rule violation must be removed from the Violations List:
- (a) if there is a period of ineligibility for the anti-doping rule violation—at the later of the following times:
 - (i) at the end of the period of ineligibility;

Part 2A Violations List

Section 19A

- (ii) at the end of the period of 1 month after its inclusion; or
 - (b) otherwise—1 month after its inclusion.
- (7) The NAD scheme may make provision for and in relation to either or both of the following:
 - (a) the correction of entries in the Violations List;
 - (b) any other matter relating to the administration or operation of the Violations List.
- (8) The Violations List is to be made available for public inspection on the internet.
- (9) The Violations List is not a legislative instrument.

Part 3—ASADA's establishment and function**20AA Simplified outline of this Part**

This Part establishes the Australian Sports Anti-Doping Authority (known as the ASADA).

The ASADA's function is to assist the CEO of the ASADA in performing his or her functions.

20 Establishment of ASADA

The Australian Sports Anti-Doping Authority is established.

20A ASADA's constitution

The ASADA consists of:

- (a) the CEO; and
- (b) the ASADA staff.

Note: The ASADA does not have a legal identity separate from the Commonwealth.

20B ASADA's function

The ASADA's function is to assist the CEO in the performance of his or her functions.

20C ASADA has privileges and immunities of the Crown

The ASADA has the privileges and immunities of the Crown.

Part 3A Chief Executive Officer

Division 1A Simplified outline of this Part

Section 20CA

Part 3A—Chief Executive Officer

Division 1A—Simplified outline of this Part

20CA Simplified outline of this Part

This Part provides for the CEO's appointment and sets out the terms and conditions of appointment.

The CEO has various functions, including functions relating to the NAD scheme and other sports doping and safety matters (see section 21).

The CEO must have regard to advice and recommendations given to the CEO by the Advisory Group or an advisory committee. The CEO is subject to direction by the Minister.

This Part also makes provision for staff of the ASADA and for consultants to assist the CEO.

The CEO may delegate his or her functions and powers.

Division 1—CEO's functions and powers

20D Chief Executive Officer

There is to be a Chief Executive Officer of the ASADA.

21 CEO's functions

- (1) The CEO has the following functions:
 - (a) such functions as are conferred on the CEO by this Act;
 - (b) such functions as are conferred on the CEO by the NAD scheme;
 - (c) to advise the ASC about sports doping and safety matters that should be included in any agreement under which the ASC gives money to a sporting organisation;
 - (e) to support, encourage, develop and implement initiatives that increase the skills and knowledge of people involved in sporting activities about sports doping and safety matters;
 - (f) to support and encourage the sporting community to develop and implement comprehensive programs, and education initiatives, about sports doping and safety matters;
 - (g) to support, encourage and conduct research about sports doping and safety matters;
 - (h) to collect, analyse, interpret and disseminate information about sports doping and safety matters;
 - (i) to encourage the development of ways for the States and Territories, and sporting organisations, to carry out initiatives about sports doping and safety matters;
 - (j) to cooperate with the States and Territories, and with sporting organisations, to carry out initiatives about sports doping and safety matters;
 - (ja) to cooperate with an organisation of a foreign country in the Oceania region that has functions that are the same as, or similar to, those of the CEO;

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- (k) to provide the following services under contract on behalf of the Commonwealth:
 - (i) anti-doping testing services;
 - (iii) other services (including educational services) relating to sports doping and safety matters;
- (ka) to make resources and facilities (including secretariat services and clerical assistance) available to the Advisory Group for the purposes of enabling the Advisory Group to perform its function;
- (kb) to make resources and facilities (including secretariat services and clerical assistance) available to the ADRVP for the purposes of enabling the ADRVP to perform its functions;
- (l) to make resources and facilities (including secretariat services and clerical assistance) available to the ASDMAC for the purposes of enabling the ASDMAC to perform its functions;
- (m) such other functions as are conferred on the CEO by any other law of the Commonwealth;
- (n) to advise the Minister about matters relating to any of the above functions;
- (o) to do anything incidental to or conducive to the performance of any of the above functions.

Note: For *sports doping and safety matter*, see section 4.

- (1A) In performing his or her functions and exercising his or her powers, the CEO must have regard to the advice and recommendations given to him or her by the Advisory Group or an advisory committee.

Constitutional limits

- (2) The CEO may perform his or her functions only:
 - (a) for purposes related to external affairs, including:
 - (i) giving effect to an international agreement to which Australia is a party; and
 - (ii) addressing matters of international concern; and

- (iii) by way of the performance of its functions in a place outside Australia; or
- (b) for purposes related to money appropriated for the purposes of the Commonwealth; or
- (c) for purposes related to the granting of financial assistance to a State on such terms and conditions as the Parliament thinks fit; or
- (d) for purposes related to the executive power of the Commonwealth; or
- (e) for purposes related to the collection of statistics; or
- (f) in, or for purposes related to, a Territory; or
- (g) in a Commonwealth place (within the meaning of the *Commonwealth Places (Application of Laws) Act 1970*);
- (h) by way of, or for purposes related to, trade and commerce:
 - (i) between Australia and places outside Australia; or
 - (ii) among the States; or
 - (iii) within a Territory, between a State and a Territory or between 2 Territories; or
- (i) by way of the provision of an anti-doping testing service to a constitutional corporation, where:
 - (i) the service involves testing one or more employees of the constitutional corporation; and
 - (ii) the results of the testing are relevant to the relationship between the constitutional corporation and the employee or employees; or
- (j) by way of the provision of a service to a constitutional corporation, where the service is provided to protect the constitutional corporation's business reputation from being damaged by the use of drugs and/or doping methods in sport; or
- (k) in connection with a postal, telegraphic, telephonic or other like service within the meaning of paragraph 51(v) of the Constitution; or
- (l) by way of the provision of a service to:
 - (i) the Commonwealth; or

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- (ii) an authority of the Commonwealth; or
- (m) 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; or
- (n) by way of the provision of a service, if the provision of the service:
 - (i) utilises the ASADA's spare capacity; or
 - (ii) maintains or improves the specialised technical skills of the ASADA staff in relation to the testing of athletes; and does not impede the CEO's capacity to perform his or her other functions.

22 CEO's powers

The CEO has the power to do all things necessary or convenient to be done for or in connection with the performance of his or her functions.

24 Minister may give directions to the CEO

- (1) The Minister may, by legislative instrument, give directions to the CEO in relation to the performance of his or her functions and the exercise of his or her powers.

Note: For variation and revocation, see subsection 33(3) of the *Acts Interpretation Act 1901*.

- (2) However, such a direction must not relate to:
 - (a) a particular athlete, or a particular support person, who is subject to the NAD scheme; or
 - (b) the testing of a particular athlete under an anti-doping testing service being provided by the CEO under contract on behalf of the Commonwealth.
- (3) The CEO must comply with a direction under subsection (1).
- (4) Subsection (3) does not apply to the extent that the direction relates to the CEO's performance of functions or exercise of powers under

the *Public Governance, Performance and Accountability Act 2013*
or as an Agency Head under the *Public Service Act 1999*.

Division 2—Appointment of CEO

24A Appointment of CEO

- (1) The CEO is to be appointed by the Minister, by written instrument, on a full-time basis.
- (2) An Advisory Group member or an ADRVP member is not eligible for appointment as the CEO.
- (3) The appointment of a person as CEO is not invalid because of a defect or irregularity in connection with the person's appointment.

24B Period of appointment for CEO

The CEO holds office for the period specified in the instrument of appointment. The period must not exceed 5 years.

Note: The CEO may be reappointed: see section 33AA of the *Acts Interpretation Act 1901*.

24C Acting CEO

The Minister may, by written instrument, appoint a person to act as CEO:

- (a) during a vacancy in the office of CEO (whether or not an appointment has previously been made to that office); or
- (b) during any period, or during all periods, when the CEO:
 - (i) is absent from duty or from Australia; or
 - (ii) is, for any reason, unable to perform the duties of the office.

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

Division 3—Terms and conditions for CEO

24D Remuneration

- (1) The CEO is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Tribunal is in operation, the CEO is to be paid the remuneration that is prescribed by the regulations.
- (2) The CEO is to be paid the allowances that are prescribed by the regulations.
- (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

24F Outside employment

The CEO must not engage in paid employment outside the duties of his or her office without the Minister's approval.

24G Leave of absence

- (1) The CEO has the recreation leave entitlements that are determined by the Remuneration Tribunal.
- (2) The Minister may grant to the CEO leave of absence, other than recreation leave, on the terms and conditions as to remuneration or otherwise that the Minister determines in writing.

