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The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

**Australian Sports Anti-Doping Authority  
Bill 2005**

**No.     , 2005**

*(Arts and Sport)*

**A Bill for an Act to establish the Australian Sports  
Anti-Doping Authority, and for other purposes**

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1     **A Bill for an Act to establish the Australian Sports**  
2     **Anti-Doping Authority, and for other purposes**

3     The Parliament of Australia enacts:

4     **Part 1—Introduction**  
5

6     **1 Short title**

7                     This Act may be cited as the *Australian Sports Anti-Doping*  
8                     *Authority Act 2005*.

**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.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
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.	
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.	

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.

- (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**

The following is a simplified outline of this Act:

- This Act sets up the Australian Sports Anti-Doping Authority (the ASADA).
- There is to be a National Anti-Doping Scheme (the NAD scheme), which is to be administered by the ASADA.

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- The ASADA has other functions relating to sports drug and safety matters.
- This Act sets up the Australian Sports Drug Medical Advisory Committee (the ASDMAC).

5 **4 Definitions**

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In this Act:

***accredited foreign laboratory*** means:

- (a) a laboratory in a foreign country, where WADA recognises the laboratory as an accredited laboratory for the purpose of testing for drugs and doping methods in sport; or
- (b) a laboratory in a foreign country, where a prescribed organisation recognises the laboratory as a laboratory complying with:
  - (i) the International Standards Organisation's general requirements for the competence of calibration and testing laboratories; or
  - (ii) the prescribed requirements.

***anti-doping rules*** has the meaning given by paragraph 13(1)(b).

***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.

**ASADA** means the Australian Sports Anti-Doping Authority.

***ASADA Chair*** means the Chair of the ASADA.

***ASADA Deputy Chair*** means the Deputy Chair of the ASADA.

***ASADA member*** means a member of the ASADA, and includes the ASADA Chair and the ASADA Deputy Chair.

***ASADA staff*** means the staff described in section 49.

**ASC** means the Australian Sports Commission.

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1 **ASDMAC** means the Australian Sports Drug Medical Advisory  
2 Committee.

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

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

7 **athlete** means a participant in a sporting activity.

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

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

12 **contract** includes a deed.

13 **contract services personal information** means personal  
14 information that:

- 15 (a) is obtained in relation to the provision of services under  
16 paragraph 21(1)(k) or 52(1)(d); or  
17 (b) relates to the provision of services under paragraph 21(1)(k)  
18 or 52(1)(d).

19 **designated associate** has the meaning given by section 70.

20 **disclose** means divulge or communicate.

21 **doping method** includes:

- 22 (a) the manipulation or substitution of any of the following:  
23 (i) any human biological fluid;  
24 (ii) any human biological tissue (whether alive or  
25 otherwise);  
26 (iii) any human breath;  
27 in a manner that is capable of concealing the use of a drug by  
28 the individual concerned; and  
29 (b) the use of a substance in a manner that is capable of  
30 concealing the use of a drug by the individual concerned; and

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- 1 (c) a prohibited method within the meaning of the World  
2 Anti-Doping Code; and  
3 (d) if the UNESCO Anti-Doping Convention has entered into  
4 force for Australia—a prohibited method within the meaning  
5 of that Convention.

6 **drug** includes:

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

14 **entrusted person** has the meaning given by section 69.

15 **foreign country** includes a region where:

- 16 (a) the region is a colony, territory or protectorate of a foreign  
17 country; or  
18 (b) the region is part of a foreign country; or  
19 (c) the region is under the protection of a foreign country; or  
20 (d) a foreign country exercises jurisdiction or control over the  
21 region; or  
22 (e) a foreign country is responsible for the region's international  
23 relations.

24 **foreign sporting organisation** means:

- 25 (a) a Department of State of a foreign country, or a government  
26 agency in a foreign country, that oversees sport in that  
27 country; or  
28 (b) a national sporting organisation of a foreign country; or  
29 (c) an organisation established in a foreign country for the  
30 purpose of discouraging or eliminating the use of drugs and  
31 doping methods in sport; or  
32 (d) an accredited foreign laboratory; or  
33 (e) an International Sporting Federation.

34 **General Anti-Doping Convention** means:

- 1 (a) the Anti-Doping Convention, done at Strasbourg on  
2 16 November 1989 [1994] ATS 33; or  
3 (b) if the Convention has been amended by any amendment that  
4 has entered into force for Australia—the Convention as so  
5 amended.

6 Note: The text of the Convention is set out in Australian Treaty Series 1994  
7 No. 33. In 2005, the text of a Convention in the Australian Treaty  
8 Series was accessible through the Australian Treaties Library on the  
9 AustLII Internet site ([www.austlii.edu.au](http://www.austlii.edu.au)).

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

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

17 ***International Standard*** means:

- 18 (a) an International Standard that has been adopted by WADA in  
19 support of the World Anti-Doping Code; or  
20 (b) if:  
21 (i) the Standard has been amended; and  
22 (ii) the Standard, as so amended, has been adopted by  
23 WADA in support of the World Anti-Doping Code;  
24 the Standard as so amended.

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

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

29 ***NAD scheme personal information*** means personal information  
30 that:

- 31 (a) is obtained in relation to the administration of the NAD  
32 scheme; or  
33 (b) relates to the administration of the NAD scheme.

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- 1                    ***national sporting organisation***, in relation to a particular sport,  
2                    means:
- 3                    (a) in respect of Australia:
- 4                    (i) a sporting organisation that is recognised by the  
5                    International Sporting Federation that has international  
6                    control over the sport as being the organisation  
7                    responsible for administering the affairs of the sport, or  
8                    of a substantial part or section of the sport, in Australia;  
9                    or
- 10                    (ii) whether or not there is an International Sporting  
11                    Federation that has international control over the  
12                    sport—a sporting organisation that is recognised by the  
13                    ASC, or is generally recognised, as being responsible  
14                    for administering the affairs of the sport, or of a  
15                    substantial part or section of the sport, in Australia; or
- 16                    (b) in respect of a foreign country:
- 17                    (i) a sporting organisation that is recognised by the  
18                    International Sporting Federation that has international  
19                    control over the sport as being the organisation  
20                    responsible for administering the affairs of the sport, or  
21                    of a substantial part or section of the sport, in that  
22                    country; or
- 23                    (ii) if there is no International Sporting Federation that has  
24                    international control over the sport—a sporting  
25                    organisation that is generally recognised as being  
26                    responsible for administering the affairs of the sport, or  
27                    of a substantial part or section of the sport, in that  
28                    country.
- 29                    ***permitted anti-doping purpose*** has the meaning given by  
30                    subsection 68(7).
- 31                    ***personal information*** has the same meaning as in the *Privacy Act*  
32                    1988.
- 33                    ***protected customs information*** has the meaning given by  
34                    subsection 67(2).
- 35                    ***publish*** means publish on the Internet or otherwise.

1                    **registered medical practitioner** means an individual registered or  
2 licensed as a medical practitioner under a law of a State or  
3 Territory.

4                    **relevant international anti-doping instrument** means:

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

10                  **safety checking service** means a service for testing one or more  
11 athletes for the purpose of ascertaining whether each athlete's  
12 physiological or psychological state makes it unsafe for him or her  
13 to participate in a sporting activity, where the testing is by means  
14 of testing a sample provided by the athlete.

15                  **sample** means any of the following:

- 16                  (a) any human biological fluid;  
17                  (b) any human biological tissue (whether alive or otherwise);  
18                  (c) any human breath.

19                  **sporting administration body** means:

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

31 but does not include the ASADA.

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

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- 1                    **sporting event** includes any sporting activity.
- 2                    **sporting organisation** includes an organisation that:
- 3                    (a) has control in Australia, a foreign country or internationally
- 4                    of one or more sports or sporting events; or
- 5                    (b) organises or administers one or more sports or sporting
- 6                    events; or
- 7                    (c) accredits people to take part in sporting competition; or
- 8                    (d) provides teams to compete in sporting competition; or
- 9                    (e) trains, or provides finance for, people to take part in sporting
- 10                   competition.
- 11                   **sports drug and safety matter** means:
- 12                   (a) a matter relating to drugs and/or doping methods in one or
- 13                   more sporting activities; or
- 14                   (b) a matter relating to the safety of athletes.
- 15                   **support person** means an individual who, in one or more of the
- 16                   following capacities:
- 17                   (a) coach;
- 18                   (b) trainer;
- 19                   (c) manager;
- 20                   (d) agent;
- 21                   (e) team staff member;
- 22                   (f) official;
- 23                   (g) medical practitioner;
- 24                   (h) para-medical practitioner;
- 25                   works with or treats one or more athletes participating in, or
- 26                   preparing for, sporting activities.
- 27                   **UNESCO Anti-Doping Convention** means:
- 28                   (a) the International Convention Against Doping in Sport,
- 29                   adopted by the UNESCO General Conference at Paris on
- 30                   19 October 2005; or
- 31                   (b) if the Convention has been amended by any amendment that
- 32                   has entered into force for Australia—the Convention as so
- 33                   amended.

