Commonwealth Coat of Arms

Australian Sports Anti‑Doping Authority Regulations 2006

Select Legislative Instrument No. 47, 2006 as amended

made under the

Australian Sports Anti‑Doping Authority Act 2006

**Compilation start date:** 1 August 2013

**Includes amendments up to:** SLI No. 189, 2013

**About this compilation**

**This compilation**

This is a compilation of the *Australian Sports Anti-Doping Authority Regulations 2006* as in force on 1 August 2013. It includes any commenced amendment affecting the compilation to that date.

This compilation was prepared on 22 August 2013.

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of each amended provision.

**Uncommenced amendments**

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in the endnotes.

**Application, saving and transitional provisions for provisions and amendments**

If the operation of a provision or amendment is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

**Modifications**

If a provision of the compiled law is affected by a modification that is in force, details are included in the endnotes.

**Provisions ceasing to have effect**

If a provision of the compiled law has expired or otherwise ceased to have effect in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Introductory

1 Name of Regulations

These Regulations are the *Australian Sports Anti‑Doping Authority Regulations 2006*.

1A Definition

In these Regulations:

***Act*** means the *Australian Sports Anti‑Doping Authority Act 2006*.

***authorised person***, in relation to an infringement notice, means:

(a) the CEO; or

(b) a person authorised by the CEO under regulation 17.

2 Commencement

These Regulations commence on the day they are registered.

Part 2—The NAD scheme

3 The NAD scheme

For section 9 of the Act, the NAD scheme is prescribed in Schedule 1.

4 Relevant international anti‑doping instruments

For the definition of ***relevant international anti‑doping instrument*** in section 4 of the Act, the international anti‑doping instruments mentioned in Schedule 2 are prescribed.

5 Disclosing information for purposes of drug testing programs

(1) For paragraph 71(2)(g) of the Act the disclosure of the following information is prescribed:

(a) information relating to:

(i) the testing, attempted testing, and results of testing, of athletes under a drug testing program or under arrangements covered by subsection 13(1) of the Act; or

(ii) an investigation by the CEO of a possible violation of the anti‑doping rules by an athlete or support person;

(b) information relating to decisions of the ASDMAC to approve, or to refuse to approve, the use of drugs for therapeutic purposes.

(2) The CEO may give the information to 1, or more than 1, sporting administration bodies for 1 or more drug testing programs.

(3) However, the CEO must not give the information unless the CEO has taken reasonable steps to satisfy itself that the information disclosed will not be used or disclosed for other purposes.

(4) In this clause:

***drug testing program*** means a program for the testing of people who participate in sports, to determine whether they are using particular drugs or doping methods.

Note: ***anti‑doping rules***, ***athlete*** and ***support person*** are defined in the NAD scheme.

5A Disclosing NAD Scheme personal information

(1) For paragraph 71(2)(g) of the Act, NAD Scheme personal information may be disclosed if:

(a) the disclosure of the information is required by the World Anti‑Doping Code to be disclosed and its disclosure complies with the Code; or

(b) the disclosure of the information is required by an International Standard and its disclosure complies with the International Standard.

Note: ***International Standard***, ***NAD Scheme personal information*** and ***World Anti‑Doping Code*** are defined in section 4 of the Act.

(2) However, the CEO must not disclose NAD Scheme personal information under subregulation (1) unless the CEO has taken reasonable steps to satisfy itself that the information disclosed will not be used or disclosed:

(a) if the disclosure is required by the World Anti‑Doping Code—other than as required by the Code; or

(b) if the disclosure is required by an International Standard—other than as required by the International Standard.

(3) For paragraph 71(2)(g) of the Act, NAD scheme personal information may be disclosed if it:

(a) is disclosed to the Department; and

(b) relates to the administration of the NAD scheme.

5B Disclosing contract services personal information

(1) For paragraph 72(2)(h) of the Act, contract services personal information may be disclosed if:

(a) the disclosure of the information is required by the World Anti‑Doping Code and its disclosure complies with the Code; or

(b) the disclosure of the information is required by an International Standard and its disclosure complies with the International Standard.

Note: ***Contract services personal information***, ***International Standard*** and ***World Anti‑Doping Code*** are defined in section 4 of the Act.

(2) However, the CEO must not disclose contract services personal information under subregulation (1) unless the CEO has taken reasonable steps to satisfy itself that the information disclosed will not be used or disclosed:

(a) if the disclosure is required by the World Anti‑Doping Code—other than as required by the Code; or

(b) if the disclosure is required by an International Standard—other than as required by the International Standard.

(3) For paragraph 72(2)(h) of the Act, contract services personal information may be disclosed if it:

(a) is disclosed to the Department; and

(b) relates to the administration of the NAD scheme.

Part 3—ASDMAC meetings and procedures

6 Convening meetings of ASDMAC

(1) The ASDMAC Chairman must call as many meetings as are necessary for the efficient performance of the ASDMAC’s functions.

(2) Subregulation (3) applies if:

(a) the Chairman receives a written notice from the Minister or at least 2 ASDMAC members asking the Chairman to convene a meeting of the ASDMAC; or

(b) the Chairman receives an oral or written request from the CEO to convene a meeting of the ASDMAC.

(3) The Chairman must convene a meeting of the ASDMAC as soon as practicable.

7 Quorum

The quorum for a meeting of the ASDMAC is 3 ASDMAC members.

8 Who is to chair at meetings in the absence of Chairman

(1) If the ASDMAC Chairman is to be absent from a meeting of the ASDMAC, the Chairman may nominate an ASDMAC member to chair the meeting.

(2) If the Chairman is absent from a meeting and does not nominate an ASDMAC member to chair the meeting under subregulation (1), the ASDMAC members present at the meeting must elect 1 of their number to chair the meeting.

9 Voting at meetings

(1) Each ASDMAC member present and voting at a meeting of the ASDMAC (including the member chairing the meeting) has a single vote.

(2) Each question arising at a meeting of the ASDMAC must be decided by a majority of the votes of the ASDMAC members present and voting.

(3) If the votes on a question to be decided are equal, the ASDMAC member chairing the meeting may decide the question.

Note: An ASDMAC member may be allowed to participate in a meeting by telephone etc (see regulation 10).

10 Conduct of meetings

(1) Subject to this Part, the ASDMAC may conduct its meetings as it considers appropriate.

(2) The ASDMAC may allow an ASDMAC member to participate in a meeting by telephone, closed circuit television or any other means of communication.

(3) A person who is allowed to participate in a meeting under subregulation (2) is taken to be present at the meeting.

11 Minutes of meetings

The ASDMAC must keep minutes of its meetings and records of any resolutions taken to have been passed at its meetings.

12 ASDMAC members—fields of sports medicine

For subparagraph 54(2)(b)(iv) of the Act, the field of a person with a knowledge of sport and experience in the medical management of athletes is specified.

Part 4—Remuneration

13 Remuneration of CEO—allowances

For subsection 24D(2) of the Act, if a Remuneration Tribunal determination of allowances applies to the CEO and is in operation, the allowances specified in the determination are prescribed.

14 Remuneration of Advisory Group members

(1) For subsection 30(1) of the Act, an Advisory Group member is to be paid the remuneration payable to the person under Remuneration Tribunal Determination 2009/14.

(2) For subsection 30(2) of the Act, an Advisory Group member is to be paid the allowances payable to the person under Remuneration Tribunal Determination 2009/14.

(3) However, if a later Remuneration Tribunal determination applies to an Advisory Group member and is in operation, an Advisory Group member is to be paid the allowances that apply to the person under the later determination.

15 Remuneration of ADRVP members

(1) For subsection 46(1) of the Act, an ADRVP member is to be paid the remuneration payable to the person under Remuneration Tribunal Determination 2009/14.

(2) For subsection 46(2) of the Act, an ADRVP member is to be paid the allowances payable to the person under Remuneration Tribunal Determination 2009/14.

(3) However, if a later Remuneration Tribunal determination applies to an ADRVP member and is in operation, an ADRVP member is to be paid the allowances that apply to the person under the later determination.

Part 5—Infringement notices for civil penalty provisions

Division 1—Outline and operation of Part 5

16 Simplified outline of Part 5

The following is a simplified outline of this Part:

This Part deals with the use of infringement notices where an authorised person reasonably believes that a civil penalty provision has been contravened. Under section 80 of the Act, the regulations may provide for a person who is alleged to have contravened a civil penalty provision to pay a penalty to the Commonwealth as an alternative to civil proceedings against the person.

A provision of the Act is a civil penalty provision if the provision includes a penalty that is stated to be a civil penalty (see section 73A of the Act).

A person can be given an infringement notice in relation to a contravention of a civil penalty provision.

A person who is given an infringement notice can choose to pay an amount as an alternative to having court proceedings brought against the person for a contravention of the civil penalty provision. If the person does not choose to pay the amount, proceedings can be brought against the person in relation to the contravention.

17 Authorised person

The CEO may, in writing, authorise a person for:

(a) the purpose of giving an infringement notice under regulation 18; and

(b) any other purpose relating to an infringement notice or the administration of infringement notices.

Division 2—Infringement notices

18 When an infringement notice may be given

(1) If an authorised person has reasonable grounds to believe that a person has contravened a civil penalty provision, the authorised person may give to the person an infringement notice for the alleged contravention.

Note: Under section 73B of the Act, as in force when this regulation commenced, the CEO may apply to a relevant court for an order that a person, who is alleged to have contravened a civil penalty provision, pay the Commonwealth a pecuniary penalty. The CEO must make the application within 4 years of the alleged contravention.

(2) A single infringement notice must relate only to a single contravention of a single provision unless subregulation (3) applies.

(3) An authorised person may give a person a single infringement notice relating to multiple contraventions of a single provision if:

(a) the provision requires the person to do a thing within a particular period or before a particular time; and

(b) the person fails or refuses to do that thing within that period or before that time; and

(c) the failure or refusal occurs on more than 1 day; and

(d) each contravention is constituted by the failure or refusal on one of those days.

Note: For continuing offences, see subsection 4K(2) of the *Crimes Act 1914*.

19 Matters to be included in an infringement notice

(1) An infringement notice must:

(a) be identified by a unique number; and

(b) state the day on which it is given; and

(c) state the name of the person to whom the notice is given; and

(d) state the name and contact details of the person who gave the notice, and that the person is an authorised person for the purposes of issuing the infringement notice; and

(e) give brief details of each alleged contravention, including:

(i) the civil penalty provision that was allegedly contravened; and

(ii) the maximum penalty that a court could impose if the provision were contravened; and

(iii) the time (if known) and day of, and the place of, the alleged contravention; and

(f) state the amount that is payable under the notice; and

(g) give an explanation of how payment of the amount is to be made; and

(h) state that, if the person to whom the notice is given pays the amount within 28 days after the day the notice is given, then (unless the notice is withdrawn) the person will not be liable to be prosecuted in a court for an alleged contravention; and

(i) state that payment of the amount is not an admission of guilt or liability; and

(j) state that the person may apply to the CEO to have the period in which to pay the amount extended; and

(k) state that the person may choose not to pay the amount and, if the person does so, the person may be prosecuted in a court for an alleged contravention; and

(l) set out how the notice can be withdrawn; and

(m) state that if the notice is withdrawn the person may be prosecuted in a court for the alleged contravention; and

(n) state that the person may make written representations to the CEO seeking the withdrawal of the notice.

Note: A single infringement notice may relate to multiple contraventions of a single provision: see subregulation 18(3).

(2) The amount to be stated in the notice for the purposes of paragraph (1)(f) for an alleged contravention of a civil penalty provision by the person must be the lesser of:

(a) one‑fifth of the maximum penalty that a court could impose on the person for the alleged contravention; and

(b) 12 penalty units where the person is an individual, or 60 penalty units where the person is a body corporate.

Note: See subsection 80(2) of the Act.

20 Extension of time to pay amount

(1) A person to whom an infringement notice has been given may apply to the CEO for an extension of the period mentioned in paragraph 19(1)(h).

(2) If the application is made before the end of that period, the CEO may, in writing, extend that period. The CEO may do so before or after the end of that period.

(3) If the CEO extends that period, a reference in this Part, or in a notice or other instrument under this Part, to the period mentioned in paragraph 19(1)(h) is taken to be a reference to that period so extended.

(4) If the CEO does not extend that period, a reference in this Part, or in a notice or other instrument under this Part, to the period mentioned in paragraph 19(1)(h) is taken to be a reference to the period that ends on the later of the following days:

(a) the day that is the last day of the period mentioned in paragraph 19(1)(h);

(b) the day that is 7 days after the day the person was given notice of the CEO’s decision not to extend.

(5) The CEO may extend the period more than once under subregulation (2).

21 Withdrawal of an infringement notice

Representations seeking withdrawal of notice

(1) A person to whom an infringement notice has been given may make written representations to the CEO seeking the withdrawal of the notice.

Withdrawal of notice

(2) The CEO may withdraw an infringement notice given to a person (whether or not the person has made written representations seeking the withdrawal).

(3) When deciding whether or not to withdraw an infringement notice (the ***relevant infringement notice***), the CEO:

(a) must take into account any written representations seeking the withdrawal that were given by the person to the CEO; and

(b) may take into account the following:

(i) whether a court has previously imposed a penalty on the person for a contravention of a civil penalty provision that is subject to an infringement notice under this Part;

(ii) the circumstances of the alleged contravention;

(iii) whether the person has paid an amount, stated in an earlier infringement notice, for a contravention of a civil penalty provision that is subject to an infringement notice under this Part if the contravention is constituted by conduct that is the same, or substantially the same, as the conduct alleged to constitute the contravention in the relevant infringement notice;

(iv) any other matter the CEO considers relevant.

Notice of withdrawal

(4) If the CEO withdraws an infringement notice given to a person, the CEO must give notice of the withdrawal of the infringement notice to the person. The withdrawal notice must state:

(a) the person’s name and address; and

(b) the identifying number of the infringement notice; and

(c) the day the infringement notice was given; and

(d) that the infringement notice is withdrawn.

(5) The withdrawal notice may also state that the person may be prosecuted in a court for the alleged contravention.

Note: The infringement notice may be withdrawn in circumstances in which the person would not be prosecuted in a court for the alleged contravention (for example, if the notice is given to the wrong person).