24H Resignation

- (1) The CEO may resign his or her appointment by giving the Minister a written resignation.
- (2) The resignation takes effect on the day on which it is received by the Minister or, if a later day is specified in the resignation, on that later day.

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24J Termination of appointment

- (1) The Minister may terminate the appointment of the CEO for misbehaviour or physical or mental incapacity.
- (2) The Minister may terminate the appointment of the CEO if:
 - (a) the CEO:
 - (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 his or her creditors; or
 - (iv) makes an assignment of his or her remuneration for the benefit of his or her creditors; or
 - (b) the CEO fails, without reasonable excuse, to comply with section 32; or
 - (ba) the CEO fails, without reasonable excuse, to comply with section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests) or rules made for the purposes of that section; or
 - (c) the CEO is absent, except on leave of absence, for 14 consecutive days or for 28 days in any 12 months; or
 - (d) the CEO engages, without the Minister's approval, in paid employment outside the duties of his or her office (see section 24F); or
 - (e) the CEO commits an offence against section 67.

24K Other terms and conditions

The CEO 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—ASADA's staff etc.

24L Staff

- (1) The staff of the ASADA are to be persons engaged under the *Public Service Act 1999*.
- (2) For the purposes of the *Public Service Act 1999*:
 - (a) the CEO and the ASADA staff together constitute a Statutory Agency; and
 - (b) the CEO is the Head of that Statutory Agency.

24M Persons assisting the CEO

The CEO may be assisted:

- (a) by officers and employees of Agencies (within the meaning of the *Public Service Act 1999*); or
- (b) by officers and employees of authorities of the Commonwealth;

whose services are made available to the CEO in connection with the performance of any of his or her functions.

Division 5—Delegation

24N Delegation by the CEO

- (1) The CEO may, by writing, delegate any or all of his or her functions and powers to:
 - (a) a member of the ASADA staff; or
 - (b) an individual whose services are made available to the CEO under section 24M; or
 - (c) an individual appointed as a chaperone, or as a drug testing official, under the NAD scheme.
- (2) Subsection (1) does not apply to the following:
 - (a) the power to make a legislative instrument amending the NAD scheme;
 - (b) the power to give a disclosure notice;
 - (c) the functions and powers of the CEO under Part 8 (information management).
- (3) Paragraph (1)(c) does not apply to a function or power unless it is conferred by the NAD scheme.
- (3A) The CEO may, by writing, delegate his or her power to give a disclosure notice to a member of the ASADA staff who is an SES employee, or an acting SES employee.
- (3B) The CEO may, by writing, delegate any or all of his or her functions or powers under Part 8 to a member of the ASADA staff who is an SES employee or an acting SES employee.
- (4) A delegate must comply with any written directions of the CEO.

Division 6—Advisory committees

24P Advisory committees

- (1) The CEO may, by writing, establish advisory committees to assist the CEO in performing any of the CEO's functions.

Note: For variation and revocation, see subsection 33(3) of the *Acts Interpretation Act 1901*.
- (2) An advisory committee consists of such Advisory Group members as the CEO determines.
- (3) The CEO must determine, in relation to an advisory committee, the terms and conditions of appointment of the advisory committee members.
- (4) The CEO may give an advisory committee written directions as to:
 - (a) the way in which the committee is to carry out its functions;
and
 - (b) procedures to be followed in relation to meetings.
- (5) An instrument made under subsection (1) is not a legislative instrument.
- (6) A direction made under subsection (4) is not a legislative instrument.

Part 4 Advisory Group

Division 1A Simplified outline of this Part

Section 25AA

Part 4—Advisory Group

Division 1A—Simplified outline of this Part

25AA Simplified outline of this Part

This Part establishes the Advisory Group of the ASADA. Advisory Group members are appointed by the Minister.

The function of the Advisory Group is, at the request of the CEO, to provide advice and make recommendations to the CEO on a matter relating to the CEO's functions.

This Part also sets out the terms and conditions of appointment for Advisory Group members, and includes provisions relating to meetings of the Advisory Group.

Division 1—Advisory Group's establishment, function and powers

25 Establishment of Advisory Group

The Advisory Group of the ASADA is established by this section.

25A Advisory Group's function and powers

- (1) The Advisory Group's function is, at the request of the CEO, to provide advice and make recommendations to the CEO on a matter relating to the CEO's functions.
- (2) The Advisory Group has the power to do all things necessary or convenient to be done for or in connection with the performance of its function.
- (3) To avoid doubt, the Advisory Group cannot give any directions to the CEO.

Division 2—Advisory Group's membership

26 Advisory Group's membership

The Advisory Group consists of at least 2, and not more than 7, members.

27 Appointment of Advisory Group members

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

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

- (2) The Minister must not appoint a person as an Advisory Group member unless:
 - (a) the Minister is satisfied that the person has appropriate knowledge or experience, which may include, for example, knowledge or experience in:
 - (i) education and training (so as to increase awareness of sports doping and safety matters); or
 - (ii) sports medicine; or
 - (iii) sports law; or
 - (iv) ethics; or
 - (v) investigative practices or techniques; and
 - (b) the person is ordinarily resident in Australia.
- (3) The CEO or an ADRVP member is not eligible for appointment as an Advisory Group member.
- (4) The Minister must appoint one Advisory Group member to be the Advisory Group Chair.
- (5) The appointment of a person as an Advisory Group member or as the Advisory Group Chair is not invalid because of a defect or irregularity in connection with the person's appointment.

28 Period of appointment for Advisory Group members

An Advisory Group member holds office for the period specified in his or her instrument of appointment. The period must not exceed 3 years.

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

29 Acting Advisory Group members

Acting Advisory Group Chair

- (1) The Minister may appoint a person to act as the Advisory Group Chair:
- (a) during a vacancy in the office of the Advisory Group 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 Group Chair:
 - (i) is absent from duty or Australia; or
 - (ii) is, for any reason, unable to perform the duties of the office.

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

Acting Advisory Group member (other than Advisory Group Chair)

- (2) The Minister may appoint a person to act as an Advisory Group member (other than the Advisory Group Chair):
- (a) during a vacancy in the office of an Advisory Group member (other than the Advisory Group 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 Group member (other than the Advisory Group Chair):
 - (i) is absent from duty or Australia; or
 - (ii) is, for any reason, unable to perform the duties of the office.

Part 4 Advisory Group

Division 2 Advisory Group's membership

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

Qualifications

- (3) A person is not eligible for appointment to act as:
- (a) the Advisory Group Chair; or
 - (b) an Advisory Group member (other than the Advisory Group Chair);
- unless the person is eligible for appointment as an Advisory Group member.

Note: See subsections 27(2) and (3).

Division 3—Terms and conditions for Advisory Group members

30 Remuneration

- (1) An Advisory Group member is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Tribunal is in operation, the Advisory Group member is to be paid the remuneration that is prescribed in the regulations.
- (2) An Advisory Group member is to be paid the allowances that are prescribed in the regulations.
- (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

31 Disclosure of interests to the Minister

- (1) A disclosure by an Advisory Group member under section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests) must be made to the Minister.
- (2) Subsection (1) applies in addition to any rules made for the purposes of that section.
- (3) For the purposes of this Act and the *Public Governance, Performance and Accountability Act 2013*, the Advisory Group member is taken not to have complied with section 29 of that Act if the member does not comply with subsection (1) of this section.

32 Disclosure of interests by CEO attending etc. Advisory Group meetings

If:

- (a) the CEO attends and participates in, or proposes to attend or participate in, a meeting of the Advisory Group; and

Part 4 Advisory Group

Division 3 Terms and conditions for Advisory Group members

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- (b) rules made for the purposes of section 29 of the *Public Governance, Performance and Accountability Act 2013* apply in relation to the participation of Advisory Group members in the meeting;

the CEO must, in relation to the CEO's participation in the meeting, comply with those rules as if the CEO were an Advisory Group member.

33 Outside employment

An Advisory Group member must not engage in any paid employment that, in the Minister's opinion, conflicts or may conflict with the proper performance of his or her duties.

34 Leave of absence

- (1) The Minister may grant leave of absence to the Advisory Group Chair on the terms and conditions that the Minister determines.
- (2) The Advisory Group Chair may grant leave of absence to any other Advisory Group member on the terms and conditions that the Advisory Group Chair determines.

36 Resignation

- (1) An Advisory Group member may resign his or her appointment by giving the Minister a written resignation.
- (1A) The Advisory Group Chair may resign his or her appointment as the Advisory Group Chair without resigning his or her appointment as an Advisory Group member.
- (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.