## Section 5

1 Note: In 2005, the text of the final draft of the UNESCO International  
2 Convention Against Doping in Sport was accessible through the  
3 UNESCO Internet site ([www.unesco.org](http://www.unesco.org)).

4 ***vacancy***, in relation to:

- 5 (a) the office of an ASADA member; or  
6 (b) the office of an ASDMAC member;

7 has a meaning affected by section 5.

8 ***violation*** means breach.

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

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

14 ***World Anti-Doping Code*** means:

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

18 Note: In 2005, the text of the World Anti-Doping Code was accessible  
19 through the Internet site of the World Anti-Doping Agency  
20 ([www.wada-ama.org](http://www.wada-ama.org)).

## 21 **5 When is there a vacancy?**

22 (1) For the purposes of a reference in:

- 23 (a) this Act to a vacancy in the office of an ASADA member; or  
24 (b) the *Acts Interpretation Act 1901* to a vacancy in the  
25 membership of a body;

26 there are taken to be 5 offices of ASADA members in addition to  
27 the ASADA Chair and the ASADA Deputy Chair.

28 (2) For the purposes of a reference in:

- 29 (a) this Act to a vacancy in the office of an ASDMAC member;  
30 or  
31 (b) the *Acts Interpretation Act 1901* to a vacancy in the  
32 membership of a body;

33 there are taken to be 6 offices of ASDMAC members in addition to  
34 the ASDMAC Chair.

Section 6

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1     **6 Crown to be bound**

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

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

5     **7 Extension to external Territories**

6             This Act extends to every external Territory.

7     **8 Extra-territorial application**

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

1

2 **Part 2—National Anti-Doping Scheme**

3 **Division 1—Making and amending the NAD scheme**

4 **9 Making the National Anti-Doping Scheme**

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

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

11 Note: Section 4 provides that *NAD scheme* or *National Anti-Doping*  
12 *Scheme* means:

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

16 **10 Amending the National Anti-Doping Scheme**

17 (1) The ASADA may, by legislative instrument, amend the NAD  
18 scheme, so long as the amended NAD scheme is about any or all of  
19 the following matters:

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

24 Note: For public consultation requirements, see section 11.

25 (2) The ASADA may, under subsection (1), amend the NAD scheme:

- 26 (a) to implement the UNESCO Anti-Doping Convention, if that  
27 Convention enters into force for Australia after the  
28 commencement of this section; or  
29 (b) to implement amendments of the UNESCO Anti-Doping  
30 Convention, if those amendments enter into force for  
31 Australia after the commencement of this section; or

**Part 2** National Anti-Doping Scheme

**Division 1** Making and amending the NAD scheme

**Section 11**

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1 (c) to implement amendments of the General Anti-Doping  
2 Convention, if those amendments enter into force for  
3 Australia after the commencement of this section.

4 (3) Subsection (2) does not limit subsection (1).

5 (4) The regulations must not amend or repeal the NAD scheme after  
6 the commencement of this section.

7 **11 Public consultation**

8 (1) Before making a section 10 instrument that amends the NAD  
9 scheme, the ASADA must:

10 (a) publish a draft of the instrument and invite people to make  
11 submissions to the ASADA on the draft; and

12 (b) consider any submissions that are received within the time  
13 limit specified by the ASADA when it published the draft.

14 (2) The time limit specified by the ASADA when it publishes the draft  
15 must be at least 28 days after the day of publication.

16 (3) A failure to comply with this section does not affect the validity of  
17 the instrument.

18 **12 Use of relevant international anti-doping instruments**

19 (1) The NAD scheme may make provision in relation to a matter by  
20 applying, adopting or incorporating, with or without modification,  
21 any matter contained in a relevant international anti-doping  
22 instrument:

23 (a) as in force or existing at a particular time; or

24 (b) as in force or existing from time to time.

25 (2) Subsection (1) has effect despite anything in subsection 14(2) of  
26 the *Legislative Instruments Act 2003*.

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

1

2 **Division 2—What must be in the NAD scheme**

3 **13 Anti-doping rules etc. relating to certain athletes and support**  
4 **persons**

5

(1) The NAD scheme must:

6

(a) provide that one or more specified classes of athletes and support persons are subject to the NAD scheme; and

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(b) contain rules (the *anti-doping rules*) applicable to athletes and support persons; and

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10

(c) authorise the ASADA to request an athlete to keep the ASADA informed of where the athlete can be found; and

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12

(d) authorise the ASADA to request an athlete to provide a sample; and

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(e) authorise the ASADA to test, or arrange the testing of, samples so provided; and

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(f) authorise the ASADA to investigate possible violations of the anti-doping rules; and

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(g) authorise the ASADA to disclose information obtained during such investigations for the purposes of, or in connection with, such investigations; and

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(h) authorise the ASADA to make findings relating to such investigations; and

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(i) require the ASADA to establish and maintain a register of such findings; and

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24

(j) authorise the ASADA to notify athletes, support persons and sporting administration bodies of:

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(i) findings on the register mentioned in paragraph (i); and

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(ii) the ASADA's recommendations as to the consequences of such findings; and

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(k) authorise the ASADA to present:

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(i) findings on the register mentioned in paragraph (i); and

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(ii) the ASADA's recommendations as to the consequences of such findings;

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at hearings of the Court of Arbitration for Sport and other sporting tribunals, either:

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- 1 (iii) at the request of a sporting administration body; or  
2 (iv) on the ASADA's own initiative; and  
3 (l) authorise the ASADA to make entries on, or remove entries  
4 from, the register mentioned in paragraph (i); and  
5 (m) authorise the ASADA to publish information on and relating  
6 to the register mentioned in paragraph (i) if:  
7 (i) the ASADA considers the publication to be in the public  
8 interest; or  
9 (ii) the athlete or support person to whom the information  
10 relates has consented to the publication;  
11 and the other conditions (if any) specified in the NAD  
12 scheme for the purposes of this paragraph are satisfied.

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

- 16 (2) The anti-doping rules may deal with matters arising before or after  
17 the commencement of this section.

18 **14 Rights of athletes and support persons**

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

21 *Rights*

- 22 (2) An athlete has a right to be notified orally, or in writing, of the  
23 possible consequences of a failure to comply with a request by the  
24 ASADA:  
25 (a) to provide a sample; or  
26 (b) to keep the ASADA informed of where the athlete can be  
27 found.
- 28 (3) If the ASADA proposes to enter the name and particulars of an  
29 athlete, or support person, on the register mentioned in paragraph  
30 13(1)(i):  
31 (a) the athlete or support person has a right to be notified in  
32 writing about the proposal; and

- 1 (b) the athlete or support person has a right to make written  
2 submissions to the ASADA about the proposal; and  
3 (c) the athlete or support person has a right to be notified in  
4 writing of a decision of the ASADA to make such an entry  
5 on the register.
- 6 (4) An athlete or support person has a right to apply to the  
7 Administrative Appeals Tribunal for review of a decision of the  
8 ASADA to enter his or her name and particulars on the register  
9 mentioned in paragraph 13(1)(i).

10 *Waiver of rights*

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

15 **15 Sporting administration body rules**

- 16 (1) The NAD scheme must:  
17 (a) contain rules (the *sporting administration body rules*) that:  
18 (i) are applicable to one or more specified sporting  
19 administration bodies; and  
20 (ii) relate to the anti-doping rules; and  
21 (b) authorise the ASADA to monitor the compliance by sporting  
22 administration bodies with the sporting administration body  
23 rules; and  
24 (c) authorise the ASADA to notify the ASC about the extent of  
25 such compliance by sporting administration bodies other than  
26 the ASC; and  
27 (d) authorise the ASADA to publish reports about the extent of  
28 compliance by sporting administration bodies with the  
29 sporting administration body rules.