Refund of amount if infringement notice withdrawn

(6) If:

(a) the CEO withdraws the infringement notice; and

(b) the person has already paid the amount stated in the notice;

the CEO must refund to the person an amount equal to the amount paid.

22 Effect of payment of amount

(1) If the person to whom an infringement notice for an alleged contravention of a provision is given pays the amount stated in the notice before the end of the period mentioned in paragraph 19(1)(h):

(a) any liability of the person for the alleged contravention is discharged; and

(b) the person may not be prosecuted in a court for the alleged contravention; and

(c) the person is not regarded as having admitted guilt or liability for the alleged contravention; and

(d) the person is not regarded as having been convicted of the alleged offence.

(2) Subregulation (1) does not apply if the notice has been withdrawn.

23 Effect of Part 5

This Part does not:

(a) require an infringement notice to be given to a person for an alleged contravention of a civil penalty provision enforceable under this Part; or

(b) affect the liability of a person for an alleged contravention of a civil penalty provision if:

(i) the person does not comply with an infringement notice given to the person for the contravention; or

(ii) an infringement notice is not given to the person for the contravention; or

(iii) an infringement notice is given to the person for the contravention and is subsequently withdrawn; or

(c) prevent the giving of 2 or more infringement notices to a person for an alleged contravention of a civil penalty provision; or

(d) limit a court’s discretion to determine the amount of a penalty to be imposed on a person who is found to have contravened a civil penalty provision.

Schedule 1—The NAD scheme

(regulation 3)

Part 1—Preliminary

1.01 Overview

This instrument establishes the NAD scheme for section 9 of the Act, which is a scheme about the following matters:

(1) the implementation of the General Anti‑Doping Convention;

(2) the implementation of the UNESCO Anti‑Doping Convention, in particular Article 3(a) which obliges States Parties to adopt appropriate measures consistent with the principles of the World Anti‑Doping Code;

(3) ancillary or incidental matters.

1.02 Functions of the CEO under the NAD scheme

(1) Without limiting the functions conferred on the CEO by specific provisions of the Act and any other provision of the NAD scheme, the CEO is authorised to exercise the following powers and functions:

(a) planning, implementing, evaluating and monitoring education and information programs for doping‑free sport for all participants;

Note: This is in addition to the function conferred by paragraph 21(1)(f) of the Act.

(b) encouraging and promoting research relevant to sports drug and safety matters, including sociological, behavioural, juridical and ethical studies;

Note: This is in addition to the function conferred by paragraph 21(1)(g) of the Act.

(c) having the role and responsibility of a National Anti‑Doping Organisation for Australia under the UNESCO Anti‑Doping Convention and the World Anti‑Doping Code, including performance of functions internationally that relate to that role and responsibility;

(d) providing services relating to sports drug and safety matters to a sporting administration body in accordance with contractual arrangements with the body on behalf of the Commonwealth;

Note: This is in addition to the function conferred by paragraph 21(1)(k) of the Act.

(e) undertaking results management for a sporting administration body regardless of whether or not the CEO has conducted the sample collection;

(f) delegating results management responsibilities to International Federations in accordance with the World Anti‑Doping Code;

(g) functions about performance of activities relating to sports doping and safety matters referred to the ASADA or the CEO by a sporting administration body.

(2) Anything done by the CEO under a contractual arrangement in performance of a function mentioned in subclause (1) is taken to be done under the NAD scheme.

(3) Anything done by the CEO in performance of a function mentioned in subclause (1) is taken to be done under the NAD scheme even if it could have been done under the Act.

1.02A Further functions of the CEO under the NAD scheme

(1) Without limiting the functions conferred on the CEO by specific provisions of the Act and any other provision of the NAD scheme, the CEO is authorised to notify athletes, support persons and sporting administration bodies of findings on the register mentioned in subparagraph 13(1)(i) of the Act.

Note: See paragraph 13(1)(j) of the Act.

(2) The CEO is also authorised to provide recommendations to sporting administration bodies as to the consequences of those findings.

Note: See paragraph 13(1)(ja) of the Act.

(3) The CEO is also authorised to present:

(a) those findings; and

(b) information about the possible consequences of such findings; and

(c) additional information;

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

(d) at the request of a sporting administration body; or

(e) on the CEO’s own initiative.

Note: See paragraphs 13(1)(g) and (k) of the Act.

1.03 Authority for the CEO to exercise certain powers

Exercise of powers in relation to requests from sporting administration bodies

(1) The CEO is authorised to exercise powers under the NAD scheme in order to cooperate with a request from a sporting administration body if the request is reasonably necessary to enforce or give effect to the World Anti‑Doping Code and other relevant international anti‑doping instruments.

Exercise of powers in relation to requests to sporting administration bodies

(2) The CEO is authorised to use information about an athlete or support person that was given to the ASADA or is given to the CEO by a sporting administration body as if it were information that was obtained by an investigation by the CEO under the NAD scheme if the CEO requested the sporting administration body to provide, or obtain and provide, the information.

Note: Regulation 4 of the *Australian Sports Anti‑Doping Authority Regulations 2006* prescribes additional relevant international anti‑doping instruments for the Act.

1.03A Functions of the ADRVP under the NAD scheme

(1) In addition to the functions of the ADRVP mentioned in paragraphs 41(1)(b) and (c) of the Act, the ADRVP has the following functions under the NAD scheme:

(a) to consider a submission made to it by a participant in relation to:

(i) an adverse analytical finding; or

(ii) a possible non‑presence anti‑doping rule violation;

(b) to receive and consider information and material that:

(i) is given to it by the CEO or a member of the ASADA staff; and

(ii) relates to a participant mentioned in paragraph (a);

(c) to consider whether to make a finding that an adverse analytical finding has occurred and to make a finding of that kind;

(d) to consider whether to make a finding that it is possible that an athlete or support person has committed a non‑presence anti‑doping rule violation and to make a finding of that kind;

(f) to make entries on the Register of Findings.

(2) The ADRVP does not have the function of acting as a hearing panel of the kind mentioned in Article 8 of the World Anti‑Doping Code.

1.03B CEO and ADRVP to have regard to World Anti‑Doping Code etc

In exercising powers for the NAD scheme and making recommendations, the CEO and the ADRVP must have regard to:

(a) the World Anti‑Doping Code (including the comments annotating various provisions of the World Anti‑Doping Code); and

(b) other relevant international anti‑doping instruments.

Note: Regulation 4 of the *Australian Sports Anti‑Doping Authority Regulations 2006* prescribes additional relevant international anti‑doping instruments for the Act.

1.04 Application

(1) The anti‑doping rules for athletes and support persons in clause 2.01 apply to matters arising before the commencement of section 13 of the Act and the NAD Scheme to the extent that those matters would have constituted a breach of the anti‑doping rules (whether described as rules or something else, such as policies) of the relevant sporting administration body (as defined in clause1.05) in force at the time.

(2) An initial entry on the Register may be made only if the first action under the NAD scheme, in relation to the conduct to which the entry would relate, was taken less than 8 years after the conduct occurred.

1.05 Definitions

In the NAD scheme:

***A sample*** means the part of a sample given by an athlete that is contained within a bottle labelled ‘A’ or ‘Part 1’ in a sample collection kit.

***Act*** means the *Australian Sports Anti‑Doping Authority Act 2006*.

***accredited laboratory*** means:

(a) a laboratory in Australia that WADA recognises as an accredited laboratory for the purpose of analysing samples for prohibited substances and use of prohibited methods; or

(b) a laboratory in Australia, if 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; or

(c) an accredited foreign laboratory.

***adverse analytical finding*** means a report from an accredited laboratory or other WADA‑approved entity that, consistent with the International Standard for Laboratories and related technical documents, identifies in a sample the presence of a prohibited substance or its metabolites or markers (including elevated quantities of endogenous substances) or evidence of the use of a prohibited method.

***anti‑doping organisation*** means a signatory to the World Anti‑Doping Code that is responsible for adopting rules for initiating, implementing or enforcing part of the doping control process, including:

(a) the International Olympic Committee; and

(b) the International Paralympic Committee; and

(c) major event organisations that conduct testing at their events; and

(d) WADA; and

(e) International Sporting Federations; and

(f) national anti‑doping organisations.

***anti‑doping purpose*** has the meaning given by clause 3.12.

***anti‑doping rules*** means the anti‑doping rules set out in detail in clause 2.01.

***anti‑doping rule violation*** has the meaning given by clause 2.01.

***ASADA representative*** means:

(a) a blood collection official; or

(b) a chaperone; or

(c) a doping control officer; or

(d) an investigator.

***athlete*** has the meaning given by clause 1.06.

***attempt***, for an anti‑doping rule violation, means purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of an anti‑doping rule violation; however, there will be no anti‑doping rule violation based solely on an attempt to commit a violation if the person renounces the attempt before it is discovered by a third party not involved in the attempt.

***atypical finding*** means a report from an accredited laboratory or other WADA‑approved entity that requires further investigation as provided by the International Standard for Laboratories or related technical documents before the determination of an adverse analytical finding.

***B sample*** means a sample given by an athlete that is contained within a bottle labelled ‘B’ or ‘Part 2’ in a sample collection kit.

***blood collection official*** means a person approved by the CEO as a blood collection official under clause 3.04.

***CAS*** means the Court of Arbitration for Sport.

***chaperone*** means:

(a) a person appointed by the CEO to be a chaperone under clause 3.02; or

(b) a doping control officer.

Note: A doping control officer is taken to be chaperone: see subclause 3*.*02(2).

***competition*** means a single race, match, game or singular athletic contest.

*Example:* A basketball game or the finals of the Olympic 100 metre race in athletics.

Note: For stage races and other athletic contests in which prizes are awarded on a daily or other interim basis the distinction between a competition and an event will be as provided in the rules of the applicable International Sporting Federation.

***disqualification*** means invalidation of an athlete’s results in a particular competition or event, with all resulting penalties including forfeiture of medals, points and prizes.

***domestic testing pool*** means the pool of athletes designated as such by the CEO, who are not in the CEO’s registered testing pool and who are subject to testing both in‑competition and out‑of‑competition as part of the CEO’s test distribution plan.

***doping control*** means all steps and processes from test distribution planning through to ultimate disposition of any appeal including all steps and processes in between.

Note: These steps and processes include provision of whereabouts information, sample collection and handling, laboratory analysis, therapeutic use exemptions, results management and hearings.

***doping control officer*** means a person appointed by the CEO to be a doping control officer under clause 3.01.

**event** means a series of individual competitions conducted together under 1 ruling body (eg, the Olympic Games or Commonwealth Games).

***finding***: see clause 1.05A.

***government agency*** means:

(a) a government sports agency; or

(b) any other department or authority of the Commonwealth, a State or Territory through which funding or other support is provided for a sporting activity.

***government sports agency*** means ASADA, the ASC, the Department and any other academy or institute of sport or similar body established by the Commonwealth, a State or a Territory.

***in‑competition*** means, unless provided otherwise in the rules of an International Sporting Federation, a national sporting organisation or other relevant anti‑doping organisation, the period commencing 12 hours before a competition in which an athlete is scheduled to participate through the end of the competition and the sample collection process related to the competition.

***ineligibility*** means an athlete or other person being barred for a specified period of time from participating in any competition or other activity or funding as provided in Article 10.9 of the World Anti‑Doping Code.

***international event*** means an event for which the International Olympic Committee, the International Paralympic Committee, an International Sporting Federation, a major event organisation, or another international sporting organisation is the ruling body for the event or appoints the technical officials for the event.

***International Standard for Laboratories*** means the International Standard for Laboratories adopted by the WADA, as amended from time to time, including technical documents issued under the International Standard for Laboratories.

***International Standard for Testing*** means the International Standard for Testing adopted by the WADA, as amended from time to time, including technical documents issued under the International Standard for Testing.

***International Standard for Therapeutic Use Exemptions*** means the International Standard for Therapeutic Use Exemptions adopted by the WADA, as amended from time to time, including technical documents issued under the International Standard for Therapeutic Use Exemptions.

***international‑level athlete*** means an athlete designated by 1 or more International Sporting Federations as being within the registered testing pool for an International Sporting Federation.

***investigator*** means a person appointed as an investigator by the CEO under clause 3.03.

***law enforcement body*** means an agency responsible for the performance of functions or activities directed to:

(a) the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of a law imposing a penalty or sanction for a breach; or

(b) the management of property seized or restrained under laws relating to the confiscation of the proceeds of crime or the enforcement of such law, or of orders made under such laws.

***major event organisation*** means a continental association of National Olympic Committees or other multi‑sport organisation that functions as the ruling body for a continental, regional or other international event.

***marker*** means a compound, group of compounds or biological parameter that indicates the use of a prohibited substance or a prohibited method.

***metabolite*** means a substance produced by a biotransformation process.

***minor*** means a natural person who has not reached the age of 18 years.

***national anti‑doping organisation*** means the entity designated within each country as possessing the primary authority and responsibility to adopt and implement anti‑doping rules, direct the collection of samples, the management of test results and the conduct of hearings, all at the national level, including an entity that may be designated by multiple countries to serve as regional anti‑doping organisation for those countries. If this designation has not been made by the competent public authority, the entity is the country’s national Olympic committee or its designee. The national anti‑doping organisation for Australia is ASADA.

***national event*** means a sport event involving international‑level or national‑level athletes that is not an international event.

***national‑level athlete*** means an athlete in the CEO’s registered testing pool or domestic testing pool or an athlete who participates in or prepares for an event, training camp, exhibition or practice organised or sanctioned by his or her national sporting organisation or professional league.

***national Olympic committee***, for a country, means the organisation recognised as such by the International Olympic Committee. The national Olympic committee for Australia is the Australian Olympic Committee.

***no advance notice*** means a doping control that takes place with no advance warning to the athlete and for which the athlete is continuously chaperoned from the moment of notification through to sample provision.

***non‑presence anti‑doping rule violation*** means an anti‑doping rule violation mentioned in any of paragraphs 2.01(2)(b) to (h).

Note: The anti‑doping rule violation mentioned in paragraph 2.01(2)(a) relates to the presence of a prohibited substance or its metabolites or markers in an athlete’s sample.

***out‑of‑competition*** means a doping control that is not in‑competition.

**participant** means an athlete or support person.

***personal interest****,* for the collection or outcome of the testing of a sample, has the meaning given by clause 1.08.