37 Termination of appointment

- (1) The Minister may terminate the appointment of an Advisory Group member for misbehaviour or physical or mental incapacity.
- (2) The Minister may terminate the appointment of an Advisory Group member if:
 - (a) the Advisory Group 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 his or her creditors; or
 - (iv) makes an assignment of his or her remuneration for the benefit of his or her creditors; or
 - (b) the Advisory Group member fails, without reasonable excuse, to comply with section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests) or rules made for the purposes of that section; or
 - (c) the Advisory Group member engages in paid employment that, in the Minister's opinion, conflicts or may conflict with the proper performance of his or her duties (see section 33); or
 - (d) the Advisory Group member is absent, except on leave of absence, from 3 consecutive meetings of the Advisory Group; or
 - (e) the Advisory Group member commits an offence against section 67.

38 Other terms and conditions

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

Division 4—Meetings

39 Holding of meetings

Holding meetings

- (1) A meeting of the Advisory Group may be convened by the CEO only. The CEO may convene a meeting at any time.
- (2) The CEO may attend and participate in a meeting of the Advisory Group.

Procedure of meetings

- (3) Subject to subsection (5), the CEO may, by writing, determine matters relating to the operation of the Advisory Group.
- (4) Subject to subsection (5), if no determination is in force for the purposes of subsection (3), the Advisory Group may operate in the way it determines.
- (5) The Advisory Group Chair must ensure that minutes of meetings are kept.

Legislative instrument

- (6) A determination made under subsection (3) is not a legislative instrument.

Part 5—Anti-Doping Rule Violation Panel

Division 1A—Simplified outline of this Part

40A Simplified outline of this Part

This Part establishes the Anti-Doping Rule Violation Panel (known as the ADRVP). The ADRVP members are appointed by the Minister.

The ADRVP has various functions, including the functions set out in the NAD scheme.

This Part also sets out the terms and conditions of appointment for ADRVP members, and includes provisions relating to meetings of the ADRVP.

Division 1—ADRVP's establishment and functions

40 Establishment of ADRVP

The Anti-Doping Rule Violation Panel is established by this section.

41 ADRVP's functions

- (1) The ADRVP has the following functions:
 - (a) the functions set out in the NAD scheme;
 - (b) such other functions as are conferred on the ADRVP by this Act or any other law of the Commonwealth;
 - (c) to do anything incidental to or conducive to the performance of any of its functions.

Note: Paragraph (a)—see paragraphs 13(1)(h), (ha) and (i).

Constitutional limits

- (2) Subsection 21(2) applies to the functions of the ADRVP in a corresponding way to the way in which it applies to the functions of the CEO.
- (3) To avoid doubt, the ADRVP is not a hearing body within the meaning of Article 8 of the World Anti-Doping Code.

Division 2—ADRVP's membership

42 ADRVP's membership

The ADRVP consists of at least 4, and not more than 9, members.

43 Appointment of ADRVP members

- (1) Each ADRVP member is to be appointed by the Minister, by written instrument, on a part-time basis.
- (2) The Minister must not appoint a person as an ADRVP member unless:
 - (a) the Minister is satisfied that the person has knowledge of, or experience in, one or more of the following fields:
 - (i) sports medicine;
 - (ii) clinical pharmacology;
 - (iii) sports law;
 - (iv) ethics;
 - (v) investigative practices or techniques; and
 - (b) the person is ordinarily resident in Australia.
- (3) The CEO, an ASDMAC member or an Advisory Group member is not eligible for appointment as an ADRVP member.
- (4) The Minister must appoint one ADRVP member to be the ADRVP Chair.
- (5) The appointment of a person as an ADRVP member or as the ADRVP Chair is not invalid because of a defect or irregularity in connection with the person's appointment.

44 Period of appointment for ADRVP members

An ADRVP member holds office for the period specified in the instrument of appointment. The period must not exceed 3 years.

Part 5 Anti-Doping Rule Violation Panel

Division 2 ADRVP's membership

Section 45

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

45 Acting ADRVP members

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

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

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

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

Division 3—Terms and conditions for ADRVP members

46 Remuneration

- (1) An ADRVP member is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Tribunal is in operation, the ADRVP member is to be paid the remuneration that is prescribed by the regulations.
- (2) An ADRVP member is to be paid the allowances that are prescribed by the regulations.
- (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

47 Outside employment

An ADRVP member must not engage in any paid employment that, in the Minister's opinion, conflicts or may conflict with the proper performance of his or her duties.

48 Disclosure of interests to the Minister

- (1) A disclosure by an ADRVP member under section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests) must be made to the Minister.
- (2) Subsection (1) applies in addition to any rules made for the purposes of that section.
- (3) For the purposes of this Act and the *Public Governance, Performance and Accountability Act 2013*, the ADRVP member is taken not to have complied with section 29 of that Act if the member does not comply with subsection (1) of this section.

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50 Limits on activities of ADRVP members

- (1) An ADRVP member must not, without the prior written consent of the CEO, take part in any deliberations or decisions of a sporting administration body in relation to a matter relating to, or arising under, the NAD scheme.
- (2) An ADRVP member must not, without the prior written consent of the CEO, provide:
 - (a) information, advice or support to a person; or
 - (b) evidence or information on behalf of a person;in connection with a matter (a *NAD scheme matter*) relating to, or arising under, the NAD scheme if the person has a matter before the ASDMAC, a sporting administration body, a court or a tribunal in respect of the NAD scheme matter.

50A Leave of absence

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

50B Resignation

- (1) An ADRVP member may resign his or her appointment by giving the Minister a written resignation.
- (2) The ADRVP Chair may resign his or her appointment as the ADRVP Chair without resigning his or her appointment as an ADRVP member.
- (3) 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.

50C Termination of appointment

- (1) The Minister may terminate the appointment of an ADRVP member for misbehaviour or physical or mental incapacity.
- (2) The Minister may terminate the appointment of an ADRVP member if:
 - (a) the ADRVP 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 his or her creditors; or
 - (iv) makes an assignment of his or her remuneration for the benefit of his or her creditors; or
 - (b) the ADRVP member fails, without reasonable excuse, to comply with section 50; or
 - (ba) the ADRVP member fails, without reasonable excuse, to comply with section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests) or rules made for the purposes of that section; or
 - (c) the ADRVP member engages in paid employment that, in the Minister's opinion, conflicts or may conflict with the proper performance of his or her duties (see section 47); or
 - (d) the ADRVP member is absent, except on leave of absence, from 3 consecutive meetings of the ADRVP; or
 - (e) the ADRVP member commits an offence against section 67.

50D Other terms and conditions

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

Division 4—Meetings

50E Holding of meetings

Holding meetings

- (1) The ADRVP is to hold such meetings as are necessary for the performance of its functions.

Procedure of meetings

- (2) Subject to subsection (3), the ADRVP Chair may, by writing, determine matters relating to the operation of the ADRVP.
- (3) The ADRVP Chair must ensure that minutes of meetings are kept.

Legislative instrument

- (4) A determination made under subsection (2) is not a legislative instrument.

Part 6—Application of the finance law

50FA Simplified outline of this Part

This Part deals with the application of the finance law (within the meaning of the *Public Governance, Performance and Accountability Act 2013*).

50F Application of the finance law

For the purposes of the finance law (within the meaning of the *Public Governance, Performance and Accountability Act 2013*):

- (a) the following combination of bodies is a listed entity:
 - (i) the ASADA;
 - (ii) the Advisory Group;
 - (iii) the ADRVP; and
- (b) the listed entity is to be known as the Australian Sports Anti-Doping Authority; and
- (c) the CEO is the accountable authority of the listed entity; and
- (d) the following persons are officials of the listed entity:
 - (i) the CEO;
 - (ii) the ASADA staff;
 - (iii) the Advisory Group members;
 - (iv) the ADRVP members;
 - (v) the persons whose services are made available to the CEO under section 24M;
 - (vi) an advisory committee member; and
- (e) the purposes of the listed entity include:
 - (i) the function of the ASADA referred to in section 20B; and
 - (ii) the functions of the CEO referred to in section 21; and

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- (iii) the function of the Advisory Group referred to in section 25A; and
- (iv) the functions of the ADRVP referred to in section 41; and
- (v) the functions of an advisory committee.

Part 7—Australian Sports Drug Medical Advisory Committee

Division 1A—Simplified outline of this Part

51A Simplified outline of this Part

This Part continues the Australian Sports Drug Medical Advisory Committee (known as the ASDMAC). The ASDMAC consists of the Chair, ASDMAC primary members, and ASDMAC review members. ASDMAC members are appointed by the Minister.

