



National Anti-Doping scheme

Contents

The NAD scheme	7
Part 1 Preliminary	7
1 Overview	7
2 Powers of ASADA	9
2A Application	13
3 Definitions	13
4 Meaning of <i>athlete</i>	18
5 Meaning of <i>receiving support</i>	20
6 Meaning of <i>personal interest</i>	21
7 Meaning of <i>fails to comply with a request to provide a sample</i>	22
Part 2 Testing and investigating	23
Division 2.1 Drug tests, permitted levels and procedures	23
8 Urine testing under the NAD scheme	23
9 Blood testing under the NAD scheme	23
Division 2.2 Doping control officers and chaperones	24
Subdivision 2.2.1 ASADA representatives	24
10 Doping control officers	24
11 Chaperones	24
12 Investigators	25
13 Blood collection officials	25
14 Identity cards	25
15 Production of identity cards	26
16 Conflict of interest — ASADA representatives	26
Subdivision 2.2.2 Sporting administration body representatives	27
17 Conflict of interest — sporting administration body representatives	27
Division 2.3 Locating athletes	28
18 Request to give location of athlete	28
19 ASADA may ask for help in locating athlete	29

	Page
Division 2.4 Requests for samples	29
20Code procedures to be followed	29
21ASADA may ask athlete for samples	30
22ASADA may ask sporting administration body to test	30
23ASDMAC etc may ask ASADA to ask athlete for additional samples	31
24Request to give sample	31
25ASADA to engage an interpreter	32
26ASADA to pay athlete's expenses	33
27Athlete appears likely to fail to comply	34
28Retired athletes	34
Division 2.5 Testing samples	35
29Code procedures to be followed	35
30ASADA may conduct screening tests on samples	35
31ASADA may ask laboratory to test samples	35
32Investigations by ASADA and analytical investigative bodies	36
33Retention and Retesting of samples	37
Division 2.6 ASADA testing and analysis investigations of athletes — anti-doping rules, rights and ASADA findings	38
Subdivision 2.6.1 The Rules, rights of athletes and findings	38
34Rule: request to inform ASADA of location — notice about athletes' rights etc	38
35Notice about failure to comply with request to inform ASADA of location	39
36Submission about failure to comply with request to inform ASADA of location	39
37Finding — failure to comply with request to inform ASADA of location	40
38Rule: athlete not able to be located for a sample after being requested to provide location — notice about athletes' rights etc	41
39Submission about athlete not being able to be located for a sample after being requested to provide location	42
40Finding — athlete not being able to be located for a sample after being requested to provide location	43

	Page
41Rule: evasion of request by ASADA for a sample — notice about athletes' rights etc	43
42Submission about evasion of request by ASADA for a sample	44
43Finding — evasion of request by ASADA for a sample	45
44Rule: request for sample — notice about athletes' rights etc	46
45What athlete may do before giving sample	46
46Right to a representative	47
47Notice about failure to comply with request to provide sample	47
48Submission about failure to comply with request to provide sample	48
49Finding — failure to comply with request to provide sample	49
50What happens if result of test of Part A of sample is an adverse analytical finding	50
51Election to have Part B of sample tested	52
52Submission about Part A of sample	54
53Athlete's rights if Part B of sample is to be tested	55
54Notice of adverse analytical finding — Part B of sample	56
55Submission about Part A or Part B of sample	56
56Finding — adverse analytical finding	57
57Request may be made on behalf of ASADA	58
58Rule: tampering with a sports drug matter — Notice about rights etc	58
59Submission about tampering with a sports drug matter	59
60Finding — tampering with a sports drug matter	60
61Rule: use of a drug or doping method — notice about athletes' rights etc	60
62Submission about use of a drug or doping method	61
63Finding — use of a drug or doping method	62
64Rule: trafficking in a drug or doping method — notice about rights etc	63
65Submission about trafficking in a drug or doping method	63
66Finding — trafficking in a drug or doping method	64
67Rule: possession of a drug or doping method — notice about rights etc	65
68Submission about possession of a drug or doping method	66
69Finding — possession of a drug or doping method	67
70Rule: administration of a drug or doping method, or aiding or abetting — notice about rights etc	67

	Page
71 Submission about administration of a drug or doping method, or aiding or abetting	68
72 Finding — administration of a drug or doping method, or aiding or abetting	69
Subdivision 2.6.2 Attempts and aiding and abetting violations of the anti-doping rules	70
73 Attempted violations of certain anti-doping rules	70
74 Aiding and abetting violations of anti-doping rules	71
Division 2.7 Other rights of athletes and support persons	72
75 Application of Division	72
76 Notice about entry on Register etc	73
77 Athlete or support person may waive rights	73
Division 2.8 Register of Findings	74
78 Establishment and maintenance of Register of Findings	74
79 Entries about findings	74
80 Entry of finding on Register	74
81 AAT Review	75
82 Giving notice about entries and recommendations	75
83 Giving information relating to entries to sporting administration bodies	77
84 Giving information to sporting administration bodies if no entry made, or yet made, on register	79
85 Removal of names from Register — athlete or support person under 18	80
86 Removal of names from Register — person not an athlete or support person	81
87 Correction of error in Register	82
88 Amendment of entry in Register	82
89 Register — Notice of correction, amendment or removal	83
Division 2.9 Disclosure of information under the NAD scheme	83
90 Making information on an entry publicly available	84
91 Presentation at hearings etc	85
Part 3 ASDMAC functions	86
92 Functions of ASDMAC	86

	Page
Part 4 Sporting administration body rules	89
92A Sporting administration body rules — powers of ASADA	89
(2) ASADA	89
93 Sporting administration body rules — powers of ASADA	89
Part 5 Miscellaneous	92
94 When notices are presumed to have been received	92
95 Disclosing information to sporting administration bodies — non-entry information	93
96 Fees	96
Schedule 2 Relevant International anti-doping instruments	99

The National Anti-Doping (NAD) scheme

Part 1 Preliminary

1 Overview

- (1) This instrument establishes the National Anti-Doping (NAD) scheme (the *scheme*) as required by section 9 of the Act, for the following purposes of the Act:
- (a) the investigation of possible violations of the anti-doping rules by athletes and support persons, and findings in relation to those investigations;
 - (b) the testing of athletes by taking and analysing samples to detect or assist in determining violations of the anti-doping rules;
 - (c) to provide a fair and just appeals and review mechanism to protect the rights of athletes and support persons implicated by investigations or testing;
 - (d) to establish the Register, as a record of all findings made by ASADA in relation to its investigations of possible violations of the anti-doping rules;
 - (e) to formalise the role of ASADA in investigating and testing for possible violations of the anti-doping rules and as the custodian of the Register;
 - (f) to authorise ASADA to present cases on behalf of sporting administration bodies;
 - (g) to include in the NAD scheme *sporting administration body rules* that:
 - (i) are applicable to 1 or more specified sporting administration bodies; and

- (ii) relate to the anti-doping rules;
- (h) to authorise ASADA to publish information on or relating to the Register.

Note Subsection 10 (1) of the Act provides that ASADA, by written instrument, may amend the NAD scheme contained in this Schedule.

The anti-doping rules

- (2) The anti-doping rules, for athletes and support persons are:
 - (a) an athlete must not fail to comply with request to inform ASADA of his or her location; and
 - (b) an athlete must not fail to be able to be located for a sample after being requested to provide his or her location; and
 - (c) an athlete must not evade, or attempt to evade, a request by ASADA for a sample; and
 - (d) an athlete must not fail to comply with request for a sample; and
 - (e) an athlete or support person must not tamper, or attempt to tamper, with a sports drug matter; and
 - (f) an athlete must not use, or attempt to use, a drug or doping method; and
 - (g) an athlete or support person must not traffick in a drug or doping method; and
 - (h) an athlete or support person must not possess a drug or doping method; and
 - (i) an athlete or support person must not:
 - (i) administer, or attempt to administer, a drug or doping method; or
 - (ii) engage in conduct aiding and abetting any activity involving a violation of the anti-doping rules; and

- (j) an athlete must not have present, in his or her urine sample or blood sample, a drug or its metabolites or markers or a doping method mentioned in the prohibited list.

Note 1 Clause 74 makes provision for dealing with aiding and abetting violations under these rules.

Note 2 In accordance with the World Anti-doping Code, several of the anti-doping rules mentioned above specifically proscribe attempts as violations of the rules; clause 73 makes provision for dealing with these attempted violations under these rules.

2 Powers of ASADA

- (1) For the avoidance of doubt, ASADA is authorised to exercise powers under the Act for the NAD scheme, including the following powers:
 - (a) powers mentioned in subsection 13 (1) of the Act; and
 - (b) powers mentioned in subsection 15 (1) of the Act.

Note 1 Subsection 13 (1) of the Act requires the regulations to authorise ASADA to exercise certain powers concerning violations of the anti-doping rules, in relation to certain athletes and support persons. Subsection 15 (1) of the Act of the Act requires the regulations to authorise ASADA to monitor compliance by sporting administration bodies with sporting administration body rules, and to notify the ASC and publish reports about the extent of compliance.

- (2) The following table contains references in the NAD scheme to:
 - (a) powers of ASADA; and
 - (b) features of the NAD scheme;that are required by a provision in the Act to be contained in the NAD scheme.

Provision of the Act	Power and features: the NAD scheme must...	Clause in NAD scheme
Paragraph 13 (1) (a)	provide that 1 or more specified classes of athletes and support persons are subject to the NAD scheme	clause 1
Paragraph 13 (1) (b)	contain rules (the <i>anti-doping rules</i>) applicable to athletes and support persons	subclause 1 (2)
Paragraph 13 (1) (c)	authorise ASADA to request an athlete to keep ASADA informed of where the athlete can be found	clause 18
Paragraph 13 (1) (d)	authorise ASADA to request an athlete to provide a sample	clause 21
Paragraph 13 (1) (e)	authorise ASADA to test, or arrange the testing of, samples	clauses 30 and 31
Paragraph 13 (1) (f)	authorise ASADA to investigate possible violations of the anti-doping rules	Subdivision 2.6.1
Paragraph 13 (1) (g)	authorise ASADA to disclose information obtained during such investigations for the purposes of, or in connection with, investigations	clause 95
Paragraph 13 (1) (h)	authorise ASADA to make findings relating to investigations	Subdivision 2.6.1
Paragraph 13 (1) (i)	require ASADA to establish and maintain a register of findings	Division 2.8 clause 78
Paragraph 13 (1) (j)	authorise ASADA to notify athletes, support persons and sporting administration bodies of: <ul style="list-style-type: none"> (a) findings on the register; and (b) ASADA's recommendations 	clause 82

Provision of the Act	Power and features: the NAD scheme must...	Clause in NAD scheme
Paragraph 13 (1) (k)	authorise ASADA to present: <ul style="list-style-type: none"> (a) findings on the register; and (b) ASADA’s recommendations; at hearings of the Court of Arbitration for Sport and other sporting tribunals, either: <ul style="list-style-type: none"> (c) at the request of a sporting administration body; or (d) on ASADA’s own initiative 	clause 91
Paragraph 13 (1) (l)	authorise ASADA to make entries on, or remove entries from, the register	clause 80 clause 85 clause 86 clause 87 clause 88
Paragraph 13 (1) (m)	authorise ASADA to publish information on and relating to the register, if: <ul style="list-style-type: none"> (a) ASADA considers the publication to be in the public interest; or (b) the athlete or support person to whom the information relates has consented to the publication; and the other conditions (if any) specified in the NAD scheme for the purposes of this paragraph are satisfied	clause 90
Paragraph 15 (1) (a)	contain rules (the <i>sporting administration body rules</i>) that: <ul style="list-style-type: none"> (a) are applicable to 1 or more specified sporting administration bodies; and (b) relate to the anti-doping rules 	Part 4 clause 93
Paragraph 15 (1) (b)	authorise the ASADA to monitor the compliance by sporting administration bodies with the sporting administration body rules	paragraph 93 (2) (a)

Provision of the Act	Power and features: the NAD scheme must...	Clause in NAD scheme
Paragraph 15 (1) (c)	authorise the ASADA to notify the ASC about the extent of such compliance by sporting administration bodies other than the ASC	paragraph 93 (2) (b)
Paragraph 15 (1) (d)	authorise the ASADA to publish reports about the extent of compliance by sporting administration bodies with the sporting administration body rules	paragraph 93 (2) (c)

Requests from foreign agencies

- (3) If:
- (a) ASADA receives a request from a sporting administration body; and
 - (b) the request is reasonably necessary to enforce or give effect to the World Anti-Doping Code and relevant international anti-doping instruments;
- ASADA is authorised to exercise powers under the NAD scheme in order to cooperate with the request.

