



Sport Integrity Australia Amendment (World Anti-Doping Code Review) Act 2020

No. 126, 2020

**An Act to amend the law relating to sport, 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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Sport Integrity Australia Amendment (World Anti-Doping Code Review) Act 2020

No. 126, 2020

An Act to amend the law relating to sport, and for related purposes

[Assented to 15 December 2020]

The Parliament of Australia enacts:

1 Short title

This Act is the *Sport Integrity Australia Amendment (World Anti-Doping Code Review) Act 2020*.

No. 126, 2020

*Sport Integrity Australia Amendment (World Anti-Doping Code
Review) 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. The whole of this Act	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.	1 January 2021 (F2020N00169)

Note: This table relates only to the provisions of this Act as originally enacted.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 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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Part 1—Main amendments

Sport Integrity Australia Act 2020

1 Section 4 (definition of *athlete*)

Repeal the definition, substitute:

athlete means a person:

- (a) who competes in sport or who has at any time in the last 6 months competed in sport; and
- (b) who is subject to the NAD scheme.

2 Section 4

Insert:

non-participant means a person:

- (a) who is neither an athlete nor a support person; and
- (b) who is bound by a sporting administration body’s anti-doping policy.

3 Section 8A

Omit “and support persons”, substitute “, support persons and non-participants”.

4 After subparagraph 10(1)(a)(ii)

Insert:

- (ia) the classes of non-participants who are subject to the NAD scheme;

5 Section 13 (heading)

Omit “and support persons”, substitute “, support persons and non-participants”.

6 Paragraph 13(1)(a)

Repeal the paragraph, substitute:

- (a) provide that one or more specified classes of persons who compete in sport, or who have at any time in the last 6 months competed in sport, are subject to the NAD scheme; and
- (aa) provide that one or more specified classes of support persons are subject to the NAD scheme; and
- (ab) provide that all non-participants, or that one or more specified classes of non-participants, are subject to the NAD scheme; and

7 Paragraph 13(1)(fa)

Repeal the paragraph.

8 Paragraph 13(1)(j)

After “support persons”, insert “, non-participants”.

9 Subparagraph 13(1)(m)(ii)

Omit “or support person”, substitute “, support person or non-participant”.

10 Subsection 13(3)

Omit “or support person”, substitute “, support person or non-participant”.

11 Section 14 (heading)

Omit “and support persons”, substitute “, support persons and non-participants”.

12 Subsection 14(1)

Omit “and support persons”, substitute “, support persons and non-participants”.

13 Subsection 14(3)

Omit “or support person” (wherever occurring), substitute “, support person or non-participant”.

14 Subsection 14(5)

Omit “or support person”, substitute “, support person or non-participant”.

15 Paragraph 15(2)(a)

Omit “and support persons”, substitute “, support persons and non-participants”.

16 Section 19AA

Omit “or support person”, substitute “, support person or non-participant”.

17 Subsection 19A(2)

Omit “or support person” (wherever occurring), substitute “, support person or non-participant”.

18 Paragraph 19A(3)(a)

Omit “or support person”, substitute “, support person or non-participant”.

19 Paragraph 19A(5)(a)

Repeal the paragraph, substitute:

- (a) the anti-doping rule violation was committed by an individual who was aged under 18 at the time the anti-doping rule violation was committed; or
- (aa) the CEO is satisfied that, taking into account the mental capacity of the individual who committed the anti-doping rule violation, the individual does not understand the anti-doping rules; or
- (ab) the CEO is satisfied that the anti-doping rule violation was committed by an individual:
 - (i) who is an athlete who competes in sport for recreational purposes; and
 - (ii) who has neither been a national-level athlete (within the meaning of the NAD scheme) nor an international-level athlete (within the meaning of that scheme) at any time in the 5 years before the individual committed the anti-doping rule violation; or

20 Paragraph 24(2)(a)

Omit “or a particular support person,” substitute “or a particular support person or a particular non-participant.”

21 After subparagraph 58(3)(d)(ii)

Insert:

(iia) a non-participant who is subject to the NAD scheme; or

22 After paragraph 59(4)(f)

Insert:

(fa) the matter concerns a non-participant who is subject to the NAD scheme, and the member is related to, or has some involvement in the affairs of, that non-participant; or

23 Paragraph 68E(a)

Omit “or support person”, substitute “, support person or non-participant”.

24 Paragraph 68E(b)

After “attributed to”, insert “or based on information provided by”.

25 Subparagraphs 68E(b)(i) and (ii)

Omit “or support person”, substitute “, support person or non-participant”.

26 Application and transitional provisions

- (1) In working out on or after the commencement of this item whether a person is an athlete for the purposes of the *Sport Integrity Australia Act 2020*, or regulations under that Act, on the basis of the person having at any time in the last 6 months competed in sport, disregard any competing in sport that occurred before that commencement.
- (2) The amendment made by item 19 applies in relation to anti-doping rule violations committed on or after the commencement of this item.
- (3) The amendment made by item 24 applies in relation to the disclosure of protected information on or after the commencement of this item, where

the information referred to in paragraph 68E(b) of the *Sport Integrity Australia Act 2020* was provided on or after that commencement.

Part 2—Consequential amendments

National Sports Tribunal Act 2019

27 Paragraph 22(1)(b)

Omit “an athlete or support person”, substitute “a person”.

28 Subsection 22(1)

Omit “the athlete or support person” (wherever occurring), substitute “the person”.

29 Paragraph 22(2)(b)

Omit “an athlete or support person”, substitute “a person”.

30 Subsection 22(2)

Omit “the athlete or support person” (wherever occurring), substitute “the person”.

31 Paragraph 22(3)(a)

Omit “the athlete or support person”, substitute “the person”.

32 Paragraph 31(2)(c)

Omit “the athlete or support person”, substitute “the person who made the application”.

33 Paragraph 32(1)(b)

Omit “an athlete or support person”, substitute “a person”.

34 Paragraph 32(1)(c)

Omit “athlete or support person”, substitute “person”.

35 Subsection 32(1)

Omit “athlete, support person”, substitute “person”.

36 Paragraph 32(2)(b)

Omit “an athlete or support person”, substitute “a person”.

37 Paragraphs 32(2)(c) and (h)

Omit “athlete or support person”, substitute “person”.

38 Subsection 32(2)

Omit “athlete, support person”, substitute “person”.

39 Paragraph 32(4)(a)

Omit “athlete or support person”, substitute “person referred to in paragraph (1)(b) or (2)(b)”.

40 Paragraph 33(1)(c)

Omit “an athlete or support person”, substitute “a person”.

41 Paragraph 33(1)(d)

Omit “athlete or support person”, substitute “person”.

42 Subsection 33(1)

Omit “athlete, support person”, substitute “person”.

43 Paragraph 33(2)(c)

Omit “an athlete or support person”, substitute “a person”.

44 Paragraphs 33(2)(d) and (h)

Omit “athlete or support person”, substitute “person”.

45 Subsection 33(2)

Omit “athlete, support person”, substitute “person”.

46 Paragraph 33(4)(a)

Omit “athlete or support person”, substitute “person referred to in paragraph (1)(c) or (2)(c)”.

47 Paragraph 64(2)(a)

After “support person”, insert “, other person”.

48 Saving provision

The amendments made by this Part do not affect the validity of an application or appeal made by an athlete or support person to the National Sports Tribunal before the commencement of this item.

*[Minister's second reading speech made in—
Senate on 26 August 2020
House of Representatives on 10 December 2020]*

(98/20)

10 *Sport Integrity Australia Amendment (World Anti-Doping Code
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