***possession*** means the actual, physical possession, or the constructive possession (that will be found only if the person has exclusive control over the prohibited substance or prohibited method or the premises in which a prohibited substance or prohibited method exists), however, if the person does not have exclusive control over the prohibited substance or prohibited method or the premises in which a prohibited substance or prohibited method exists, constructive possession will only be found if the person knew about the presence of the prohibited substance or prohibited method and intended to exercise control over it.

However, there will be no anti‑doping rule violation based solely on possession if, before receiving notification of any kind that the person has committed an anti‑doping rule violation, the person has taken concrete action demonstrating that the person never intended to have possession and has renounced possession by explicitly declaring it to an anti‑doping organisation.

Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a prohibited substance or prohibited method constitutes possession by the person who makes the purchase.

***prohibited list*** means the list identifying prohibited substances and prohibited methods published by WADA, as in force from time to time.

***prohibited method*** means a method so described on the prohibited list.

***prohibited substance*** means a substance so described on the prohibited list.

***provisional suspension*** means an athlete or other person being barred temporarily from participating in any competition before the final decision at a hearing conducted under a sporting administration body’s anti‑doping policy.

***publicly disclose*** means to disseminate or distribute information to the general public or persons beyond those persons entitled to earlier notification in accordance with the NAD scheme or a sporting organisation’s anti‑doping policy.

***Register of Findings*** or ***Register*** means the register mentioned in paragraph 13(1)(i) of the Act and maintained by the ADRVP under Division 4.3 of the NAD scheme.

***registered testing pool*** means the pool of top‑level athletes established separately by each International Sporting Federation and national anti‑doping organisation who are subject to both in‑competition and out‑of‑competition testing as part of that International Sporting Federation’s or national anti‑doping organisation’s test distribution plan.

***relevant national sporting organisation***, for an athlete or a support person, means a national sporting organisation:

(a) of which the athlete or support person is, in his or her capacity as an athlete or support person, a member or with which the athlete or support person is, in that capacity, associated; or

(b) of which the relevant sporting organisation of the athlete or support person is a member or with which that organisation is associated.

***relevant sporting administration body***, for an athlete or a support person, means a sporting administration body for the sport in which the athlete or support person is competing or otherwise participating.

***relevant sporting organisation***, for an athlete or a support person, means a sporting organisation (other than a national sporting organisation) of which the athlete or support person is, in his or her capacity as an athlete or support person, a member or with which the athlete or support person is, in that capacity, associated.

***representative***, for an athlete, means:

(a) a person chosen by the athlete to accompany the athlete to the extent permissible under the International Standard for Testing, while a sample is collected from the athlete (the ***collection process***); or

(b) an interpreter chosen by the athlete to help the athlete during the collection process.

***sporting tribunal*** means CAS or a body approved by the CEO that convenes from time to time to hear allegations of anti‑doping rule violations against athletes, support persons and other persons in order to:

(a) determine whether an anti‑doping rule violation has occurred; and

(b) determine appropriate sanctions where an anti‑doping rule violation is found to have been committed; or

(c) hear appeals.

***substantial assistance***, by a person, means:

(a) full disclosure in a signed written statement of all information that a person possesses in relation to anti‑doping rule violations, which information must be credible and must comprise an important part of any case that is initiated or, if no case is initiated, must have provided a sufficient basis on which a case could have been brought; and

(b) full cooperation with the investigation and adjudication of any case related to that information, including for example, presentation of testimony at a hearing if requested to do so by an anti‑doping organisation or hearing panel.

***support person*** has the meaning given by clause 1.07.

***tampering*** means:

(a) altering for an improper purpose or in an improper way; or

(b) bringing improper influence to bear; or

(c) interfering improperly; or

(d) obstructing, misleading or engaging in any fraudulent conduct to alter results or to prevent normal procedures from occurring; or

(e) providing fraudulent information to an anti‑doping organisation.

***testing*** means the parts of the doping control process involving test distribution planning, sample collection, sample handling and sample transport to the laboratory.

***trafficking*** means selling, giving, transporting, sending, delivering or distributing a prohibited substance or prohibited method (either physically or by electronic or other means) by an athlete, support person or any other person subject to the jurisdiction of an anti‑doping organisation to a third party, however, this definition will not include the actions of bona fide medical personnel involving a prohibited substance used for genuine and legal therapeutic purposes or other acceptable justification, and will not include actions involving prohibited substances that are not prohibited in out‑of‑competition testing unless the circumstances as a whole demonstrate the prohibited substances are not intended for genuine and legal therapeutic purposes.

***TUE committee*** means a therapeutic use exemptions committee established by an anti‑doping organisation and constituted in accordance with the *International Standard for Therapeutic Use Exemptions*, including ASDMAC within Australia.

***use*** means the utilisation, application, ingestion, injection or consumption by any means of a prohibited substance or prohibited method.

Note 1: In accordance with the definition of ***World Anti‑Doping Code*** in subsection 4(1) of the Act, a reference to the World Anti‑Doping Code is a reference to the World Anti‑Doping Code as in force from time to time.

Note 2: Other words and phrases used in the NAD scheme, including ***ASADA*** and ***ASC***, are defined in section 4 of the Act.

Note 3: A reference in these definitions to ASADA may be treated as a reference to the CEO or to the ADRVP if a determination made under subsection 131(2) of Schedule 1 to the *Australian Sports Anti‑Doping Authority Amendment Act 2009* applies to the reference.

1.05A Meaning of *finding*

In the NAD scheme, a ***finding*** is a finding by the ADRVP that:

(a) there is an adverse analytical finding; or

(b) it is possible that an athlete or support person has committed a non‑presence anti‑doping rule violation.

1.06 Classes of athletes subject to the NAD scheme

(1) The anti‑doping rules apply to all persons who are involved as athletes in a sport with an anti‑doping policy and such persons are subject to the NAD scheme.

(2) The following classes of athletes may be tested by the CEO under the NAD scheme:

(a) athletes in the CEO’s registered testing pool;

(b) athletes in the CEO’s domestic testing pool;

(c) international‑level athletes;

(d) athletes who compete in international events;

(e) athletes who compete in national events;

(f) athletes for whom the CEO is required or permitted to test under a contract or an anti‑doping arrangement; and

(g) athletes in the registered testing pool of an International Sporting Federation or national anti‑doping organisation.

(3) The requirement to provide whereabouts information under the NAD scheme applies to the following athletes:

(a) athletes in the CEO’s registered testing pool;

(b) athletes in an International Sporting Federation’s registered testing pool; and

(c) any other athletes whom the CEO requests to provide whereabouts information in accordance with the NAD scheme.

(4) The requirement to obtain an advance therapeutic use exemption from a TUE Committee applies to the following athletes:

(a) athletes in the CEO’s registered testing pool;

(b) athletes in the CEO’s domestic testing pool;

(c) international‑level athletes;

(d) athletes entering international events;

(e) athletes entering open‑age national events; and

(f) athletes who require therapeutic use exemptions under the terms of a contract or an anti‑doping arrangement with the CEO or ASDMAC.

1.07 Meaning of *support person*

(1) The anti‑doping rules apply to all persons who are involved as support persons in a sport with an anti‑doping policy and such persons are subject to the NAD scheme.

(2) For the NAD scheme, a ***support person*** is:

(a) a person who works with or treats 1 or more athletes participating in, or preparing for, sporting activities in 1 or more of the following capacities:

(i) coach;

(ii) trainer;

(iii) manager;

(iv) agent;

(v) team staff member;

(vi) official;

(vii) medical practitioner;

(viii) para‑medical practitioner; or

(b) any other person who works (as a volunteer or otherwise) with, or helps, an athlete subject to the NAD scheme to participate in, or prepare for, sports competition.

1.08 Meaning of *personal interest*

(1) For the NAD scheme, if 1 of the circumstances mentioned in subclause (2) exists for a person, the person is taken to have a personal interest in:

(a) the collection or outcome of the testing of a sample of an athlete; or

(b) the investigation of an anti‑doping rule violation; or

(c) the compliance by a sporting administration body with the sporting administration body rules; or

(d) any other matter relating to the NAD scheme.

(2) The circumstances are that:

(a) the person has a direct or indirect pecuniary interest in:

(i) the outcome of the testing of the sample; or

(ii) the other matter; or

(b) the person participates, or is involved, in the administration of a sport in which the athlete competes; or

(c) the person is a member of, or is involved in the administration of, a sporting organisation of which the athlete is a member; or

(d) a sample of an athlete was collected, or is to be collected, at, or for, a particular sporting event or sporting venue, and the person is involved in the administration of that event or venue (otherwise than for the purposes of the NAD scheme); or

(e) the person is related to, or has some involvement in the affairs of, the athlete.

Note: Provisions of the *Public Service Act 1999* and the Act also relate to conflict of interest with respect to the CEO, ASADA representatives and ASADA staff. Nothing in the NAD scheme limits the operation of those provisions.

Part 2—The Rules

Division 2.1—Anti‑doping rule violations

2.01 Anti‑doping rules

(1) The purpose of this Division is to specify the circumstances and conduct that constitute breaches of the anti‑doping rules, or anti‑doping rule violations. Entries onto the Register of Findings will proceed based on the assertion that 1 or more of these specific rules has been violated.

(2) Athletes and support persons are responsible for knowing what constitutes an anti‑doping rule violation and the substances and methods that have been included on the prohibited list. The following anti‑doping rule violations constitute breaches of the ***anti‑doping rules***:

(a) Presence of a prohibited substance or its metabolites or markers in an athlete’s sample.

(i) It is each athlete’s personal duty to ensure that no prohibited substance enters his or her body. Athletes are responsible for a prohibited substance or its metabolites or markers found to be present in their samples. Accordingly, it is not necessary that intent, fault, negligence or knowing use on the athlete’s part be demonstrated in order to establish an anti‑doping violation under this paragraph.

(ii) Sufficient proof of an anti‑doping rule violation under this paragraph is established by either of the following:

A. presence of a prohibited substance or its metabolites or markers in the athlete’s A sample if the athlete waives analysis of the B sample and the B sample is not analysed;

B. if the athlete’s B sample is analysed and the analysis of the athlete’s B sample confirms the presence of the prohibited substance or its metabolites or markers found in the athlete’s A sample.

(iii) Excepting those substances for which a quantitative threshold is specifically identified in the prohibited list, the presence of any quantity of a prohibited substance or its metabolites or markers in an athlete’s sample will constitute an anti‑doping rule violation.

(iv) As an exception to the general rule established by this paragraph, the prohibited list or International Standards may establish special criteria for the evaluation of prohibited substances that can also be produced endogenously.

(b) Use or attempted use by an athlete of a prohibited substance or a prohibited method.

(i) It is each athlete’s personal duty to ensure that no prohibited substance enters his or her body. Accordingly, it is not necessary that intent, fault, negligence or knowing use on the athlete’s part be demonstrated in order to establish an anti‑doping violation for use of a prohibited substance or a prohibited method.

(ii) The success or failure of the use or attempted use of a prohibited substance or prohibited method is not material. It is sufficient that the prohibited substance or prohibited method was used or attempted to be used for an anti‑doping rule violation to be committed.

(c) Refusing or failing without compelling justification to submit to sample collection after notification as authorised in applicable anti‑doping rules, or otherwise evading sample collection.

(d) Violation of applicable requirements regarding athlete availability for out‑of‑competition testing, including failure to file required whereabouts information and missed tests that are declared based on rules that comply with the International Standard for Testing. Any combination of 3 missed tests or filing failures within 18 months as determined by anti‑doping organisations with jurisdiction over the athlete will constitute an anti‑doping rule violation.

(e) Tampering or attempted tampering with any part of doping control.

(f) Possession of prohibited substances and prohibited methods.

(i) Possession by an athlete in‑competition of a prohibited method or a prohibited substance, or possession by an athlete out‑of‑competition of a prohibited method or any prohibited substance that is prohibited out‑of‑competition unless the athlete establishes that the possession is authorised by a therapeutic use exemption granted in accordance with the World Anti‑Doping Code and the International Standard for Therapeutic Use Exemptions or other acceptable justification.

(ii) Possession by a support person in‑competition of a prohibited method or a prohibited substance, or possession by a support person out‑of‑competition of a prohibited method or a prohibited substance that is prohibited out‑of‑competition in connection with an athlete, competition or training, unless the support person establishes that the possession is authorised by a therapeutic use exemption granted to an athlete in accordance with the World Anti‑Doping Code and the International Standard for Therapeutic Use Exemptions or other acceptable justification.

(g) Trafficking or attempted trafficking in a prohibited substance or prohibited method.

(h) Administration or attempted administration to an athlete in‑competition of a prohibited method or prohibited substance, or administration or attempted administration to an athlete out‑of‑competition of a prohibited method or a prohibited substance that is prohibited out‑of‑competition, or assisting, encouraging, aiding, abetting, covering up or other type of complicity involving an anti‑doping rule violation or an attempted anti‑doping rule violation.

Division 2.2—Sporting Administration Body Rules

2.02 Meaning of *sporting administration body* in this Part

For this Part:

***sporting administration body*** means a national sporting organisation for Australia.

2.03 Sporting administration body rules—powers of CEO

(1) For subsection 15(1) of the Act, the sporting administration body rules mentioned in Schedule 1 apply to all sporting administration bodies.

(2) The CEO is authorised:

(a) to monitor the compliance by sporting administration bodies with the sporting administration body rules; and

(b) to notify the ASC about the extent of the compliance by sporting administration bodies; and

(c) to publish reports about the extent of compliance by sporting administration bodies with the sporting administration body rules.