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

- 33 (2) The following are examples of sporting administration body rules:

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- 1 (a) rules about promoting compliance with the anti-doping rules  
2 by athletes and support persons;  
3 (b) rules about referring possible violations of the anti-doping  
4 rules to the ASADA;  
5 (c) rules about assisting, and giving information, to the ASADA  
6 in relation to investigations of possible violations of the  
7 anti-doping rules;  
8 (d) rules about taking action in response to the ASADA's  
9 findings relating to such investigations;  
10 (e) rules about hearings and appeals arising from such findings.

11 **16 Matters required by the regulations**

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

1

2 **Division 3—Miscellaneous**

3 **17 NAD scheme may deal with other matters**

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

6 **18 Decisions under the NAD scheme**

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

- 10 (a) the ASADA;  
11 (b) the ASDMAC;  
12 (c) a body specified in regulations made for the purposes of this  
13 paragraph.

14 **19 Fees**

- 15 (1) The NAD scheme may authorise the ASADA and/or the  
16 ASDMAC to charge fees for performing their functions under the  
17 NAD scheme.
- 18 (2) A fee:  
19 (a) must not be such as to amount to taxation; and  
20 (b) is payable to the Commonwealth.

Section 20

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2 **Part 3—ASADA's establishment, functions, powers**  
3 **and liabilities**  
4

5 **20 Establishment**

6 (1) This section applies to the body corporate established by section 6  
7 of the *Australian Sports Drug Agency Act 1990*.

8 (2) That body corporate continues in existence by force of this section  
9 as a body corporate, under and subject to the provisions of this Act,  
10 under the name Australian Sports Anti-Doping Authority.

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

12 **21 ASADA's functions**

13 (1) The ASADA has the following functions:

- 14 (a) such functions as are conferred on the ASADA by Part 2;
- 15 (b) such functions as are conferred on the ASADA by the NAD  
16 scheme;
- 17 (c) to advise the ASC about sports drug and safety matters that  
18 should be included in any agreement under which the ASC  
19 gives money to a sporting organisation;
- 20 (d) to advise the ASC about recognising a sporting organisation  
21 as being responsible for administering the affairs of a sport,  
22 or of a substantial part or section of a sport, in Australia;
- 23 (e) to support, encourage, develop and implement initiatives that  
24 increase the skills and knowledge of people involved in  
25 sporting activities about sports drug and safety matters;
- 26 (f) to support and encourage the sporting community to develop  
27 and implement comprehensive programs, and education  
28 initiatives, about sports drug and safety matters;
- 29 (g) to support, encourage and conduct research about sports drug  
30 and safety matters;
- 31 (h) to collect, analyse, interpret and disseminate information  
32 about sports drug and safety matters;

- 1 (i) to encourage the development of ways for the States and  
2 Territories, and sporting organisations, to carry out initiatives  
3 about sports drug and safety matters;
- 4 (j) to cooperate with the States and Territories, and with sporting  
5 organisations, to carry out initiatives about sports drug and  
6 safety matters;
- 7 (k) to provide the following services under contract on behalf of  
8 the Commonwealth:
- 9 (i) anti-doping testing services;
- 10 (ii) safety checking services;
- 11 (iii) other services (including information technology  
12 services) relating to sports drug and safety matters;
- 13 (l) to make resources and facilities (including secretariat  
14 services and clerical assistance) available to the ASDMAC  
15 for the purposes of enabling the ASDMAC to perform its  
16 functions;
- 17 (m) such other functions as are conferred on the ASADA by this  
18 Act or any other law of the Commonwealth;
- 19 (n) to advise the Minister about matters relating to any of the  
20 above functions;
- 21 (o) to do anything incidental to or conducive to the performance  
22 of any of the above functions.

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

24 *Constitutional limits*

- 25 (2) The ASADA may perform its functions only:
- 26 (a) for purposes related to external affairs, including:
- 27 (i) giving effect to an international agreement to which  
28 Australia is a party; and
- 29 (ii) addressing matters of international concern; and
- 30 (iii) by way of the performance of its functions in a place  
31 outside Australia; or
- 32 (b) for purposes related to money appropriated for the purposes  
33 of the Commonwealth; or
- 34 (c) for purposes related to the granting of financial assistance to  
35 a State on such terms and conditions as the Parliament thinks  
36 fit; or

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- 1 (d) for purposes related to the executive power of the  
2 Commonwealth; or  
3 (e) for purposes related to the collection of statistics; or  
4 (f) in, or for purposes related to, a Territory; or  
5 (g) in a Commonwealth place (within the meaning of the  
6 *Commonwealth Places (Application of Laws) Act 1970*);  
7 (h) by way of, or for purposes related to, trade and commerce:  
8 (i) between Australia and places outside Australia; or  
9 (ii) among the States; or  
10 (iii) within a Territory, between a State and a Territory or  
11 between 2 Territories; or  
12 (i) by way of the provision of:  
13 (i) an anti-doping testing service; or  
14 (ii) a safety checking service;  
15 to a constitutional corporation, where:  
16 (iii) the service involves testing one or more employees of  
17 the constitutional corporation; and  
18 (iv) the results of the testing are relevant to the relationship  
19 between the constitutional corporation and the employee  
20 or employees; or  
21 (j) by way of the provision of a service to a constitutional  
22 corporation, where the service is provided to protect the  
23 constitutional corporation's business reputation from being  
24 damaged by the use of drugs and/or doping methods in sport;  
25 or  
26 (k) in connection with a postal, telegraphic, telephonic or other  
27 like service within the meaning of paragraph 51(v) of the  
28 Constitution; or  
29 (l) by way of the provision of a service to:  
30 (i) the Commonwealth; or  
31 (ii) an authority of the Commonwealth; or  
32 (m) for purposes related to matters incidental to the execution of  
33 any of the legislative powers of the Parliament or the  
34 executive power of the Commonwealth; or  
35 (n) by way of the provision of a service, if the provision of the  
36 service:  
37 (i) utilises the ASADA's spare capacity; or

- 1 (ii) maintains or improves the specialised technical skills of  
2 the ASADA staff in relation to the testing of athletes;  
3 and does not impede the ASADA's capacity to perform its  
4 other functions.

## 5 **22 ASADA's powers**

- 6 (1) The ASADA has power to do all things necessary or convenient to  
7 be done for or in connection with the performance of its functions,  
8 other than the power:  
9 (a) to acquire, hold and dispose of real and personal property; or  
10 (b) to enter into contracts; or  
11 (c) to lease the whole or any part of any land or building for the  
12 purposes of the ASADA.

13 Note: For the power to enter into contracts etc. on behalf of the  
14 Commonwealth for the benefit of the ASADA, see section 44 of the  
15 *Financial Management and Accountability Act 1997* as it applies in  
16 relation to the ASADA as an Agency.

- 17 (2) A right to sue is taken not to be personal property for the purposes  
18 of paragraph (1)(a).

## 19 **23 ASADA's financial liabilities are Commonwealth liabilities**

- 20 (1) Any financial liabilities of the ASADA are taken to be liabilities of  
21 the Commonwealth.  
22 (2) For the purposes of this section:  
23 *financial liability* means a liability to pay a person an amount,  
24 where the amount, or the method for working out the amount, has  
25 been determined.

## 26 **24 Minister may give directions to ASADA**

- 27 (1) The Minister may, by legislative instrument, give directions to the  
28 ASADA in relation to the performance of its functions and the  
29 exercise of its powers.

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

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- 1                   (2) However, such a direction must not relate to:
- 2                         (a) a particular athlete, or a particular support person, who is
- 3                                 subject to the NAD scheme; or
- 4                         (b) the testing of a particular athlete under an anti-doping testing
- 5                                 service, or safety checking service, being provided by the
- 6                                 ASADA.
- 7                   (3) The ASADA must comply with a direction under subsection (1).

1

2 **Part 4—ASADA's constitution and membership**

3 **Division 1—ASADA's constitution**

4 **25 ASADA's constitution**

5 (1) The ASADA:

6 (a) is a body corporate with perpetual succession; and

7 (b) must have a seal; and

8 (c) may sue and be sued in its corporate name.