The ASDMAC has various functions, including:

- (a) the functions conferred on the ASDMAC by the NAD scheme; and
- (b) giving advice and information to the CEO and the Australian Sports Commission about the performance of the ASDMAC's functions, and about sports doping and safety matters; and
- (c) giving information to sporting administration bodies about individual cases that involve sports doping and safety matters; and
- (d) providing services relating to sports doping and safety matters under contract on behalf of the Commonwealth.

This Part also sets out the terms and conditions of appointment for ASDMAC members, and includes provisions relating to meetings of the ASDMAC.

Division 1—ASDMAC's establishment and functions

51 Establishment of ASDMAC

The Australian Sports Drug Medical Advisory Committee established under the *Australian Sports Drug Agency Act 1990* continues in existence by force of this section, under and subject to the provisions of this Act.

Note: See also section 25B of the *Acts Interpretation Act 1901*.

52 ASDMAC's functions

- (1) The ASDMAC has the following functions:
 - (a) such functions as are conferred on the ASDMAC by the NAD scheme;
 - (b) to give advice and information to the CEO and the ASC about:
 - (i) the performance of the ASDMAC's functions; and
 - (ii) sports doping and safety matters;
 - (c) to give information to sporting administration bodies about individual cases that involve:
 - (i) sports doping and safety matters; or
 - (ii) any other matter arising out of the provision of anti-doping testing services;
 - (d) to provide services relating to sports doping and safety matters under contract on behalf of the Commonwealth;
 - (e) such other functions as are conferred on the ASDMAC by this Act or any other law of the Commonwealth;
 - (f) to do anything incidental to or conducive to the performance of any of the above functions.

Note: For *sports doping and safety matter*, see section 4.

Constitutional limits

- (2) Subsection 21(2) applies to the functions of the ASDMAC in a corresponding way to the way in which it applies to the functions of the CEO.

Division 2—ASDMAC's membership

53 ASDMAC's membership

The ASDMAC consists of the following members:

- (a) a Chair;
- (b) at least 3, and not more than 6, primary members;
- (c) 3 review members.

54 Appointment of ASDMAC members

- (1) Each ASDMAC member is to be appointed by the Minister by written instrument.

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

- (2) The Minister must not appoint a person as an ASDMAC member unless:
- (a) the person is a registered medical practitioner; and
 - (b) the Minister is satisfied that the person has knowledge of, or experience in, one or more of the following fields:
 - (i) sports medicine;
 - (ii) clinical pharmacology;
 - (iii) endocrinology;
 - (iv) a field specified in regulations made for the purposes of this subparagraph.
- (2AA) At least one person appointed as an ASDMAC primary member must possess general experience in the care and treatment of athletes with impairments.
- (2A) An ADRVP member is not eligible for appointment as an ASDMAC member.
- (3) An ASDMAC member holds office on a part-time basis.

55 Period of appointment for ASDMAC members

An ASDMAC member holds office for the period specified in his or her instrument of appointment. The period must not exceed 5 years.

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

56 Acting ASDMAC members

Acting ASDMAC Chair

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

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

Acting ASDMAC primary member

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

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

Acting ASDMAC review member

- (2A) The Minister may appoint a person to act as an ASDMAC review member:
- (a) during a vacancy in the office of an ASDMAC review member, whether or not an appointment has previously been made to the office; or
 - (b) during any period, or during all periods, when an ASDMAC review member:
 - (i) is absent from duty or Australia; or
 - (ii) is, for any reason, unable to perform the duties of the office.

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

Qualifications

- (3) A person is not eligible for appointment to act as:
- (a) the ASDMAC Chair; or
 - (b) an ASDMAC primary member; or
 - (c) an ASDMAC review member;
- unless the person is eligible for appointment as an ASDMAC member.

Note: See subsection 54(2).

Division 3—Terms and conditions for ASDMAC members

57 Remuneration

- (1) An ASDMAC member is to be paid the remuneration that is determined by the Remuneration Tribunal. If no determination of that remuneration by the Tribunal is in operation, the ASDMAC member is to be paid the remuneration that is prescribed in the regulations.
- (2) An ASDMAC member is to be paid the allowances that are prescribed in the regulations.
- (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

58 Standing obligation to disclose interests

Obligation to disclose interests

- (1) An ASDMAC member must disclose any interest he or she has if that interest could conflict with the proper performance of the functions of his or her office. Disclosure is required whether or not there is any particular matter under consideration that gives rise to an actual conflict of interest.
- (2) The disclosure must be by notice in writing given to the Minister, and to each of the other ASDMAC members, as soon as practicable after the member becomes aware of the potential for conflict of interest.

Some types of interests that must be disclosed

- (3) Without limiting subsection (1), an ASDMAC member is taken to have an interest that could conflict with the proper performance of the functions of his or her office if he or she:
 - (a) participates in, or is involved in any way in the administration of, a sport; or

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- (b) is a member of, or is involved in any way in the administration of, a sporting administration body; or
 - (c) is involved in any way in the administration of a sporting event or sporting venue; or
 - (d) is related to, or has some involvement in the affairs of:
 - (i) an athlete who is subject to the NAD scheme; or
 - (ii) a support person who is subject to the NAD scheme; or
 - (iii) an individual tested under an anti-doping testing service previously provided by the CEO under contract on behalf of the Commonwealth; or
 - (iv) an individual who could be tested under an anti-doping testing service being provided by the CEO under contract on behalf of the Commonwealth.
- (4) Subsections (1) and (3) apply to interests:
- (a) whether direct or indirect, and whether or not pecuniary; and
 - (b) whether acquired before or after the discloser's appointment.

59 Obligation to disclose interests before deliberating on or deciding a particular matter

Obligation to disclose interests

- (1) An ASDMAC member (the *discloser*) who has an interest that could conflict with the proper performance of the functions of his or her office, as they give him or her a role in the deliberations or decisions of the ASDMAC in relation to a particular matter, must not perform that role in relation to that matter unless:
 - (a) he or she has disclosed that interest to each of the other ASDMAC members; and
 - (b) each of those members has consented to the discloser performing that role in relation to that matter despite the possible conflict of interest.
- (2) An ASDMAC member, other than the ASDMAC Chair, who gives a consent under paragraph (1)(b) must, as soon as practicable, advise the ASDMAC Chair that he or she has given the consent.

- (3) If an interest is disclosed under subsection (1), the ASDMAC Chair must, as soon as practicable, give the Minister a written notice:
- (a) describing the interest and the matter; and
 - (b) advising the Minister whether the ASDMAC members have consented as mentioned in paragraph (1)(b).

Some types of interests that must be disclosed

- (4) Without limiting subsection (1), an ASDMAC member is taken to have an interest that could conflict with the proper performance of the functions of his or her office, as they give him or her a role in the deliberations or decisions of the ASDMAC in relation to a particular matter, if:
- (a) the member has a material personal 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 administration body and the member is a member of, or is involved in any way in the administration of, that body; 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 an athlete who is subject to the NAD scheme, and the member is related to, or has some involvement in the affairs of, that athlete; or
 - (f) the matter concerns a support person who is subject to the NAD scheme, and the member is related to, or has some involvement in the affairs of, that support person; or
 - (g) the matter concerns an individual tested under an anti-doping testing service previously provided by the CEO under contract on behalf of the Commonwealth, and the member is related to, or has some involvement in the affairs of, that individual; or
 - (h) the matter concerns an individual who could be tested under an anti-doping testing service being provided by the CEO

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under contract on behalf of the Commonwealth, and the member is related to, or has some involvement in the affairs of, that individual.

- (5) Subsection (1) applies to interests:
 - (a) whether direct or indirect, and whether or not pecuniary; and
 - (b) whether acquired before or after the discloser's appointment.
- (6) Subsection (4) applies to interests whether acquired before or after the discloser's appointment.

60 Limits on activities of ASDMAC members

- (1) An ASDMAC member must not, without the prior written consent of the CEO, take part in any deliberations or decisions of a sporting administration body in relation to a matter relating to, or arising under, the NAD scheme.
- (2) An ASDMAC member must not, without the prior written consent of the CEO, provide:
 - (a) information, advice or support to a person; or
 - (b) evidence or information on behalf of a person;in connection with a matter (a *NAD scheme matter*) relating to, or arising under, the NAD scheme if the person has a matter before the ADRVP, a sporting administration body, a court or a tribunal in respect of the NAD scheme matter.

61 Leave of absence

- (1) The Minister may grant the ASDMAC Chair leave of absence on the terms and conditions that the Minister determines.
- (2) The ASDMAC Chair may grant leave of absence to any other ASDMAC member on the terms and conditions that the ASDMAC Chair determines.