2.04 Sporting administration body rules

A sporting administration body must:

(a) at all times have in place, maintain and enforce anti‑doping policies and practices that comply with:

(i) the mandatory provisions of the World Anti‑Doping Code and International Standards; and

(ii) the NAD Scheme; and

(b) not adopt its anti‑doping policy unless it has been approved by the CEO or not substantively amend its anti‑doping policy unless the amendment has been approved by the CEO; and

(c) ensure that at all times it has the authority to enforce its anti‑doping policy; and

(d) immediately inform the CEO of an alleged breach of its anti‑doping policy and cooperate with any investigation into the matter; and

(e) provide to the CEO appropriate details or reports related to investigations, hearings, appeals and sanctions; and

(f) provide the CEO with relevant information in a timely manner, including sporting administration body and International Federation anti‑doping policies, policy amendments, policy endorsement and implementation date, athlete whereabouts information, athlete education, information relating to events and camps, lists of athletes subject to anti‑doping policies and advice relating to athletes in the CEO’s registered testing pool and domestic testing pool; and

(g) ensure that other rules and regulations of the sport do not override the provisions of its anti‑doping policy; and

(h) comply with, implement and enforce its anti‑doping policy to the satisfaction of the CEO; and

(i) submit to the operations of the CEO; and

(j) refer all instances of possible anti‑doping rule violations to the CEO for investigation and cooperate with any investigation, as required; and

(k) allow the CEO to present anti‑doping cases at hearings unless the CEO has approved the sporting administration body presenting its own case; and

(l) recognise the CEO as having a right to appeal decisions relating to anti‑doping cases, including in cases the CEO has not presented the anti‑doping case at the hearing; and

(m) accept findings by the ADRVP, act on findings by the ADRVP, ensure that a notice of an alleged anti‑doping rule violation is issued in accordance with a recommendation made by the CEO, and enforce sanctions imposed by a sporting tribunal; and

(n) ensure that its members and staff cooperate with the CEO; and

(o) promote information, education and other anti‑doping programs in accordance with the World Anti‑Doping Code and as requested by the CEO; and

(p) comply with any other conditions relating to anti‑doping and notified to it by the ASC that the ASC is required by legislation or by the CEO to require from sporting organisations to which the ASC provides funding, services and support.

Part 3—Testing and Investigating

Division 3.1—People carrying out doping control functions

Subdivision 3.1.1—ASADA representatives

3.01 Doping control officers

The CEO may appoint a person to be a doping control officer. A person appointed to be a doping control officer must obtain, at the CEO’s expense, appropriate clearance as required by State or Territory legislation in order to work with minors.

3.02 Chaperones

(1) The CEO may appoint a person to be a chaperone. A person appointed to be a chaperone must obtain, at the CEO’s expense, appropriate clearance as required by State or Territory legislation in order to work with minors.

(2) A doping control officer is also taken to be a chaperone.

3.03 Investigators

The CEO may appoint a person to be an investigator. A person appointed to be an investigator must obtain, at the CEO’s expense, appropriate clearance as required by State or Territory legislation in order to work with minors.

3.04 Blood collection officials

(1) The CEO may approve a person as a blood collection official if the CEO is satisfied on reasonable grounds that the person is qualified to perform the blood collection procedure required by the International Standard for Testing.

(2) A blood collection official must carry evidence of his or her qualifications to perform blood collection procedures.

3.05 Drug testing officials

For paragraphs 47(1)(e) and 78(1)(d) of the Act, drug testing officials under the NAD scheme include doping control officers, chaperones, investigators and blood collection officials.

3.06 Identity cards

(1) The CEO must make sure that each of the following persons carries an identity card:

(a) a blood collection official;

(b) a chaperone;

(c) a doping control officer;

(d) an investigator.

(2) An identity card must:

(a) show for which of the roles mentioned in subclause (1) the card is given to the person; and

(b) display the signature of a member of ASADA staff.

(3) An identity card for a person who is a chaperone or a doping control officer must display a recent photograph of the person.

(4) A person who ceases to have the role for which an identity card was given to the person must return the card to the CEO on the day when the person ceases to have the role.

3.07 Production of identity cards

(1) If an ASADA representative makes a request of a participant under the NAD scheme, the ASADA representative must produce his or her identity card.

(2) A participant is not required to comply with a request made by the ASADA representative until the representative produces his or her identity card.

Subdivision 3.1.2—Conflict of Interest

3.08 Conflict of interest

(1) The CEO must make sure that the conditions of service, applicable to an ASADA representative or other representative of an anti‑doping organisation that is engaged by the CEO for the purpose of sample collection, require the representatives to report to the CEO (which may be done through the applicable anti‑doping organisation) any personal interest.

(2) If an ASADA representative or other representative of an anti‑doping organisation that is engaged by the CEO for the purpose of sample collection reports a personal interest in a matter mentioned in subclause (1), the CEO may:

(a) direct another ASADA representative to carry out the duties of an ASADA representative in relation to the matter; or

(b) direct that another representative of the anti‑doping organisation must carry out the relevant duties in relation to the matter.

Note: For the meaning of ***personal interest***, see clause 1.08.

Division 3.2—Locating athletes

3.09 Whereabouts information for athlete

(1) The CEO may ask an athlete mentioned in subclause 1.06(3) to give the CEO the following information (***whereabouts information***) for a period:

(a) a complete mailing address where correspondence may be sent to the athlete for formal notice purposes;

(b) details of any telephone number that may be used to contact the athlete;

(c) details of any disability of the athlete that may affect the procedure to be followed in conducting a sample collection session;

(d) specific confirmation of the athlete’s consent to the sharing of his or her whereabouts information with other anti‑doping organisations having authority to test him or her;

(e) for each day during the following quarter, the full address of the place where the athlete will be residing (eg home, temporary lodgings, hotel);

(f) for each day during the following quarter, the name and address of each location where the athlete will train, work or conduct any other regular activity (eg school), as well as the usual time‑frames for those regular activities;

(g) the athlete’s competition schedule for the following quarter, including the name and address of each location where the athlete is scheduled to compete during the quarter and any date on which he or she is scheduled to compete at the location;

(h) for each day during the following quarter, one specific 60‑minute time slot between 6 am and 11 pm each day where the athlete will be available and accessible for testing at a specific location.

(2) The request:

(a) may be made orally or by written notice; and

(b) must explain how the athlete is to give whereabouts information to the CEO; and

(c) must include the information that the CEO may share whereabouts information with other anti‑doping organisations.

Note: The CEO must also comply with its obligation to explain to the athlete the possible consequences of failing to comply with the request: see subsection 14(2) of the Act.

(3) If the CEO asks an intellectually disabled athlete for whereabouts information, the CEO must give at least 1 of the following persons oral or written notice that the CEO has made the request:

(a) the athlete’s spouse;

(b) the athlete’s parent or guardian;

(c) the athlete’s coach;

(d) a representative of a relevant sporting administration body.

(4) For subclauses (2) and (3), ASADA may give a written notice to a person:

(a) by delivering it personally to the person; or

(b) by sending it by post, or by means of a courier service, to the person at the address of the person’s place of residence last known to the CEO; or

(c) if the person has notified the CEO of a number to which notices may be sent to the person by fax—by sending it to the person by fax to that number; or

(d) if the person has notified the CEO of an email address to which notices may be sent to the person—by sending it to the person by email to that address.

(5) If a notice cannot be given in accordance with subclause (4), it can be given by sending it to the relevant sporting administration body in any of the following ways and asking the body to forward the notice in a sealed envelope to the person:

(a) by post, or by means of a courier service, to the address of the body last known to the CEO;

(b) if the body has notified the CEO of a number to which notices may be sent to the body by fax—by sending it to the body by fax to that number.

(6) The CEO may share whereabouts information about an athlete with another anti‑doping organisation only if:

(a) the information is shared for the purposes of doping control; and

(b) if the anti‑doping organisation is not subject to the Information Privacy Principles or the National Privacy Principles contained in the *Privacy Act 1988* or a law that is substantially similar to the Information Privacy Principles or the National Privacy Principles, before disclosing the whereabouts information to the anti‑doping organisation, the CEO enters into a legally binding agreement with the anti‑doping organisation to ensure that any whereabouts information that is disclosed is:

(i) not used or disclosed by the anti‑doping organisation for a purpose other than doping control; and

(ii) securely retained and restrictions placed on who can access the information; and

(iii) destroyed or returned to the CEO once the purpose for which the disclosure is made is completed.

(7) In this clause:

***quarter*** means a period of 3 months.

3.10 Contact details for athlete

(1) The CEO may ask an athlete to give the CEO the following information:

(a) a complete mailing address where correspondence may be sent to the athlete for formal notice purposes; and

(b) details of any telephone number that may be used to contact the athlete.

(2) The request:

(a) may be made orally or by written notice; and

(b) must explain how the athlete is to give the information to the CEO; and

(c) must include the information that the CEO may share the information with other anti‑doping organisations.

Note: The CEO must also comply with its obligation to explain to the athlete the possible consequences of failing to comply with the request: see subsection 14(2) of the Act.

(3) For subclause (2), the CEO may give a written notice to a person:

(a) by delivering it personally to the person; or

(b) by sending it by post, or by means of a courier service, to the person at the address of the person’s place of residence last known to the CEO; or

(c) if the person has notified the CEO of a number to which notices may be sent to the person by fax—by sending it to the person by fax to that number; or

(d) if the person has notified the CEO of an email address to which notices may be sent to the person—by sending it to the person by email to that address.

(4) If a notice cannot be given in accordance with subclause (3), it can be given by sending it to the relevant sporting administration body in any of the following ways and asking the body to forward the notice in a sealed envelope to the person:

(a) by post, or by means of a courier service, to the address of the body last known to the CEO;

(b) if the body has notified the CEO of a number to which notices may be sent to the body by fax—by sending it to the body by fax to that number.

3.11 The CEO may ask for help in locating athlete

If the CEO is having difficulty notifying an athlete of a request for whereabouts information under subclause 3.09(1) or contact details under subclause 3.10(1), the CEO may ask for help in notifying the athlete from:

(1) a relevant sporting administration body; or

(2) a person who knows, or is related to, the athlete; or

(3) a government agency; or

(4) an anti‑doping organisation.

Note: Any requests for help made by,or assistance provided to, the CEO under this clause must comply with relevant obligations under the *Privacy Act 1988*.

Division 3.3—Requests for samples

3.12 Purposes for which samples may be requested, collected and tested

(1) For this Part, a sample may be requested, collected and tested for 1 or more of the following purposes (***anti‑doping purposes***):

(a) to detect the presence of a prohibited substance or use of a prohibited method in the sample;

(b) to assist in investigation of a possible anti‑doping rule violation;

(c) to detect the presence of a substance that is the subject of a monitoring program by WADA;

(d) to assist an anti‑doping organisation in profiling biological parameters in the sample;

(e) for research, if subclauses (2) and (3) are complied with;

(f) to comply with a request from another national anti‑doping organisation or an International Sporting Federation.

(2) The CEO may use a sample for research, with the written consent of the athlete who provided the sample.

(3) Before using a sample for research, the CEO must ensure that it is no longer possible to identify the athlete who provided the sample.

3.13 International Standard to be followed

A request for a sample and sample collection made under this Division must substantially comply with the procedures for the making of a request for and collection of a sample mentioned in the International Standard for Testing.

3.14 The CEO may ask athlete for, and collect, samples

(1) The CEO may ask an athlete to give the CEO a sample for an anti‑doping purpose.

(2) The CEO may collect a sample from an athlete for an anti‑doping purpose at any time.

(3) Nothing in the NAD scheme prevents the CEO from asking an athlete to give, on the same day, 1 or more urine samples and 1 or more blood samples.

(4) The CEO may ask an athlete, a TUE committee or a sporting administration body, to provide information about a sample.

3.15 The CEO may ask sporting administration body or anti‑doping organisation to request sample

The CEO may ask a sporting administration body or anti‑doping organisation to arrange for an athlete to be requested to give a sample for an anti‑doping purpose.

3.16 Request to give sample

(1) A request for a sample may be made orally or by written notice.

(2) The request must include the following information:

(a) the place where the athlete is to give the sample;

(b) when the athlete must go to the place for that purpose;

(c) the kind of sample the athlete will be required to provide.

Note: The CEO must also comply with its obligation to explain to the athlete the possible consequences of failing to comply with the request: see subsection 14(2) of the Act.

(3) The information must be given:

(a) at the time the request is made; or

(b) as soon as practicable afterwards.

(4) The request may be accompanied by a request for the athlete to provide the requester with photo identification.

(5) The request may be in relation to a no advance notice doping control.

(6) If an intellectually disabled athlete is asked for a sample, the requester must give at least 1 of the following persons oral or written notice that the request has been made:

(a) the athlete’s spouse;

(b) the athlete’s parent or guardian;

(c) the athlete’s coach;

(d) a representative of a relevant sporting administration body.

(7) If it would be unreasonable to require the athlete to go to the stated place at the stated time, the requester may agree with the athlete to collect the sample at a different time or place.

(8) If the CEO is having difficulty finding an athlete in order to make a request under subclause 3.16(1), the CEO may ask for help in finding the athlete from:

(a) a relevant sporting administration body; or

(b) a person who knows, or is related to, the athlete; or

(c) a government agency; or

(d) an anti‑doping organisation.

(9) In this Division:

***requester*** means:

(a) the CEO; or

(b) a sporting administration body or anti‑doping organisation that the CEO has asked under clause 3.15 to arrange for an athlete to give a sample.

3.17 The CEO to engage an interpreter

(1) This clause applies if a requester asks an athlete for a sample or for information relating to a possible anti‑doping rule violation under this Division.

(2) The requester must make reasonable efforts to ensure that its request is understood.

(3) If the requester believes the athlete is unable to receive or understand the request for a sample (eg because the athlete is deaf), the requester may communicate with the athlete through an interpreter.

(4) If the requester needs to give notice of the request for a sample to a person mentioned in paragraph 3.16(6)(a), (b), (c) or (d) and the requester believes that person is unable to understand English, or otherwise has difficulty communicating in English, the requester may communicate with the person through an interpreter.

3.18 The CEO to pay athlete’s expenses

(1) This clause applies if a place stated under paragraph 3.16(2)(a) is more than 50 kilometres from the place where the request is received.

(2) The CEO must offer to pay the reasonable expenses of the athlete incurred in travelling from the place where the request was received to the stated place.

(3) The CEO may also offer to pay the reasonable expenses of the athlete incurred in travelling from the place where the request was received to the stated place if it is otherwise reasonable to do so.

3.19 Retired athletes

(1) Subclause (2) applies if:

(a) an athlete has been asked for a sample under this Division; and

(b) the athlete claims to have retired from taking part in sporting competition.

(2) The CEO may ask a sporting administration body to inform the CEO whether the athlete has notified the body that he or she has retired from taking part in sporting competition and, if so, the date of notification.