9 (2) The seal of the ASADA is to be kept in such custody as the

10 ASADA directs and must not be used except as authorised by the

11 ASADA.

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

13 (a) take judicial notice of the imprint of the seal of the ASADA

14 appearing on a document; and

15 (b) presume that the document was duly sealed.

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2 **Division 2—ASADA's membership**

3 **26 ASADA's membership**

4 The ASADA consists of the following members:

- 5 (a) a Chair;
- 6 (b) a Deputy Chair;
- 7 (c) at least 1, and not more than 5, other members.

8 **27 Appointment of ASADA members**

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

11 Note: For re-appointment, see subsection 33(4A) of the *Acts Interpretation*

12 *Act 1901*.

- 13 (2) The Minister must not appoint a person as an ASADA member
- 14 unless the Minister is satisfied that the person has qualifications
- 15 relevant to, or special experience or interest in, a field related to the
- 16 ASADA's functions.

- 17 (3) The ASADA Chair holds office on a full-time basis.

- 18 (4) An ASADA member, other than the ASADA Chair, holds office
- 19 on a part-time basis.

20 **28 Period of appointment for ASADA members**

21 An ASADA member holds office for the period specified in his or

22 her instrument of appointment. The period must not exceed 5

23 years.

24 Note: For re-appointment, see subsection 33(4A) of the *Acts Interpretation*

25 *Act 1901*.

26 **29 Acting ASADA members**

27 *Acting ASADA Chair*

- 28 (1) The Minister may appoint a person to act as the ASADA Chair:

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**Section 29**

- 1 (a) during a vacancy in the office of the ASADA Chair, whether  
2 or not an appointment has previously been made to the  
3 office; or  
4 (b) during any period, or during all periods, when the ASADA  
5 Chair:  
6 (i) is absent from duty or Australia; or  
7 (ii) is, for any reason, unable to perform the duties of the  
8 office.

9 *Acting ASADA member (other than ASADA Chair)*

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

20 *Qualifications*

- 21 (3) A person is not eligible for appointment to act as:  
22 (a) the ASADA Chair; or  
23 (b) an ASADA member (other than the ASADA Chair);  
24 unless the person is eligible for appointment as an ASADA  
25 member.

26 Note: See subsection 27(2).

27 *Validation*

- 28 (4) Anything done by or in relation to a person purporting to act under  
29 an appointment is not invalid merely because:  
30 (a) the occasion for the appointment had not arisen; or  
31 (b) there was a defect or irregularity in connection with the  
32 appointment; or  
33 (c) the appointment had ceased to have effect; or

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**Division 2** ASADA's membership

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1 (d) the occasion to act had not arisen or had ceased.

2 Note: See section 33A of the *Acts Interpretation Act 1901*.

1

2 **Division 3—Terms and conditions for ASADA members**

3 **30 Remuneration**

- 4 (1) An ASADA member is to be paid the remuneration that is  
5 determined by the Remuneration Tribunal. If no determination of  
6 that remuneration by the Tribunal is in operation, the ASADA  
7 member is to be paid the remuneration that is prescribed in the  
8 regulations.
- 9 (2) An ASADA member is to be paid the allowances that are  
10 prescribed in the regulations.
- 11 (3) This section has effect subject to the *Remuneration Tribunal Act*  
12 *1973*.

13 **31 Standing obligation to disclose interests**

14 *Obligation to disclose interests*

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

24 *Some types of interests that must be disclosed*

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

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- 1 (b) is a member of, or is involved in any way in the  
2 administration of, a sporting administration body; or  
3 (c) is involved in any way in the administration of a sporting  
4 event or sporting venue; or  
5 (d) is related to, or has some involvement in the affairs of:  
6 (i) an athlete who is subject to the NAD scheme; or  
7 (ii) a support person who is subject to the NAD scheme; or  
8 (iii) an individual tested under an anti-doping testing service,  
9 or a safety checking service, previously provided by the  
10 ASADA; or  
11 (iv) an individual who could be tested under an anti-doping  
12 testing service, or a safety checking service, being  
13 provided by the ASADA.
- 14 (4) Subsections (1) and (3) apply to interests:  
15 (a) whether direct or indirect, and whether or not pecuniary; and  
16 (b) whether acquired before or after the discloser's appointment.

17 **32 Obligation to disclose interests before deliberating on or deciding**  
18 **a particular matter**

19 *Obligation to disclose interests*

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

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

6 *Some types of interests that must be disclosed*

- 7 (4) Without limiting subsection (1), an ASADA member is taken to  
8 have an interest that could conflict with the proper performance of  
9 the functions of his or her office, as they give him or her a role in  
10 the deliberations or decisions of the ASADA in relation to a  
11 particular matter, if:  
12 (a) the member has a material personal interest in the matter; or  
13 (b) the matter concerns a particular sport and the member  
14 participates in, or is involved in any way in the  
15 administration of, that sport; or  
16 (c) the matter concerns a particular sporting administration body  
17 and the member is a member of, or is involved in any way in  
18 the administration of, that body; or  
19 (d) the matter concerns a particular sporting event or sporting  
20 venue and the member is involved in any way in the  
21 administration of that event or venue; or  
22 (e) the matter concerns an athlete who is subject to the NAD  
23 scheme, and the member is related to, or has some  
24 involvement in the affairs of, that athlete; or  
25 (f) the matter concerns a support person who is subject to the  
26 NAD scheme, and the member is related to, or has some  
27 involvement in the affairs of, that support person; or  
28 (g) the matter concerns an individual tested under an anti-doping  
29 testing service, or safety checking service, previously  
30 provided by the ASADA, and the member is related to, or  
31 has some involvement in the affairs of, that individual; or  
32 (h) the matter concerns an individual who could be tested under  
33 an anti-doping testing service, or safety checking service,  
34 being provided by the ASADA, and the member is related to,  
35 or has some involvement in the affairs of, that individual.
- 36 (5) Subsection (1) applies to interests:
-

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

5 **33 ASADA member to remain at arm's length from deliberations**  
6 **and decisions of sporting administration bodies**

7 An ASADA member must not take part in any deliberations or  
8 decisions of a sporting administration body in relation to a  
9 particular matter if the member has participated in any  
10 deliberations or decisions of the ASADA in relation to the matter.

11 **34 Outside employment**

12 The ASADA Chair must not engage in paid employment outside  
13 the duties of the ASADA Chair's office without the Minister's  
14 approval.

15 **35 Leave of absence**

- 16 (1) The ASADA Chair has the recreation leave entitlements that are  
17 determined by the Remuneration Tribunal.
- 18 (2) The Minister may grant the ASADA Chair leave of absence, other  
19 than recreation leave, on the terms and conditions as to  
20 remuneration or otherwise that the Minister determines.
- 21 (3) The ASADA Chair may grant leave of absence to any other  
22 ASADA member on the terms and conditions that the ASADA  
23 Chair determines.

24 **36 Resignation**

- 25 (1) An ASADA member may resign his or her appointment by giving  
26 the Minister a written resignation.
- 27 (2) The resignation takes effect on the day it is received by the  
28 Minister or, if a later day is specified in the resignation, on that  
29 later day.

1 **37 Termination of appointment**

- 2 (1) The Minister may terminate the appointments of all of the ASADA  
3 members if the Minister is of the opinion that the ASADA's  
4 performance has been unsatisfactory.
- 5 (2) The Minister may terminate the appointment of an ASADA  
6 member for misbehaviour or physical or mental incapacity.
- 7 (3) The Minister may terminate the appointment of an ASADA  
8 member if:
- 9 (a) the member:
- 10 (i) becomes bankrupt; or
- 11 (ii) applies to take the benefit of any law for the relief of  
12 bankrupt or insolvent debtors; or
- 13 (iii) compounds with his or her creditors; or
- 14 (iv) makes an assignment of his or her remuneration for the  
15 benefit of his or her creditors; or
- 16 (b) the member fails, without reasonable excuse, to comply with  
17 section 31, 32 or 33; or
- 18 (c) the Minister is satisfied that the performance of the member  
19 has been unsatisfactory; or
- 20 (d) if the member is the ASADA Chair—the member fails to  
21 comply with section 34; or
- 22 (e) if the member is the ASADA Chair—the member is absent,  
23 except on leave of absence, for 14 consecutive days or for 28  
24 days in any 12 consecutive months; or
- 25 (f) if the member is not the ASADA Chair—the member is  
26 absent, except on leave of absence, from 3 consecutive  
27 meetings of the ASADA; or
- 28 (g) the member commits an offence against section 71 or 72.