Requests to foreign agencies

- (4) If ASADA requests a sporting administration body to:
- (a) provide information; or
 - (b) obtain and provide information;
- in relation to an athlete or support person;
- ASADA is authorised to exercise powers under the NAD scheme in relation to that information as if it were information that was obtained by an investigation by ASADA under the NAD scheme.

ASADA to have regard to the World Anti-Doping Code

- (5) In exercising powers for the NAD scheme, and making recommendations, ASADA must have regard to the World Anti-Doping Code, and other relevant international anti-doping instruments.

Note 1 Regulation 4 prescribes additional *relevant international anti-doping instrument* for the Act.

Note 2 In accordance with the Code, certain dealings in drugs or doping methods are permissible; for example, use for therapeutic purposes is recognised as a legitimate use, subject to the appropriate approvals being in place. (Clause 92 authorises ASDMAC to approve the use of a drug of doping method for therapeutic use).

2A Application

- (1) For the avoidance of doubt, the anti-doping rules for athletes and support persons in clause 1(2) apply to matters arising before the commencement of section 13 of the Act to the extent that those matters would have constituted a breach of the anti-doping rules of the relevant sporting administration body in force at the time.
- (2) No action may be commenced against an athlete or support person in relation to a matter unless the action is commenced within eight years of the matter arising

3 Definitions

In the NAD scheme:

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

accredited laboratory means

- (a) a laboratory in Australia that the International Olympic Committee or WADA recognises as an accredited laboratory for the purpose of testing for the use of drugs in sport; or
- (b) a laboratory in Australia that complies with:
 - (i) the International Standards Organisation's general requirements for the competence of calibration and testing laboratories; or
 - (ii) the requirements set out in a prescribed document.

adverse analytical finding, for a sample provided by an athlete, means a report from an accredited laboratory that identifies that the athlete:

- (a) exceeds the level of a drug; or
- (b) if no level is mentioned — shows the presence or use of a drug; or
- (c) has used a doping method;
mentioned in the prohibited list.

aiding or abetting has the meaning given by clause 74.

anti-doping rules means the anti-doping rules summarised in subclause 1 (2), and set out in detail in Division 2.6.

ASADA representative means:

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

athlete has the meaning given by clause 4.

blood collection official means a person approved by ASADA as a blood collection official under clause 13.

chaperone means:

- (a) a doping control officer; or
- (b) a person appointed by ASADA as a chaperone.

doping control officer means a person appointed by ASADA to be a doping control officer for the NAD scheme.

doping method has the meaning given by section 4 of the Act.

drug has the meaning given by section 4 of the Act.

fails to comply with a request, in relation to a sample, has the meaning given by clause 7.

government agency means the ASC or any sports academy, sports institute, or other similar body, of a State or Territory.

government sports agency means ASADA, the ASC, the Australian Institute of Sport or the Department.

NAD scheme means the scheme prescribed by regulation 3.

Part A, of a sample given by an athlete:

- (a) has the meaning given by the World Anti-Doping Code International Standard for Testing; and
- (b) includes a single sample.

Part B, of a sample given by an athlete, has the meaning given by the World Anti-Doping Code International Standard for Testing.

personal interest, in relation to the collection or outcome of the testing of a sample, has the meaning given by clause 6.

prohibited list means the prohibited list of drugs and doping methods published by the World Anti-doping Agency, as in force from time to time, and available on the Agency's website at the following location: <http://www.wada-ama.org>.

receiving support has the meaning given by clause 5.

Register of Findings or ***Register*** means the register mentioned in paragraph 13 (1) (i) of the Act, and maintained by ASADA under Division 2.9 of the NAD scheme.

relevant national sporting organisation, in relation to 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 in any way; or
- (b) of which the relevant sporting organisation of the athlete or support person is a member or with which that organisation is associated in any way.

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

relevant sporting organisation, in relation to 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 in any way.

representative, for an athlete, means:

- (a) a person chosen by the athlete to monitor the collection of a sample from the athlete (the **collection process**); or
- (b) an interpreter chosen by an athlete to help the athlete during the collection process.

sporting administration body representative means a person appointed by a sporting administration body to arrange, at the request of ASADA under the NAD scheme, for a person who competes in a particular sport to be asked to give a sample to determine whether the person has been using any drug or doping method.

sports drug matter means any of the following matters:

- (a) the requesting, collection or handling of samples, or information;

- (b) the testing of samples, the results of those tests or the handling of the results of those tests;
- (c) the requesting by ASADA of an arrangement covered by clause 24;
- (d) the handling of information relating to a matter covered by the NAD scheme (not being information covered by paragraph (e)), including disclosing, communicating, notifying and making publicly available the information;
- (e) the handling of information relating to a matter covered by an arrangement covered by clause 24, including disclosing, communicating, notifying and making publicly available the information.

support person, in relation to an athlete, has the meaning given by section 4 of the Act.

test includes a series of tests.

testing, for a sample given by an athlete, means testing of the sample arranged under the NAD scheme by ASADA, or a sporting administration body, to detect or assist in determining the presence or use of any drug or doping method.

TUE committee means an appropriately constituted therapeutic use exemptions committee as defined by the *International Standard for Therapeutic Use Exemptions*.

World Anti-Doping Code International Standard for Testing means the World Anti-Doping Code International Standard for Testing approved by the Executive Committee of the World Anti-Doping Association, as amended from time to time.

Note 1 In accordance with the definition of **World Anti-Doping Code** in subsection 4 (1) of the Act, a reference to the Code is a reference to the 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.

4 Meaning of *athlete*

- (1) For the NAD scheme, each of the following people is an *athlete*:
- (a) an Australian citizen, or a permanent resident, who competes, or has been selected to compete, as a representative of Australia in international sporting competition;
 - (b) an Australian citizen, or a permanent resident, who has the potential to represent Australia in international sporting competition;
 - (c) a person who competes as a member of a team in sporting competition (whether held, or to be held, in or outside Australia) at a level at which:
 - (i) teams that represent Australia in international sporting competition take part; or
 - (ii) teams that represent organisations in Australia and contain members who have the potential to represent Australia in international sporting competition take part;
 - (d) a person who competes in sporting competition and:
 - (i) is receiving support from the Commonwealth or the ASC; or
 - (ii) is a party to an arrangement with the Commonwealth or the ASC under which the person will receive support from the Commonwealth or the ASC;
 - (e) a person who competes in international, national or state sporting competition held, or to be held, in Australia;
 - (f) a person who competes in sporting competition at a level at which people representing Australia could be expected to compete;

- (g) a person:
 - (i) who has reached such a standard of performance in the field of sporting activity in which he or she competes as to be capable of representing in international sporting competition the country of which he or she is a citizen or in which he or she is ordinarily resident; and
 - (ii) in respect of whom ASADA has been requested by a foreign sporting organisation, or is required under a contract with a foreign sporting organisation, to obtain a sample for testing;
 - (h) a non-Australian in respect of whom ASADA has been requested by, or is required or permitted under a contract with:
 - (i) a foreign sporting organisation in the country of which the person is a citizen or in which the person is ordinarily resident; or
 - (ii) a relevant International Sporting Federation;
to obtain a sample for testing;
 - (i) a person in respect of whom ASADA, under an anti-doping arrangement, is required or permitted to obtain a sample for testing;
 - (j) a person:
 - (i) whose name is entered on the Register; and
 - (ii) who, as a direct or indirect result of having his or her name so entered, is ineligible to take part in sporting competition.
- (2) Subject to subclause (3), if a person:
- (a) is training, or has at any time within the last 12 months trained, to compete in sporting competition or international sporting competition, or in sporting competition or international sporting competition at a particular level; or

- (b) has, at any time within the last 12 months competed in sporting competition or international sporting competition, or in sporting competition or international sporting competition at a particular level;

the person is taken for the purposes of subclause (1) to be a person who competes in sporting competition or international sporting competition, or in sporting competition or international sporting competition at that level, as the case may be.

- (3) For the NAD scheme, a person is taken not to have been a athlete at a particular time if the person:
 - (a) notified the relevant national sporting organisation before that time that he or she had retired from taking part in sporting competition; and
 - (b) has not, since the notification was given, taken part in sporting competition.

5 Meaning of *receiving support*

For the NAD scheme, a person is taken to be *receiving support* from a government or a government agency if the person:

- (a) receives funding from the government or agency for the purpose of taking part in sporting activities, or for the purpose of training to take part in sporting activities; or
- (b) uses facilities for that purpose that are:
 - (i) provided (wholly or partly) by the government or agency; or
 - (ii) operated or maintained (wholly or partly) with funding received from the government or agency; or
- (c) is a member of, or is in any way associated with, a sporting organisation that:
 - (i) receives funding from the government or agency for that purpose; or

- (ii) uses facilities that are provided (wholly or partly) by the government or agency for that purpose; or
- (iii) uses facilities that are operated or maintained (wholly or partly) with funding received from the government or agency for that purpose; or
- (iv) receives advice or other services from the government or agency for that purpose.

6 Meaning of *personal interest*

- (1) For the NAD scheme, a 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) any other matter relating to the NAD scheme; if 1 of the matters set out in subclause (2) exists.
- (2) The matters 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:
 - (i) participates in; or
 - (ii) is involved in the administration of; a sport in which the athlete competes; or
 - (c) the person is:
 - (i) a member of; or
 - (ii) involved in the administration of; a sporting organisation of which the athlete is a member; or
 - (d) a sample of an athlete to which:
 - (i) collection or testing relates; or

- (ii) any other matter relating to the NAD scheme relates; was collected, or is to be collected, at, or in relation to, 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.

7 Meaning of *fails to comply with a request to provide a sample*

For the NAD scheme, an athlete *fails to comply with a request* by ASADA to provide a sample if, and only if:

- (a) the athlete fails to provide a sample as required by the scheme; or
- (b) the athlete fails to complete or sign any form required by the scheme to be completed or signed by the athlete; or
- (c) after providing the sample, the athlete fails to do anything in relation to the sample that is required by the scheme to be done by the athlete.

Part 2 Testing and investigating

Note Under section 9 of the Act, the regulations must prescribe a scheme about any or all of several specified matters relating to anti-doping measures. Section 4 of the Act defines the prescribed scheme as the *NAD scheme* or the *National Anti-Doping Scheme*.

