



Australian Sports Anti-Doping Authority Amendment (Sport Integrity Australia) Regulations 2020

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 25 June 2020

David Hurley
Governor-General

By His Excellency's Command

Richard Colbeck
Minister for Youth and Sport

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1 Name

This instrument is the *Australian Sports Anti-Doping Authority Amendment (Sport Integrity Australia) Regulations 2020*.

2 Commencement

- (1) Each provision of this instrument 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. The whole of this instrument	1 July 2020.	1 July 2020

Note: This table relates only to the provisions of this instrument as originally made.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

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

3 Authority

This instrument is made under the following:

- (a) the *Sport Integrity Australia Act 2020*;
- (b) the *Australian Crime Commission Act 2002*;
- (c) the *Customs Act 1901*;
- (d) the *Commonwealth Electoral Act 1918*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Name changes

Part 1—Main amendments

Australian Sports Anti-Doping Authority Regulations 2006

1 Regulation 1

Omit “*Australian Sports Anti-Doping Authority Regulations 2006*”, substitute “*Sport Integrity Australia Regulations 2020*”.

2 Regulation 1A (heading)

Repeal the heading, substitute:

1A Definitions

3 Regulation 1A (definition of Act)

Omit “*Australian Sports Anti-Doping Authority Act 2006*”, substitute “*Sport Integrity Australia Act 2020*”.

4 Paragraph 1.02(1)(g) of Schedule 1

Omit “the ASADA”, substitute “Sport Integrity Australia”.

5 Subclause 1.03(2) of Schedule 1

Omit “the ASADA”, substitute “Sport Integrity Australia”.

6 Subclause 1.03(2) of Schedule 1 (note)

Omit “of the *Australian Sports Anti-Doping Authority Regulations 2006*”.

7 Clause 1.03B of Schedule 1 (note)

Omit “of the *Australian Sports Anti-Doping Authority Regulations 2006*”.

8 Clause 1.05 of Schedule 1 (definition of Act)

Omit “*Australian Sports Anti-Doping Authority Act 2006*”, substitute “*Sport Integrity Australia Act 2020*”.

9 Clause 1.05 of Schedule 1 (definition of ASADA representative)

Repeal the definition.

10 Clause 1.05 of Schedule 1 (definition of government sports agency)

Omit “ASADA”, substitute “Sport Integrity Australia”.

11 Clause 1.05 of Schedule 1 (definition of national anti-doping organisation)

Omit “ASADA”, substitute “Sport Integrity Australia”.

12 Clause 1.05 of Schedule 1 (definition of sporting tribunal)

After “CAS”, insert “, the National Sports Tribunal”.

13 Clause 1.05 of Schedule 1

Insert:

Sport Integrity Australia representative means:

- (a) a blood collection official; or
- (b) a chaperone; or
- (c) a doping control officer; or
- (d) an investigator.

14 Subclause 1.08(2) of Schedule 1 (note)

Omit “ASADA representatives and ASADA staff”, substitute “Sport Integrity Australia representatives and Sport Integrity Australia staff”.

15 Subdivision 3.1.1 of Division 3.1 of Part 3 of Schedule 1 (heading)

Repeal the heading, substitute:

Subdivision 3.1.1—Sport Integrity Australia representatives

16 Paragraph 3.06(2)(b) of Schedule 1

Omit “ASADA staff”, substitute “Sport Integrity Australia staff”.

17 Subclause 3.07(1) of Schedule 1

Omit “an ASADA representative”, substitute “a Sport Integrity Australia representative”.

18 Subclauses 3.07(1) and (2) of Schedule 1

Omit “the ASADA representative”, substitute “the Sport Integrity Australia representative”.

19 Subclause 3.08(1) of Schedule 1

Omit “an ASADA representative”, substitute “a Sport Integrity Australia representative”.

20 Subclause 3.08(2) of Schedule 1

Omit “If an ASADA representative”, substitute “If a Sport Integrity Australia representative”.

21 Paragraph 3.08(2)(a) of Schedule 1

Omit “another ASADA representative to carry out the duties of an ASADA representative”, substitute “another Sport Integrity Australia representative to carry out the duties of a Sport Integrity Australia representative”.

22 Paragraph 3.26B(5)(d) of Schedule 1

Omit “the ASADA”, substitute “Sport Integrity Australia”.

23 Paragraph 3.26B(5)(d) of Schedule 1 (note)

Omit “ASADA”, substitute “Sport Integrity Australia”.

24 Paragraph 4.07A(3)(g) of Schedule 1

Omit “the ASADA”, substitute “Sport Integrity Australia”.

25 Paragraphs 5A.01(1)(c) and (2)(a) of Schedule 1

Omit “ASADA”, substitute “Sport Integrity Australia”.

26 Subclause 6.03(4) of Schedule 1

Repeal the subclause, substitute:

- (4) The fees to be charged must be published on Sport Integrity Australia’s website.

Part 2—Consequential amendments

Australian Crime Commission Regulations 2018

27 Clause 2 of Schedule 9 (table item 1)

Omit “*Australian Sports Anti-Doping Authority Act 2006*”, substitute “*Sport Integrity Australia Act 2020*”.

Customs (Prohibited Imports) Regulations 1956

28 Paragraph 5G(3)(a)

Omit “*Australian Sports Anti-Doping Authority Act 2006*”, substitute “*Sport Integrity Australia Act 2020*”.

29 Subparagraph 5G(3)(b)(i)

Omit “*Australian Sports Anti-Doping Authority Act 2006*”, substitute “*Sport Integrity Australia Act 2020*”.

Electoral and Referendum Regulation 2016

30 Clause 1 of Schedule 1 (table item 9A)

Repeal the item.

