Australian Sports Anti-Doping Authority Amendment (Enhancing Australia's Anti-Doping Capability) Act 2020

No. 51, 2020

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

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

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Australian Sports Anti-Doping Authority Amendment (Enhancing Australia's Anti-Doping Capability) Act 2020

No. 51, 2020

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

[*Assented to 16 June 2020*]

The Parliament of Australia enacts:

1 Short title

This Act is the *Australian Sports Anti-Doping Authority Amendment (Enhancing Australia's Anti-Doping Capability) Act 2020.*

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2 Commencement

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

Commencement information		
Column 1	**Column 2**	**Column 3**
Provisions	**Commencement**	**Date/Details**
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	16 June 2020
2. Schedule 1, Parts 1 to 4	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	
3. Schedule 1, Part 5, Division 1	At the same time as the provisions covered by table item 2. However, the provisions do not commence at all if Schedule 1 to the *Australian Sports Anti-Doping Authority Amendment (Sport Integrity Australia) Act 2020* commences at or before that time.	
4. Schedule 1, Part 5, Division 2	Immediately after the commencement of the provisions covered by table item 2. However, the provisions do not commence at all unless Schedule 1 to the *Australian Sports Anti-Doping Authority Amendment (Sport Integrity Australia) Act 2020* commences on or before the day on which Part 1 of Schedule 1 to this Act commences.	

Note: This table relates only to the provisions of this Act as originally enacted.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.

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

3 Schedules

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

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Schedule 1—Amendments

Part 1—Anti-Doping Rule Violation Panel

Australian Sports Anti-Doping Authority Act 2006

1 Section 3

Omit "the Anti-Doping Rule Violation Panel (known as the ADRVP) and".

2 Section 3

Omit "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.".

3 Section 4

Repeal the following definitions:

(a) definition of ***ADRVP***;
(b) definition of ***ADRVP Chair***;
(c) definition of ***ADRVP member***.

4 Section 4 (definition of *sporting administration body*)

Omit "or the ADRVP".

5 Section 4 (paragraph (aa) of the definition of *vacancy*)

Repeal the paragraph.

6 Subsection 5(1A)

Repeal the subsection.

7 Section 8A

Omit "and review".

8 Paragraph 13(1)(h)

Omit "ADRVP", substitute "CEO".

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9 Paragraph 13(1)(i)

Repeal the paragraph.

10 Subparagraph 13(1)(k)(i)

Repeal the subparagraph, substitute:

(i) such assertions; and

11 Paragraph 13(1)(m)

Omit “assertions mentioned in paragraph (i)”, substitute “such assertions”.

12 Paragraph 13A(1A)(b)

Omit “rules; and”, substitute “rules.”.

13 Paragraph 13A(1A)(c)

Repeal the paragraph.

14 Subsection 14(1)

Omit “to (4)”, substitute “and (3)”.

15 Subsection 14(3)

Omit “ADRVP” (wherever occurring), substitute “CEO”.

16 Subsection 14(4)

Repeal the subsection.

17 Paragraph 15(2)(d)

Omit “ADRVP’s”, substitute “CEO’s”.

18 Paragraph 18(aa)

Repeal the paragraph.

19 Paragraph 21(1)(kb)

Repeal the paragraph.

20 Subsection 24A(2)

Repeal the subsection.

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21 Part 5

Repeal the Part.

22 Subparagraph 50F(d)(iv)

Repeal the subparagraph.

23 Subparagraph 50F(e)(ii)

Omit “section 21; and”, substitute “section 21.”.

24 Subparagraph 50F(e)(iv)

Repeal the subparagraph.

25 Subsection 54(2A)

Repeal the subsection.

26 Subsection 60(2)

Omit “the ADRVP,”.

27 Section 67A

Omit “or the ADRVP”.

28 Paragraph 68(d)

Repeal the paragraph.

29 Paragraphs 69(c) and (d)

Omit “, the ADRVP”.

30 Paragraph 69(fa)

Repeal the paragraph.

31 Subsection 78(1B)

Repeal the subsection.

32 Paragraphs 78(3)(a) and (b)

Omit “or the ADRVP”.

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33 Paragraphs 78(4)(a), (b) and (c)

Omit “, the ADRVP”.

34 Paragraph 78(4)(da)

Repeal the paragraph.