Division 2.1 Drug tests, permitted levels and procedures

8 Urine testing under the NAD scheme

- (1) Urine testing is a procedure to be used in testing under the NAD scheme.
- (2) Any athlete may be subjected to urine testing in order to detect or assist in determining whether the athlete:
 - (a) exceeds the level of a drug; or
 - (b) shows the presence or use of a drug; or
 - (c) has used a doping method; mentioned in the prohibited list.
- (3) The procedure for urine testing consists of the requirements of:
 - (a) the NAD scheme in Schedule 1 to these Regulations; and
 - (b) the World Anti-Doping Code International Standard for Testing; and
 - (c) subject to paragraphs (a) and (b) — ASADA’s doping control protocols and procedures.

9 Blood testing under the NAD scheme

- (1) Blood testing is a procedure to be used in testing under the NAD scheme.

- (2) Any athlete may be subjected to blood testing in order to detect or assist in determining whether the athlete:
 - (a) exceeds the level of a drug; or
 - (b) shows the presence or use of a drug; or
 - (c) has used a doping method; mentioned in the prohibited list.
- (3) The procedure for blood testing consists of the requirements of:
 - (a) the NAD scheme in Schedule 1 to these Regulations; and
 - (b) the World Anti-Doping Code International Standard for Testing; and
 - (c) subject to paragraphs (a) and (b) — ASADA’s doping control protocols and procedures.

Division 2.2 Doping control officers and chaperones

Subdivision 2.2.1 ASADA representatives

10 Doping control officers

- (1) ASADA may appoint a person to be a doping control officer for the NAD scheme.
- (2) ASADA must make sure that each doping control officer is given an identity card that bears a recent photograph of the official.

11 Chaperones

- (1) ASADA may appoint a person to be a chaperone for the NAD scheme.
- (2) A doping control officer is also taken to be a chaperone.

12 Investigators

ASADA may appoint a person to be an investigator for the NAD scheme.

13 Blood collection officials

ASADA may approve a person as a blood collection official for the NAD scheme if ASADA is satisfied on reasonable grounds that the person is qualified to perform the blood collection procedure required by the scheme.

13A Drug testing officials

For the purposes of the NAD scheme, drug testing officials include doping control officers, chaperones, investigators and blood collection officials

14 Identity cards

- (1) ASADA must make sure that each person who is:
 - (a) a chaperone; or
 - (b) a blood collection official; or
 - (c) a doping control officer; or
 - (d) an investigator; oris given an identity card.
- (2) If a chaperone is a doping control officer, the card must bear a recent photograph of the official.
- (3) If a chaperone is not a doping control officer, the card must bear the signature of an employee of ASADA.
- (4) An identity card for a blood collection official must bear the signature of an employee of ASADA, and an endorsement by ASADA that the person is a blood collection official.

- (5) An identity card for an investigator must bear the signature of an employee of ASADA, and an endorsement by ASADA that the person is an investigator.
- (6) A person who ceases to be a chaperone, blood collection official, doping control officer or investigator must return his or her identity card to ASADA on the day when the person ceases to hold that position.

15 Production of identity cards

- (1) If an ASADA representative makes a request of an athlete or support person under the NAD scheme, the athlete or support person may ask the ASADA representative to produce his or her identity card.
- (2) If an athlete or support person asks an ASADA representative to produce his or her identity card under subclause (1):
 - (a) the representative must do so; and
 - (b) the athlete or support person is not required to comply with a request made by the representative until the representative produces his or her identity card.

16 Conflict of interest — ASADA representatives

- (1) ASADA must make sure that the conditions of service applicable to ASADA representatives require the representatives to report to ASADA any personal interest in:
 - (a) the collection or outcome of the testing of a sample given by an athlete; or
 - (b) any other matter relating to the NAD scheme.

Example for paragraph (b)

The representative may have a personal interest in an investigation conducted by the ASDMAC or a TUE committee, in relation to a sample provided by an athlete.

- (2) If an ASADA representative reports a personal interest in a sports drug matter (including the collection or outcome of the testing of a sample given by an athlete) ASADA may direct another ASADA representative to carry out the duties of ASADA representative in relation to the matter.

Note For the meaning of *personal interest*, see clause 6.

Subdivision 2.2.2 Sporting administration body representatives

17 Conflict of interest — sporting administration body representatives

- (1) This clause applies if, under subclause 24 (5), ASADA asks a sporting administration body to arrange for a person who competes in a particular sport to be asked to provide a sample to determine whether the person has been using a drug or doping method.
- (2) ASADA must make sure that the conditions of service applicable to persons appointed by the sporting administration body to be sporting administration body representatives require the representatives to report to the sporting administration body any personal interest in the collection or outcome of the testing of a sample of an athlete that is arranged by ASADA under subclause 24 (5).
- (3) ASADA must also make sure that, if a sporting administration body representative reports a personal interest in the collection or outcome of the testing of a sample of an athlete, the sporting administration body may direct another sporting administration body representative to carry out the duties of the representative in relation to the collection or testing of a sample of the athlete.

Note For the meaning of *personal interest*, see clause 6.

Division 2.3 Locating athletes

18 Request to give location of athlete

- (1) ASADA may ask an athlete to keep ASADA informed of where the athlete can be found.
 - (2) The request:
 - (a) must be made orally or by written notice; and
 - (b) must:
 - (i) explain how the athlete is to keep ASADA informed; and
 - (ii) set out the period or periods for which the athlete is to keep ASADA informed.
- Note* ASADA 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 ASADA asks an intellectually disabled athlete to inform ASADA of where the athlete can be found, ASADA must give at least 1 of the following persons oral or written notice that ASADA 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 ASADA; or
 - (c) if the person has notified ASADA of a number to which notices may be sent to the person by facsimile

transmission — by sending it to the person by facsimile transmission to that number; or

- (d) if the person has notified ASADA of an email address to which notices may be sent to the person — by sending it to the person by email to that address; or
- (e) if the notice cannot be given in accordance with paragraph (a), (b), (c) or (d) — by sending it to the relevant sporting administration body:
 - (i) by post, or by means of a courier service, to the address of the body last known to ASADA; or
 - (ii) if the body has notified ASADA of a number to which notices may be sent to the body by facsimile transmission — by sending it to the body by facsimile transmission to that number; or

asking the body to forward the notice in a sealed envelope to the person.

19 ASADA may ask for help in locating athlete

If ASADA is having difficulty finding an athlete in order to make a request under subclause 18 (1), ASADA may ask:

- (a) a relevant sporting administration body; or
 - (b) a person who knows, or is related to, the athlete;
- for help in finding the athlete.

Division 2.4 Requests for samples

20 Code procedures to be followed

A request for a sample made under this Division must comply, or substantially comply, with the procedures for the making of a request for a sample mentioned in the International Standard for Testing published by the World Anti-Doping Agency, and available on the following website: <http://www.wada-ama.org>.

21 ASADA may ask athlete for samples

- (1) ASADA may ask an athlete to give ASADA a sample to:
 - (a) detect; or
 - (b) assist in determining;
whether the athlete has used a drug or doping method.
- (2) Subclause (3) applies if, in the course of an investigation conducted by the ASDMAC or a TUE committee, in relation to a sample provided by an athlete, the ASDMAC or the TUE committee asks ASADA to ask the athlete for 1, or more than 1, additional sample for the investigation.
- (3) ASADA may ask the athlete for the additional sample or samples.
- (4) Nothing in the NAD scheme prevents ASADA from asking an athlete to give, on the same day, 1 or more urine samples and 1 or more blood samples.
- (5) ASADA may ask an athlete, or a sporting administration body, to provide information relating to a sample.

22 ASADA may ask sporting administration body to test

ASADA may ask a sporting administration body to do 1 or more of the following:

- (a) to arrange for an athlete to be requested to provide a sample in order to detect or assist in determining whether the athlete has used a drug or doping method;
- (b) to test a sample for that purpose;
- (c) to give ASADA information arising out of the making, or attempted making, of such a request, including information concerning:
 - (i) an evasion, or an attempted evasion, by the athlete, of a request to provide a sample; or

- (ii) the aiding, abetting, counselling or procuring of such an evasion, or attempted evasion, by the athlete; or
- (iii) any failure by the athlete to be able to be located to provide such a sample; or
- (iv) any failure by the athlete to provide such a sample; or
- (v) the results of the testing of the sample; or
- (vi) any failure by the athlete to keep the sporting administration body informed of where the person can be found; or
- (vii) the inability, because of a failure of the kind mentioned in subparagraph (vi), of the sporting administration body to make the request; or
- (viii) any tampering, or attempted tampering, by the athlete, or a support person, with a sports drug matter.

23 ASDMAC etc may ask ASADA to ask athlete for additional samples

In the course of an investigation conducted by the ASDMAC or a TUE committee, in relation to a sample provided by an athlete, the ASDMAC or the TUE committee may ask ASADA to ask the athlete for 1, or more than 1, additional sample for the investigation.

24 Request to give sample

- (1) A request for a sample may be made orally or by written notice.
- (2) A request for a sample must be accompanied by 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 Subclause 21 (4) provides that ASADA is not prevented from requesting, on the same day, 1 or more urine samples and 1 or more blood samples.

- (3) The information mentioned in subclause (2) must be given:
 - (a) at the time the request is made; or
 - (b) as soon as practicable afterwards.
- (4) If an intellectually disabled athlete is asked for a sample, ASADA (or a sporting administration body at ASADA's request) 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.
- (5) If it would be unreasonable to require the athlete to go to the stated place at the stated time, ASADA (or a sporting administration body at ASADA's request) may agree with the athlete to collect the sample at a different time or place.
- (6) If ASADA (or a sporting administration body at ASADA's request) has made reasonable attempts to locate an athlete, ASADA or the sporting administration body may ask a person who knows, or is related to, the athlete for help in locating the athlete.

25 ASADA to engage an interpreter

- (1) This clause applies if ASADA (or a sporting administration body at ASADA's request) asks an athlete for a sample under clause 24.

- (2) ASADA (or a sporting administration body at ASADA's request) must make reasonable efforts to ensure that its request is understood.
- (3) If the athlete is unable to receive or understand the request for a sample (for example, because the athlete is deaf), ASADA (or a sporting administration body at ASADA's request) may communicate with the athlete through an interpreter.
- (4) If ASADA (or a sporting administration body at ASADA's request) needs to give notice of the request for a sample to a person mentioned in paragraph 24 (4) (a), (b), (c) or (d) and that person is unable to understand English, or otherwise has difficulty communicating in English, ASADA or the sporting administration body may communicate with the person through an interpreter.

26 ASADA to pay athlete's expenses

- (1) This section applies if a place stated under paragraph 24 (2) (a) is more than 50 kilometres from the place where the request is received.
- (2) ASADA 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) ASADA 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.

27 Athlete appears likely to fail to comply

- (1) Subclause (2) applies if:
 - (a) an athlete has been asked for a sample under clause 24; and
 - (b) it appears to ASADA that the athlete is likely to fail to comply with the request; and
 - (c) it appears to ASADA that a sporting administration body should be given the opportunity to try to persuade the athlete to comply with the request.
- (2) ASADA may tell the sporting administration body that the athlete appears to be likely to fail to comply with the request.

