



Australian Sports Anti-Doping Authority Amendment Act 2014

No. 121, 2014

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

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

Contents

1	Short title.....	1
2	Commencement.....	2
3	Schedule(s).....	2
Schedule 1—Prohibited association		3
	<i>Australian Sports Anti-Doping Authority Act 2006</i>	3
Schedule 2—Australian Sports Drug Medical Advisory Committee		4
	<i>Australian Sports Anti-Doping Authority Act 2006</i>	4
Schedule 3—Violations List		8
Part 1—Amendments		8
	<i>Australian Sports Anti-Doping Authority Act 2006</i>	8
Part 2—Application provisions		13
Schedule 4—Information management		14
Part 1—Amendment of the Australian Sports Anti-Doping Authority Act 2006		14
Part 2—Amendment of the Customs Administration Act 1985		19
Part 3—Application provisions		20
Schedule 5—Other amendments		21
Part 1—Amendments		21
	<i>Australian Sports Anti-Doping Authority Act 2006</i>	21
	<i>Australian Sports Commission Act 1989</i>	23
Part 2—Application provisions		24
Schedule 6—Simplified outlines		25
	<i>Australian Sports Anti-Doping Authority Act 2006</i>	25



Australian Sports Anti-Doping Authority Amendment Act 2014

No. 121, 2014

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

[Assented to 26 November 2014]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Australian Sports Anti-Doping Authority Amendment Act 2014*.

2 Commencement

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

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	26 November 2014
2. Schedules 1 to 5	1 January 2015.	1 January 2015
3. Schedule 6	Immediately after the commencement of the provision(s) covered by table item 2.	1 January 2015

Note: This table relates only to the provisions of this Act as originally enacted.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

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

3 Schedule(s)

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

Schedule 1—Prohibited association

Australian Sports Anti-Doping Authority Act 2006

1 Section 4 (definition of *athlete*)

Repeal the definition, substitute:

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

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

2 Section 4 (definition of *support person*)

Repeal the definition, substitute:

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

3 After paragraph 13(1)(f)

Insert:

- (fa) authorise the CEO to notify an athlete or other person that association, in a professional or sport-related capacity, by the athlete or other person with a support person described in Article 2.10.1, 2.10.2 or 2.10.3 of the World Anti-Doping Code may be a possible violation of the anti-doping rules; and

Schedule 2—Australian Sports Drug Medical Advisory Committee

Australian Sports Anti-Doping Authority Act 2006

1 Section 4

Insert:

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

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

2 Section 4 (paragraph (b) of the definition of *vacancy*)

After “ASDMAC”, insert “primary”.

3 Paragraph 5(2)(a)

After “ASDMAC”, insert “primary”.

4 Subsection 5(2)

Omit “ASDMAC members in addition to the ASDMAC Chair”, substitute “ASDMAC primary members”.

5 Paragraph 53(b)

Omit “other”, substitute “primary”.

6 At the end of section 53

Add:

; (c) 3 review members.

7 After subsection 54(2)

Insert:

(2AA) At least one person appointed as an ASDMAC primary member must possess general experience in the care and treatment of athletes with impairments.

8 Subsection 56(2)

Repeal the subsection, substitute:

Acting ASDMAC primary member

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

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

Acting ASDMAC review member

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

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

9 Paragraph 56(3)(b)

Repeal the paragraph, substitute:

- (b) an ASDMAC primary member; or
- (c) an ASDMAC review member;

10 After subsection 65(1)

Insert:

- (1A) Regulations made for the purposes of paragraph (1)(b) may make different provision in relation to meetings of any or all of the following ASDMAC members:
- (a) the ASDMAC Chair;
 - (b) ASDMAC primary members;
 - (c) ASDMAC review members.

11 Subsection 65(2)

Omit “the ASDMAC if”, substitute “ASDMAC members (other than ASDMAC review members) if”.

12 Paragraphs 65(2)(a) and (b)

Before “ASDMAC members” (wherever occurring), insert “those”.

13 After subsection 65(2)

Insert:

- (2A) A resolution is taken to have been passed at a meeting of ASDMAC review members if:
- (a) without meeting, a majority of the ASDMAC review members indicate agreement with the resolution in accordance with the method determined by the ASDMAC under subsection (4); and
 - (b) all the ASDMAC review members were informed of the proposed resolution, or reasonable efforts had been made to inform all the ASDMAC review members of the proposed resolution.

14 Subsection 65(3)

After “(2)(a)”, insert “or (2A)(a)”.

15 Subsection 65(4)

After “Subsection (2)”, insert “or (2A)”.

16 Paragraph 65(4)(a)

Omit “it”, substitute “that subsection”.

17 Paragraph 65(4)(b)

After “which”, insert “the relevant”.