29 **38 Other terms and conditions**

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

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2

## **Part 5—Decision-making and delegation by ASADA**

3

4

### **Division 1—Meetings**

5

#### **39 Holding of meetings**

6

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

7

8

(2) The ASADA Chair:

9

(a) may convene a meeting at any time; and

10

(b) must convene a meeting within 30 days after receiving a written request from the Minister or from at least 2 other ASADA members.

11

12

13

#### **40 Presiding at meetings**

14

(1) The ASADA Chair presides at all meetings at which he or she is present.

15

16

(2) If the ASADA Chair is not present at a meeting, the ASADA Deputy Chair presides.

17

18

(3) If neither the ASADA Chair nor the ASADA Deputy Chair is present at a meeting, the ASADA members present must appoint one of themselves to preside.

19

20

21

#### **41 Quorum**

22

(1) At a meeting of the ASADA, 3 ASADA members constitute a quorum.

23

24

(2) However, if:

25

(a) section 32 prevents an ASADA member from participating in the deliberations or decisions of the ASADA in relation to a particular matter; and

26

27

1 (b) when the member leaves the meeting concerned there is no  
2 longer a quorum present;  
3 the remaining ASADA members at the meeting constitute a  
4 quorum for the purpose of any deliberation or decision at that  
5 meeting in relation to that matter.

6 **42 Voting at meetings etc.**

7 (1) At a meeting of the ASADA, a question is decided by a majority of  
8 the votes of the ASADA members present and voting.

9 (2) The person presiding at a meeting has a deliberative vote and, in  
10 the event of an equality of votes, also has a casting vote.

11 **43 Conduct of meetings**

12 The ASADA may, subject to this Division, regulate proceedings at  
13 its meetings as it considers appropriate.

14 Note: Section 33B of the *Acts Interpretation Act 1901* provides for  
15 participation in meetings by telephone etc.

16 **44 Minutes**

17 The ASADA must keep minutes of its meetings.

Section 45

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**Division 2—Decisions without meetings**

3

**45 Decisions without meetings**

4

(1) A decision is taken to have been made at a meeting of the ASADA if:

5

6

(a) without meeting, a majority of the ASADA members indicate agreement with the proposed decision in accordance with the method determined by the ASADA under subsection (2); and

7

8

9

(b) all the ASADA members were informed of the proposed decision, or reasonable efforts were made to inform all the ASADA members of the proposed decision.

10

11

12

(2) Subsection (1) applies only if the ASADA:

13

(a) has determined that it applies; and

14

(b) has determined the method by which ASADA members are to indicate agreement with proposed decisions.

15

16

(3) Paragraph (1)(a) does not apply to an ASADA member who is prevented by section 32 from deliberating on the proposed decision.

17

18

19

**46 Record of decisions**

20

The ASADA must keep a record of decisions made in accordance with section 45.

21

1

2 **Division 3—Delegation**

3 **47 Delegation by ASADA**

- 4 (1) The ASADA may, by writing, delegate any or all of its functions  
5 and powers to:
- 6 (a) an ASADA member; or  
7 (b) a committee consisting of 2 or more ASADA members; or  
8 (c) a member of the ASADA staff; or  
9 (d) an individual whose services are made available to the  
10 ASADA under section 50; or  
11 (e) an individual appointed as a chaperone, or as a drug testing  
12 official, under the NAD scheme.
- 13 (2) Subsection (1) does not apply to the power to make an instrument  
14 amending the NAD scheme.
- 15 (3) Paragraphs (1)(a), (c), (d) and (e) do not apply to a function or  
16 power conferred by the NAD scheme if the function or power is  
17 declared by the NAD scheme to be a function or power that can  
18 only be delegated to a committee consisting of 2 or more ASADA  
19 members.
- 20 (4) Paragraph (1)(e) does not apply to a function or power unless it is  
21 conferred by the NAD scheme.
- 22 (5) A delegate must comply with any written directions of the  
23 ASADA.
- 24 (6) The ASADA must cause to be kept written records of a decision of  
25 a committee consisting of 2 or more ASADA members if:  
26 (a) the committee has been delegated a function or power under  
27 paragraph (1)(b); and  
28 (b) the decision relates to the delegated function or power.
- 29 (7) A record kept under subsection (6) is prima facie evidence that the  
30 decision was duly made as recorded if the record is signed by an  
31 ASADA member who was a member of the committee at the time  
32 when the decision was made.

**Part 5** Decision-making and delegation by ASADA

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- 1           (8) A record kept under subsection (6) is not a legislative instrument.

1

2 **Division 4—Advisory committees**

3 **48 Advisory committees**

4 (1) The ASADA may, by writing, establish advisory committees to  
5 assist it in performing any of its functions.

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

8 (2) An advisory committee consists of such individuals as the ASADA  
9 from time to time appoints, by writing, to the committee.

10 Note: For re-appointment, see subsection 33(4A) of the *Acts Interpretation*  
11 *Act 1901*.

12 (3) The ASADA may give an advisory committee written directions as  
13 to:

14 (a) the way in which the committee is to carry out its functions;  
15 and

16 (b) procedures to be followed in relation to meetings.

17 (4) If:

18 (a) a committee member has incurred reasonable expenses in  
19 performing his or her duties as a committee member; and

20 (b) the committee member is neither an ASADA member nor a  
21 member of the ASADA staff; and

22 (c) the ASADA Chair has approved the reimbursement of those  
23 expenses;

24 the ASADA must, on behalf of the Commonwealth, reimburse  
25 those expenses.

26 (5) An appointment to an advisory committee is not a public office  
27 within the meaning of the *Remuneration Tribunal Act 1973*.

28 (6) An instrument under subsection (1) is not a legislative instrument.

29 (7) A direction under subsection (3) is not a legislative instrument.

Section 49

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1

2

**Part 6—ASADA's staff etc.**

3

4

**49 Staff**

5

(1) The staff of the ASADA are to be persons engaged under the  
*Public Service Act 1999*.

6

7

(2) For the purposes of the *Public Service Act 1999*:

8

(a) the ASADA Chair and the ASADA staff together constitute a  
Statutory Agency; and

9

10

(b) the ASADA Chair is the Head of that Statutory Agency.

11

**50 Persons assisting ASADA**

12

The ASADA may also be assisted:

13

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

14

15

(b) by officers and employees of authorities of the  
Commonwealth;

16

17

whose services are made available to the ASADA in connection  
with the performance of any of its functions.

18

1  
2 **Part 7—Australian Sports Drug Medical Advisory**  
3 **Committee**

4 **Division 1—ASDMAC's establishment and functions**

5 **51 Establishment of ASDMAC**

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

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

11 **52 ASDMAC's functions**

- 12 (1) The ASDMAC has the following functions:
- 13 (a) such functions as are conferred on the ASDMAC by the
  - 14 NAD scheme;
  - 15 (b) to give advice and information to the ASADA and the ASC
  - 16 about:
    - 17 (i) the performance of the ASDMAC's functions; and
    - 18 (ii) sports drug and safety matters;
  - 19 (c) to give advice and information to sporting administration
  - 20 bodies about individual cases that involve:
    - 21 (i) sports drug and safety matters; or
    - 22 (ii) any other matter arising out of the provision of
    - 23 anti-doping testing services or safety checking services;
  - 24 (d) to provide services relating to sports drug and safety matters
  - 25 under contract on behalf of the Commonwealth;
  - 26 (e) such other functions as are conferred on the ASDMAC by
  - 27 this Act or any other law of the Commonwealth;
  - 28 (f) to do anything incidental to or conducive to the performance
  - 29 of any of the above functions.

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

**Part 7** Australian Sports Drug Medical Advisory Committee

**Division 1** ASDMAC's establishment and functions

**Section 52**

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1

*Constitutional limits*

2

(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 ASADA.

3

4

1

2 **Division 2—ASDMAC's membership**

3 **53 ASDMAC's membership**

4 The ASDMAC consists of the following members:

- 5 (a) a Chair;  
6 (b) at least 3, and not more than 6, other members.