28 Retired athletes

- (1) Subclause (2) applies if:
 - (a) an athlete has been asked for a sample under clause 24; and
 - (b) the athlete claims to have retired from taking part in sporting competition.
- (2) ASADA may ask a sporting administration body to tell ASADA 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 athlete is not required to give the sample if:
 - (a) ASADA asks a sporting administration body whether the athlete has retired from taking part in sporting competition; and
 - (b) the sporting administration body tells ASADA:
 - (i) in writing; and
 - (ii) before the time the sample is to be given;that the athlete has retired from taking part in sporting competition.

Division 2.5 Testing samples

29 Code procedures to be followed

A test of a sample made under this Division must comply, or substantially comply, with the procedures for the testing of a sample mentioned in the Code and international standards, and available at the following website address: <http://www.wada-ama.org>.

30 ASADA may conduct screening tests on samples

- (1) This clause applies if:
 - (a) an athlete has been asked for a sample under clause 24; and
 - (b) the athlete gives the sample in response to the request.
- (2) ASADA may use analytical techniques and equipment to test the sample to:
 - (a) detect; or
 - (b) assist in determining; the presence or use of any drug or doping method.

31 ASADA may ask laboratory to test samples

- (1) This clause applies to a sample:
 - (a) if an athlete has been asked for a sample under clause 24 and the athlete gives the sample in response to the request; and
 - (b) whether or not ASADA has used analytical techniques and equipment to test the sample.

- (2) If this clause applies to a sample, ASADA may ask an accredited laboratory or an accredited foreign laboratory to test the sample to:
- (a) detect; or
 - (b) assist in determining;
the presence or use of any drug or doping method.

32 Investigations by ASADA and analytical investigative bodies

- (1) ASADA, or a TUE committee, may investigate an adverse analytical finding for a sample given by an athlete to find out whether the result was caused by naturally occurring levels of the substance concerned.

Note The ASDMAC also has the power to investigate an adverse analytical finding for a sample given by an athlete for this purpose (see subclause 92 (1)).

- (2) An investigation mentioned in subclause (1) must take into account any approval given to the athlete by:
- (a) ASDMAC; or
 - (b) a TUE committee;
for the therapeutic use of the drug or doping method.

Note Under subclause 92 (2) of the NAD scheme ASDMAC may give approval for therapeutic use of a drug or doping method.

- (3) If an athlete has an approval for the use of a drug for therapeutic purposes, ASADA or a TUE committee 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.

Note The ASDMAC also has the power to investigate the sample analysis result for the same purpose (see subclause 92 (3)).

33 Retention and Retesting of samples

- (1) This clause applies if:
 - (a) ASADA has asked an accredited laboratory to test a sample given by an athlete under the NAD scheme; and
 - (b) there is a Part B of the sample; and
 - (c) Part B of the sample has not been used for testing under the NAD scheme.
- (2) If the result of the testing of Part A of the sample is positive, the laboratory must keep Part B of the sample for at least 12 months.
- (3) If the result of the testing of Part A of the sample is negative, the laboratory must keep Part B of the sample for at least 30 days.
- (4) ASADA may, at any time:
 - (a) retest a sample; or
 - (b) use the result of a test in performing a further test; or
 - (c) use the sample, or the result of a test, in undertaking an investigation; or
 - (d) use the sample, or the result of a test, in undertaking research.

Division 2.6 ASADA testing and analysis investigations of athletes — anti-doping rules, rights and ASADA findings

Subdivision 2.6.1 The Rules, rights of athletes and findings

Note Subdivision 2.6.2 contains specific provisions relating to attempts and aiding and abetting [see clauses 73 and 74].

34 Rule: request to inform ASADA of location — notice about athletes' rights etc

- (1) If ASADA requests an athlete to keep ASADA informed of where the athlete can be found, for the purpose of being asked to provide a sample in order to detect or assist in determining whether the person has been using a drug or a doping method, ASADA must give the athlete notice of the possible consequences of a failure to comply with the request.

Note Clause 57 provides that ASADA may arrange for a sporting administration body to make the request on behalf of ASADA.

- (2) ASADA must give the notice:
 - (a) when it asks the athlete to keep it informed; or
 - (b) as soon as practicable after it asks the athlete to keep it informed.
- (3) ASADA may give the notice orally or in writing.

35 Notice about failure to comply with request to inform ASADA of location

- (1) This clause applies if ASADA believes that an athlete may have failed to comply with a request by ASADA under clause 18 to keep ASADA informed of where the athlete can be found.

Note Clause 57 provides that ASADA may arrange for a sporting administration body to make the request on behalf of ASADA.

- (2) If ASADA believes under subclause (1) that an athlete may have failed comply with a request ASADA must, as soon as practicable, give the athlete a written notice stating that:
- (a) ASADA proposes to make a finding to that effect, and to enter the finding on the Register; and
 - (b) that the athlete (or a person on the athlete's behalf) may, within 7 days after receiving the notice:
 - (i) give a written submission to ASADA setting out any reasonable cause for the athlete's failure to keep ASADA informed; or
 - (ii) by giving a written notice to ASADA, waive the athlete's right to make a submission.

36 Submission about failure to comply with request to inform ASADA of location

- (1) If ASADA gives an athlete a notice under clause 35, the athlete (or a person on the athlete's behalf) may, within 7 days after receiving the notice (the *submission period*):
- (a) give a written submission to ASADA setting out any reasonable cause for the failure to comply with the request; or
 - (b) by giving a written notice to ASADA, waive the athlete's right to make a submission.

- (2) If the athlete does not give ASADA a written submission or notice within the submission period, the athlete is taken to have waived the athlete's right to make a submission.
- (3) Subclause (4) applies if ASADA considers that the athlete is likely to take part in:
 - (a) an international sporting competition; or
 - (b) a sporting competition to select people to represent Australia in an international sporting competition.
- (4) Before the end of the submission period, ASADA may, by written notice to the athlete, substitute for the period of 7 days mentioned in subclause (1) a shorter period that it considers appropriate in the circumstances.
- (5) The submission period is taken to have ended:
 - (a) if, by written notice before the end of the submission period, the athlete waives the athlete's right to make a submission — when ASADA receives the written notice; or
 - (b) if the athlete gives ASADA a submission before the end of the submission period — when ASADA receives the submission.

Note Clause 94 provides that when a notice that is given to an athlete it is presumed to have been received.

37 Finding — failure to comply with request to inform ASADA of location

- (1) After the submission period, ASADA must, as soon as practicable:
 - (a) consider any submissions made under clause 36; and
 - (b) make a decision whether or not to enter a finding on the Register.

- (2) If ASADA's decision is to enter a finding on the Register, ASADA must make the entry immediately.
- (3) ASADA must give the athlete a written notice stating:
 - (a) ASADA's decision; and
 - (b) if an entry has been made on the Register — details of the entry.
- (4) A notice under subclause (3) must state that the athlete has the right to have ASADA's decision reviewed by the Administrative Appeals Tribunal.

38 Rule: athlete not able to be located for a sample after being requested to provide location — notice about athletes' rights etc

- (1) This clause applies if ASADA believes that an athlete may not have been able to be located, so that a request for a sample could be made, because the athlete failed to comply with a request by ASADA to keep ASADA informed of where the athlete could be found.

Note Clause 57 provides that ASADA may arrange for a sporting administration body to make the request on behalf of ASADA.

- (2) If ASADA believes under subclause (1) that an athlete may not have been able to be located because the athlete failed to comply with a request ASADA must, as soon as practicable, give the athlete a written notice stating that:
 - (a) ASADA proposes to make a finding to that effect, and to enter the finding on the Register; and
 - (b) that the athlete (or a person on the athlete's behalf) may, within 7 days after receiving the notice:
 - (i) give a written submission to ASADA setting out any reasonable cause for the athlete's failure to keep ASADA informed; or

- (ii) by giving a written notice to ASADA, waive the athlete's right to make a submission.

39 Submission about athlete not being able to be located for a sample after being requested to provide location

- (1) If ASADA gives an athlete a notice under clause 38, the athlete (or a person on the athlete's behalf) may, within 7 days after receiving the notice (the *submission period*):
 - (a) give a written submission to ASADA setting out any reasonable cause for the athlete's failure to be located; or
 - (b) by giving a written notice to ASADA, waive the athlete's right to make a submission.
- (2) If the athlete does not give ASADA a written submission or notice within the submission period, the athlete is taken to have waived the athlete's right to make a submission.
- (3) Subclause (4) applies if ASADA considers that the athlete is likely to take part in:
 - (a) an international sporting competition; or
 - (b) a sporting competition to select people to represent Australia in an international sporting competition.
- (4) Before the end of the submission period, ASADA may, by written notice to the athlete, substitute for the period of 7 days mentioned in subclause (1) a shorter period that it considers appropriate in the circumstances.
- (5) The submission period is taken to have ended:
 - (a) if, by written notice before the end of the submission period, the athlete waives the athlete's right to make a submission — when ASADA receives the written notice; or

- (b) if the athlete gives ASADA a submission before the end of the submission period — when ASADA receives the submission.

Note Clause 94 provides that when a notice that is given to an athlete it is presumed to have been received.

40 Finding — athlete not being able to be located for a sample after being requested to provide location

- (1) After the submission period, ASADA must, as soon as practicable:
 - (a) consider any submissions made under clause 39; and
 - (b) make a decision whether or not to enter a finding on the Register.
- (2) If ASADA's decision is to enter a finding on the Register, ASADA must make the entry immediately.
- (3) ASADA must give the athlete a written notice stating:
 - (a) ASADA's decision; and
 - (b) if an entry has been made on the Register — details of the entry.
- (4) A notice under subclause (3) must state that the athlete has the right to have ASADA's decision reviewed by the Administrative Appeals Tribunal.

41 Rule: evasion of request by ASADA for a sample — notice about athletes' rights etc

- (1) This clause applies if ASADA believes that an athlete may have evaded receiving a request by ASADA for a sample.

Note Clause 57 provides that ASADA may arrange for a sporting administration body to make the request on behalf of ASADA.

- (2) If ASADA believes under subclause (1) that an athlete may have evaded receiving a request ASADA must, as soon as practicable, give the athlete a written notice stating that:
 - (a) ASADA proposes to make a finding to that effect, and to enter the finding on the Register; and
 - (b) that the athlete (or a person on the athlete's behalf) may, within 7 days after receiving the notice:
 - (i) give a written submission to ASADA setting out any reasonable cause for the evasion; or
 - (ii) by giving a written notice to ASADA, waive the athlete's right to make a submission.

Note Clause 73 provides that an athlete who attempts to evade receiving a request may be dealt with under clause 41.

42 Submission about evasion of request by ASADA for a sample

- (1) If ASADA gives an athlete a notice under clause 41, the athlete (or a person on the athlete's behalf) may, within 7 days after receiving the notice (the *submission period*):
 - (a) give a written submission to ASADA setting out any reasonable cause for the athlete's conduct; or
 - (b) by giving a written notice to ASADA, waive the athlete's right to make a submission.
- (2) If the athlete does not give ASADA a written submission or notice within the submission period, the athlete is taken to have waived the athlete's right to make a submission.
- (3) Subclause (4) applies if ASADA considers that the athlete is likely to take part in:
 - (a) an international sporting competition; or
 - (b) a sporting competition to select people to represent Australia in an international sporting competition.

- (4) Before the end of the submission period, ASADA may, by written notice to the athlete, substitute for the period of 7 days mentioned in subclause (1) a shorter period that it considers appropriate in the circumstances.
- (5) The submission period is taken to have ended:
 - (a) if, by written notice before the end of the submission period, the athlete waives the athlete's right to make a submission — when ASADA receives the written notice; or
 - (b) if the athlete gives ASADA a submission before the end of the submission period — when ASADA receives the submission.