35 Saving and transitional provisions

Secrecy

(1) Part 8 of the *Australian Sports Anti-Doping Authority Act 2006*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a person who at any time before that commencement was:

(a) a person engaged by the Commonwealth to perform services for the ADRVP; or

(b) a designated associate of:

(i) a person; or

(ii) a partnership;

engaged by the Commonwealth to perform services for the ADRVP; or

(c) an ADRVP member.

Protection from civil actions

(2) Despite the repeal of subsection 78(1B) of the *Australian Sports Anti-Doping Authority Act 2006* made by this Part, that subsection, as in force immediately before the commencement of this item, continues to apply on and after that commencement to a former ADRVP member in relation to an act done or omitted to be done before that commencement.

(3) Subsection 78(3) of the *Australian Sports Anti-Doping Authority Act 2006*, as in force immediately before that commencement, continues to apply on or after that commencement in relation to a publication or disclosure in good faith made before that commencement:

(a) in the performance or purported performance of any function of the ADRVP; or

(b) in the exercise or purported exercise of any power of the ADRVP.

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

Records or documents

(5) Any records or documents that were in the possession of the ADRVP immediately before the commencement of this item are to be transferred to the CEO after that commencement.

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

Australian Sports Commission Act 1989

36 Section 57A (heading)

Omit "**or the Anti-Doping Rule Violation Panel**".

37 Paragraph 57A(1)(b)

Omit "; or", substitute ".".

38 Paragraph 57A(1)(c)

Repeal the paragraph.

39 Transitional provision

Paragraph 57A(1)(c) of the *Australian Sports Commission Act 1989*, as in force immediately before the commencement of this item, continues to apply in relation to the disclosure of information on or after that commencement by the Commission to the Chief Executive Officer of the Australian Sports Anti-Doping Authority.

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Part 2—Protection from civil actions

Australian Sports Anti-Doping Authority Act 2006

40 At the end of section 78

Add:

(5) A national sporting organisation of Australia, or a person performing work or services for the organisation, is not liable to an action or other proceeding for damages for or in relation to an act done or omitted to be done in good faith in implementing or enforcing the organisation's anti-doping policy.

41 Application provision

The amendment made by this Part applies in relation to acts or omissions occurring on or after the commencement of this item.

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Part 3—Disclosure to courts or tribunals

Australian Sports Anti-Doping Authority Act 2006

42 Subsection 67(3)

Omit “an entrusted person”, substitute “a person”.

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Part 4—Disclosure notices

Australian Sports Anti-Doping Authority Act 2006

45 Subsection 13B(3)

Omit "at the times that the person would ordinarily be able to do so", substitute "at such times and places as the CEO thinks appropriate".

46 Subsections 13C(1), (3) and (4) (penalty)

Omit "30", substitute "60".

47 Subsections 13D(1) to (2)

Repeal the subsections, substitute:

(1) A person is not excused from answering a question, giving information or producing a document or thing as required by a disclosure notice given to the person on the ground that the answer to the question, the information or the production of the document or thing might tend to incriminate the person or expose the person to a penalty.

(2) However, in the case of an individual:

(a) the answer given, the information given or the document or thing produced; and

(b) answering the question, giving the information or producing the document or thing; and

(c) any information, document or thing obtained as a direct or indirect consequence of the answering of the question, giving the information or producing the document or thing;

are not admissible in evidence against the individual in any proceedings, other than:

(d) proceedings for an offence against section 137.1 or 137.2 of the *Criminal Code* that relates to this Act; or

(e) proceedings in connection with this Act or the regulations.

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48 Application provision

The amendments made by this Part apply in relation to disclosure notices given on or after the commencement of this item.

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Part 5—Contingent amendments

Division 1—First contingency

Australian Sports Anti-Doping Authority Act 2006

49 Paragraphs 50F(a) and (b)

Repeal the paragraphs, substitute:

(a) the Australian Sports Anti-Doping Authority is a listed entity; and

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

Omit "listed entity", substitute "Australian Sports Anti-Doping Authority".

Freedom of Information Act 1982

51 Schedule 3

Before:

Banking Act 1959, subsection 69A(2)

insert:

Australian Sports Anti-Doping Authority Act 2006, section 67

Division 2—Second contingency

Sport Integrity Australia Act 2020

52 Paragraphs 50F(a) and (b)

Repeal the paragraphs, substitute:

(a) Sport Integrity Australia is a listed entity; and

53 Paragraphs 50F(c), (d) and (e)

Omit "the listed entity", substitute "Sport Integrity Australia".

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

(203/19)

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