(3) The CEO may decide that the athlete is not required to give the sample if the CEO is satisfied that, before the time the sample is to be given, the athlete has retired from taking part in sporting competition.

3.20 What athlete may do before giving sample

(1) Before going with a chaperone to a place to give the sample, the athlete may, with the permission of the chaperone:

(a) participate in a victory ceremony; or

(b) fulfil media commitments; or

(c) compete in further competitions; or

(d) perform a warm down; or

(e) obtain or receive necessary medical treatment; or

(f) locate a representative or interpreter; or

(g) obtain photo identification; or

(h) complete a training session; or

(i) do anything else that is justifiable in the circumstances.

(2) The athlete must remain continuously chaperoned while doing anything mentioned in subclause (1).

(3) A chaperone must not refuse a reasonable request by an athlete for consent under subclause (1) but must refuse a request if it will not be possible for the athlete to be continuously chaperoned.

(4) A refusal by a chaperone to consent to a request by an athlete under subclause (1) does not invalidate any test conducted on a sample given by the athlete.

(5) The doping control officer or chaperone must document a request by an athlete for consent under subclause (1) and details of subsequent activity of the athlete.

3.21 Right to a representative

(1) An athlete who has been asked to give a sample is entitled to be accompanied by a representative during the sample collection session except when the athlete is passing a urine sample. In particular an athlete who is a minor must be provided with the opportunity to be accompanied by a representative of his or her choice.

(2) If an athlete who is a minor has been asked to give a sample, the athlete’s representative may observe the chaperone when the minor athlete is passing a urine sample, but not directly observe the passing of the urine sample unless requested to do so by the minor athlete.

(3) If an athlete who is a minor has been asked to give a sample, the chaperone observing the minor passing a urine sample is also entitled to be accompanied by a representative during the sample collection session. The representative may observe the chaperone when the minor athlete is passing a urine sample, but not directly observe the passing of the urine sample.

(4) If an athlete with a disability has been asked to give a sample, the athlete’s representative may assist the athlete during the entire sample collection session if authorised by the athlete and agreed to by the doping control officer.

Division 3.4—Analysing samples

3.22 What the CEO may do with samples

(1) This clause applies if:

(a) an athlete has been asked for a sample under this Division; and

(b) the athlete gives the sample in response to the request.

(2) The CEO may:

(a) for a blood sample—centrifuge the sample to separate serum from whole blood for transport of the serum to a laboratory; and

(b) for a urine sample—test the specific gravity and acidity (pH level) of the sample to determine its suitability for analysis; and

(c) take any other actions in relation to the sample that are reasonable necessary to fulfil an anti‑doping purpose.

3.23 The CEO may ask laboratory to test samples

(1) This clause applies to a sample:

(a) if an athlete has been asked for the sample under this Division and the athlete gives the sample in response to the request; and

(b) whether or not the CEO has done anything with the sample under clause 3.22.

(2) The CEO may ask an accredited laboratory to analyse the sample for an anti‑doping purpose.

Note: For anti‑doping purposes, see clause 3

3.24 World Anti‑Doping Code procedures to be followed

An analysis of a sample made under this Division must comply, or substantially comply, with the procedures for analysis of a sample mentioned in the World Anti‑Doping Code and International Standards.

Note: The World Anti‑Doping Code is available at the following website address: http://www.wada‑ama.org.

3.25 Retention and retesting of samples

(1) This clause applies if:

(a) the CEO has asked an accredited laboratory to analyse a sample given by an athlete under the NAD scheme; and

(b) there is a B sample; and

(c) the B sample has not been used for analysis under the NAD scheme.

(2) If the result of the analysis of the A sample is positive, the accredited laboratory must keep the B sample for at least 12 months.

(3) If the result of the analysis of the A sample is negative, the accredited laboratory must keep any remaining A sample and the B sample for at least 90 days, or longer as requested by the CEO.

(4) The CEO may, at any time, analyse and store the A or B sample or use the result of such an analysis for an anti‑doping purpose.

(5) The CEO may ask an accredited laboratory to store, analyse or reanalyse a sample for an anti‑doping purpose at any time.

Note: There is an 8 year time limit on taking action in relation to a matter: see subclause 1.04(2).

3.26 Ownership of samples

(1) A sample collected from an athlete at the CEO’s initiative is the property of the CEO.

(2) The CEO may transfer ownership of a sample collected from an athlete at the CEO’s initiative to another anti‑doping organisation exercising results management authority in relation to the sample.

Division 3.4A—Request to attend interview, give information or produce documents

3.26A Request

The CEO is authorised to request a specified person to do one or more of the following within a specified period:

(a) attend an interview to answer questions;

(b) give information of a specified kind;

(c) produce documents or things of a specified kind;

if the CEO reasonably believes that the person has information, documents or things that may be relevant to the administration of the NAD scheme.

Note 1: See paragraph 13(1)(ea) of the Act.

Note 2: Subclause (1) is additional to the CEO’s authority, conferred under paragraph 13(1)(f) of the Act, to investigate possible violations of the anti‑doping rules. Under that authority, an investigation may include interviewing persons and requesting information, documents or other things.

Division 3.4B—Requirement to attend interview, give information or produce documents

3.26B Requirement

Authority to give disclosure notice

(1) The CEO is authorised to give a person a written notice (a ***disclosure notice***) requiring the person to do one or more of the following within the period specified in the notice:

(a) attend an interview to answer questions;

(b) give information of the kind specified in the notice;

(c) produce documents or things of the kind specified in the notice.

Note: See subsection 13A(1) of the Act.

(2) The CEO must not give a disclosure notice to the person unless:

(a) the CEO declares in writing that the CEO reasonably believes that the person has information, documents or things that may be relevant to the administration of the NAD scheme; and

(b) if:

(i) the person is a registered medical practitioner; and

(ii) the notice is given to the person in his or her capacity as a registered medical practitioner;

the CEO declares in writing that the CEO reasonably believes that the person has been involved, in that capacity, in the commission, or attempted commission, of a possible violation of the anti‑doping rules; and

(c) 3 ADRVP members agree in writing that the belief mentioned in paragraph (a) (and, if applicable, paragraph (b)) is reasonable.

Note: See subsection 13A(1A) of the Act.

(3) A person who is given a disclosure notice has the right to be notified in writing of the possible consequences of a failure to comply with the notice.

Note: See subsection 13A(3) of the Act.

Administration relating to disclosure notice

(4) For paragraph 13A(2)(a) of the Act:

(a) the agreement of an ADRVP member under paragraph (2)(c) may be given in electronic form; and

(b) a disclosure notice may be in electronic form; and

(c) the CEO may give a disclosure notice by electronic means.

Content of disclosure notice

(5) For paragraph 13A(2)(a) of the Act, a disclosure notice must include the following:

(a) the name of the person to whom the notice is given (the ***recipient***);

(b) a statement that the recipient is required to do one or more of the following:

(i) attend an interview to answer questions;

(ii) give information of the kind specified in the notice;

(iii) produce documents or things of the kind specified in the notice;

(c) the possible consequences of a failure to comply with the notice;

(d) information about how to contact the ASADA.

Note: ASADA will be able to discuss with the recipient the general purpose of the interview and other administrative arrangements about the interview.

(6) If the disclosure notice requires the recipient to attend an interview to answer questions, the notice must also include the following:

(a) the date and time of the interview, which must be:

(i) at least 14 days after the date of the notice; or

(ii) if exceptional circumstances exist—after the end of a different period specified in the notice;

(b) the location of the interview;

(c) a statement that:

(i) the recipient may contact the CEO, within the period stated in the notice, to offer a different date, time or location of the interview on the ground that the proposed date, time or location would cause undue hardship to the person; and

(ii) the recipient must give details of the hardship; and

(iii) the CEO may agree to another date, time or location, but is not required to do so; and

(iv) if the CEO agrees to another date, time or location, the CEO will, as soon as practicable, give the recipient a replacement disclosure notice stating the date, time and location; and

(v) if the CEO has not agreed to another date, time or location by the date stated in the notice, the interview will be conducted at the date, time and location stated in the notice;

(d) a statement that the interview may be conducted over more than one day if it is appropriate;

(e) a statement that the recipient must attend the interview;

(f) a statement that the recipient is excused from complying with a requirement to answer a question if the answer to the question might tend to incriminate the recipient or expose the recipient to a penalty;

(g) a statement that:

(i) the recipient may be accompanied at the interview; and

(ii) if the recipient proposes to be accompanied by a person who is not a qualified legal practitioner representing the recipient, the recipient must notify the CEO, in writing, of the other person’s name by the time specified in the notice; and

(iii) if the recipient does not notify the CEO, in writing, of the other person’s name within that period, the person conducting the interview may decide whether to allow the recipient to be accompanied for the purposes of the interview by another person who is not a qualified legal practitioner representing the recipient;

(h) a statement that if the recipient is under 18, the recipient may be accompanied for the purposes of the interview by:

(i) one other person; or

(ii) a qualified legal practitioner representing the recipient and one other person who is not a qualified legal practitioner representing the recipient.

Note 1: Regulation 3.26D explains the exceptional circumstances mentioned in paragraph (a).

Note 2: The standard period within which the person may offer a different date, time or location of the interview is expected to be 5 days from the date the notice is given to the person. The period will be set having regard to the person’s circumstances and the requirements of the particular investigation.

Note 3: Section 13D of the Act relates to protections against self‑incrimination.

(7) If the CEO agrees with a recipient under subclause (6) to a different date, time or location of an interview:

(a) the CEO is authorised to give the recipient a replacement disclosure notice requiring the recipient to do one or more of the following within the period specified in the notice:

(i) attend an interview to answer questions;

(ii) give information of the kind specified in the notice;

(iii) produce documents or things of the kind specified in the notice; and

(b) the CEO is not required to consult again with the 3 ADRVP members mentioned in paragraph (2)(c); and

(c) the notice must include:

(i) the date, time and location of the interview; and

(ii) the statements in paragraphs (6)(d), (e) and (f).

Note: An agreement about the date, time and location of the interview does not affect the CEO’s belief that the recipient has information, documents or things that may be relevant to the administration of the NAD scheme.

(8) If the disclosure notice requires the recipient to give information, the notice must also include the following information:

(a) a statement that the recipient must give the information to the CEO by the date, or the time and date, specified in the notice;

(b) a statement that if the recipient is an individual, the recipient is excused from complying with a requirement to give the information if the information might tend to incriminate the recipient or expose the recipient to a penalty;

(c) a statement that if the recipient:

(i) is an individual; and

(ii) does not possess information specified in the notice; and

(iii) has taken all reasonable steps available to the recipient to obtain the information and has been unable to obtain it;

the recipient may give the CEO a statutory declaration stating those matters;

(d) a statement that if the recipient:

(i) is not an individual; and

(ii) does not possess information specified in the notice; and

(iii) has taken all reasonable steps available to the recipient to obtain the information and has been unable to obtain it;

an individual acting for the recipient may give the CEO a statutory declaration stating those matters.

Note: Section 13D of the Act relates to protections against self‑incrimination.

(9) If the disclosure notice requires the recipient to produce documents or things, the notice must also include the following information:

(a) a statement that the recipient must produce the documents or things to the CEO by the date, or the time and date, specified in the notice;

(b) a statement that the recipient is not excused from producing a document or thing specified in the notice on the ground that the document or thing might tend to incriminate the recipient or expose the recipient to a penalty;

(c) a statement that if the recipient:

(i) does not possess a document or thing specified in the notice; and

(ii) has taken all reasonable steps available to the recipient to obtain the document or thing and has been unable to obtain it;

the recipient may give the CEO a statutory declaration stating those matters;

(d) a statement that if the recipient is an individual, none of the following:

(i) the document or thing produced;

(ii) the producing of the document or thing;

(iii) any information, document or thing obtained as a direct or indirect consequence of producing the document or thing;

is admissible in evidence against the recipient in:

(iv) criminal proceedings, other than proceedings for an offence against section 137.1 (false or misleading information) or 137.2 (false or misleading documents) of the Criminal Code that relates to this Act; or

(v) any proceedings that would expose the recipient to a penalty, other than proceedings in connection with the Act or regulations made under the Act;

(e) a statement that proceedings (however described) before a sporting administration body or the Court of Arbitration for Sport or other sporting tribunal that relate to sports doping and safety matters are proceedings in connection with the Act or regulations made under the Act.

Note: Section 13D of the Act relates to protections against self‑incrimination.

3.26C Form and conduct of an interview

(1) For paragraph 13A(2)(b) of the Act, this clause provides for the form and conduct of an interview that has been required under clause 3.26B.

Form of interview

(2) The person conducting the interview (the ***interviewer***) may arrange for the interview to be conducted in person or in another form.

Examples: A teleconference or videoconference.

(3) The interviewer may arrange for the interview to be recorded in any form.

Assistance of another person or other persons

(4) Subject to subclauses (5) and (6):

(a) a person (the ***interviewee***) who is given a disclosure notice and is at least 18 may be accompanied for the purposes of the interview by one other person; and

(b) a person (the ***interviewee***) who is given a disclosure notice and is under 18 may be accompanied for the purposes of the interview by:

(i) one other person; or

(ii) a qualified legal practitioner representing the interviewee and one other person who is not a qualified legal practitioner representing the interviewee.

Note: If the interviewee is under 18, the interviewee should consider being accompanied by the interviewee’s parent or guardian.

(5) If the interviewee does not notify the CEO of the name of another person in accordance with the disclosure notice, the interviewer may decide whether to allow the interviewee to be accompanied for the purposes of the interview by another person who is not a qualified legal practitioner representing the interviewee.

Note: See paragraph 3.26B(6)(g).

(6) If the interviewer or the CEO reasonably believes that the presence of a person who proposes to accompany an interviewee, or is accompanying the interviewee, may compromise, hinder or obstruct an investigation, the interviewer:

(a) must inform the interviewee of that belief; and

(b) must inform the interviewee that the other person:

(i) cannot attend the interview; or

(ii) can no longer attend the interview; and

(c) must not allow the other person to:

(i) attend the interview; or

(ii) continue to attend the interview; and

(d) must give the interviewee a reasonable opportunity to propose another person to accompany the interviewee for the purposes of the interview; and

(e) may suspend the interview until the interviewee has arranged for another person.