Note Clause 94 provides that when a notice that is given to an athlete it is presumed to have been received.

43 Finding — evasion of request by ASADA for a sample

- (1) After the submission period, ASADA must, as soon as practicable:
 - (a) consider any submissions made under clause 42; and
 - (b) make a decision whether or not to enter a finding on the Register.
- (2) If ASADA's decision is to enter a finding on the Register, ASADA must make the entry immediately.
- (3) ASADA must give the athlete a written notice stating:
 - (a) ASADA's decision; and
 - (b) if an entry has been made on the Register — details of the entry.
- (4) A notice under subclause (3) must state that the athlete has the right to have ASADA's decision reviewed by the Administrative Appeals Tribunal.

44 Rule: request for sample — notice about athletes' rights etc

- (1) This clause applies if ASADA requests that an athlete give a sample.

Note Clause 57 provides that ASADA may arrange for a sporting administration body to make the request on behalf of ASADA.

- (2) As soon as practicable after ASADA requests an athlete to give a sample, ASADA must give the athlete notice of the possible consequences of failing to comply with a request by ASADA to provide a sample.
- (3) ASADA may give the notice orally or in writing.

45 What athlete may do before giving sample

- (1) Before going with a chaperone to a place to give the sample, the athlete may:
- (a) arrange for a representative to accompany the athlete to the place; or
 - (b) with the consent of the chaperone, do anything that is reasonable for the athlete to do before going to the place to give the sample.
- (2) The athlete must remain visible to the chaperone while doing anything mentioned in subclause (1).
- (3) A chaperone must not refuse any reasonable request by an athlete for consent under subclause (1).
- (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.

46 Right to a representative

- (1) The athlete may choose a representative to monitor the collection of the sample.
- (2) However, the representative must not witness the passing of a urine sample unless the athlete needs help to pass the sample because the athlete has a disability.

47 Notice about failure to comply with request to provide sample

- (1) This clause applies if ASADA believes that an athlete has failed to comply with the request for a sample under clause 24.
- (2) If ASADA believes that an athlete has failed to comply with a request under subclause (1) ASADA must, as soon as practicable, give the athlete a written notice stating that:
 - (a) ASADA proposes to make a finding to that effect, and to enter the finding on the Register; and
 - (b) that the athlete (or a person on the athlete's behalf) may, within 7 days after receiving the notice:
 - (i) give a written submission to ASADA setting out any reasonable cause for the athlete's failure to comply with a request to provide a sample; or
 - (ii) by giving a written notice to ASADA, waive the athlete's right to make a submission.

48 Submission about failure to comply with request to provide sample

- (1) If ASADA believes that an athlete has failed to comply with the request for a sample under clause 24, the athlete (or a person on the athlete's behalf) may, within 7 days after receiving the notice mentioned in subclause 47 (2) (the *submission period*):
 - (a) give a written submission to ASADA setting out any reasonable cause for the failure; or
 - (b) by giving a written notice to ASADA, waive the athlete's right to make a submission.
- (2) If the athlete does not give ASADA a written submission or notice within the submission period, the athlete is taken to have waived the athlete's right to make a submission.
- (3) Subclause (4) applies if ASADA considers that the athlete is likely to take part in:
 - (a) international sporting competition; or
 - (b) a sporting competition to select people to represent Australia in international sporting competition.
- (4) Before the end of the submission period, ASADA may, by written notice to the athlete, substitute for the period of 7 days mentioned in subclause (1) a shorter period that it considers appropriate in the circumstances.

- (5) The submission period is taken to have ended:
- (a) if, by written notice before the end of the submission period, the athlete waives the athlete's right to make a submission — when ASADA receives the written notice; or
 - (b) if the athlete gives ASADA a submission before the end of the submission period — when ASADA receives the submission.

Note 1 For the meaning of *fails to comply with a request*, see clause 7.

Note 2 Clause 94 provides that when a notice that is given to an athlete it is presumed to have been received.

49 Finding — failure to comply with request to provide sample

- (1) After the submission period, ASADA must, as soon as practicable:
 - (a) consider any submissions made under clause 48; and
 - (b) make a decision whether or not to enter a finding on the Register.
- (2) If ASADA's decision is to enter a finding on the Register, ASADA must make the entry immediately.
- (3) ASADA must give the athlete a written notice stating:
 - (a) ASADA's decision; and
 - (b) if an entry has been made on the Register — details of the entry.
- (4) A notice under subclause (3) must state that the athlete has the right to have ASADA's decision reviewed by the Administrative Appeals Tribunal.

50 What happens if result of test of Part A of sample is an adverse analytical finding

- (1) This clause applies if:
- (a) the athlete gives a sample in response to ASADA's request for a sample; and
 - (b) the result of the testing arranged by ASADA of Part A of the athlete's sample is an adverse analytical finding; and
 - (c) after inquiry, ASADA is not aware of any approval for therapeutic use of the drug or doping method identified by the adverse analytical finding given:
 - (i) by ASDMAC; or
 - (ii) by a TUE committee; or
 - (iii) as a result a decision by WADA following a review or appeal; and
 - (d) ASADA is satisfied that the testing complied with the World Anti-Doping Code International Standard for Testing.
- Note* Clause 57 provides that a request made on behalf of ASADA by a sporting administration body is taken to be a request made by ASADA for the NAD scheme.
- (2) As soon as practicable after receiving information about the result of the test, ASADA must give the athlete a written notice (the *information notice*) stating that:
- (a) ASADA proposes to make a finding to that effect, and to enter the finding on the Register; and
 - (b) that the athlete (or a person on the athlete's behalf) may, within 7 days after receiving the notice:
 - (i) give a written submission to ASADA setting out any reasonable cause for the athlete's adverse analytical finding; or
 - (ii) by giving a written notice to ASADA, waive the athlete's right to make a submission.

-
- (3) If there is a Part B of the sample, the information notice must also state:
- (a) that the athlete has the right to notify ASADA in writing, within 7 days after receiving the information notice, that the athlete:
 - (i) elects to have Part B of the sample tested; or
 - (ii) does not elect to have Part B of the sample tested; and
 - (b) that, if the athlete does not notify ASADA within 7 days after receiving the information notice, the athlete cannot make any further election in relation to Part B of the sample; and
 - (c) that, if the athlete elects to have Part B of the sample tested:
 - (i) ASADA will arrange for Part B of the sample to be tested on the testing day stated in a notice under paragraph 51 (3) (a); and
 - (ii) the athlete is entitled to be present or represented at the testing of Part B of the sample; and
 - (iii) ASADA will give the athlete notice of the result of the test as soon as practicable; and
 - (iv) if the result of the test is an adverse analytical finding, the athlete may choose an option mentioned in subclause (4); and
 - (d) that, if the athlete does not elect to have Part B of the sample tested:
 - (i) the athlete is still entitled to make a submission in relation to the testing of Part A of the sample; and
 - (ii) the athlete may waive his or her right to make a submission in relation to the testing of Part A of the sample; and
 - (iii) ASADA will make a decision under clause 56 whether or not to make an entry on the Register; and

- (e) the possible consequences, mentioned in subclause (5), of an adverse analytical finding for the sample.
- (4) For subparagraph (3) (c) (iv), the options are that within 7 days after receiving the notice about the result of Part B of the sample, the athlete (or a person on the athlete's behalf) may:
- (a) give ASADA a submission setting out any information or evidence that may affect the validity of the results of the testing of Part A or Part B of the sample; or
 - (b) by giving ASADA a written notice, waive the athlete's right to make a submission.
- (5) For paragraph (3) (e), the possible consequences are that:
- (a) ASADA may have to enter information about the test result on the Register; and
 - (b) if ASADA enters information about the test result on the Register, ASADA must give written notice about the entry to:
 - (i) each relevant national sporting organisation in relation to the athlete; and
 - (ii) each relevant sporting organisation (if any) in relation to the athlete; and
 - (iii) each relevant government agency in relation to the athlete; and
 - (iv) WADA.
- (6) Before the information notice is presumed to have been received by the athlete, ASADA may give the athlete oral notice of the matters mentioned in the information notice.

Note 1 **Government agency, relevant national sporting organisation** and **relevant sporting organisation** are defined in clause 3.

Note 2 Clause 94 provides that when a notice that is given to an athlete it is presumed to have been received.

51 Election to have Part B of sample tested

- (1) If ASADA gives an athlete an information notice that includes the statements mentioned in subclause 50 (3), the athlete may give ASADA a notice, in writing, within 7 days after receiving the information notice that the athlete:
 - (a) elects to have Part B of the sample tested; or
 - (b) does not elect to have Part B of the sample tested.
- (2) If the athlete does not notify ASADA under subclause (1) within 7 days after receiving the information notice, the athlete cannot later make any election in relation to the testing of Part B of the sample.
- (3) If the athlete elects to have Part B of the sample tested:
 - (a) ASADA must, as soon as practicable after the election, arrange for Part B to be tested on a particular day (the *testing day*); and
 - (b) ASADA must give the athlete a notice, in writing, to that effect.
- (4) However, ASADA must not arrange for Part B of the sample to be tested on a day earlier than the day after the athlete is presumed to have received the notice mentioned in paragraph (3) (b).
- (5) If the athlete does not elect to have Part B of the sample tested:
 - (a) the athlete is still entitled to make a submission in relation to the testing of Part A of the sample; and
 - (b) the athlete may waive his or her right to make a submission in relation to the testing of Part A of the sample; and
 - (c) ASADA will make a decision under clause 56 whether or not to make an entry on the Register.

52 Submission about Part A of sample

- (1) This clause applies if ASADA gives an athlete an information notice under subclause 50 (2) and:
 - (a) there is no Part B of the sample; or
 - (b) there is a Part B of the sample and the athlete:
 - (i) has elected, within 7 days after receiving the notice, not to have Part B of the sample tested; or
 - (ii) does not make an election within 7 days after receiving the notice.
- (2) The athlete (or a person on the athlete's behalf) may, within 7 days after the end of the period mentioned in paragraph 50 (3) (a) (the *submission period*):
 - (a) give ASADA a submission setting out any information or evidence that may affect the validity of the results of the testing of Part A of the sample; or
 - (b) by giving ASADA a written notice, waive the athlete's right to make a submission.
- (3) If the athlete does not give ASADA a written submission or notice within the submission period, the athlete is taken to have waived the athlete's right to make a submission.
- (4) Subclause (5) applies if ASADA considers that the athlete is likely to take part in:
 - (a) international sporting competition; or
 - (b) a sporting competition to select people to represent Australia in international sporting competition.
- (5) Before the end of the submission period, by written notice to the athlete, ASADA may substitute for the period of 7 days a shorter period that it considers appropriate in the circumstances.

- (6) The submission period is taken to have ended:
- (a) if, by written notice before the end of the submission period, the athlete waives the athlete's right to make a submission — when ASADA receives the written notice; or
 - (b) if the athlete gives ASADA a submission before the end of the submission period — when ASADA receives the submission.

Note Clause 94 provides that when a notice that is given to an athlete it is presumed to have been received.