18 Transitional—ASDMAC members

If, immediately before the commencement of this Schedule, a person is an ASDMAC member (other than the Chair), the person is taken, on that commencement, to be an ASDMAC primary member.

Schedule 3—Violations List

Part 1—Amendments

Australian Sports Anti-Doping Authority Act 2006

1 Section 4

Insert:

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

2 Section 4 (definition of *finding*)

Repeal the definition.

3 Section 4

Insert:

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

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

4 Subparagraph 10(1)(a)(vi)

Omit “other than information relating to an entry on the register mentioned in paragraph 13(1)(i)”, substitute “other than information included in the Violations List”.

5 Paragraph 13(1)(h)

Omit “findings”, substitute “assertions”.

6 Paragraph 13(1)(i)

Omit “establish and maintain a register of such findings”, substitute “notify the CEO of such assertions”.

7 Paragraph 13(1)(j)

Omit “findings on the register mentioned in paragraph (i)”, substitute “such assertions”.

8 Paragraph 13(1)(ja)

Omit “findings”, substitute “assertions”.

9 Subparagraph 13(1)(k)(i)

Omit “findings on the register”, substitute “assertions”.

10 Paragraph 13(1)(l)

Repeal the paragraph.

11 Paragraph 13(1)(m)

Omit “on and relating to the register”, substitute “relating to assertions”.

12 Subparagraph 13(1)(m)(ia)

After “required”, insert “or permitted”.

13 Subsection 14(3)

Repeal the subsection, substitute:

- (3) If the ADRVP proposes to make an assertion relating to an investigation of a possible violation of the anti-doping rules by an athlete or support person:
- (a) the athlete or support person has a right to be notified in writing about the proposal; and
 - (b) the athlete or support person has a right to make written submissions to the ADRVP about the proposal; and
 - (c) the athlete or support person has a right to be notified in writing of a decision of the ADRVP to make such an assertion.

14 Subsection 14(4)

Omit “to enter his or her name and particulars on the register mentioned in paragraph 13(1)(i)”, substitute “to make an assertion relating to an investigation of a possible violation of the anti-doping rules by the athlete or support person”.

15 Paragraphs 15(2)(d) and (e)

Omit “findings”, substitute “assertions”.

16 After Part 2

Insert:

Part 2A—Violations List

19A Violations List

- (1) The CEO must establish and maintain a list, to be known as the Violations List.
- (2) If the CEO becomes aware that an athlete or support person has been sanctioned by a sporting administration body in relation to an anti-doping rule violation, and:
 - (a) the time within which any appeal in relation to the sanction may be instituted has expired, and no such appeal has been instituted; or
 - (b) any appeal in relation to the sanction has been completed; or
 - (c) the athlete or support person has waived his or her right to any appeal in relation to the sanction;the CEO must, within 20 days of becoming so aware, include in the Violations List the information required by subsection (3).
- (3) The following information is required in relation to an anti-doping rule violation:
 - (a) the name of the athlete or support person;
 - (b) for an athlete:
 - (i) the athlete’s date of birth; and
 - (ii) the athlete’s sport; and
 - (iii) if the athlete is a member of a team—the team;
 - (c) the nature of the anti-doping rule violation;
 - (d) the date of the anti-doping rule violation;
 - (e) the consequences (within the meaning of the World Anti-Doping Code) of the anti-doping rule violation, including the period of ineligibility (if any) for the anti-doping rule violation.

- (4) The CEO may include in the Violations List any other information he or she considers appropriate.
- (5) Despite subsection (2), the CEO is not required to include in the Violations List any information in relation to an anti-doping rule violation, if:
 - (a) the anti-doping rule violation:
 - (i) was committed by an individual who was, at the time the anti-doping rule violation was committed, aged under 18; and
 - (ii) is the first anti-doping rule violation committed by the individual of which the CEO is aware; or
 - (b) the CEO is satisfied that the inclusion of the information is likely to prejudice a current investigation into a possible violation of the anti-doping rules; or
 - (c) WADA has authorised the non-inclusion of the information.
- (6) Information included in the Violations List in relation to an anti-doping rule violation must be removed from the Violations List:
 - (a) if there is a period of ineligibility for the anti-doping rule violation—at the later of the following times:
 - (i) at the end of the period of ineligibility;
 - (ii) at the end of the period of 1 month after its inclusion; or
 - (b) otherwise—1 month after its inclusion.
- (7) The NAD scheme may make provision for and in relation to either or both of the following:
 - (a) the correction of entries in the Violations List;
 - (b) any other matter relating to the administration or operation of the Violations List.
- (8) The Violations List is to be made available for public inspection on the internet.
- (9) The Violations List is not a legislative instrument.

17 Paragraph 21(1)(a)

Omit “Part 2”, substitute “this Act”.