62 Resignation

- (1) An ASDMAC member may resign his or her 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.

63 Termination of appointment

- (1) The Minister may terminate the appointments of all of the ASDMAC members if the Minister is of the opinion that the ASDMAC's performance has been unsatisfactory.
- (2) The Minister may terminate the appointment of an ASDMAC member for misbehaviour or physical or mental incapacity.
- (3) The Minister may terminate the appointment of an ASDMAC member if:
 - (a) the member ceases to be a registered medical practitioner; or
 - (b) the 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 his or her creditors; or
 - (iv) makes an assignment of his or her remuneration for the benefit of his or her creditors; or
 - (c) the member fails, without reasonable excuse, to comply with section 58, 59 or 60; or
 - (d) the Minister is satisfied that the performance of the member has been unsatisfactory; or
 - (e) the member is absent, except on leave of absence, from 3 consecutive meetings of the ASDMAC; or
 - (f) the member commits an offence against section 67.

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64 Other terms and conditions

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

Division 4—Decision-making and delegation by ASDMAC

65 Decision-making by ASDMAC

- (1) The regulations may specify:
 - (a) the manner in which the ASDMAC is to perform its functions; and
 - (b) the procedure to be followed at or in relation to meetings of the ASDMAC, including matters with respect to the following:
 - (i) the convening of meetings of the ASDMAC;
 - (ii) the number of ASDMAC members who are to constitute a quorum;
 - (iii) the selection of an ASDMAC member to preside at meetings of the ASDMAC in the absence of the ASDMAC Chair;
 - (iv) the manner in which questions arising at a meeting of the ASDMAC are to be decided.
- (1A) Regulations made for the purposes of paragraph (1)(b) may make different provision in relation to meetings of any or all of the following ASDMAC members:
 - (a) the ASDMAC Chair;
 - (b) ASDMAC primary members;
 - (c) ASDMAC review members.
- (2) A resolution is taken to have been passed at a meeting of ASDMAC members (other than ASDMAC review members) if:
 - (a) without meeting, a majority of those ASDMAC members indicate agreement with the resolution in accordance with the method determined by the ASDMAC under subsection (4); and
 - (b) all those ASDMAC members were informed of the proposed resolution, or reasonable efforts had been made to inform all those ASDMAC members of the proposed resolution.

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- (2A) A resolution is taken to have been passed at a meeting of ASDMAC review members if:
- (a) without meeting, a majority of the ASDMAC review members indicate agreement with the resolution in accordance with the method determined by the ASDMAC under subsection (4); and
 - (b) all the ASDMAC review members were informed of the proposed resolution, or reasonable efforts had been made to inform all the ASDMAC review members of the proposed resolution.
- (3) Paragraph (2)(a) or (2A)(a) does not apply to an ASDMAC member who is prevented by section 59 from deliberating on the proposed resolution.
- (4) Subsection (2) or (2A) has effect only if the ASDMAC:
- (a) determines that that subsection has effect; and
 - (b) determines the method by which the relevant ASDMAC members are to indicate agreement with resolutions.

66 Delegation by ASDMAC

- (1) The ASDMAC may, by resolution, delegate any or all of its functions and powers to an ASDMAC member.
- (2) A delegation under subsection (1) continues in force despite a change in the membership of the ASDMAC.
- (3) A delegate under subsection (1) must comply with any directions given, by resolution, by the ASDMAC.
- (4) Either:
 - (a) a delegation under subsection (1); or
 - (b) a direction under subsection (3);may be varied or revoked by resolution of the ASDMAC (whether or not there has been a change in the membership of the ASDMAC).

- (5) A certificate signed by the ASDMAC Chair stating any matter with respect to a delegation under subsection (1) is prima facie evidence of the matter.
- (6) A document purporting to be a certificate mentioned in subsection (5) is taken to be such a certificate and to have been duly given unless the contrary is established.

Part 8—Information management

67A Simplified outline of this Part

This Part contains provisions about the disclosure of protected information.

Protected information is information that is obtained under or for the purposes of this Act or a legislative instrument made under this Act, and that relates to the affairs of a person and identifies, or is reasonably capable of being used to identify, the person.

It is an offence for the CEO, a member of the ASADA staff or of the ASDMAC or the ADRVP, or certain other persons, to disclose protected information (see section 67).

However, it is not an offence if the disclosure is authorised by this Part or is in compliance with a requirement of certain other laws. This Part authorises the disclosure of protected information in certain circumstances, including:

- (a) if the disclosure is for the purposes of this Act; or
- (b) if the disclosure is for the purpose of preventing or lessening a serious threat to the life or health of an individual; or
- (c) if the disclosure is by the CEO for the purposes of the ASADA responding to certain public comments.

67 Secrecy

- (1) A person commits an offence if:
 - (a) the person is, or has been, an entrusted person; and
 - (b) the person obtains protected information in the person's capacity as an entrusted person; and
 - (c) the person discloses the information to another person (other than the person to whom the information relates).

Penalty: Imprisonment for 2 years.

Exception

- (2) Subsection (1) does not apply if:
- (a) the disclosure is authorised by a provision of this Part; or
 - (b) the disclosure is in compliance with a requirement under:
 - (i) a law of the Commonwealth; or
 - (ii) a prescribed law of a State or a Territory.

Note: A defendant bears an evidential burden in relation to a matter in subsection (2) (see subsection 13.3(3) of the *Criminal Code*).

Court may not require information

- (3) Except where it is necessary to do so for the purposes of giving effect to this Act or a legislative instrument made under this Act, an entrusted person is not to be required:
- (a) to produce to a court or tribunal a document containing protected information; or
 - (b) to disclose protected information to a court or tribunal.

68 Disclosure for the purposes of this Act etc.

An entrusted person may disclose protected information if:

- (a) the disclosure is for the purposes of this Act or a legislative instrument made under this Act; or
- (b) the disclosure is required or permitted by the World Anti-Doping Code; or
- (c) the disclosure is for the purposes of the performance of the functions or duties, or the exercise of the powers, of the CEO; or
- (d) the disclosure is for the purposes of the performance of the functions or duties, or the exercise of the powers, of the ADRVP; or
- (e) the disclosure is for the purposes of the performance of the functions or duties, or the exercise of the powers, of the ASDMAC; or

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- (f) the disclosure is for the purposes of the performance of the functions or duties, or the exercise of the powers, of the Advisory Group.

68A Disclosure with consent

An entrusted person may disclose protected information if:

- (a) the person to whom the protected information relates has consented to the disclosure; and
- (b) the disclosure is in accordance with that consent.

68B Disclosures to certain bodies and persons

Disclosures by authorised entrusted persons

- (1) An entrusted person authorised under subsection (4) may disclose protected information to a body or person referred to in subsection (3) if the CEO is satisfied that the protected information will enable or assist the body or person to perform or exercise any of the functions, duties or powers of the body or person.

Disclosures by the CEO

- (2) The CEO may disclose protected information to a body or person referred to in subsection (3) in the circumstances prescribed by regulation in relation to the body or person.

Bodies and persons

- (3) For the purposes of subsections (1) and (2), the bodies and persons are the following:
 - (a) a Department, agency or authority of the Commonwealth, a State or a Territory;
 - (b) the Australian Federal Police;
 - (c) a police force or police service of a State or Territory;
 - (d) a person who holds an office or appointment under a law of the Commonwealth, a State or a Territory;

- (e) a body that has responsibility for law enforcement in a foreign country;
- (f) a body that has responsibility for intelligence gathering for a foreign country;
- (g) any other body or person prescribed by regulation.

Authorisation of entrusted persons

- (4) The CEO may, in writing, authorise an entrusted person for the purposes of subsection (1).

Conditions

- (5) The CEO may, by writing, impose conditions to be complied with by a body or person in relation to protected information disclosed to the body or person under subsection (1) or (2).
- (6) An instrument under subsection (5) is not a legislative instrument.

68C Disclosure to reduce threat to life or health

An entrusted person may disclose protected information if:

- (a) the entrusted person reasonably believes that the disclosure is necessary to prevent or lessen a serious threat to the life or health of an individual; and
- (b) the disclosure is for the purposes of preventing or lessening that threat.

68D Disclosure of publicly available information

An entrusted person may disclose protected information if it has already been lawfully made available to the public.

68E Disclosure to respond to public comments

The CEO may disclose protected information if:

- (a) the information relates to an athlete or support person; and
- (b) public comments have been attributed to:

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- (i) the athlete or support person; or
- (ii) a representative of the athlete or support person; and
- (c) the disclosure is for the purposes of the ASADA responding to the comments.