53 Athlete's rights if Part B of sample is to be tested

- (1) This clause applies if ASADA arranges, under subclause 51 (3), for Part B of the athlete's sample to be tested.
- (2) The athlete is entitled to be present or represented at the testing of Part B of the sample (including the unsealing of the sample).
- (3) The testing of Part B of the sample must begin on the testing day mentioned in subclause 51 (3).
- (4) However, if it is impracticable for the test to be conducted in accordance with subclause (3):
 - (a) the test may be conducted on a later day; and
 - (b) ASADA must give the athlete reasonable notice of where and when the testing will be conducted and allow the athlete to be present.
- (5) Reasonable notice mentioned in paragraph (4) (b) may be given orally or in writing.

54 Notice of adverse analytical finding — Part B of sample

- (1) This clause applies if:
 - (a) ASADA arranges, under subclause 51 (3), for Part B of the athlete's sample to be tested; and
 - (b) the result of the test is an adverse analytical finding.
- (2) As soon as practicable after becoming aware of the test result, ASADA must give the athlete a written notice stating that:
 - (a) the result of the test is an adverse analytical finding; and
 - (b) if the athlete has any information or evidence that may affect the validity of the results of the testing of either Part A or Part B of the athlete's sample, the athlete (or a person on the athlete's behalf) may, within 7 days after receiving the notice:
 - (i) give a written submission to ASADA setting out the information or evidence; or
 - (ii) by giving ASADA a written notice, waive the athlete's right to make a submission.

55 Submission about Part A or Part B of sample

- (1) If clause 54 applies, the athlete (or a person on the athlete's behalf) may, within 7 days after receiving the notice mentioned in subclause 54 (2) (the *submission period*):
 - (a) give a written submission to ASADA setting out the information or evidence; or
 - (b) by giving ASADA a written notice, waive the athlete's right to make a submission.
- (2) If the athlete does not give ASADA a written submission or notice within the submission period, the athlete is taken to have waived the athlete's right to make a submission.

-
- (3) Subclause (4) applies if ASADA considers that the athlete is likely to take part in:
 - (a) international sporting competition; or
 - (b) a sporting competition to select people to represent Australia in international sporting competition.
 - (4) Before the end of the submission period, by written notice to the athlete, ASADA may substitute for the period of 7 days a shorter period that it considers appropriate in the circumstances.
 - (5) The submission period is taken to have ended:
 - (a) if, by written notice before the end of the submission period, the athlete waives the athlete's right to make a submission — when ASADA receives the written notice; or
 - (b) if the athlete gives ASADA a submission before the end of the submission period — when ASADA receives the submission.

Note Clause 94 provides that when a notice that is given to an athlete it is presumed to have been received.

56 Finding — adverse analytical finding

- (1) After the submission period, ASADA must, as soon as practicable:
 - (a) consider any submissions made under clauses 52 and 55; and
 - (b) make a decision whether or not to enter a finding on the Register.
- (2) If ASADA's decision is to enter a finding on the Register, ASADA must make the entry immediately.
- (3) ASADA must give the athlete a written notice stating:
 - (a) ASADA's decision; and

(b) if an entry has been made on the Register — details of the entry.

(4) A notice under subclause (3) must state that the athlete has the right to have ASADA's decision reviewed by the Administrative Appeals Tribunal.

57 Request may be made on behalf of ASADA

(1) If, in this Part, provision is made for a request to be made to an athlete by ASADA, ASADA may:

- (a) make the request; or
- (b) arrange for a sporting administration body to make the request on behalf of ASADA.

(2) A request made on behalf of ASADA in accordance with subclause (1) is taken to be a request made by ASADA.

58 Rule: tampering with a sports drug matter — Notice about rights etc

(1) This clause applies if ASADA believes that an athlete or support person may have tampered with a sports drug matter.

(2) If ASADA believes under subclause (1) that an athlete or support person may have tampered with a sports drug matter ASADA must, as soon as practicable, give the athlete or support person a written notice stating that:

- (a) ASADA proposes to make a finding to that effect, and to enter the finding on the Register; and
- (b) that the athlete or support person (or a person on behalf of the athlete or support person) may, within 7 days after receiving the notice:
 - (i) give a written submission to ASADA setting out any reasonable cause for the conduct of the athlete or support person; or

- (ii) by giving a written notice to ASADA, waive the athlete's right to make a submission.

Note Clause 73 provides that an athlete or support person who attempts to tamper with a sports drug matter may be dealt with under clause 58.

59 Submission about tampering with a sports drug matter

- (1) If ASADA gives an athlete or support person a notice under clause 58, the athlete or support person (or a person on behalf of the athlete or support person) may, within 7 days after receiving the notice (the *submission period*):
 - (a) give a written submission to ASADA setting out any reasonable cause for tampering with the sports drug matter; or
 - (b) by giving a written notice to ASADA, waive the right of the athlete or support person to make a submission.
- (2) If the athlete or support person does not give ASADA a written submission or notice within the submission period, the athlete or support person is taken to have waived the right of the athlete or support person to make a submission.
- (3) Subclause (4) applies if ASADA considers that the athlete or support person is likely to take part in:
 - (a) an international sporting competition; or
 - (b) a sporting competition to select people to represent Australia in an international sporting competition.
- (4) Before the end of the submission period, ASADA may, by written notice to the athlete or support person, substitute for the period of 7 days mentioned in subclause (1) a shorter period that it considers appropriate in the circumstances.
- (5) The submission period is taken to have ended:
 - (a) if, by written notice before the end of the submission period, the athlete or support person waives the right of

- the athlete or support person to make a submission — when ASADA receives the written notice; or
- (b) if the athlete or support person gives ASADA a submission before the end of the submission period — when ASADA receives the submission.

Note Clause 94 provides that when a notice that is given to an athlete or support person it is presumed to have been received.

60 Finding — tampering with a sports drug matter

- (1) After the submission period, ASADA must, as soon as practicable:
- (a) consider any submissions made under clause 59; and
- (b) make a decision whether or not to enter a finding on the Register.
- (2) If ASADA's decision is to enter a finding on the Register, ASADA must make the entry immediately.
- (3) ASADA must give the athlete or support person a written notice stating:
- (a) ASADA's decision; and
- (b) if an entry has been made on the Register — details of the entry.
- (4) A notice under subclause (3) must state that the athlete or support person has the right to have ASADA's decision reviewed by the Administrative Appeals Tribunal.

61 Rule: use of a drug or doping method — notice about athletes' rights etc

- (1) This clause applies if ASADA believes that an athlete may have used a drug or a doping method.

- (2) If ASADA believes under subclause (1) that an athlete may have used a drug or a doping method ASADA must, as soon as practicable, give the athlete a written notice stating that:
 - (a) ASADA proposes to make a finding to that effect, and to enter the finding on the Register; and
 - (b) that the athlete (or a person on behalf of the athlete) may, within 7 days after receiving the notice:
 - (i) give a written submission to ASADA setting out any reasonable cause for the conduct of the athlete; or
 - (ii) by giving a written notice to ASADA, waive the athlete's right to make a submission.

Note Clause 73 provides that an athlete who attempts to use a drug or doping method may be dealt with under clause 61.

62 Submission about use of a drug or doping method

- (1) If ASADA gives an athlete a notice under clause 61, the athlete (or a person on the athlete's behalf) may, within 7 days after receiving the notice (the *submission period*):
 - (a) give a written submission to ASADA setting out any reasonable cause for using a drug or doping method; or
 - (b) by giving a written notice to ASADA, waive the athlete's right to make a submission.
- (2) If the athlete does not give ASADA a written submission or notice within the submission period, the athlete is taken to have waived the athlete's right to make a submission.
- (3) Subclause (4) applies if ASADA considers that the athlete is likely to take part in:
 - (a) an international sporting competition; or
 - (b) a sporting competition to select people to represent Australia in an international sporting competition.

- (4) Before the end of the submission period, ASADA may, by written notice to the athlete, substitute for the period of 7 days mentioned in subclause (1) a shorter period that it considers appropriate in the circumstances.
- (5) The submission period is taken to have ended:
 - (a) if, by written notice before the end of the submission period, the athlete waives the athlete's right to make a submission — when ASADA receives the written notice; or
 - (b) if the athlete gives ASADA a submission before the end of the submission period — when ASADA receives the submission.

Note Clause 94 provides that when a notice that is given to an athlete it is presumed to have been received.

63 Finding — use of a drug or doping method

- (1) After the submission period, ASADA must, as soon as practicable:
 - (a) consider any submissions made under clause 62; and
 - (b) make a decision whether or not to enter a finding on the Register.
- (2) If ASADA's decision is to enter a finding on the Register, ASADA must make the entry immediately.
- (3) ASADA must give the athlete a written notice stating:
 - (a) ASADA's decision; and
 - (b) if an entry has been made on the Register — details of the entry.
- (4) A notice under subclause (3) must state that the athlete has the right to have ASADA's decision reviewed by the Administrative Appeals Tribunal.

64 Rule: trafficking in a drug or doping method — notice about rights etc

- (1) This clause applies if ASADA believes that an athlete or support person may have trafficked in a drug or a doping method.
- (2) If ASADA believes under subclause (1) that an athlete or support person may have trafficked in a drug or doping method ASADA must, as soon as practicable, give the athlete or support person a written notice stating that:
 - (a) ASADA proposes to make a finding to that effect, and to enter the finding on the Register; and
 - (b) that the athlete or support person (or a person on behalf of the athlete or support person) may, within 7 days after receiving the notice:
 - (i) give a written submission to ASADA setting out any reasonable cause for the conduct of the athlete or support person; or
 - (ii) by giving a written notice to ASADA, waive the athlete's right to make a submission.

65 Submission about trafficking in a drug or doping method

- (1) If ASADA gives an athlete or support person a notice under clause 64, the athlete or support person (or a person on behalf of the athlete or support person) may, within 7 days after receiving the notice (the *submission period*):
 - (a) give a written submission to ASADA setting out any reasonable cause for the conduct of the athlete or support person; or
 - (b) by giving a written notice to ASADA, waive the right of the athlete or support person to make a submission.

- (2) If the athlete or support person does not give ASADA a written submission or notice within the submission period, the athlete or support person is taken to have waived the right of the athlete or support person to make a submission.
- (3) Subclause (4) applies if ASADA considers that the athlete or support person is likely to take part in:
 - (a) an international sporting competition; or
 - (b) a sporting competition to select people to represent Australia in an international sporting competition.
- (4) Before the end of the submission period, ASADA may, by written notice to the athlete or support person, substitute for the period of 7 days mentioned in subclause (1) a shorter period that it considers appropriate in the circumstances.
- (5) The submission period is taken to have ended:
 - (a) if, by written notice before the end of the submission period, the athlete or support person waives the right of the athlete or support person to make a submission — when ASADA receives the written notice; or
 - (b) if the athlete or support person gives ASADA a submission before the end of the submission period — when ASADA receives the submission.

Note Clause 94 provides that when a notice that is given to an athlete or support person it is presumed to have been received.

66 Finding — trafficking in a drug or doping method

- (1) After the submission period, ASADA must, as soon as practicable:
 - (a) consider any submissions made under clause 65; and
 - (b) make a decision whether or not to enter a finding on the Register.

-
- (2) If ASADA's decision is to enter a finding on the Register, ASADA must make the entry immediately.
 - (3) ASADA must give the athlete or support person a written notice stating:
 - (a) ASADA's decision; and
 - (b) if an entry has been made on the Register — details of the entry.
 - (4) A notice under subclause (3) must state that the athlete or support person has the right to have ASADA's decision reviewed by the Administrative Appeals Tribunal.