7 **54 Appointment of ASDMAC members**

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

10 Note: For re-appointment, see subsection 33(4A) of the *Acts Interpretation*  
11 *Act 1901*.

- 12 (2) The Minister must not appoint a person as an ASDMAC member  
13 unless:

- 14 (a) the person is a registered medical practitioner; and  
15 (b) the Minister is satisfied that the person has knowledge of, or  
16 experience in, one or more of the following fields:  
17 (i) sports medicine;  
18 (ii) clinical pharmacology;  
19 (iii) endocrinology;  
20 (iv) a field specified in regulations made for the purposes of  
21 this subparagraph.

- 22 (3) An ASDMAC member holds office on a part-time basis.

23 **55 Period of appointment for ASDMAC members**

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

27 Note: For re-appointment, see subsection 33(4A) of the *Acts Interpretation*  
28 *Act 1901*.

Section 56

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1       **56 Acting ASDMAC members**

2                       *Acting ASDMAC Chair*

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

12                       *Acting ASDMAC member (other than ASDMAC Chair)*

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

23                       *Qualifications*

- 24               (3) A person is not eligible for appointment to act as:
- 25                       (a) the ASDMAC Chair; or
- 26                       (b) an ASDMAC member (other than the ASDMAC Chair);
- 27                       unless the person is eligible for appointment as an ASDMAC
- 28                       member.

29               Note:        See subsection 54(2).

1

*Validation*

2

(4) Anything done by or in relation to a person purporting to act under an appointment is not invalid merely because:

3

4

(a) the occasion for the appointment had not arisen; or

5

(b) there was a defect or irregularity in connection with the appointment; or

6

7

(c) the appointment had ceased to have effect; or

8

(d) the occasion to act had not arisen or had ceased.

9

Note: See section 33A of the *Acts Interpretation Act 1901*.

Section 57

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1

2 **Division 3—Terms and conditions for ASDMAC members**

3 **57 Remuneration**

- 4 (1) An ASDMAC member is to be paid the remuneration that is  
5 determined by the Remuneration Tribunal. If no determination of  
6 that remuneration by the Tribunal is in operation, the ASDMAC  
7 member is to be paid the remuneration that is prescribed in the  
8 regulations.
- 9 (2) An ASDMAC member is to be paid the allowances that are  
10 prescribed in the regulations.
- 11 (3) This section has effect subject to the *Remuneration Tribunal Act*  
12 *1973*.

13 **58 Standing obligation to disclose interests**

14 *Obligation to disclose interests*

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

24 *Some types of interests that must be disclosed*

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

- 1 (b) is a member of, or is involved in any way in the  
2 administration of, a sporting administration body; or  
3 (c) is involved in any way in the administration of a sporting  
4 event or sporting venue; or  
5 (d) is related to, or has some involvement in the affairs of:  
6 (i) an athlete who is subject to the NAD scheme; or  
7 (ii) a support person who is subject to the NAD scheme; or  
8 (iii) an individual tested under an anti-doping testing service,  
9 or a safety checking service, previously provided by the  
10 ASADA; or  
11 (iv) an individual who could be tested under an anti-doping  
12 testing service, or a safety checking service, being  
13 provided by the ASADA.
- 14 (4) Subsections (1) and (3) apply to interests:  
15 (a) whether direct or indirect, and whether or not pecuniary; and  
16 (b) whether acquired before or after the discloser's appointment.

17 **59 Obligation to disclose interests before deliberating on or deciding**  
18 **a particular matter**

19 *Obligation to disclose interests*

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

Section 59

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

7 *Some types of interests that must be disclosed*

- 8 (4) Without limiting subsection (1), an ASDMAC member is taken to  
9 have an interest that could conflict with the proper performance of  
10 the functions of his or her office, as they give him or her a role in  
11 the deliberations or decisions of the ASDMAC in relation to a  
12 particular matter, if:  
13 (a) the member has a material personal interest in the matter; or  
14 (b) the matter concerns a particular sport and the member  
15 participates in, or is involved in any way in the  
16 administration of, that sport; or  
17 (c) the matter concerns a particular sporting administration body  
18 and the member is a member of, or is involved in any way in  
19 the administration of, that body; or  
20 (d) the matter concerns a particular sporting event or sporting  
21 venue and the member is involved in any way in the  
22 administration of that event or venue; or  
23 (e) the matter concerns an athlete who is subject to the NAD  
24 scheme, and the member is related to, or has some  
25 involvement in the affairs of, that athlete; or  
26 (f) the matter concerns a support person who is subject to the  
27 NAD scheme, and the member is related to, or has some  
28 involvement in the affairs of, that support person; or  
29 (g) the matter concerns an individual tested under an anti-doping  
30 testing service, or safety checking service, previously  
31 provided by the ASADA, and the member is related to, or  
32 has some involvement in the affairs of, that individual; or  
33 (h) the matter concerns an individual who could be tested under  
34 an anti-doping testing service, or safety checking service,  
35 being provided by the ASADA, and the member is related to,  
36 or has some involvement in the affairs of, that individual.

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

6           **60 ASDMAC member to remain at arm's length from deliberations**  
7                 **and decisions of sporting administration bodies**

8                 An ASDMAC member must not take part in any deliberations or  
9                 decisions of a sporting administration body in relation to a  
10                 particular matter if the member has participated in any  
11                 deliberations or decisions of the ASDMAC in relation to the  
12                 matter.

13           **61 Leave of absence**

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

19           **62 Resignation**

- 20                 (1) An ASDMAC member may resign his or her appointment by  
21                 giving the Minister a written resignation.  
22                 (2) The resignation takes effect on the day it is received by the  
23                 Minister or, if a later day is specified in the resignation, on that  
24                 later day.

25           **63 Termination of appointment**

- 26                 (1) The Minister may terminate the appointments of all of the  
27                 ASDMAC members if the Minister is of the opinion that the  
28                 ASDMAC's performance has been unsatisfactory.

**Section 64**

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- 1                   (2) The Minister may terminate the appointment of an ASDMAC  
2                   member for misbehaviour or physical or mental incapacity.
- 3                   (3) The Minister may terminate the appointment of an ASDMAC  
4                   member if:
- 5                   (a) the member ceases to be a registered medical practitioner; or  
6                   (b) the member:
- 7                   (i) becomes bankrupt; or  
8                   (ii) applies to take the benefit of any law for the relief of  
9                   bankrupt or insolvent debtors; or  
10                  (iii) compounds with his or her creditors; or  
11                  (iv) makes an assignment of his or her remuneration for the  
12                  benefit of his or her creditors; or
- 13                  (c) the member fails, without reasonable excuse, to comply with  
14                  section 58, 59 or 60; or
- 15                  (d) the Minister is satisfied that the performance of the member  
16                  has been unsatisfactory; or
- 17                  (e) the member is absent, except on leave of absence, from 3  
18                  consecutive meetings of the ASDMAC; or
- 19                  (f) the member commits an offence against section 71 or 72.

20                   **64 Other terms and conditions**

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

1

2 **Division 4—Decision-making and delegation by ASDMAC**

3 **65 Decision-making by ASDMAC**

4

(1) The regulations may specify:

5

(a) the manner in which the ASDMAC is to perform its  
6 functions; and

6

7

(b) the procedure to be followed at or in relation to meetings of  
8 the ASDMAC, including matters with respect to the  
9 following:

8

9

(i) the convening of meetings of the ASDMAC;

10

11

(ii) the number of ASDMAC members who are to constitute  
12 a quorum;

12

13

(iii) the selection of an ASDMAC member to preside at  
14 meetings of the ASDMAC in the absence of the  
15 ASDMAC Chair;

14

15

16

(iv) the manner in which questions arising at a meeting of  
17 the ASDMAC are to be decided.

17

18

(2) A resolution is taken to have been passed at a meeting of the  
19 ASDMAC if:

19

20

(a) without meeting, a majority of ASDMAC members indicate  
21 agreement with the resolution in accordance with the method  
22 determined by the ASDMAC under subsection (4); and

21

22

23

(b) all ASDMAC members were informed of the proposed  
24 resolution, or reasonable efforts had been made to inform all  
25 ASDMAC members of the proposed resolution.

24

25

26

(3) Paragraph (2)(a) does not apply to an ASDMAC member who is  
27 prevented by section 59 from deliberating on the proposed  
28 resolution.

27

28

29

(4) Subsection (2) has effect only if the ASDMAC:

30

(a) determines that it has effect; and

31

32

(b) determines the method by which ASDMAC members are to  
indicate agreement with resolutions.

