

AUSTRALIAN SPORTS ANTI-DOPING AUTHORITY

LEGISLATIVE INSTRUMENT 001/2006 (MADE PURSUANT TO SECTION 10 OF THE AUSTRALIAN SPORTS ANTI-DOPING AUTHORITY ACT 2006)

We, the undersigned Members of the Australian Sports Anti-Doping Authority, hereby agree to the making of the following legislative instrument, pursuant to section 10 of the Australian Sports Anti-Doping Authority Act 2006, which sets out amendments to the National Anti-Doping scheme.

Richard Ings
Chair

Geoff Levy
Deputy Chair

John Black
Member

Jennifer Clark
Member

Nicole Livingstone
Member

Andrew McLachlan
Member

Brian Sando
Member

Dated 12 September 2006

Provision 1

INSERT NEW CLAUSE 2A

2A (1) For the avoidance of doubt, the anti-doping rules for athletes and support persons in clause 1(2) apply to matters arising before the commencement of section 13 of the Act to the extent that those matters would have constituted a breach of the anti-doping rules of the relevant sporting administration body in force at the time.

(2) No action may be commenced against an athlete or support person in relation to a matter unless the action is commenced within eight years of the matter arising.

Provision 2

INSERT NEW CLAUSE 13 A

13A Drug testing officials

For the purposes of the NAD scheme, drug testing officials include doping control officers, chaperones, investigators and blood collection officials.

Provision 3**AMEND CLAUSE 1(2)(j)**

Insert words “*or its metabolites or markers*” to read:

Clause 1(2)(j) an athlete must not have present, in his or her urine sample or blood sample, a drug *or its metabolites or markers* or doping method mentioned in the prohibited list.

Provision 4**AMEND CLAUSE 47 (2) (b)**

Substitute words “*to keep ASADA informed*” with “*comply with a request to provide a sample*” to read:

Clause 47 (2) (b) that the athlete (or a person on the athlete’s behalf) may, within 7 days after receiving the notice:

- (i) give a written submission to ASADA setting out any reasonable cause for the athlete’s failure to *comply with the request to provide a sample*; or

Provision 5:**AMEND CLAUSE 50 (2) (b) (i)**

Substitute words “*failure to keep ASADA informed*” with “*adverse analytical finding*” to read:

Clause 50 (2) (b) that the athlete (or a person on the athlete’s behalf) may, within 7 days after receiving the notice:

- (i) give a written submission to ASADA setting out any reasonable cause for the athlete’s *adverse analytical finding*; or

Provision 6:**AMEND CLAUSE 95 (2)**

Insert

- (b) *the International Olympic Committee*; or
- (c) *the World Anti-Doping Agency*; or
- (d) *a National Anti-Doping Organization as defined in the World Anti-Doping Code*; or
- (e) *a foreign sporting organisation*; or
- (f) *the Australian Federal Police*; or
- (g) *the Australian Customs Service*; or
- (h) *the Therapeutic Goods Administration*; or
- (i) *State or Territory law enforcement bodies*.

to read

95 (2) ASADA may disclose information to which this clause applies to:

- (a) a sporting administration body; or
- (b) *the International Olympic Committee*; or
- (c) *the World Anti-Doping Agency*; or
- (d) *a National Anti-Doping Organization as defined in the World Anti-Doping Code*; or
- (e) *a foreign sporting organisation*; or
- (f) the Australian Federal Police; or
- (g) the Australian Customs Service; or
- (h) *the Therapeutic Goods Administration*; or
- (i) *State or Territory law enforcement bodies*.

Provision 7

INSERT NEW CLAUSE 95A:

95A (1) This clause applies to a body listed in sub-clause 95(2) which is not subject to:

- (a) the Information Privacy Principles or the National Privacy Principles contained in the *Privacy Act 1988*; or
- (b) a law which is substantially similar to the Information Privacy Principles or the National Privacy Principles,

(2) Before disclosing any personal information to a body to which sub-clause 95A(1) applies, ASADA must enter into a legally binding agreement with that body to ensure that any personal information that is disclosed is:

- (a) not used or disclosed by that body for a purpose other than the purpose for which the information is given to the body; and
- (b) securely retained and restrictions placed on who can access the information; and
- (c) destroyed or returned to ASADA once the purpose for which the disclosure is made is completed."

Provision 8

DELETE definition of 'sporting administration body' in clause 3, and .

REPLACE WITH NEW CLAUSE 92A IN PART 4, as follows:

For the purposes of **Part 4 Sporting administration body rules**, ***sporting administration body*** means an organisation in Australia that is:

- (a) a national sporting organisation; or
- (b) a sporting organisation

Provision 9**DELETE**

- the words '*mentioned in section 4 of the Act*' in clause 2(3)(a); and
- the note to clause 2(3); and
- the words '*mentioned in section 4 of the Act*' in clause 2(4); and
- the note to clause 2(4); and
- the note following definition of '**doping control officer**' in clause 3.