69 Entrusted persons

For the purposes of this Act, an *entrusted person* is:

- (a) the CEO; or
- (aa) an Advisory Group member; or
- (b) a member of the ASADA staff; or
- (c) a person engaged by the Commonwealth to perform services for the CEO, the ADRVP or the ASDMAC; or
- (d) a designated associate of:
 - (i) a person; or
 - (ii) a partnership;engaged by the Commonwealth to perform services for the CEO, the ADRVP or the ASDMAC; or
- (e) an individual whose services are made available to the CEO under section 24M; or
- (f) an individual appointed as a chaperone, or as a drug testing official, under the NAD scheme; or
- (fa) an ADRVP member; or
- (g) an ASDMAC member; or
- (h) an advisory committee member; or
- (i) an individual attending a meeting of:
 - (i) the Advisory Group; or
 - (ii) an advisory committee.

Note: For *person*, see subsection 2C(1) of the *Acts Interpretation Act 1901*.

70 Designated associates

- (1) For the purposes of this Act, each of the following is a *designated associate* of a person:

- (a) if the person is a body corporate—a director, officer or employee of the body corporate;
 - (b) if the person is not a body corporate—an employee of the person.
- (2) For the purposes of this Act, each of the following is a *designated associate* of a partnership:
- (a) if a partner is an individual—the individual;
 - (b) if a partner is a body corporate:
 - (i) the body corporate;
 - (ii) a director or officer of the body corporate;
 - (c) an employee of the partnership.

Part 8A—Civil penalty orders

73AA Simplified outline of this Part

This Part deals with the use of civil penalties to enforce civil penalty provisions.

Civil penalty orders may be sought from a court in relation to contraventions of civil penalty provisions.

73A *Civil penalty provisions*

A provision of this Act is a *civil penalty provision* if:

- (a) the provision sets out at its foot a pecuniary penalty, or penalties, indicated by the words “Civil penalty”; and
- (b) the provision is a subsection, or a section that is not divided into subsections.

73B Civil penalty orders

Application for order

- (1) The CEO may apply to a relevant court for an order that a person, who is alleged to have contravened a civil penalty provision, pay the Commonwealth a pecuniary penalty.
- (2) The CEO must make the application within 4 years of the alleged contravention.

Court may order person to pay pecuniary penalty

- (3) If the relevant court is satisfied that the person has contravened the civil penalty provision, the court may order the person to pay to the Commonwealth such pecuniary penalty for the contravention as the court determines to be appropriate.

Note: Subsection (5) sets out the maximum penalty that the court may order the person to pay.

- (4) An order under subsection (3) is a *civil penalty order*.

Determining pecuniary penalty

- (5) The pecuniary penalty must not be more than:
- (a) if the person is a body corporate—5 times the pecuniary penalty specified for the civil penalty provision; and
 - (b) otherwise—the pecuniary penalty specified for the civil penalty provision.
- (6) In determining the pecuniary penalty, the court must take into account all relevant matters, including:
- (a) the nature and extent of the contravention; and
 - (b) the nature and extent of any loss or damage suffered because of the contravention; and
 - (c) the circumstances in which the contravention took place; and
 - (d) whether the person has previously been found by a court (including a court in a foreign country) to have engaged in any similar conduct.

73C Civil enforcement of penalty

- (1) A pecuniary penalty is a debt payable to the Commonwealth.
- (2) The Commonwealth may enforce a civil penalty order as if it were an order made in civil proceedings against the person to recover a debt due by the person. The debt arising from the order is taken to be a judgement debt.

73D Conduct contravening more than one civil penalty provision

- (1) If conduct constitutes a contravention of 2 or more civil penalty provisions, proceedings may be instituted under this Part against a person in relation to the contravention of any one or more of those provisions.

Section 73E

- (2) However, the person is not liable to more than one pecuniary penalty under this Part in relation to the same conduct.

73E Multiple contraventions

- (1) A relevant court may make a single civil penalty order against a person for multiple contraventions of a civil penalty provision if proceedings for the contraventions are founded on the same facts, or if the contraventions form, or are part of, a series of contraventions of the same or a similar character.

Note: For continuing contraventions of civil penalty provisions, see section 73N.

- (2) However, the penalty must not exceed the sum of the maximum penalties that could be ordered if a separate penalty were ordered for each of the contraventions.

73F Proceedings may be heard together

A relevant court may direct that 2 or more proceedings for civil penalty orders are to be heard together.

73G Civil evidence and procedure rules for civil penalty orders

A relevant court must apply the rules of evidence and procedure for civil matters when hearing proceedings for a civil penalty order.

73H Civil proceedings after criminal proceedings

A relevant court may not make a civil penalty order against a person for a contravention of a civil penalty provision if the person has been convicted of an offence constituted by conduct that is the same, or substantially the same, as the conduct constituting the contravention.

73J Criminal proceedings during civil proceedings

- (1) Proceedings for a civil penalty order against a person for a contravention of a civil penalty provision are stayed if:
 - (a) criminal proceedings are commenced or have already been commenced against the person for an offence; and
 - (b) the offence is constituted by conduct that is the same, or substantially the same, as the conduct alleged to constitute the contravention.
- (2) The proceedings for the order (the *civil proceedings*) may be resumed if the person is not convicted of the offence. Otherwise:
 - (a) the civil proceedings are dismissed; and
 - (b) costs must not be awarded in relation to the civil proceedings.

73K Criminal proceedings after civil proceedings

Criminal proceedings may be commenced against a person for conduct that is the same, or substantially the same, as conduct that would constitute a contravention of a civil penalty provision regardless of whether a civil penalty order has been made against the person in relation to the contravention.

73L Evidence given in civil proceedings not admissible in criminal proceedings

- (1) Evidence of information given, or evidence of production of documents, by an individual is not admissible in criminal proceedings against the individual if:
 - (a) the individual previously gave the information or produced the documents in proceedings for a civil penalty order against the individual for an alleged contravention of a civil penalty provision (whether or not the order was made); and
 - (b) the conduct alleged to constitute the offence is the same, or substantially the same, as the conduct alleged to constitute the contravention.

Section 73M

- (2) However, subsection (1) does not apply to criminal proceedings in relation to the falsity of the evidence given by the individual in the proceedings for the civil penalty order.

73M Ancillary contravention of civil penalty provisions

- (1) A person must not:
- (a) attempt to contravene a civil penalty provision; or
 - (b) aid, abet, counsel or procure a contravention of a civil penalty provision; or
 - (c) induce (by threats, promises or otherwise) a contravention of a civil penalty provision; or
 - (d) be in any way, directly or indirectly, knowingly concerned in, or party to, a contravention of a civil penalty provision; or
 - (e) conspire with others to effect a contravention of a civil penalty provision.

Civil penalty

- (2) A person who contravenes subsection (1) in relation to a civil penalty provision is taken to have contravened the provision.

Note: Section 73P (which provides that a person's state of mind does not need to be proven in relation to a civil penalty provision) does not apply to the extent that proceedings relate to the contravention of subsection (1) of this section.

73N Continuing contraventions of civil penalty provisions

- (1) If an act or thing is required under a civil penalty provision to be done:
- (a) within a particular period; or
 - (b) before a particular time;
- then the obligation to do that act or thing continues until the act or thing is done (even if the period has expired or the time has passed).
- (2) A person who contravenes a civil penalty provision that requires an act or thing to be done:

Section 73P

- (a) within a particular period; or
 - (b) before a particular time;
- commits a separate contravention of that provision in respect of each day during which the contravention occurs (including the day the relevant civil penalty order is made or any later day).

73P State of mind

- (1) In proceedings for a civil penalty order against a person for a contravention of a civil penalty provision, it is not necessary to prove:
 - (a) the person's intention; or
 - (b) the person's knowledge; or
 - (c) the person's recklessness; or
 - (d) the person's negligence; or
 - (e) any other state of mind of the person.
- (2) Subsection (1) does not apply to the extent that the proceedings relate to a contravention of subsection 73M(1) (ancillary contravention of civil penalty provisions).
- (3) Subsection (1) does not affect the operation of section 73Q (mistake of fact).
- (4) Subsection (1) does not apply to the extent that the civil penalty provision, or a provision that relates to the civil penalty provision, expressly provides otherwise.