67 Rule: possession of a drug or doping method — notice about rights etc

- (1) This clause applies if ASADA believes that an athlete or support person may have possessed a drug or a doping method.
- (2) If ASADA believes under subclause (1) that an athlete or support person may have possessed a drug or doping method ASADA must, as soon as practicable, give the athlete or support person a written notice stating that:
 - (a) ASADA proposes to make a finding to that effect, and to enter the finding on the Register; and
 - (b) that the athlete or support person (or a person on behalf of the athlete or support person) may, within 7 days after receiving the notice:
 - (i) give a written submission to ASADA setting out any reasonable cause for the conduct of the athlete or support person; or
 - (ii) by giving a written notice to ASADA, waive the athlete's right to make a submission.

68 Submission about possession of a drug or doping method

- (1) If ASADA gives an athlete or support person a notice under clause 67, the athlete or support person (or a person on the behalf of the athlete or support person) may, within 7 days after receiving the notice (the *submission period*):
 - (a) give a written submission to ASADA setting out any reasonable cause for possessing a drug or doping method; or
 - (b) by giving a written notice to ASADA, waive the right of the athlete or support person to make a submission.
- (2) If the athlete or support person does not give ASADA a written submission or notice within the submission period, the athlete or support person is taken to have waived the right of the athlete or support person to make a submission.
- (3) Subclause (4) applies if ASADA considers that the athlete or support person is likely to take part in:
 - (a) an international sporting competition; or
 - (b) a sporting competition to select people to represent Australia in an international sporting competition.
- (4) Before the end of the submission period, ASADA may, by written notice to the athlete or support person, substitute for the period of 7 days mentioned in subclause (1) a shorter period that it considers appropriate in the circumstances.
- (5) The submission period is taken to have ended:
 - (a) if, by written notice before the end of the submission period, the athlete or support person waives the right of the athlete or support person to make a submission — when ASADA receives the written notice; or
 - (b) if the athlete or support person gives ASADA a submission before the end of the submission period — when ASADA receives the submission.

Note Clause 94 provides that when a notice that is given to an athlete or support person it is presumed to have been received.

69 Finding — possession of a drug or doping method

- (1) After the submission period, ASADA must, as soon as practicable:
 - (a) consider any submissions made under clause 68; and
 - (b) make a decision whether or not to enter a finding on the Register.
- (2) If ASADA's decision is to enter a finding on the Register, ASADA must make the entry immediately.
- (3) ASADA must give the athlete or support person a written notice stating:
 - (a) ASADA's decision; and
 - (b) if an entry has been made on the Register — details of the entry.
- (4) A notice under subclause (3) must state that the athlete or support person has the right to have ASADA's decision reviewed by the Administrative Appeals Tribunal.

70 Rule: administration of a drug or doping method, or aiding or abetting — notice about rights etc

- (1) This clause applies if ASADA believes that an athlete or support person may have:
 - (a) administered a drug or a doping method; or
 - (b) aided or abetted a violation of any of the anti-doping rules.

Note 1 The provisions of the Code relating to administration and aiding or abetting are located together, so it is convenient that ASADA deal with them in like manner.

Note 2 Clause 74 relates to aiding and abetting violations of the anti-doping rules.

- (2) If ASADA believes under subclause (1) that an athlete or support person may have:
- (a) administered a drug or a doping method; or
 - (b) aided or abetted a violation of any of the anti-doping rules; ASADA must, as soon as practicable, give the athlete or support person a written notice stating that:
 - (c) ASADA proposes to make a finding to that effect, and to enter the finding on the Register; and
 - (d) that the athlete or support person (or a person on behalf of the athlete or support person) may, within 7 days after receiving the notice:
 - (i) give a written submission to ASADA setting out any reasonable cause for the conduct of the athlete or support person; or
 - (ii) by giving a written notice to ASADA, waive the athlete's right to make a submission.

Note Clause 73 provides that an athlete or support person who attempts to administer a drug or doping method may be dealt with under clause 70.

71 Submission about administration of a drug or doping method, or aiding or abetting

- (1) If ASADA gives an athlete or support person a notice under clause 70, the athlete or support person (or a person on behalf of the athlete or support person) may, within 7 days after receiving the notice (the *submission period*):
- (a) give a written submission to ASADA setting out any reasonable cause for the conduct of the athlete or support person; or
 - (b) by giving a written notice to ASADA, waive the right of the athlete or support person to make a submission.

- (2) If the athlete or support person does not give ASADA a written submission or notice within the submission period, the athlete or support person is taken to have waived the right of the athlete or support person to make a submission.
- (3) Subclause (4) applies if ASADA considers that the athlete or support person is likely to take part in:
 - (a) an international sporting competition; or
 - (b) a sporting competition to select people to represent Australia in an international sporting competition.
- (4) Before the end of the submission period, ASADA may, by written notice to the athlete or support person, substitute for the period of 7 days mentioned in subclause (1) a shorter period that it considers appropriate in the circumstances.
- (5) The submission period is taken to have ended:
 - (a) if, by written notice before the end of the submission period, the athlete or support person waives the right of the athlete or support person to make a submission — when ASADA receives the written notice; or
 - (b) if the athlete or support person gives ASADA a submission before the end of the submission period — when ASADA receives the submission.

Note Clause 94 provides that when a notice that is given to an athlete or support person it is presumed to have been received.

72 Finding — administration of a drug or doping method, or aiding or abetting

- (1) After the submission period, ASADA must, as soon as practicable:
 - (a) consider any submissions made under clause 71; and
 - (b) make a decision whether or not to enter a finding on the Register.

- (2) If ASADA’s decision is to enter a finding on the Register, ASADA must make the entry immediately.
- (3) ASADA must give the athlete or support person a written notice stating:
 - (a) ASADA’s decision; and
 - (b) if an entry has been made on the Register — details of the entry.
- (4) A notice under subclause (3) must state that the athlete or support person has the right to have ASADA’s decision reviewed by the Administrative Appeals Tribunal.

Subdivision 2.6.2 Attempts and aiding and abetting violations of the anti-doping rules

73 Attempted violations of certain anti-doping rules

- (1) This clause applies to an attempted violation of any of the following anti-doping rules mentioned in subclause 1 (2):

Clause	Anti-doping rule
paragraph 1 (2) (c)	Evasion of request by ASADA for a sample
paragraph 1 (2) (e)	Tampering with a sports drug matter
paragraph 1 (2) (f)	Use of a drug or doping method
subparagraph 1 (2) (i) (i)	Administration of a drug or doping method

- (2) An athlete who attempts a violation of any of the anti-doping rules mentioned in subclause (1) must be dealt with by ASADA, under the anti-doping rule, as if the athlete had violated the anti-doping rule.
- (3) A support person who attempts a violation of any of the anti-doping rules mentioned in clause 58 (tampering) or 70 (administration) must be dealt with by ASADA, under the anti-doping rule, as if the support person had violated the anti-doping rule.

Preparatory acts not an attempt

- (4) Conduct of an athlete or support person that is not more than merely preparatory to violation of an anti-doping rule is not an attempt to violate the rule.
- (5) An athlete or support person may be found to have attempted to violate an anti-doping rule even if:
 - (a) it was impossible for the conduct to have violated the anti-doping rule; or
 - (b) the person actually violated the anti-doping rule.

74 Aiding and abetting violations of anti-doping rules

- (1) An athlete or support person who aids, abets, counsels or procures (*aiding or abetting*) a violation of any of the anti-doping rules mentioned in subclause 1 (2) must be dealt with by ASADA under clause 70.
- (2) For the athlete or support person to be taken under this clause to have aided or abetted:
 - (a) the conduct of the athlete or support person must have in fact aided or abetted a violation of the anti-doping rule by another athlete or support person; and
 - (b) the anti-doping rule must have been violated by the other athlete or support person.

- (3) For the athlete or support person to be taken under this clause to have aided or abetted the violation of an anti-doping rule, the athlete or support person:
 - (a) must have intended that his or her conduct would aid or abet the violation of the anti-doping rule; or
 - (b) was reckless about whether or not his or her conduct would aid or abet the violation of the anti-doping rule.
- (4) An athlete or support person does not aid or abet the violation of an anti-doping rule if, before the violation, the athlete or support person:
 - (a) terminated his or her involvement; and
 - (b) took all reasonable steps to prevent the violation.
- (5) A person may be found to have aided or abetted a violation of an anti-doping rule by another person even if, in relation to the violation, the other person has not:
 - (a) received a notice under Subdivision 2.6.1 that ASADA proposes to make a finding in relation to the person; or
 - (b) had a finding entered on the Register.

Division 2.7 Other rights of athletes and support persons

75 Application of Division

This Division applies in relation to an athlete or support person if ASADA:

- (a) has entered information about an athlete or support person on the Register; or
- (b) has made recommendations as to the consequences of a finding relating to an investigation.

76 Notice about entry on Register etc

- (1) As soon as practicable after making the entry or recommendations, ASADA must give the athlete or support person written notice about the making of the entry or recommendations.
- (2) The notice must state the name of each person or organisation to which ASADA has given, or proposes to give, notice.

Note 1 Clause 81 provides that the athlete or support person may apply to the Administrative Appeals Tribunal for review of a decision of ASADA to make the entry.

Note 2 Under clause 82, ASADA must give written notice about an entry or recommendations to:

- (a) each relevant national sporting organisation in relation to the athlete;
and
- (b) each relevant sporting organisation (if any) in relation to the athlete;
and
- (c) each relevant government agency in relation to the athlete; and
- (d) WADA.

77 Athlete or support person may waive rights

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

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

Note Subsection 14 (5) of the Act provides that the NAD scheme must not allow waiver of a right to apply to a court, tribunal or other body or person for review of a decision under the scheme.

Division 2.8 Register of Findings

78 Establishment and maintenance of Register of Findings

For paragraph 13 (1) (i) of the Act, ASADA must establish and maintain a Register of Findings (*Register*) for the purpose of recording findings ASADA relating to investigations of possible violations of the anti-doping rules.

Note ASADA will promote the Register as the *RoF*.

79 Entries about findings

This Division applies if ASADA has made a finding on the Register in relation to an athlete or support person concerning the anti-doping rules.

80 Entry of finding on Register

As soon as practicable after making the finding, ASADA must enter on the Register:

- (a) the name of the athlete or support person; and
- (b) any information about the athlete or support person that the NAD scheme requires ASADA to enter in the circumstances.

Note 1 For the meaning of *fails to comply with a request*, see clause 7.

Note 2 Under clause 76, ASADA must give an athlete whose name and details have been entered on the Register written notice that the entry has been made.

81 AAT Review

If ASADA decides to make an entry of a finding on the Register in relation to an athlete or support person, ASADA must give the athlete or support person a written notice stating that the athlete or support person may, within 28 days, apply to the Administrative Appeals Tribunal for review of ASADA's decision.

82 Giving notice about entries and recommendations

- (1) This clause applies if ASADA:
 - (a) has entered information about an athlete or support person on the Register; or
 - (b) has made recommendations as to the consequences of a finding relating to an investigation of a possible breach of the anti-doping rules.
- (2) Within a reasonable time after entering the information or making the recommendation, ASADA must give written notice about the entry or recommendation to:
 - (a) each relevant national sporting organisation in relation to the athlete or support person; and
 - (b) each relevant sporting organisation (if any) in relation to the athlete or support person; and
 - (c) each relevant government agency in relation to the athlete or support person; and
 - (d) WADA;
 - (e) if ASADA makes an entry on the Register about an athlete or support person, concerning tampering with a sports drug matter, each relevant national sporting organisation and each relevant sporting organisation in relation to any other athlete or support person whose interests may be affected by the conduct of the athlete or support person.
- (3) The notice must include details of the entry.