Examples: Possible grounds on which the interviewer or the CEO could reasonably believe that the presence of a person may compromise, hinder or obstruct an investigation are where the person

(a) is, or may become, the subject of an investigation; or

(b) is, or may become, a witness in an investigation, or

(c) is under a sanction for an anti‑doping rule violation.

Costs

(7) The interviewee is not entitled to payment relating to any cost relating to a disclosure notice.

3.26D Exceptional circumstances

(1) This section applies if:

(a) the 3 ADRVP members mentioned in paragraph 3.26B(2)(c) agree that the CEO’s belief mentioned in paragraph 3.26B(2)(a) (and, if applicable, paragraph 3.26B(2)(b)) is reasonable; and

(b) the CEO also asks the members to consider whether a circumstance proposed by the CEO would be an exceptional circumstance for paragraph 3.26B(6)(a).

(2) The ADRVP members must advise the CEO whether the proposed circumstance is exceptional.

Note: Under subparagraph 3.26B(6)(a), an interview cannot be held within a period specified in a disclosure notice, including a period specified because exceptional circumstances exist.

Matters that could be relevant in a particular case include the following:

(a) a person is about to leave Australia;

(b) a person is currently engaged in an international competition;

(c) a person is likely to be engaged in an international competition at a particular time;

(d) it would be reasonable to believe that an individual may be at risk of serious health issues over a particular period as a result of the alleged use of a substance.

(3) The advice of an ADRVP member under subclause (2) may be in electronic form.

3.26E Retaining and copying documents produced in response to a disclosure notice

For subsection 13B(2) of the Act, if the CEO has taken possession of a document or thing produced in response to a disclosure notice, the CEO must ensure that the document or thing is returned to the person from whom it was taken as soon as practicable after it is no longer necessary for the CEO to retain possession of it.

Note 1: Subsection 13B(3) of the Act requires the CEO to allow a person who would otherwise be entitled to inspect the document or view the thing to do so at the times that the person would ordinarily be able to do so.

Note 2: It may be necessary for the CEO to retain possession of the document or thing if:

(a) an investigation into a possible violation of the anti‑doping rules to which the disclosure notice relates is incomplete; or

(b) the deliberations or decisions of a sporting administration body in relation to a matter relating to, or arising under, the NAD scheme and relating to the disclosure notice are incomplete; or

(c) any other action by a court, tribunal or other body or person for review of a decision under the NAD scheme relating to the disclosure notice is incomplete, or has not yet been sought.

Note 3: If the CEO has not obtained the document or thing from another person, the document or thing will be kept in compliance with Commonwealth law.

Division 3.5—Investigations

3.27 Investigations

(1) For paragraph 13(1)(f) of the Act, the CEO is authorised to investigate possible anti‑doping rule violations that may have been committed by athletes or support persons.

(2) An investigation must comply, or substantially comply, with the procedures mentioned in:

(a) the World Anti‑Doping Code; and

(b) the International Standards; and

(c) the Australian Government Investigations Standard.

(3) A failure to comply with those procedures does not affect the validity of the investigation.

Part 4—Results management

Division 4.1—Adverse analytical findings

4.01 Initial review

(1) This clause applies if the CEO receives notice from an accredited laboratory of an atypical finding or an adverse analytical finding in relation to an A sample provided by an athlete.

(2) On receipt of an atypical finding or an adverse analytical finding, the CEO must review, for irregularity or departures from the relevant international standards, the documentation relevant to the sample collection session and the laboratory analysis.

(3) If there is an irregularity or departure from the relevant international standards in the documentation, the CEO must determine whether the irregularity or departure can be considered to undermine the validity of the atypical finding or the adverse analytical finding.

(4) If the CEO considers that the irregularity or departure does undermine the validity of the atypical finding or the adverse analytical finding, the CEO must declare the result of testing void.

4.02 Therapeutic use

(1) This clause applies if the CEO receives notice from an accredited laboratory of an atypical finding or an adverse analytical finding in relation to an A sample provided by an athlete and the CEO does not declare the result of testing void under clause 4.01.

(2) The CEO must determine whether approval has been granted to the athlete by a TUE committee, in accordance with the International Standard for Therapeutic Use Exemptions, for the therapeutic use of the prohibited substance or prohibited method revealed in the atypical finding or adverse analytical finding.

(3) If the CEO determines that the analysis has revealed a prohibited substance or method for which a therapeutic use exemption has been granted in accordance with the International Standard for Therapeutic Use Exemptions, the CEO may determine that there is no adverse analytical finding.

(4) If the athlete has been granted a therapeutic use exemption in accordance with the International Standard for Therapeutic Use Exemptions, but the level of the prohibited substance or prohibited method in the A sample is not consistent with the exemption, then the CEO may continue results management in relation to the atypical finding or adverse analytical finding.

(5) If the athlete has not been granted a therapeutic use exemption in accordance with the International Standard for Therapeutic Use Exemptions, then the CEO must continue results management in relation to the atypical finding or adverse analytical finding.

4.03 Follow‑up investigations

(1) This clause applies if the CEO receives notice from an accredited laboratory of an atypical finding in relation to an A sample provided by an athlete; and

(a) does not declare the result of testing void under clause 4.01; and

(b) has not determined that there is no adverse analytical finding due to a therapeutic use exemption having been granted in accordance with the International Standard for Therapeutic Use Exemptions in accordance with clause 4.02.

(2) The CEO may conduct an investigation in relation to the atypical finding in order to determine whether or not the atypical finding amounts to an adverse analytical finding. In order to conduct this investigation, the CEO may request the assistance of:

(a) the athlete; or

(b) an accredited laboratory; or

(c) other anti‑doping organisations; or

(d) a TUE committee; or

(e) another expert in a field relevant to the investigation.

(3) At the conclusion of the follow‑up investigation, the CEO must make a final determination as to whether the atypical finding amounts to an adverse analytical finding. In making this determination, the CEO must take into account all laboratory analyses and the findings and recommendations of any TUE committee or other expert consulted.

(4) If the CEO determines that an atypical finding does not amount to an adverse analytical finding, the CEO must notify the athlete accordingly.

4.04 Notification after initial review

(1) This clause applies if the CEO:

(a) receives a notice from an accredited laboratory of an atypical finding or an adverse analytical finding in relation to an A sample provided by an athlete; and

(b) does not declare the result of testing void under clause 4.01; and

(c) has not determined that there is no adverse analytical finding due to a therapeutic use exemption having been granted in accordance with the International Standard for Therapeutic Use Exemptions in accordance with clause 4.02; and

(d) for an atypical finding ‑ determines that the atypical finding amounts to an adverse analytical finding at the conclusion of a follow‑up investigation in accordance with clause 4.03.

(2) The CEO must notify the athlete in writing of the A sample adverse analytical finding. The notice must include:

(a) the date of the sample collection; and

(b) that the A sample has returned an adverse analytical finding; and

(c) that the B sample will be analysed unless the athlete waives the right to have the B sample analysed (subject to subclause (d)); and

(d) that the CEO may analyse the B sample even if the athlete waives the right to have the B sample analysed; and

(e) details of the time, date and place for the B sample analysis; and

(f) the right of the athlete or a representative of the athlete, or both, to attend the identification, opening and analysis of the B sample; and

(g) any other parties that will be notified of the A sample adverse analytical finding; and

(h) that the athlete will be given the opportunity to make a submission in relation to the sample even if the B sample is not analysed.

(3) The notice to the athlete of the A sample adverse analytical finding may include any other relevant details, including details of any provisional suspension to be imposed on the athlete in accordance with the rules of a relevant sporting organisation.

4.05 B sample analysis

(1) This clause applies if:

(a) the athlete does not waive the B sample analysis; or

(b) the CEO decides to have the B sample analysed.

(2) The B sample must be analysed in accordance with the International Standard for Laboratories.

(3) The athlete or a representative of the athlete has the right to attend the identification, opening and analysis of the B sample.

(4) If the CEO determines that the B sample analysis does not confirm the A sample analysis, the CEO must notify the athlete and any other parties that were notified of the A sample adverse analytical finding that the sample has been declared negative.

(5) If the B sample analysis does confirm the A sample analysis, the CEO may continue results management in relation to the adverse analytical finding.

4.06 Notification after B sample analysis

(1) This clause applies if:

(a) the B sample analysis confirms the A sample analysis; or

(b) the athlete waives the B sample analysis and the CEO decides not to have the B sample analysed.

(2) The CEO must notify the athlete in writing of the adverse analytical finding. The notice must include:

(a) that the result of the B sample analysis (if conducted) confirms the adverse analytical finding; and

(b) that the athlete (or a person on the athlete’s behalf) may, within the response period, give the CEO a written submission setting out information or evidence that may affect the validity of the results of the testing, or waiving this right to make a submission; and

(c) that if the athlete (or a person on the athlete’s behalf) does not give the CEO a written submission or notice within the response period, the athlete is taken to have waived the athlete’s right to make a submission; and

(d) that, after considering any submission made by the athlete (or a person on the athlete’s behalf), the ADRVP may make an entry on the Register relating to the adverse analytical finding; and

(e) details of other parties that will be notified of the entry on the Register; and

(f) that the CEO may also publicly disclose details of the entry on the Register.

(3) For this clause, ***response period*** means:

(a) within 10 days after receiving the notice; or

(b) if the CEO considers that a shorter period is reasonably necessary due to the circumstances (eg a forthcoming international event or national event) — a shorter period notified by the CEO in writing to the athlete before the end of the original response period; or

(c) a longer period notified by the CEO in writing to the athlete.

Division 4.2—Other anti‑doping rule violations

4.07A Notification of possible non‑presence anti‑doping rule violation

(1) This clause applies if:

(a) the CEO receives evidence or information showing a possible non‑presence anti‑doping rule violation; and

(b) following a review of the evidence or information, the CEO determines there is a possible non‑presence anti‑doping rule violation that warrants action by the CEO.

(2) The CEO must notify the participant in writing of the possible non‑presence anti‑doping rule violation.

(3) The notice must include:

(a) details of the possible non‑presence anti‑doping rule violation; and

(b) a statement that the participant (or a person on the participant’s behalf) may, within the response period, give the CEO a written submission setting out information or evidence relating to the possible non‑presence anti‑doping rule violation, or waiving this right to make a submission; and

(c) a statement that if the participant (or a person on the participant’s behalf) does not give the CEO a written submission or notice within the response period, the participant is taken to have waived the participant’s right to make a submission; and

(d) a statement that, after considering any submission made by the participant (or a person on the participant’s behalf), the ADRVP may make an entry on the Register relating to the possible non‑presence anti‑doping rule violation; and

(f) details of other parties that will be notified of the entry on the Register; and

(g) a statement that the ASADA may also publicly disclose details of the entry on the Register.

(4) In this clause:

***response period*** means:

(a) the period of 10 days after a participant receives a notice; or

(b) if the CEO considers that a shorter period is reasonably necessary due to the circumstances (for example, because of a forthcoming international event or national event)—a shorter period notified by the CEO in writing to the participant before the end of the original response period; or

(c) a longer period notified by the CEO in writing to the participant.

Division 4.3—Register of Findings

4.08 Establishment and maintenance of Register of Findings

For paragraph 13(1)(i) of the Act, the ADRVP must establish and maintain a Register of Findings for the purpose of recording findings of the ADRVP relating to adverse analytical findings and possible non‑presence anti‑doping rule violations.

4.09 Finding—consideration by the ADRVP

(1) This clause applies if:

(a) a participant has received notification under clause 4.06 or 4.07A; and

(b) the response period for the notification has ended.

(2) The ADRVP must, as soon as practicable, consider any submissions made by the participant and decide whether or not to make an entry on the Register.

(3) If the ADRVP decides not to make an entry on the Register, the ADRVP must notify:

(a) the participant; and

(b) any other party that has been notified of the adverse analytical finding or possible non‑presence anti‑doping rule violation.

4.10 Entry of finding on Register

As soon as practicable after deciding to make an entry on the Register, the ADRVP must enter the following information on the Register:

(a) the name of the participant;

(b) if the participant is an athlete:

(i) the athlete’s date of birth; and

(ii) the athlete’s sport;

(c) the nature of the finding relating to the adverse analytical finding or possible non‑presence anti‑doping rule violation;

(d) the date of the adverse analytical finding or possible non‑presence anti‑doping rule violation;

(e) any other details relevant to the adverse analytical finding or possible non‑presence anti‑doping rule violation that the ADRVP considers should be entered on the Register.

4.11 Notice of entry on Register

(1) As soon as practicable after the ADRVP decides to make an entry on the Register, the CEO must give the participant to whom the finding relates a written notice stating:

(a) details of the finding relating to the adverse analytical finding or possible non‑presence anti‑doping rule violation; and

(b) that an entry has been made on the Register about the finding; and

(c) that the participant has the right to have the ADRVP’s decision to make the entry on the Register reviewed by the Administrative Appeals Tribunal by application made within 28 days of receipt of the notice; and

(d) the persons or organisations to whom the CEO must or may give written notification of the entry on the Register.

(2) A notice under this clause may also state:

(a) details of any recommendation that the CEO has made, or proposes to make, to relevant sporting organisations about the consequences of the adverse analytical finding or possible non‑presence anti‑doping rule violation subject to the finding; and

(b) any other details relevant to the finding.

4.12 Review by Administrative Appeals Tribunal

An athlete or support person to whom a entry on the Register relates may, within 28 days of receipt of the notice mentioned in clause 4.11, apply to the Administrative Appeals Tribunal for review of the ADRVP’s decision make the entry.

4.13 Presentation of cases

(1) For paragraph 13(1)(k) of the Act, the CEO may present at a hearing of the Court of Arbitration for Sport or another sporting tribunal:

(a) a finding that has been entered on the Register; or

(b) a recommendation by the CEO in relation to a finding.

(2) With the approval of the CEO, a sporting administration body may present a finding on the Register to the Court of Arbitration for Sport or another sporting tribunal.

(3) Giving an approval under subclause (2) does not prevent the CEO from appearing before, or giving information to, the sporting tribunal.