18 Paragraph 21(1)(m)

Omit “this Act or”.

19 Subsection 41(1) (note)

Omit “(ha), (i) and (l)”, substitute “(ha) and (i)”.

Part 2—Application provisions

20 Application—findings

The:

- (a) amendments of paragraphs 13(1)(j), (ja), (k) and (m) of the *Australian Sports Anti-Doping Authority Act 2006* made by this Schedule; and
 - (b) repeal of paragraph 13(1)(l) of that Act by this Schedule;
- do not apply in relation to findings included on the register before the commencement of this Schedule.

21 Application—Violations List

Section 19A of the *Australian Sports Anti-Doping Authority Act 2006*, as inserted by this Schedule, applies in relation to anti-doping rule violations of which the CEO becomes aware after the commencement of this Schedule.

22 Application—Administrative Appeals Tribunal review

The amendment of subsection 14(4) of the *Australian Sports Anti-Doping Authority Act 2006* made by this Schedule does not apply in relation to a decision of the ADRVP made before the commencement of this Schedule.

Schedule 4—Information management

Part 1—Amendment of the Australian Sports Anti-Doping Authority Act 2006

1 Section 4

Repeal the following definitions:

- (a) definition of *contract services personal information*;
- (b) definition of *NAD scheme personal information*;
- (c) definition of *permitted anti-doping purpose*;
- (d) definition of *personal information*;
- (e) definition of *protected customs information*.

2 Section 4

Insert:

protected information means information that:

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

3 Paragraph 24J(2)(e)

Omit “71 or 72”, substitute “67”.

4 Subsection 24N(1)

Omit “(other than the power to give a disclosure notice)”.

5 Subsection 24N(2)

Repeal the subsection, substitute:

- (2) Subsection (1) does not apply to the following:
 - (a) the power to make a legislative instrument amending the NAD scheme;
 - (b) the power to give a disclosure notice;

- (c) the functions and powers of the CEO under Part 8 (information management).

6 After subsection 24N(3A)

Insert:

- (3B) The CEO may, by writing, delegate any or all of his or her functions or powers under Part 8 to a member of the ASADA staff who is an SES employee or an acting SES employee.

7 Paragraphs 37(2)(e), 50C(2)(e) and 63(3)(f)

Omit “71 or 72”, substitute “67”.

8 Division 1 of Part 8

Repeal the Division, substitute:

67 Secrecy

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

Penalty: Imprisonment for 2 years.

Exception

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

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

Court may not require information

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

68 Disclosure for the purposes of this Act etc.

An entrusted person may disclose protected information if:

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

68A Disclosure with consent

An entrusted person may disclose protected information if:

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

68B Disclosures to certain bodies and persons

Disclosures by authorised entrusted persons

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

Disclosures by the CEO

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

Bodies and persons

- (3) For the purposes of subsections (1) and (2), the bodies and persons are the following:
 - (a) a Department, agency or authority of the Commonwealth, a State or a Territory;
 - (b) the Australian Federal Police;
 - (c) a police force or police service of a State or Territory;
 - (d) a person who holds an office or appointment under a law of the Commonwealth, a State or a Territory;
 - (e) a body that has responsibility for law enforcement in a foreign country;
 - (f) a body that has responsibility for intelligence gathering for a foreign country;
 - (g) any other body or person prescribed by regulation.

Authorisation of entrusted persons

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

Conditions

- (5) The CEO may, by writing, impose conditions to be complied with by a body or person in relation to protected information disclosed to the body or person under subsection (1) or (2).

(6) An instrument under subsection (5) is not a legislative instrument.

68C Disclosure to reduce threat to life or health

An entrusted person may disclose protected information if:

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

68D Disclosure of publicly available information

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

68E Disclosure to respond to public comments

The CEO may disclose protected information if:

- (a) the information relates to an athlete or support person; and
- (b) public comments have been attributed to:
 - (i) the athlete or support person; or
 - (ii) a representative of the athlete or support person; and
- (c) the disclosure is for the purposes of the ASADA responding to the comments.

9 Division 2 of Part 8 (heading)

Repeal the heading.

10 Sections 71 to 73

Repeal the sections.

11 Subsection 74(2)

Repeal the subsection.

Part 2—Amendment of the Customs Administration Act 1985

12 After paragraph 16(9)(ib)

Insert:

- (ic) the administration of the NAD scheme (within the meaning of the *Australian Sports Anti-Doping Authority Act 2006*);

Part 3—Application provisions

13 Application—information management

The amendments made by this Schedule apply to disclosures of information made after the commencement of this Schedule, whether the information was obtained before or after that commencement.

14 Application—annual report

The repeal of subsection 74(2) of the *Australian Sports Anti-Doping Authority Act 2006* by this Schedule applies in relation to annual reports for financial years beginning after the commencement of this Schedule.