Section 66

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1       **66 Delegation by ASDMAC**

2               (1) The ASDMAC may, by resolution, delegate any or all of its  
3               functions and powers to an ASDMAC member.

4               (2) A delegation under subsection (1) continues in force despite a  
5               change in the membership of the ASDMAC.

6               (3) A delegate under subsection (1) must comply with any directions  
7               given, by resolution, by the ASDMAC.

8               (4) Either:

9                     (a) a delegation under subsection (1); or

10                    (b) a direction under subsection (3);

11               may be varied or revoked by resolution of the ASDMAC (whether  
12               or not there has been a change in the membership of the  
13               ASDMAC).

14               (5) A certificate signed by the ASDMAC Chair stating any matter with  
15               respect to a delegation under subsection (1) is prima facie evidence  
16               of the matter.

17               (6) A document purporting to be a certificate mentioned in  
18               subsection (5) is taken to be such a certificate and to have been  
19               duly given unless the contrary is established.

1

2

## **Part 8—Information management**

3

### **Division 1—Access to, and use of, customs information**

4

#### **67 ASADA's access to, and use of, customs information**

5

(1) For the purposes of section 16 of the *Customs Administration Act 1985*:

6

7

(a) the ASADA is taken to be a Commonwealth agency; and

8

(b) the ASADA Chair is taken to be the principal officer of that Commonwealth agency; and

9

10

(c) if protected information (within the meaning of that section) relates to the importation into Australia, or the attempted importation into Australia, of a prohibited substance (within the meaning of the NAD scheme), and any of the following conditions is satisfied:

11

12

13

14

15

(i) the importation or attempted importation contravenes a law of the Commonwealth;

16

17

(ii) there are reasonable grounds to suspect that an athlete subject to the NAD scheme, or a support person subject to the NAD scheme, is responsible for the importation or attempted importation;

18

19

20

21

(iii) there are reasonable grounds to suspect that the prohibited substance is for use by one or more athletes subject to the NAD scheme;

22

23

24

the information is taken to be information that will be used by the ASADA for the purposes of the ASADA's functions; and

25

26

27

(d) the use or further disclosure of the information for the purpose of:

28

29

(i) the ASADA's administration of the NAD scheme; or

30

31

(ii) the performance by the ASADA of its functions under section 68;

32

is taken to be authorised by law; and

33

34

(e) the purpose of the ASADA's administration of the NAD scheme is taken to be a permissible purpose referred to in a

**Part 8** Information management

**Division 1** Access to, and use of, customs information

**Section 68**

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- 1 paragraph of subsection 16(9) of the *Customs Administration*  
2 *Act 1985*; and
- 3 (f) the purpose of the performance by the ASADA of its  
4 functions under section 68 is taken to be a permissible  
5 purpose referred to in a paragraph of subsection 16(9) of the  
6 *Customs Administration Act 1985*; and
- 7 (g) the disclosure of the information, under section 16 of the  
8 *Customs Administration Act 1985*, to the ASADA Chair, or  
9 to a person acting on the ASADA's behalf:
- 10 (i) is taken to be necessary for a permissible purpose  
11 mentioned in paragraph (e) or (f); and
- 12 (ii) is taken to comply with subsection 16(10) of the  
13 *Customs Administration Act 1985*.

14 *Protected customs information*

- 15 (2) For the purposes of this Act, ***protected customs information*** is  
16 information given to the ASADA Chair, or to a person acting on  
17 the ASADA's behalf, under section 16 of the *Customs*  
18 *Administration Act 1985*.
- 19 (3) The ASADA, in administering the NAD scheme, may have regard  
20 to protected customs information.
- 21 (4) Subsection (3) does not limit the matters to which the ASADA  
22 may have regard.

23 **68 Disclosing protected customs information to sporting**  
24 **administration bodies**

25 *ASADA may disclose protected customs information*

- 26 (1) The functions of the ASADA include disclosing protected customs  
27 information to a sporting administration body if:
- 28 (a) the ASADA is satisfied that the information should be  
29 disclosed to the body for permitted anti-doping purposes of  
30 the body; and
- 31 (b) the body has given a written undertaking that:
- 32 (i) the body will use or disclose the information only for  
33 permitted anti-doping purposes of the body; and

- 1 (ii) the body will take reasonable steps to satisfy itself that  
2 the information will not be used or disclosed, by a  
3 person to whom the body has disclosed the information,  
4 in a way that would be unfairly prejudicial to the  
5 interests of the person to whom the information relates;  
6 and
- 7 (c) the ASADA is satisfied that the disclosure of the information  
8 would not contravene any terms of the authorisation under  
9 which the information was disclosed to the ASADA Chair, or  
10 to a person acting on the ASADA's behalf, under section 16  
11 of the *Customs Administration Act 1985*; and
- 12 (d) the requirements of subsections (2) to (5) are satisfied.
- 13 If the information relates to more than one person, the information  
14 cannot be disclosed unless the requirements of subsections (2) to  
15 (5), as they apply in relation to each of those persons, are satisfied.

16 *Notice to be given to person to whom the information relates*

- 17 (2) Before disclosing the information to the body, the ASADA must:
- 18 (a) give written notice of the proposed disclosure to the person to  
19 whom the information relates; and
- 20 (b) invite the person to make a written submission to the  
21 ASADA about the proposed disclosure within a period (the  
22 ***submission period***) that is the specified number of days after  
23 the day on which the person receives the notice.
- 24 The notice must also advise the person of the effect of  
25 subsection (5).
- 26 (3) For the purposes of paragraph (2)(b), the specified number of days  
27 must be:
- 28 (a) unless paragraph (b) applies—14 days; or  
29 (b) if the ASADA considers it appropriate in the circumstances  
30 to specify a lesser number of days—that lesser number of  
31 days.
- 32 (4) The information must not be disclosed under this section unless:
- 33 (a) the submission period has ended; and  
34 (b) the ASADA has considered any submission that has been  
35 made within the submission period.
-

**Part 8** Information management

**Division 1** Access to, and use of, customs information

**Section 68**

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- 1 (5) If the ASADA receives a submission from the person before the  
2 end of the submission period, the ASADA may, for the purposes of  
3 subsection (4), take the submission period to have ended  
4 immediately after the receipt of the submission.

5 *ASADA may specify other conditions etc.*

- 6 (6) The ASADA may specify the manner in which, or the conditions  
7 under which, the disclosure is to be made (including the form in  
8 which the information is to be presented and the mode of  
9 transmitting the information).

10 *Permitted anti-doping purposes*

- 11 (7) For the purposes of this Act, each of the following purposes is a  
12 ***permitted anti-doping purpose*** of a sporting administration body:  
13 (a) investigating possible breaches of a current policy of the  
14 body about drugs and/or doping methods;  
15 (b) determining whether to take action under such a policy of the  
16 body;  
17 (c) determining what action to take under such a policy of the  
18 body;  
19 (d) taking action under such a policy of the body;  
20 (e) taking, or participating in, any proceedings relating to action  
21 that has been taken under such a policy of the body.

22 *Other disclosures*

- 23 (8) This section does not, by implication, limit the disclosures that may  
24 be made for the purposes of the administration of the NAD  
25 scheme.

1

2 **Division 2—Protection of personal information**

3 **69 Entrusted persons**

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

- 5 (a) an ASADA member; or  
6 (b) a member of the ASADA staff; or  
7 (c) a person engaged by the Commonwealth to perform services  
8 for the ASADA or the ASDMAC; or  
9 (d) a designated associate of:  
10 (i) a person; or  
11 (ii) a partnership;  
12 engaged by the Commonwealth to perform services for the  
13 ASADA or the ASDMAC; or  
14 (e) an individual whose services are made available to the  
15 ASADA under section 50; or  
16 (f) an individual appointed as a chaperone, or as a drug testing  
17 official, under the NAD scheme; or  
18 (g) an ASDMAC member; or  
19 (h) a member of a committee established under section 48; or  
20 (i) an individual attending a meeting of:  
21 (i) the ASADA; or  
22 (ii) a committee established under section 48.

23 Note: For *person*, see paragraph 22(1)(a) of the *Acts Interpretation Act*  
24 *1901*.

25 **70 Designated associates**

- 26 (1) For the purposes of this Act, each of the following is a *designated*  
27 *associate* of a person:  
28 (a) if the person is a body corporate—a director, officer or  
29 employee of the body corporate;  
30 (b) if the person is not a body corporate—an employee of the  
31 person.