4.14 Removal of names from Register

The ADRVP must remove an entry from the Register as soon as practicable if, after the entry has been made, any of the following happens:

(a) the ADRVP becomes satisfied that at the time to which the entry relates the person was not a participant;

(b) the ADRVP decides, having regard to a decision of a sporting tribunal, that the entry should be removed from the Register;

(c) the ADRVP is satisfied that, at the time to which the entry relates, the person was a minor, and no period of ineligibility has been imposed on the person as a result of the entry or the period of ineligibility imposed on the person as a result of the entry has ended;

(d) the Administrative Appeals Tribunal, on a review under clause 4.12, sets aside the finding on which the entry was based and the ADRVP has decided not to appeal the decision of the Administrative Appeals Tribunal.

4.15 Correction or amendment of entry on Register

(1) This clause applies if:

(a) the ADRVP becomes aware that the Register contains an error because of a mistake, an omission, or a false entry in the Register; or

(b) the ADRVP decides, having regard to a decision of a sporting tribunal, that an entry on the Register requires amendment.

(2) The ADRVP must correct the error or amend the entry on the Register as soon as practicable.

4.16 Register—notice of removal, correction or amendment

As soon as practicable after the ADRVP corrects, amends or removes information about a participant in the Register, the CEO must give a written notice to any person to whom the CEO has given notice about the entry stating that the information has been corrected, amended or removed.

Division 4.4—Disclosure of information

4.17 Notice of entries on Register

(1) This clause applies if the ADRVP has entered information about a participant on the Register.

(2) Within a reasonable time after making the entry on the Register, the CEO must give written notice about the entry to:

(a) each relevant national sporting organisation for the participant; and

(b) each relevant sporting administration body for the participant; and

(c) the relevant International Sporting Federation for the participant; and

(d) each relevant government sports agency for the participant; and

(e) WADA; and

(f) any relevant national sporting organisation for any other participant whose interests may be affected by the conduct of the participant.

(3) The notice must include details of the entry.

(4) The notice may include details of any recommendation that the CEO has made or is intending to make in relation to the entry.

4.18 Information relating to entries on Register

(1) The CEO may give information arising out of or connected with the entry of the name of a participant on the Register to 1 or more sporting administration bodies.

(2) The information may be given orally or by written notice.

4.19 Information about potential entries on Register

(1) This clause applies if the ADRVP:

(a) is considering whether to enter information relating to a participant on the Register; and

(b) has not yet entered the information.

(2) The CEO may give the information to 1 or more sporting administration bodies.

(3) The information may be given orally or by written notice.

4.20 Conditions on the release of information

(1) If a notice or information provided by the CEO under clause 4.17, 4.18 or 4.19 contains information that is not in the public domain (non‑public information), the CEO may give the information to a particular sporting administration body only if:

(a) the CEO has taken reasonable steps to satisfy itself that the non‑public information will not be used or disclosed by the body in a way that would be unfairly prejudicial to the interests of the athlete or support person, including taking reasonable steps to satisfy itself that the non‑public information will be treated in confidence; and

(b) the body has given a written undertaking that the non‑public information will be treated in confidence.

(2) If the CEO becomes aware that an undertaking given under subclause (1) has been breached by a national sporting organisation, the CEO must report details of the breach to the ASC.

4.21 Non‑entry information

(1) This clause applies to information that:

(a) is not information arising out of an entry on the Register; and

(b) relates, or appears to relate, to a person in connection with a possible anti‑doping rule violation by an athlete or support person.

(2) For paragraph 13(1)(g) of the Act, the CEO may disclose the information to all or any of the following:

(a) a sporting administration body;

(b) the Australian Federal Police;

(c) the Australian Customs Service;

(d) the Therapeutic Goods Administration;

(e) Federal, State or Territory law enforcement bodies.

(3) Nothing in this clause limits, or is limited by, any other provision of the NAD scheme under which the CEO is required or authorised to disclose information.

(4) If a body mentioned in subclause (2) is not subject to the Information Privacy Principles or the National Privacy Principles contained in the *Privacy Act 1988* or a law that is substantially similar to the Information Privacy Principles or the National Privacy Principles, before disclosing personal information to the body, the CEO must enter into a legally binding agreement with that body to ensure that any personal information that is disclosed is:

(a) not used or disclosed by that body for a purpose other than the purpose for which the information is given to the body; and

(b) securely retained and restrictions placed on who can access the information; and

(c) destroyed or returned to the CEO once the purpose for which the disclosure is made is completed.

4.22 Making information publicly available

(1) For paragraph 13(1)(m) of the Act, the CEO is authorised to publish information on and related to the Register only if:

(a) the CEO:

(i) considers the publication to be in the public interest; or

(ii) has received the consent to the publication by the athlete or support person to whom the information relates; and

(b) any of the following apply:

(i) a decision has been handed down for a hearing process conducted in accordance with Article 8 of the World Anti‑Doping Code, in relation to the finding concerning the information, by a sporting tribunal;

(ii) the athlete or support person has waived his or her right to a hearing;

(iii) the athlete or support person has refused to recognise the jurisdiction of a sporting tribunal to conduct a hearing process in relation to the finding concerning the information; or

(iv) no sporting tribunal has jurisdiction to conduct a hearing process in relation to the finding concerning the information; and

(c) if the athlete or support person applied to have the decision to make the entry reviewed by the Administrative Appeals Tribunal:

(i) for information for which the Administrative Appeals Tribunal has granted an order under subsection 35(2) of the *Administrative Appeals Tribunal Act 1975—*the review process has been finally determined; or

(ii) the Administrative Appeals Tribunal has not granted an order under subsection 35(2) of the *Administrative Appeals Tribunal Act 1975*; or

(iii) the athlete or support person has not applied to the Administrative Appeals Tribunal for a review of the decision within the applicable timeframe.

Note: In accordance with the definition of ***World Anti‑Doping Code*** in subsection 4(1) of the Act, the reference in subparagraph (b) (i) to the World Anti‑Doping Code is a reference to the World Anti‑Doping Code as in force from time to time.

(2) For subclause (1), the CEO may determine:

(a) the way in which the information is to be made publicly available; and

(b) the times at which the information is to be made publicly available.

Division 4.5—Commencing action against an athlete or support person

4.23 Limitation period for commencing action

For subsections 13(3) and (4) of the Act:

(a) an action may be commenced against an athlete or support person in relation to a possible violation of the anti‑doping rules within 8 years after the violation is alleged to have occurred; and

(b) paragraph (a) prevails over a law of a State or Territory, to the extent of any inconsistency.

Part 5—ASDMAC functions

5.01 Functions of ASDMAC

(1) The ASDMAC may give an athlete approval, in accordance with the World Anti‑Doping Code and the International Standard for Therapeutic Use Exemptions, to use a prohibited substance or a prohibited method for therapeutic purposes.

(2) ASDMAC may develop and implement its own procedure for the issuing of therapeutic use exemptions under subclause (1).

(3) If an athlete has an approval for the use of a prohibited substance or a prohibited method for therapeutic purposes, the ASDMAC may investigate the sample analysis result for a sample given by the athlete to find out whether the athlete has complied with the conditions of the approval.

(4) The ASDMAC may investigate an atypical finding or an adverse analytical finding for a sample given by an athlete to find out whether the atypical finding or adverse analytical finding was caused by naturally occurring levels of the substance concerned.

(5) The ASDMAC may review the procedures adopted by a sporting administration body for approving the use of a prohibited substance or a prohibited method.

(6) ASDMAC may provide advice relating to therapeutic use exemptions and ASDMAC functions to the CEO, sporting administration bodies, participants or other TUE committees.

(7) If the CEO consults with the ASDMAC about whether an approval for the use of a prohibited substance or a prohibited method for therapeutic purposes was given:

(a) by ASDMAC; or

(b) by a TUE committee; or

(c) because of a decision by WADA following a review or appeal;

the ASDMAC may investigate the approval and give its opinion to the CEO.

(8) The ASDMAC may participate in a review or an appeal that is related directly or indirectly to a decision made by the ASDMAC:

(a) to approve the use of a prohibited substance or a prohibited method for therapeutic purposes; or

(b) to refuse to approve the use of a prohibited substance or a prohibited method for therapeutic purposes.

5.02 Disclosure of information by ASDMAC

(1) The ASDMAC may disclose to an athlete information about analysis of a sample given by the athlete that:

(a) has led to the entry of the name of the athlete on the Register; or

(b) was carried out by a sporting administration body other than at the request of the CEO and that has resulted in an atypical finding or an adverse analytical finding.

(2) The ASDMAC may disclose to any relevant sporting administration body information about analysis of an athlete’s sample that:

(a) has led to the entry of the name of the athlete on the Register; or

(b) was carried out by a sporting administration body other than at the request of the CEO and that has resulted in an atypical finding or an adverse analytical finding.

(3) The ASDMAC may give information to a sporting administration body that:

(a) is related to a drug testing program; and

(b) is related directly or indirectly to a decision made by the ASDMAC:

(i) to approve the use of a prohibited substance or a prohibited method for therapeutic purposes; or

(ii) to refuse to approve the use of a prohibited substance or a prohibited method for therapeutic purposes.

(4) However, the ASDMAC may give information under subclause (3) only if the ASDMAC has taken reasonable steps to satisfy itself that the information disclosed will not be used or disclosed for a purpose other than any of the following:

(a) an anti‑doping testing service;

(b) a safety checking service;

(c) a sports drug and safety matter.

Part 6—Miscellaneous

6.01 When notices are taken to have been received

(1) This clause applies if the CEO sends a notice to an athlete or support person for the NAD scheme.

(2) The athlete or support person is taken to have received the notice (unless the CEO is given evidence sufficient to raise doubt about the matter):

(a) if the notice is delivered personally to the athlete or support person—on the day when it is delivered; and

(b) if the notice is sent by means of a courier service, to the athlete or support person at the address of the place of residence of the athlete or support person last known to the CEO, being a place of residence in Australia—3 days after the date it is sent; and

(c) if the notice is sent by post, or by means of a courier service, to the athlete at the address of the place of residence of the athlete or support person last known to the CEO, being a place of residence outside Australia—10 days after the date it is sent; and

(d) if the athlete or support person has notified the CEO of a number to which notices may be sent to the athlete or support person by fax and the notice is sent to that number—the day it is sent; and

(e) if the notice is sent to the electronic mail address of the athlete or support person—the day it is sent.

Note: For service by post to an address in Australia or an external Territory, see *Evidence Act 1995*, section 160*.*

(3) However, subclause (4) applies if:

(a) the notice cannot be:

(i) delivered personally; or

(ii) sent to the athlete or support person by post or courier service; or

(iii) sent to the athlete or support person by facsimile transmission; and

(b) a notice (to which the notice to the athlete or support person is attached in a sealed envelope addressed to the athlete or support person) is sent to a sporting administration body of which the athlete or support person is a member at its address last known to the CEO asking the organisation to send the envelope to the athlete or support person.

(4) The athlete or support person is taken to have received the notice 10 days after the date it is sent.

6.02 Waiver of Rights

Subject to subsection 14(5) of the Act, an athlete or support person may waive his or her rights as permitted by the NAD scheme:

(a) by written notice; or

(b) unless the NAD scheme states that the waiver must be by written notice—orally.

6.03 Fees

(1) For subsection 19(1) of the Act, the CEO and ASDMAC are authorised to charge fees for performing their functions under the NAD scheme (including functions mentioned in clause 1.02).

(2) The CEO and ASDMAC may, from time to time, determine the fees that may be charged under subclause (1) and publish a schedule of those fees.

(3) Any fees charged under this clause must be reasonably related to the costs or expenses incurred or to be incurred by the CEO or ASDMAC in relation to the functions for which the fee is charged.

(4) Upon commencement of this clause, the fees to be charged by ASADA will be those published on ASADA’s website at www.asada.gov.au.

Schedule 2—Relevant International anti‑doping instruments

(regulation 4)

1. Council of Europe Anti‑Doping Convention, signed by Australia on 24 April 1994.

2. International Anti‑Doping Arrangement, signed by Australia on 18 April 1996.

3. UNESCO Anti‑Doping Convention.

Endnotes

Endnote 1—About the endnotes

The endnotes provide details of the history of this compilation and its provisions. The following endnotes are included in each compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Endnote 5—Uncommenced amendments

Endnote 6—Modifications

Endnote 7—Misdescribed amendments

Endnote 8—Miscellaneous

If there is no information under a particular endnote, the word “none” will appear in square brackets after the endnote heading.

**Abbreviation key—Endnote 2**

The abbreviation key in this endnote sets out abbreviations that may be used in the endnotes.

**Legislation history and amendment history—Endnotes 3 and 4**

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended the compiled law. The information includes commencement information for amending laws and details of application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision level. It also includes information about any provisions that have expired or otherwise ceased to have effect in accordance with a provision of the compiled law.

**Uncommenced amendments—Endnote 5**

The effect of uncommenced amendments is not reflected in the text of the compiled law, but the text of the amendments is included in endnote 5.

**Modifications—Endnote 6**

If the compiled law is affected by a modification that is in force, details of the modification are included in endnote 6.

**Misdescribed amendments—Endnote 7**

An amendment is a misdescribed amendment if the effect of the amendment cannot be incorporated into the text of the compilation. Any misdescribed amendment is included in endnote 7.

**Miscellaneous—Endnote 8**

Endnote 8 includes any additional information that may be helpful for a reader of the compilation.