73Q Mistake of fact

- (1) A person is not liable to have a civil penalty order made against the person for a contravention of a civil penalty provision if:
 - (a) at or before the time of the conduct constituting the contravention, the person:
 - (i) considered whether or not facts existed; and
 - (ii) was under a mistaken but reasonable belief about those facts; and

Section 73R

- (b) had those facts existed, the conduct would not have constituted a contravention of the civil penalty provision.
- (2) For the purposes of subsection (1), a person may be regarded as having considered whether or not facts existed if:
 - (a) the person had considered, on a previous occasion, whether those facts existed in the circumstances surrounding that occasion; and
 - (b) the person honestly and reasonably believed that the circumstances surrounding the present occasion were the same, or substantially the same, as those surrounding the previous occasion.
- (3) A person who wishes to rely on subsection (1) or (2) in proceedings for a civil penalty order bears an evidential burden in relation to that matter.

73R Exceptions etc. to civil penalty provisions—burden of proof

If, in proceedings for a civil penalty order against a person for a contravention of a civil penalty provision, the person wishes to rely on any exception, exemption, excuse, qualification or justification provided by the law creating the civil penalty provision, then the person bears an evidential burden in relation to that matter.

73S Civil penalty provisions contravened by employees, agents or officers

If an element of a civil penalty provision is done by an employee, agent or officer of a body corporate acting within the actual or apparent scope of his or her employment, or within his or her actual or apparent authority, the element must also be attributed to the body corporate.

Part 9—Other matters

74AA Simplified outline of this Part

This Part deals with miscellaneous matters, such as reports and regulations.

74 Annual report

- (1) The annual report prepared by the CEO and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must set out the following:
 - (a) the number of disclosure notices given in the period;
 - (b) the number of proceedings for contraventions of section 13C (failure to comply with disclosure notice) that were commenced or concluded in the period;
 - (c) the number of proceedings concluded in the period in which a person was ordered to pay a civil penalty for contravening section 13C of this Act.

78 Protection from civil actions

- (1) Each of the following:
 - (a) the CEO;
 - (b) a member of the ASADA staff;
 - (c) an individual whose services are made available to the CEO under section 24M;
 - (d) an individual appointed as a chaperone, or as a drug testing official, under the NAD scheme;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:
 - (e) in the performance or purported performance of any function of the CEO; or

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- (f) in the exercise or purported exercise of any power of the CEO.
- (1A) An Advisory Group 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:
 - (a) in the performance or purported performance of the Advisory Group's function; or
 - (b) in the exercise or purported exercise of any power of the Advisory Group; or
 - (c) in the performance or purported performance of an advisory committee's function.
- (1B) An ADRVP 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:
 - (a) in the performance or purported performance of any function of the ADRVP; or
 - (b) in the exercise or purported exercise of any power of the ADRVP.
- (2) An ASDMAC 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:
 - (a) in the performance or purported performance of any function of the ASDMAC; or
 - (b) in the exercise or purported exercise of any power of the ASDMAC.
- (3) Civil proceedings do not lie against the Commonwealth in respect of loss, damage or injury of any kind suffered by another person because of a publication or disclosure in good faith:
 - (a) in the performance or purported performance of any function of the CEO or the ADRVP; or
 - (b) in the exercise or purported exercise of any power of the CEO or the ADRVP.

- (4) Civil proceedings do not lie against a person in respect of loss, damage or injury of any kind suffered by another person because of any of the following acts done in good faith:
- (a) the making of a statement to, or the giving of a document or information to, the ASADA, the CEO, the Advisory Group, the ADRVP or the ASDMAC alleging a possible violation of an anti-doping rule;
 - (b) the making of a statement to, or the giving of a document or information to, the ASADA, the CEO, the Advisory Group, the ADRVP or the ASDMAC in connection with an investigation under the NAD scheme;
 - (c) the making of a statement to, or the giving of a document or information to, the ASADA, the CEO, the Advisory Group, the ADRVP or the ASDMAC that may be capable of supporting an allegation of a possible violation of an anti-doping rule;
 - (d) the making of a statement to, or the giving of a document or information to, the ASADA or the CEO in connection with the performance by the CEO of any of his or her functions under the NAD scheme;
 - (da) the making of a statement to, or the giving of a document or information to, the ADRVP in connection with the performance by the ADRVP of any of its functions under the NAD scheme;
 - (e) the making of a statement to, or the giving of a document or information to, the ASDMAC in connection with the performance by the ASDMAC of any of its functions under the NAD scheme.

79 Regulations

The Governor-General may make regulations 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.

Section 80

80 Infringement notices for civil penalty provisions

- (1) The regulations may provide for a person who is alleged to have contravened a civil penalty provision to pay a penalty to the Commonwealth as an alternative to civil proceedings against the person.
- (2) The penalty must not exceed one-fifth of the maximum penalty that a court could impose on the person for a contravention of that provision.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Endnotes about misdescribed amendments and other matters are included in a compilation only as necessary.

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the amendment is set out in the endnotes.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

A = Act	orig = original
ad = added or inserted	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
am = amended	pres = present
amdt = amendment	prev = previous
c = clause(s)	(prev...) = previously
C[x] = Compilation No. x	Pt = Part(s)
Ch = Chapter(s)	r = regulation(s)/rule(s)
def = definition(s)	Reg = Regulation/Regulations
Dict = Dictionary	reloc = relocated
disallowed = disallowed by Parliament	renum = renumbered
Div = Division(s)	rep = repealed
exp = expires/expired or ceases/ceased to have effect	rs = repealed and substituted
F = Federal Register of Legislative Instruments	s = section(s)/subsection(s)
gaz = gazette	Sch = Schedule(s)
LI = Legislative Instrument	Sdiv = Subdivision(s)
LIA = <i>Legislative Instruments Act 2003</i>	SLI = Select Legislative Instrument
(md) = misdescribed amendment	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
o = order(s)	<u>underlining</u> = whole or part not commenced or to be commenced
Ord = Ordinance	

Endnote 3—Legislation history

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Australian Sports Anti-Doping Authority Act 2006	6, 2006	7 Mar 2006	ss. 3–79: 13 Mar 2006 (see F2006L00764) Remainder: Royal Assent	
Customs Legislation Amendment (Name Change) Act 2009	33, 2009	22 May 2009	Schedule 2 (items 12, 13): 23 May 2009	—
Australian Sports Anti-Doping Authority Amendment Act 2009	113, 2009	16 Nov 2009	Schedule 1 (items 1–123, 126–138) and Schedule 2: 1 Jan 2010	Sch. 1 (items 126–138)
Statute Law Revision Act 2010	8, 2010	1 Mar 2010	Schedule 5 (items 12–14, 137(a)): 1 Mar 2010 (s 2(1) items 31, 38)	—
Acts Interpretation Amendment Act 2011	46, 2011	27 June 2011	Schedule 2 (items 243–258) and Schedule 3 (items 10, 11): 27 Dec 2011	Sch. 3 (items 10, 11)
Australian Sports Anti-Doping Authority Amendment Act 2013	126, 2013	29 June 2013	Sch 1, Sch 2 (items 2, 3, 3A, 4(2)) and Sch 3: 1 Aug 2013 (see F2013L01433)	Sch 2 (item 4(2)), Sch 3 (items 14–16)
Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Act 2014	62, 2014	30 June 2014	Sch 6 (item 29) and Sch 7 (items 440–450): 1 July 2014 (s 2(1) item 6)	—

Endnotes

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Australian Sports Anti-Doping Authority Amendment Act 2014	121, 2014	26 Nov 2014	Sch 1–3, Sch 4 (items 1–11, 13, 14), Sch 5 (items 1–13, 15) and Sch 6: 1 Jan 2015 (s 2(1) items 2, 3)	Sch 2 (item 18), Sch 3 (items 20– 22), Sch 4 (items 13, 14) and Sch 5 (item 15)

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s. 3	rep. No. 113, 2009 ad No 121, 2014
s. 4	am. No. 113, 2009; No. 8, 2010; No 126, 2013; No 121, 2014
s. 5	am. No. 113, 2009; No 121, 2014
Part 2	
Div 1A	
Div 1A of Pt 2	ad No 121, 2014
s 8A	ad No 121, 2014
Division 1	
Note to s. 9	rs. No. 113, 2009
s. 10	rs. No. 113, 2009 am No 121, 2014
s. 11	am. No. 113, 2009
Division 2	
s 13	am. No. 113, 2009; No 126, 2013; No 121, 2014
s 13A	ad No 126, 2013
s 13B	ad No 126, 2013
s 13C	ad No 126, 2013
s 13D	ad No 126, 2013
s 14	am No 113, 2009; No 126, 2013; No 121, 2014
s 15	am No 113, 2009; No 121, 2014
Division 3	
s. 18	am. No. 113, 2009
s. 19	am. No. 113, 2009
Pt 2A	
Pt 2A	ad No 121, 2014
s 19AA	ad No 121, 2014