**Section 71**

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- 1 (2) For the purposes of this Act, each of the following is a *designated*  
2 *associate* of a partnership:  
3 (a) if a partner is an individual—the individual;  
4 (b) if a partner is a body corporate:  
5 (i) the body corporate;  
6 (ii) a director or officer of the body corporate;  
7 (c) an employee of the partnership.

8 **71 Protection of NAD scheme personal information**

- 9 (1) A person commits an offence if:  
10 (a) the person is or was an entrusted person; and  
11 (b) when the person was an entrusted person, the person obtained  
12 NAD scheme personal information; and  
13 (c) the person discloses the information to someone else.

14 Penalty: Imprisonment for 2 years.

- 15 (2) Each of the following is an exception to the prohibition in  
16 subsection (1):  
17 (a) a disclosure for the purposes of this Act;  
18 (b) a disclosure for the purposes of the NAD scheme;  
19 (c) a disclosure with the consent of the individual to whom the  
20 NAD scheme personal information relates;  
21 (d) a disclosure to the individual to whom the NAD scheme  
22 personal information relates;  
23 (e) a disclosure to the Australian Federal Police;  
24 (f) a disclosure to the Australian Customs Service;  
25 (g) a disclosure prescribed by the regulations.

26 Note 1: A defendant bears an evidential burden in relation to a matter in  
27 subsection (2) (see subsection 13.3(3) of the *Criminal Code*).

28 Note 2: For prescribing by class, see subsection 13(3) of the *Legislative*  
29 *Instruments Act 2003*.

- 30 (3) If a disclosure of NAD scheme personal information is covered by  
31 subsection (2), the disclosure is authorised by this section.  
32 (4) An entrusted person is not to be required to disclose NAD scheme  
33 personal information to a court, except:

- 1 (a) where it is necessary to do so for the purposes of giving  
2 effect to this Act or the NAD scheme; or  
3 (b) for the purposes of a criminal proceeding (including a  
4 proceeding to determine whether a person should be tried for  
5 an offence).
- 6 For this purpose, *court* includes any tribunal, authority or person  
7 having power to require the production of documents or the  
8 answering of questions.

9 **72 Protection of contract services personal information**

- 10 (1) A person commits an offence if:  
11 (a) the person is or was an entrusted person; and  
12 (b) when the person was an entrusted person, the person obtained  
13 contract services personal information; and  
14 (c) the person discloses the information to someone else.
- 15 Penalty: Imprisonment for 2 years.
- 16 (2) Each of the following is an exception to the prohibition in  
17 subsection (1):  
18 (a) a disclosure for the purposes of this Act;  
19 (b) a disclosure for the purposes of the provision of the services  
20 to which the contract services personal information relates;  
21 (c) a disclosure with the consent of the individual to whom the  
22 contract services personal information relates;  
23 (d) a disclosure to the individual to whom the contract services  
24 personal information relates;  
25 (e) a disclosure to the Australian Federal Police;  
26 (f) a disclosure to the Australian Customs Service;  
27 (g) a disclosure to any of the following:  
28 (i) the Commonwealth, a State or a Territory;  
29 (ii) the ASC or any sports academy, sports institute, or other  
30 similar body, of a State or Territory;  
31 that the ASADA believes provides support (whether direct or  
32 indirect and whether by way of financial assistance or  
33 otherwise) to the individual to whom the contract services  
34 personal information relates;

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- 1 (h) a disclosure prescribed by the regulations.
- 2 Note 1: A defendant bears an evidential burden in relation to a matter in  
3 subsection (2) (see subsection 13.3(3) of the *Criminal Code*).
- 4 Note 2: For prescribing by class, see subsection 13(3) of the *Legislative*  
5 *Instruments Act 2003*.
- 6 (3) If a disclosure of contract services personal information is covered  
7 by subsection (2), the disclosure is authorised by this section.
- 8 (4) An entrusted person is not to be required to disclose contract  
9 services personal information to a court, except:
- 10 (a) where it is necessary to do so for the purposes of giving  
11 effect to:
- 12 (i) this Act; or  
13 (ii) a contract for the provision of the services to which the  
14 contract services personal information relates; or
- 15 (b) for the purposes of a criminal proceeding (including a  
16 proceeding to determine whether a person should be tried for  
17 an offence).
- 18 For this purpose, *court* includes any tribunal, authority or person  
19 having power to require the production of documents or the  
20 answering of questions.

21 **73 Operation of *Privacy Act 1988* is not affected**

22 Nothing in this Act or the NAD scheme limits the operation of the  
23 *Privacy Act 1988*.

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**Part 9—Other matters**

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**74 Annual report**

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- (1) The ASADA must, as soon as practicable after the end of each financial year, prepare and give to the Minister a report of the ASADA's operations during the financial year.

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Note: See also section 34C of the *Acts Interpretation Act 1901*.

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- (2) The Minister must cause a copy of each report under this section to be tabled in each House of the Parliament within 15 sitting days of that House after the day on which the Minister receives the report.

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**75 Minister may require ASADA to prepare reports or give information**

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*Reports*

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- (1) The Minister may, by written notice given to the ASADA, require the ASADA:
- (a) to prepare a report about one or more specified matters relating to the performance of the ASADA's functions; and
  - (b) give a copy of the report to the Minister within the period specified in the notice.

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*Information*

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- (2) The Minister may, by written notice given to the ASADA, require the ASADA to:
- (a) prepare a document setting out specified information relating to the performance of the ASADA's functions; and
  - (b) give a copy of the document to the Minister within the period specified in the notice.

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1 *Compliance*

- 2 (3) The ASADA must comply with a requirement under subsection (1)  
3 or (2).

4 *Publication of reports and documents*

- 5 (4) The Minister may cause to be published:  
6 (a) a report under subsection (1); or  
7 (b) a document under subsection (2).

8 *Application of Legislative Instruments Act 2003*

- 9 (5) A report under subsection (1) is not a legislative instrument.  
10 (6) A document under subsection (2) is not a legislative instrument.  
11 (7) A notice under subsection (1) or (2) is not a legislative instrument.

12 **76 Exemption from taxation**

13 *Income tax*

- 14 (1) To avoid doubt, for the purposes of section 50-25 of the *Income*  
15 *Tax Assessment Act 1997*, the ASADA is taken to be a public  
16 authority constituted under an Australian law.

17 Note: This means that the ASADA is exempt from income tax.

18 *State/Territory taxes*

- 19 (2) To avoid doubt, the ASADA is not subject to taxation under a law  
20 of a State or Territory, if the Commonwealth is not subject to the  
21 taxation.

22 **77 ASADA Chair not subject to direction by ASADA on certain**  
23 **matters**

24 The ASADA Chair is not subject to direction by the ASADA in  
25 relation to the ASADA Chair's performance of functions, or  
26 exercise of powers, under the *Financial Management and*  
27 *Accountability Act 1997* or the *Public Service Act 1999*.

**78 Protection from civil actions**

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- (1) Each of the following:
- (a) an ASADA member;
  - (b) a member of the ASADA staff;
  - (c) an individual whose services are made available to the ASADA under section 50;
  - (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 ASADA; or
  - (f) in the exercise or purported exercise of any power of the ASADA.
- (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 ASADA or 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 ASADA; or
  - (b) in the exercise or purported exercise of any power of the ASADA.
- (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 or the ASDMAC alleging a possible violation of an anti-doping rule;

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- 1 (b) the making of a statement to, or the giving of a document or  
2 information to, the ASADA or the ASDMAC in connection  
3 with an investigation under the NAD scheme;
- 4 (c) the making of a statement to, or the giving of a document or  
5 information to, the ASADA or the ASDMAC that may be  
6 capable of supporting an allegation of a possible violation of  
7 an anti-doping rule;
- 8 (d) the making of a statement to, or the giving of a document or  
9 information to, the ASADA in connection with the  
10 performance by the ASADA of any of its functions under the  
11 NAD scheme;
- 12 (e) the making of a statement to, or the giving of a document or  
13 information to, the ASDMAC in connection with the  
14 performance by the ASDMAC of any of its functions under  
15 the NAD scheme.

16 **79 Regulations**

- 17 The Governor-General may make regulations prescribing matters:  
18 (a) required or permitted by this Act to be prescribed; or  
19 (b) necessary or convenient to be prescribed for carrying out or  
20 giving effect to this Act.