Endnote 2—Abbreviation key

|  |  |
| --- | --- |
| ad = added or inserted | pres = present |
| am = amended | prev = previous |
| c = clause(s) | (prev) = previously |
| Ch = Chapter(s) | Pt = Part(s) |
| def = definition(s) | r = regulation(s)/rule(s) |
| Dict = Dictionary | Reg = Regulation/Regulations |
| disallowed = disallowed by Parliament | reloc = relocated |
| Div = Division(s) | renum = renumbered |
| exp = expired or ceased to have effect | rep = repealed |
| hdg = heading(s) | rs = repealed and substituted |
| LI = Legislative Instrument | s = section(s) |
| LIA = *Legislative Instruments Act 2003* | Sch = Schedule(s) |
| mod = modified/modification | Sdiv = Subdivision(s) |
| No = Number(s) | SLI = Select Legislative Instrument |
| o = order(s) | SR = Statutory Rules |
| Ord = Ordinance | Sub‑Ch = Sub‑Chapter(s) |
| orig = original | SubPt = Subpart(s) |
| par = paragraph(s)/subparagraph(s) |  |
| /sub‑subparagraph(s) |  |

Endnote 3—Legislation history

| Number and year | FRLI registration | Commencement | Application, saving and transitional provisions |
| --- | --- | --- | --- |
| 2006 No. 47 | 13 Mar 2006 (*see* F2006L00765) | 13 Mar 2006 |  |
| LI 001/2006 | 14 Sept 2006 (*see* F2006L03078) | 15 Sept 2006 | — |
| LI 001/2008 | 24 Sept 2008 (*see* F2008L03530) | 25 Sept 2008 | r. 4 |
| LI 002/2008 | 4 Sept 2008 (*see* F2008L03533 | 25 Sept 2008 | — |
| 2009 No. 367 | 16 Dec 2009 (*see* F2009L04015) | 1 Jan 2010 | — |
| 2012 No. 307 | 10 Dec 2012 (*see* F2012L02385) | 11 Dec 2012 | — |
| 189, 2013 | 26 July 2013 (*see* F2013L01443) | 1 Aug 2013 | — |

Endnote 4—Amendment history

| Provision affected | How affected |
| --- | --- |
| **Part 1** |  |
| r. 1A | ad. 2009 No. 367 |
|  | am. No. 189, 2013 |
| r. 5 | am. No. 189, 2013 |
| r. 5A | ad. 2009 No. 367 |
|  | am No 189, 2013 |
| r. 5B | ad. 2009 No. 367 |
|  | am No 189, 2013 |
| **Pt 3** |  |
| r. 6 | am. No 189 2013 |
| **Part 4** |  |
| Part 4 | rs. 2009 No. 367 |
| r. 13 | rs. 2009 No. 367; No 189, 2013 |
| r. 14 | ad. 2009 No. 367 |
| r. 15 | ad. 2009 No. 367 |
| **Pt 5** |  |
| Pt 5 | ad No 189, 2013 |
| **Div 1** |  |
| r 16 | ad No 189, 2013 |
| r 17 | ad No 189, 2013 |
| **Div 2** |  |
| r 18 | ad No 189, 2013 |
| r 19 | ad No 189, 2013 |
| r 20 | ad No 189, 2013 |
| r 21 | ad No 189, 2013 |
| r 22 | ad No 189, 2013 |
| r 23 | ad No 189, 2013 |
| **Schedule 1** |  |
| **Part 1** |  |
| Part 1 | rs. 2008 No. 1 |
| c. 1 | am. 2006 No. 1 |
|  | rep. 2008 No. 1 |
| c. 2 | am. 2006 No. 1 |
|  | rep 2008 No. 1 |
| Note to c. 2(3) | rep. 2006 No. 1 |
| Note to c. 2(4) | rep. 2006 No. 1 |
| c. 2A | ad. 2006 No. 1 |
|  | rep. 2008 No. 1 |
| c. 3 | am. 2006 No. 1 |
|  | rep. 2008 No. 1 |
| cc. 4–7 | rep. 2008 No. 1 |
| c. 1.01 | ad. 2008 No. 1 |
| hdg to c 1.02 | rs No 189, 2013 |
| c. 1.02 | ad. 2008 No. 1 |
|  | am No 189, 2013 |
| c 1.02A | ad No 189, 2013 |
| hdg to c 1.03 | rs No 189, 2013 |
| c. 1.03 | ad. 2008 No. 1 |
|  | rs. 2012 No. 307 |
|  | am No 189, 2013 |
| c. 1.03A | ad. 2012 No. 307 |
|  | am No 189, 2013 |
| hdg to c 1.03B | rs No 189, 2013 |
| c. 1.03B | ad. 2012 No. 307 |
| c. 1.04 | ad. 2008 No. 1 |
|  | am No 189, 2013 |
| c. 1.05 | ad. 2008 No. 1 |
|  | am. 2012 No. 307; No 189, 2013 |
| Notes to c. 1.05 | rep. 2012 No. 307 |
| Note 1 to c. 1.05 | ad. 2012 No. 307 |
| Note 2 to c. 1.05 | ad. 2012 No. 307 |
| Note 3 to c. 1.05 | ad. 2012 No. 307 |
| c. 1.05A | ad. 2012 No. 307 |
| c. 1.06 | ad. 2008 No. 1 |
|  | am No 189, 2013 |
| c. 1.07 | ad. 2008 No. 1 |
| c. 1.08 | ad. 2008 No. 1 |
| Note to c 1.08(2) | am No 189, 2013 |
| **Part 2** |  |
| Part 2 | rs. 2008 No. 1 |
| Note to Part 2 | rep. 2008 No. 1 |
| **Division 2.1** |  |
| Div. 2.1 of Part 2 | rs. 2008 No. 1 |
| cc. 8, 9 | rep. 2008 No. 1 |
| c. 2.01 | ad. 2008 No. 1 |
| **Division 2.2** |  |
| Div. 2.2 of Part 2 | rs. 2008 No. 1 |
| cc. 10–13 | rep. 2008 No. 1 |
| c. 13A | ad. 2006 No. 1 |
|  | rep. 2008 No. 1 |
| cc. 14–16 | rep. 2008 No. 1 |
| c. 17 | rep. 2008 No. 1 |
| c. 2.02 | ad. 2008 No. 1 |
| hdg to c 2.03 | rs No 189, 2013 |
| c. 2.03 | ad. 2008 No. 1 |
|  | am No 189, 2013 |
| c. 2.04 | ad. 2008 No. 1 |
|  | am. 2012 No. 307; No 189, 2013 |
| Div. 2.3 of Part 2 | rep. 2008 No. 1 |
| cc. 18, 19 | rep. 2008 No. 1 |
| Div. 2.4 of Part 2 | rep. 2008 No. 1 |
| cc. 20–28 | rep. 2008 No. 1 |
| Div. 2.5 of Part 2 | rep. 2008 No. 1 |
| cc. 29–33 | rep. 2008 No. 1 |
| Div. 2.6 of Part 2 | rep. 2008 No. 1 |
| cc. 34–46 | rep. 2008 No. 1 |
| c. 47 | am. 2006 No. 1 |
|  | rep. 2008 No. 1 |
| cc. 48, 49 | rep. 2008 No. 1 |
| c. 50 | am. 2006 No. 1 |
|  | rep. 2008 No. 1 |
| cc. 51–74 | rep. 2008 No. 1 |
| Div. 2.7 of Part 2 | rep. 2008 No. 1 |
| cc. 75–77 | rep. 2008 No. 1 |
| Div. 2.8 of Part 2 | rep. 2008 No. 1 |
| cc. 79–89 | rep. 2008 No. 1 |
| Div. 2.9 of Part 2 | rep. 2008 No. 1 |
| Note to Div. 2.9 | rep. 2008 No. 1 |
| cc. 90, 91 | rep. 2008 No. 1 |
| **Part 3** |  |
| Part 3 | rs. 2008 No. 1 |
| c. 92 | rep. 2008 No. 1 |
| **Division 3.1** |  |
| c. 3.01 | ad. 2008 No. 1 |
|  | am No 189, 2013 |
| c. 3.02 | ad. 2008 No. 1 |
|  | am No 189, 2013 |
| c. 3.03 | ad. 2008 No. 1 |
|  | am No 189, 2013 |
| c. 3.04 | ad. 2008 No. 1 |
|  | am No 189, 2013 |
| c. 3.05 | ad. 2008 No. 1 |
| c. 3.06 | ad. 2008 No. 1 |
|  | am No 189, 2013 |
| c. 3.07 | ad. 2008 No. 1 |
| c. 3.08 | ad. 2008 No. 1 |
|  | am No 189, 2013 |
| **Division 3.2** |  |
| c. 3.09 | ad. 2008 No. 1 |
|  | am. No. 189, 2013 |
| c. 3.10 | ad. 2008 No. 1 |
|  | am No 189, 2013 |
| Note to c 3.10(2) | am No 189, 2013 |
| hdg to c 3.11 | rs No 189, 2013 |
| c. 3.11 | ad. 2008 No. 1 |
|  | am No 189, 2013 |
| Note to c 3.11(4) | am No 189, 2013 |
| **Division 3.3** |  |
| c. 3.12 | ad. 2008 No. 1 |
|  | am No 189, 2013 |
| c. 3.13 | ad. 2008 No. 1 |
| hdg to c 3.14 | rs No 189, 2013 |
| c. 3.14 | ad. 2008 No. 1 |
|  | am No 189, 2013 |
| hdg to c 3.15 | rs No 189, 2013 |
| c. 3.15 | ad. 2008 No. 1 |
|  | am No 189, 2013 |
| c. 3.16 | ad. 2008 No. 1 |
|  | am No 189, 2013 |
| Note to c 3.16(2) | am No 189, 2013 |
| hdg to c 3.17 | rs No 189, 2013 |
| c. 3.17 | ad. 2008 No. 1 |
| hdg to c 3.18 | rs No 189, 2013 |
| c. 3.18 | ad. 2008 No. 1 |
|  | am No 189, 2013 |
| c. 3.19 | ad. 2008 No. 1 |
|  | am No 189, 2013 |
| c. 3.20 | ad. 2008 No. 1 |
| c. 3.21 | ad. 2008 No. 1 |
| **Division 3.4** |  |
| hdg to c 3.22 | rs No 189, 2013 |
| c. 3.22 | ad. 2008 No. 1 |
|  | am No 189, 2013 |
| hdg to c 3.23 | rs No 189, 2013 |
| c. 3.23 | ad. 2008 No. 1 |
|  | am No 189, 2013 |
| c. 3.24 | ad. 2008 No. 1 |
| c. 3.25 | ad. 2008 No. 1 |
|  | am No 189, 2013 |
| c. 3.26 | ad. 2008 No. 1 |
|  | am No 189, 2013 |
| **Div 3.4A** |  |
| Div 3.4A of Pt 2 | ad No 189, 2013 |
| c 3.26A | ad No 189, 2013 |
| **Div 3.4B** |  |
| Div 3.4B of Pt 2 | ad No 189, 2013 |
| c 3.26B | ad No 189, 2013 |
| c 3.26C | ad No 189, 2013 |
| c 3.26D | ad No 189, 2013 |
| c 3.26E | ad No 189, 2013 |
| **Division 3.5** |  |
| c. 3.27 | ad. 2008 No. 1 |
|  | am No 189, 2013 |
| **Part 4** |  |
| Part 4 | rs. 2008 No. 1 |
| c. 92A | ad. 2006 No. 1 |
|  | rep. 2008 No. 1 |
| c. 93 | rep. 2008 No. 1 |
| **Division 4.1** |  |
| c. 4.01 | ad. 2008 No. 1 |
|  | am No 189, 2013 |
| c. 4.02 | ad. 2008 No. 1 |
|  | am No 189, 2013 |
| c. 4.03 | ad. 2008 No. 1 |
|  | am No 189, 2013 |
| c. 4.04 | ad. 2008 No. 1 |
|  | am No 189, 2013 |
| c. 4.05 | ad. 2008 No. 1 |
|  | am No 189, 2013 |
| c. 4.06 | ad. 2008 No. 1 |
|  | am No 189, 2013 |
| **Division 4.2** |  |
| c. 4.07 | ad. 2008 No. 1 |
|  | rep. 2012 No. 307 |
| c. 4.07A | ad. 2012 No. 307 |
|  | am No 189, 2013 |
| **Division 4.3** |  |
| c. 4.08 | ad. 2008 No. 1 |
|  | am. 2012 No. 307; No 189, 2013 |
| c. 4.09 | ad. 2008 No. 1 |
|  | rs. 2012 No. 307 |
| c. 4.10 | ad. 2008 No. 1 |
|  | rs. 2012 No. 307 |
| c. 4.11 | ad. 2008 No. 1 |
|  | am. 2012 No. 307; No 189, 2013 |
| c. 4.12 | ad. 2008 No. 1 |
|  | am. No. 189, 2013 |
| c. 4.13 | ad. 2008 No. 1 |
|  | am No 189, 2013 |
| c. 4.14 | ad. 2008 No. 1 |
|  | rs No 189, 2013 |
| c. 4.15 | ad. 2008 No. 1 |
|  | am No 189, 2013 |
| c. 4.16 | ad. 2008 No. 1 |
|  | rs No 189, 2013 |
| **Division 4.4** |  |
| c. 4.17 | ad. 2008 No. 1 |
|  | am No 189, 2013 |
| c. 4.18 | ad. 2008 No. 1 |
|  | am No 189, 2013 |
| c. 4.19 | ad. 2008 No. 1 |
|  | am No 189, 2013 |
| c. 4.20 | ad. 2008 No. 1 |
|  | am No 189, 2013 |
| c. 4.21 | ad. 2008 No. 1 |
|  | am No 189, 2013 |
| c. 4.22 | ad. 2008 No. 1 |
|  | am No 189, 2013 |
| **Div 4.5** |  |
| Div 4.5 of Pt 4 | ad No 189, 2013 |
| c. 4.23 | ad No 189, 2013 |
| **Part 5** |  |
| Part 5 | rs. 2008 No. 1 |
| c. 94 | rep. 2008 No. 1 |
| c. 95 | am. 2006 No. 1 |
|  | rep. 2008 No. 1 |
| c. 95A | ad. 2006 No. 1 |
|  | rep. 2008 No. 1 |
| c. 5.01 | ad. 2008 No. 1 |
|  | am No 189, 2013 |
| c. 5. 02 | ad. 2008 No. 1 |
|  | am No 189, 2013 |
| **Part 6** |  |
| c. 6.01 | ad. 2008 No. 1 |
|  | am No 189, 2013 |
| c. 6.02 | ad. 2008 No. 1 |
| c. 96 (Renumbered c. 6.03) | 2008 No. 1 |
| c. 6.03 | rs. 2008 No. 2 |
|  | am No 189, 2013 |

Endnote 5—Uncommenced amendments [none]

Endnote 6—Modifications [none]

Endnote 7—Misdescribed amendments

Australian Sports Anti‑Doping Authority Amendment Regulation 2013 (No. 1) (No. 189, 2013)

Schedule 2

69 Subclause 3.09(4) of Schedule 1 (note)

Omit “ASADA may”, substitute “the CEO may”.

197 Subclause 6.01(4) of Schedule 1

Omit “by ASADA”, substitute “by the CEO”.

Endnote 8—Miscellaneous [none]