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
s 19A	ad No 121, 2014
Part 3	
Heading to Part 3	rs. No. 113, 2009
s 20AA	ad No 121, 2014
s 20	rs. No. 113, 2009
s 20A	ad. No. 113, 2009
s 20B	ad. No. 113, 2009
s 20C	ad. No. 113, 2009
Part 3A	
Heading to Part 3A	ad. No. 113, 2009
Div 1A	
Div 1A of Pt 3A.....	ad No 121, 2014
s 20CA.....	ad No 121, 2014
Division 1	
Heading to Div. 1 of Part 3A	ad. No. 113, 2009
s. 20D.....	ad. No. 113, 2009
Heading to s. 21.....	am. No. 113, 2009
s. 21.....	am. No. 113, 2009; No 121, 2014
Note to s. 21(1).....	am. No. 113, 2009
s. 22.....	rs. No. 113, 2009
Note to s 22	rep No 62, 2014
s. 23.....	rep. No. 113, 2009
Heading to s. 24.....	am. No. 113, 2009
s. 24.....	am. No. 113, 2009; No 62 and 121 2014
Division 2	
Div. 2 of Part 3A	ad. No. 113, 2009
s. 24A	ad. No. 113, 2009
s. 24B	ad. No. 113, 2009
Note to s. 24B.....	rs. No. 46, 2011
s. 24C	ad. No. 113, 2009
	am. No. 46, 2011

Endnote 4—Amendment history

Provision affected	How affected
Note to s. 24C.....	ad. No. 46, 2011
Division 3	
Div. 3 of Part 3A	ad. No. 113, 2009
s. 24D	ad. No. 113, 2009
s. 24E.....	ad. No. 113, 2009 rep No 62, 2014
s. 24F	ad. No. 113, 2009
s. 24G	ad. No. 113, 2009
s. 24H	ad. No. 113, 2009
s. 24J.....	ad. No. 113, 2009 am No 62 and 121 2014
s. 24K	ad. No. 113, 2009
Division 4	
Div. 4 of Part 3A	ad. No. 113, 2009
s 24L.....	ad. No. 113, 2009
s 24M.....	ad. No. 113, 2009
Division 5	
Div. 5 of Part 3A	ad. No. 113, 2009
s. 24N	ad. No. 113, 2009 am No 126, 2013; No 121, 2014
Division 6	
Div. 6 of Part 3A	ad. No. 113, 2009
s. 24P.....	ad. No. 113, 2009
Part 4	
Heading to Part 4.....	rs. No. 113, 2009
Div 1A	
Div 1A of Pt 4	ad No 121, 2014
s 25AA	ad No 121, 2014
Division 1	
Div. 1 of Part 4	rs. No. 113, 2009
s. 25	rs. No. 113, 2009

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
s. 25A	ad. No. 113, 2009
Division 2	
Heading to Div. 2 of Part 4.....	rs. No. 113, 2009
s 26	rs. No. 113, 2009
s 27	rs. No. 113, 2009
Note to s. 27(1).....	rs. No. 46, 2011
Heading to s. 28.....	am. No. 113, 2009
s. 28	am. No. 113, 2009
Note to s. 28	rs. No. 46, 2011
Heading to s. 29.....	am. No. 113, 2009
Subheads. to s. 29(1), (2).....	am. No. 113, 2009
s. 29.....	am. No. 113, 2009; No. 46, 2011
Notes to s. 29(1), (2).....	ad. No. 46, 2011
Division 3	
Heading to Div. 3 of Part 4.....	rs. No. 113, 2009
s. 30.....	am. No. 113, 2009
s 31	rs. No. 113, 2009, No 62, 2014
s 32	rs. No. 113, 2009; No 62, 2014
s. 33	rs. No. 113, 2009
s. 34.....	rs. No. 113, 2009
s. 35	rep. No. 113, 2009
s. 36.....	am. No. 113, 2009
s. 37	rs. No. 113, 2009 am No 62 and 121 2014
s. 38.....	am. No. 113, 2009
Division 4	
Div. 4 of Part 4	ad. No. 113, 2009
s. 39.....	rs. No. 113, 2009
Part 5	
Part 5	rs. No. 113, 2009
Div 1A	

Endnote 4—Amendment history

Provision affected	How affected
Div 1A of Pt 5	ad No 121, 2014
s 40A	ad No 121, 2014
Division 1	
s 40	rs. No. 113, 2009
s 41	rs. No. 113, 2009
Note to s 41(1).....	am No 121, 2014
Division 2	
s 42	rs. No. 113, 2009
s 43	rs. No. 113, 2009
s 44	rs. No. 113, 2009
Note to s 44	rs. No. 46, 2011
s. 45	rs. No. 113, 2009 am. No. 46, 2011
Notes to s. 45(1), (2).....	ad. No. 46, 2011
Division 3	
s. 46	rs. No. 113, 2009
s. 47	rs. No. 113, 2009
s. 48	rs. No. 113, 2009; No 62, 2014
s. 49	rs. No. 113, 2009 rep No 62, 2014
s 50	rs. No. 113, 2009
s 50A	ad. No. 113, 2009
s 50B	ad. No. 113, 2009
s 50C	ad. No. 113, 2009 am No 62 and 121 2014
s. 50D.....	ad. No. 113, 2009
Division 4	
s. 50E.....	ad. No. 113, 2009
Pt 6	
Pt 6	rep. No. 113, 2009 ad No 62, 2014

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
s 50FA	ad No 121, 2014
s 50F	ad No 62, 2014
Part 7	
Div 1A	
Div 1A of Pt 7	ad No 121, 2014
s 51A	ad No 121, 2014
Division 1	
s. 52	am. No. 113, 2009; No 121, 2014
Note to s. 52(1)	am. No. 113, 2009
Division 2	
s 53	am No 121, 2014
s 54	am No 121, 2014
Note to s. 54(1)	rs. No. 46, 2011
Note to s. 55	rs. No. 46, 2011
s. 56	am. No. 46, 2011; No 121, 2014
Notes to s. 56(1), (2)	ad. No. 46, 2011
Division 3	
s 58	am. No. 113, 2009; No 121, 2014
s 59	am. No. 113, 2009; No 121, 2014
s 63	am No 121, 2014
Division 4	
s 65	am No 121, 2014
Part 8	
hdg to Div 1 of Pt 8	rep No 121, 2014
s 67A	ad No 121, 2014
Heading to s. 67	am. No. 113, 2009
	rs No 121, 2014
s. 67	am. No. 113, 2009
	rs No 121, 2014
Subhead. to s. 68(1)	am. No. 113, 2009
	rep No 121, 2014

Endnote 4—Amendment history

Provision affected	How affected
Subhead. to s. 68(6).....	am. No. 113, 2009 rep No 121, 2014
s. 68.....	am. No. 113, 2009; No 126, 2013 rs No 121, 2014
s 68A.....	ad No 121, 2014
s 68B.....	ad No 121, 2014
s 68C.....	ad No 121, 2014
s 68D.....	ad No 121, 2014
s 68E.....	ad No 121, 2014
hdg to Div 2 of Pt 8.....	rep No 121, 2014
s. 69.....	am. No. 113, 2009
Note to s. 69.....	am. No. 46, 2011
s 71.....	am. Nos. 33 and 113, 2009 rep No 121, 2014
s 72.....	am. Nos. 33 and 113, 2009 rep No 121, 2014
s 73.....	rep No 121, 2014
Pt 8A	
Pt 8A.....	ad No 126, 2013
s 73AA.....	ad No 121, 2014
s 73A.....	ad No 126, 2013
s 73B.....	ad No 126, 2013
s 73C.....	ad No 126, 2013
s 73D.....	ad No 126, 2013
s 73E.....	ad No 126, 2013
s 73F.....	ad No 126, 2013
s 73G.....	ad No 126, 2013
s 73H.....	ad No 126, 2013
s 73J.....	ad No 126, 2013
s 73K.....	ad No 126, 2013
s 73L.....	ad No 126, 2013

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
s 73M.....	ad No 126, 2013
s 73N.....	ad No 126, 2013
s 73P.....	ad No 126, 2013
s 73Q.....	ad No 126, 2013
s 73R.....	ad No 126, 2013
s 73S.....	ad No 126, 2013
Part 9	
s 74AA.....	ad No 121, 2014
s. 74.....	am. No. 113, 2009; No 126, 2013 rs No 62, 2014 am No 121, 2014
Heading to s. 75.....	am. No. 113, 2009 rep No 62, 2014
s. 75.....	am. No. 113, 2009 rep No 62, 2014
ss. 76, 77.....	rep. No. 113, 2009
s. 78.....	am. No. 113, 2009
s 80.....	ad No 126, 2013