Schedule 5—Other amendments

Part 1—Amendments

Australian Sports Anti-Doping Authority Act 2006

1 Section 4 (definition of *accredited foreign laboratory*)

Repeal the definition.

2 Section 4 (paragraph (d) of the definition of *foreign sporting organisation*)

Omit “an accredited foreign laboratory”, substitute “a recognised laboratory in a foreign country”.

3 Section 4 (definition of *International Standard*)

Repeal the definition, substitute:

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

4 Section 4

Insert:

recognised laboratory means:

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

5 Section 4 (definition of *registered medical practitioner*)

Repeal the definition, substitute:

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

- (a) for a State or Territory other than Western Australia—the Health Practitioner Regulation National Law set out in the Schedule to the *Health Practitioner Regulation National Law*

Act 2009 (Qld), as it applies (with or without modification) as a law of the State or Territory; or

- (b) for Western Australia—the *Health Practitioner Regulation National Law (WA) Act 2010 (WA)*, so far as that Act corresponds to the Health Practitioner Regulation National Law set out in the Schedule to the *Health Practitioner Regulation National Law Act 2009 (Qld)*.

6 Section 4 (definition of safety checking service)

Repeal the definition.

7 Subsection 13(3)

Omit “8 years”, substitute “10 years”.

8 Subparagraph 21(1)(k)(ii)

Repeal the subparagraph.

9 Paragraph 21(2)(i)

Repeal the paragraph, substitute:

- (i) by way of the provision of an anti-doping testing service to a constitutional corporation, where:
- (i) the service involves testing one or more employees of the constitutional corporation; and
 - (ii) the results of the testing are relevant to the relationship between the constitutional corporation and the employee or employees; or

10 Paragraph 24(2)(b)

Omit “, or safety checking service,”.

11 Subparagraph 52(1)(c)(ii)

Omit “or safety checking services”.

12 Subparagraphs 58(3)(d)(iii) and (iv)

Omit “, or a safety checking service,”.

13 Paragraphs 59(4)(g) and (h)

Omit “, or safety checking service,”.

Australian Sports Commission Act 1989

14 Subsection 57A(2)

Omit “NAD scheme personal information”, substitute “protected information”.

Part 2—Application provisions

15 Application—statute of limitations

The amendment of subsection 13(3) of the *Australian Sports Anti-Doping Authority Act 2006* made by this Schedule applies in relation to violations alleged to have occurred on or after 1 January 2007.

Schedule 6—Simplified outlines

Australian Sports Anti-Doping Authority Act 2006

1 After section 2

Insert:

3 Simplified outline of this Act

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

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

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

The Advisory Group provides advice and recommendations to the CEO.

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

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

sports doping and safety matters, and gives information to sporting administration bodies about individual cases that involve sports doping and safety matters.

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

2 Before Division 1 of Part 2

Insert:

Division 1A—Simplified outline of this Part

8A Simplified outline of this Part

The regulations must prescribe a scheme, known as the NAD scheme. The NAD scheme implements the General Anti-Doping Convention and the UNESCO Anti-Doping Convention.

Certain matters must be in the NAD scheme (see Division 2). For example, the NAD scheme must:

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

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

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

3 Before section 19A

Insert:

19AA Simplified outline of this Part

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

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

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

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

4 Before section 20

Insert:

20AA Simplified outline of this Part

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

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

5 Before Division 1 of Part 3A

Insert:

Division 1A—Simplified outline of this Part

20CA Simplified outline of this Part

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

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

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

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

The CEO may delegate his or her functions and powers.

6 Before Division 1 of Part 4

Insert:

Division 1A—Simplified outline of this Part

25AA Simplified outline of this Part

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

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

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

7 Before Division 1 of Part 5

Insert:

Division 1A—Simplified outline of this Part**40A Simplified outline of this Part**

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

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

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

8 Before section 50F

Insert:

50FA Simplified outline of this Part

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

9 Before Division 1 of Part 7

Insert:

Division 1A—Simplified outline of this Part**51A Simplified outline of this Part**

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

The ASDMAC has various functions, including:

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

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

10 Before section 67

Insert:

67A Simplified outline of this Part

This Part contains provisions about the disclosure of protected information.

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

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

However, it is not an offence if the disclosure is authorised by this Part or is in compliance with a requirement of certain other laws.

This Part authorises the disclosure of protected information in certain circumstances, including:

- (a) if the disclosure is for the purposes of this Act; or

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

11 Before section 73A

Insert:

73AA Simplified outline of this Part

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

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

12 Before section 74

Insert:

74AA Simplified outline of this Part

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

*[Minister's second reading speech made in—
House of Representatives on 16 July 2014
Senate on 17 November 2014]*

(177/14)