31 Clause 1 of Schedule 1 (at the end of the table)

Add:

27	Sport Integrity Australia	The administration of the National Anti-Doping Scheme (within the meaning of the <i>Sport Integrity Australia Act 2020</i>)
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Schedule 2—Athlete changes

Australian Sports Anti-Doping Authority Regulations 2006

1 Clause 1.05 of Schedule 1 (definition of *national-level athlete*)

Omit “an event, training camp, exhibition or practice organised or sanctioned by his or her national sporting organisation or professional league”, substitute “a sporting event or sporting competition declared under subclause 1.05A(1) and published on Sport Integrity Australia’s website under subclause 1.05A(3)”.

2 After clause 1.05 of Schedule 1

Insert:

1.05A Declaration of sporting events or sporting competitions

- (1) The CEO may, in writing, declare a sporting event or sporting competition for the purposes of the definition of *national-level athlete* in clause 1.05.

Note: For specification by class, see subsection 33(3AB) of the *Acts Interpretation Act 1901*.

- (2) The CEO may do so only if the CEO is satisfied that:
- (a) the sporting event or sporting competition is administered, approved or sanctioned by a national sporting organisation; or
 - (b) the sporting event or sporting competition is conducted by another body or person at the national level.
- (3) The CEO must publish the declaration on Sport Integrity Australia’s website.

3 Subclause 4.07A(1) of Schedule 1

Repeal the subclause, substitute:

Application of clause

- (1) This clause applies if:
- (a) the CEO receives evidence or information showing a possible non-presence anti-doping rule violation in relation to a participant; and
 - (b) the participant is a national-level athlete, an international-level athlete or a support person; and
 - (c) following a review of the evidence or information, the CEO determines there has been a possible non-presence anti-doping rule violation.
- (1A) This clause also applies if:
- (a) the CEO receives evidence or information showing a possible non-presence anti-doping rule violation in relation to a participant; and
 - (b) the participant is an athlete who is neither a national-level athlete nor an international-level athlete; and
 - (c) following a review of the evidence or information:
 - (i) if the possible non-presence anti-doping rule violation is one under clause 2.01C or 2.01E—the CEO determines there has been a possible non-presence anti-doping rule violation; or

- (ii) in any other case—the CEO determines there has been a possible non-presence anti-doping rule violation and determines the possible violation warrants action by the CEO.

4 Before subclause 4.07A(2) of Schedule 1

Insert:

Notification to participant

Schedule 3—Application and transitional provisions

Australian Sports Anti-Doping Authority Regulations 2006

1 At the end of Part 7 of Schedule 1

Add:

Division 2—Amendments made by the Australian Sports Anti-Doping Authority Amendment (Sport Integrity Australia) Regulations 2020

7.04 Functions and powers of CEO

- (1) For the purposes of paragraph 1.02(1)(g) of this Schedule, a referral to the ASADA as mentioned in that paragraph before the commencement of this clause has effect on and after that commencement as if it were a referral to Sport Integrity Australia.
- (2) For the purposes of subclause 1.03(2) of this Schedule, information given to the ASADA as mentioned in that subclause before the commencement of this clause has effect on and after that commencement as if it were information given to Sport Integrity Australia.

7.05 Identity cards

If:

- (a) an identity card mentioned in clause 3.06 of this Schedule was in effect immediately before the commencement of this clause; and
- (b) the card displayed the signature of a person who was a member of ASADA staff immediately before that commencement;

then, while that person is a member of Sport Integrity Australia staff, the card has effect on and after that commencement as if it displayed the signature of that person as a member of Sport Integrity Australia staff.

7.06 ASADA representatives

- (1) A person who was an ASADA representative immediately before the commencement of this clause is taken on and after that commencement to be a Sport Integrity Australia representative.
- (2) A direction given before the commencement of this clause in relation to an ASADA representative as mentioned in paragraph 3.08(2)(a) of this Schedule has effect on and after that commencement as if it had been given in relation to a Sport Integrity Australia representative.
- (3) If, before the commencement of this clause, a thing was done by, or in relation to, an ASADA representative for the purposes of the NAD scheme, then the thing has effect, on and after that commencement, as if it had been done by, or in relation to, a Sport Integrity Australia representative.

7.07 Notices

- (1) A disclosure notice given before the commencement of this clause that included information about how to contact the ASADA as mentioned in paragraph 3.26B(5)(d) of this Schedule has effect on and after that commencement as if it included information about how to contact Sport Integrity Australia.
- (2) A notice given before the commencement of this clause that included a statement that the ASADA may publicly disclose details of an assertion as mentioned in paragraph 4.07A(3)(g) of this Schedule has effect on and after that commencement as if it included a statement that Sport Integrity Australia may publicly disclose details of an assertion.
- (3) A notice given before the commencement of this clause to ASADA as mentioned in paragraph 5A.01(1)(c) of this Schedule has effect on and after that commencement as if it had been a notice given to Sport Integrity Australia.

7.08 Retired athletes

If, at any time before the commencement of this clause, a person was a national level athlete in a registered testing pool as mentioned in paragraph 5A.01(1)(a) of this Schedule, then, on and after that commencement, the person remains a person who was a national level athlete in a registered testing pool for the purposes of that paragraph.

7.09 Possible non-presence anti-doping rule violations

The amendments of clause 4.07A of this Schedule made by Schedule 2 to the *Australian Sports Anti-Doping Authority Amendment (Sport Integrity Australia) Regulations 2020* apply in relation to evidence or information showing a possible non-presence anti-doping rule violation that the CEO receives on or after the commencement of this clause.