Note Government agency, Relevant national sporting organisation and relevant sporting organisation are defined in clause 3.

- (4) However, if the notice or details contains information that is not in the public domain (***non-public information***), ASADA must not give the information to a particular sporting administration body unless:
- (a) ASADA 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 is provided in confidence; and
 - (b) the organisation mentioned in subclause (2) provides a written undertaking that the non-public information will be treated in confidence.
- (5) If ASADA becomes aware that an undertaking given under subclause (4) has been breached, ASADA must report details of the breach to the ASC.

Note Disclosure of information: The following clauses in this Schedule provide for the disclosure of information to persons other than an athlete or support person:

- Clause 82 provides for ASADA to disclose information to a sporting administration body about the issue of a notice of an entry on the Register;
- Clause 83 provides for ASADA to disclose information arising from an entry on the Register to a sporting administration body;
- Clause 84 provides for ASADA to disclose information to a sporting administration body, where no entry has yet been made on the Register;
- Subclause 92 (5) provides for ASDMAC to disclose information to a sporting administration body concerning an entry on the Register, or a test of a sample given by an athlete;
- Clause 95 provides for ASADA to disclose information, other than information arising from an entry, to a sporting administration body, the Australian Federal Police or the Australian Customs Service.

In addition, regulation 5 provides for ASADA to disclose information to a sporting administration body for the purposes of drug testing programs.

83 Giving information relating to entries to sporting administration bodies

- (1) ASADA may give information arising out of or connected with the entry of the name of an athlete or support person on the Register to 1, or more than 1, sporting administration body, in relation to an ASADA finding resulting from an investigation that:
- (a) the athlete failed to comply with a request by ASADA to keep ASADA informed of where the athlete can be found, in violation of the anti-doping rules; or
 - (b) the athlete was not able to be located in order to request a sample, because the athlete failed to comply with a request to keep ASADA informed of where the athlete could be found, in violation of the anti-doping rules; or
 - (c) the athlete has evaded, or attempted to evade, receiving a request by ASADA for a sample, in violation of the anti-doping rules; or
 - (d) the athlete has failed to comply with a request by ASADA for a sample, in violation of the anti-doping rules; or
 - (e) the athlete or support person has tampered, or attempted to tamper, with a sports drug matter to which a request by ASADA relates, in violation of the anti-doping rules; or
 - (f) the athlete has used, or attempted to use, a drug or doping method in violation of the anti-doping rules; or
 - (g) the athlete or support person has trafficked in a drug or doping method in violation of the anti-doping rules; or
 - (h) the athlete or support person has possessed a drug or doping method in violation of the anti-doping rules; or
 - (i) the athlete or support person has administered, or attempted to administer, a drug or doping method in violation of the anti-doping rules; or
 - (j) the athlete or support person aided or abetted an violation of the anti-doping rules; or

- (k) the athlete had present, in his or her urine sample or blood sample, a drug or doping method mentioned in the prohibited list.
- (2) Any information given under subclause (1) may be given orally or by written notice.
- (3) However, if the information to be given under subclause (1) is not in the public domain (*non-public information*), ASADA must not give the information to a particular sporting administration body unless:
- (a) ASADA 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 is provided in confidence; and
- (b) the sporting administration body provides a written undertaking that the non-public information will be treated in confidence.
- (4) If ASADA becomes aware that an undertaking given under subclause (3) has been breached, ASADA must report details of the breach to the ASC.

Note Disclosure of information: The following clauses in this Schedule provide for the disclosure of information to persons other than an athlete or support person:

- Clause 82 provides for ASADA to disclose information to a sporting administration body about the issue of a notice of an entry on the Register;
- Clause 83 provides for ASADA to disclose information arising from an entry on the Register to a sporting administration body;
- Clause 84 provides for ASADA to disclose information to a sporting administration body, where no entry has yet been made on the Register;
- Subclause 92 (5) provides for ASDMAC to disclose information to a sporting administration body concerning an entry on the Register, or a test of a sample given by an athlete;

- Clause 95 provides for ASADA to disclose information, other than information arising from an entry, to a sporting administration body, the Australian Federal Police or the Australian Customs Service.

In addition, regulation 5 provides for ASADA to disclose information to a sporting administration body for the purposes of drug testing programs.

84 Giving information to sporting administration bodies if no entry made, or yet made, on register

- (1) This clause applies if ASADA:
 - (a) is considering whether to enter information relating to an athlete or support person on the Register under this Division; and
 - (b) has not yet entered the information.
- (2) ASADA may give the information to 1, or more than 1, sporting administration body.
- (3) Any information given under subclause (2) may be given orally or by written notice.
- (4) However, ASADA must not give the information to a particular sporting administration body unless:
 - (a) ASADA has taken reasonable steps to satisfy itself that the 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 information is provided in confidence; and
 - (b) the sporting administration body has provided a written undertaking that the information will be treated in confidence.
- (5) If ASADA becomes aware that an undertaking given under subclause (4) has been breached, ASADA must report details of the breach to the ASC.

Note Disclosure of information: The following clauses in this Schedule provide for the disclosure of information to persons other than an athlete or support person:

- Clause 82 provides for ASADA to disclose information to a sporting administration body about the issue of a notice of an entry on the Register;
- Clause 83 provides for ASADA to disclose information arising from an entry on the Register to a sporting administration body;
- Clause 84 provides for ASADA to disclose information to a sporting administration body, where no entry has yet been made on the Register;
- Subclause 92 (5) provides for ASDMAC to disclose information to a sporting administration body concerning an entry on the Register, or a test of a sample given by an athlete;
- Clause 95 provides for ASADA to disclose information, other than information arising from an entry, to a sporting administration body, the Australian Federal Police or the Australian Customs Service.

In addition, regulation 5 provides for ASADA to disclose information to a sporting administration body for the purposes of drug testing programs.

85 Removal of names from Register — athlete or support person under 18

- (1) This clause applies if:
 - (a) the name and information about an athlete or support person (*relevant personal information*) have been entered on the Register; and
 - (b) when the event that caused the entry to be made happened, the athlete or support person was under 18.
- (2) If ASADA receives written notice from a relevant sporting administration body that the athlete or support person is not prevented from taking part, or has not become ineligible to take part, in sporting competition for a period as a direct or indirect result of the entry being made, ASADA must remove the relevant personal information from the Register as soon as practicable.

- (3) If, as a direct or indirect result of the entry being made, the athlete or support person is prevented from taking part, or becomes ineligible to take part, in sporting competition for a period (the *suspension period*) ASADA must remove the relevant personal information from the Register as soon as practicable after the end of the suspension period.
- (4) However, subclause (5) applies if, for a period (the *disqualification period*) that ends after the suspension period, the ASC has disqualified the athlete or support person from:
 - (a) receiving funding from the ASC; or
 - (b) using facilities that:
 - (i) are fully or partly provided by the ASC; or
 - (ii) are fully or partly operated or maintained with funding received from the ASC.
- (5) As soon as practicable after the end of the disqualification period, ASADA must remove the relevant personal information from the Register.

86 Removal of names from Register — person not an athlete or support person

- (1) This clause applies if ASADA has entered a person's name and any other personal information about the person on the Register.
- (2) For subclause (1), ASADA must remove those details from the Register if, after the entry has been made, ASADA becomes satisfied that at the time to which the entry relates the person was not an athlete or support person.

87 Correction of error in Register

- (1) This clause applies if:
 - (a) ASADA becomes aware that the Register contains an error because of a mistake, an omission, or a false entry in the Register; and
 - (b) ASADA is satisfied that:
 - (i) the error can be corrected; and
 - (ii) the error lies in the entry as it appears in the Register and not in the information on which the entry was based.
- (2) ASADA must correct the error as soon as possible.

88 Amendment of entry in Register

- (1) This clause applies if:
 - (a) ASADA becomes aware that the Register contains an entry:
 - (i) that is incomplete; or
 - (ii) about which further relevant information has become available; and
 - (b) ASADA is satisfied that information can be added to the entry.

Note Further information may arise as a result of (for example) AAT Review.
- (2) ASADA must amend the entry as soon as possible.

89 Register — Notice of correction, amendment or removal

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

Division 2.9 Disclosure of information under the NAD scheme

Note Disclosure of information: The following clauses in this Schedule provide for the disclosure of information to persons other than an athlete or support person:

- Clause 82 provides for ASADA to disclose information to a sporting administration body about the issue of a notice of an entry on the Register;
- Clause 83 provides for ASADA to disclose information arising from an entry on the Register to a sporting administration body;
- Clause 84 provides for ASADA to disclose information to a sporting administration body, where no entry has yet been made on the Register;
- Subclause 92 (5) provides for ASDMAC to disclose information to a sporting administration body concerning an entry on the Register, or a test of a sample given by an athlete;
- Clause 95 provides for ASADA to disclose information, other than information arising from an entry, to a sporting administration body, the Australian Federal Police or the Australian Customs Service.

In addition, regulation 5 provides for ASADA to disclose information to a sporting administration body for the purposes of drug testing programs.

90 Making information on an entry publicly available

- (1) For paragraph 13 (1) (m) of the Act ASADA is authorised to publish information on the Register, only if:
- (a) ASADA:
 - (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) either:
 - (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) the relevant sporting administration body; or
 - (B) the Court of Arbitration for Sport; or
 - (ii) the athlete or support person has waived his or her right to a hearing; and
 - (c) if the athlete or support person elected to have the decision to make the entry reviewed by the AAT:
 - (i) for information for which the AAT 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 AAT has not granted an order under subsection 35 (2) of the *Administrative Appeals Tribunal Act 1975*.
- 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 Code is a reference to the Code as in force from time to time.
- (2) For subclause (1), ASADA 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.

91 Presentation at hearings etc

- (1) For paragraph 13 (1) (k) of the Act ASADA is authorised to present:
 - (a) a finding on the Register; or
 - (b) a recommendation by ASADA in relation to a finding; at a hearing of the Court of Arbitration for Sport or another sporting tribunal.
- (2) A finding or recommendation mentioned in subclause (1) may be presented by ASADA:
 - (a) at the request of a sporting administration body; or
 - (b) on ASADA's own initiative.

Part 3 ASDMAC functions

92 Functions of ASDMAC

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

Note 1 A TUE committee also has the power to investigate an adverse analytical finding for the same purpose (see subclause 32 (1)).

Note 2 ASDMAC is the primary committee in Australia for the granting of therapeutic use exemptions.

Note 3 ASDMAC will usually conduct investigations in connection with its primary function of giving approval for the therapeutic use of a drug or doping method — see subclause (2).

- (2) The ASDMAC may give an athlete approval, in accordance with the *International Standard for Therapeutic Use Exemptions* as amended and in force from time to time, to use a drug or doping method for therapeutic purposes.
- (3) If an athlete has an approval for the use of a drug 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.

Note A TUE committee also has the power to investigate the sample analysis result for the same purpose (see subclause 32 (3)).

- (4) The ASDMAC may disclose to an athlete or support person:
- (a) information arising out of the entry of the name of the athlete or support person on the Register; or
 - (b) information about a test on a sample given by the athlete:
 - (i) carried out by a sporting administration body other than at the request of ASADA; and

-
- (ii) that has revealed the presence or use of a drug or doping method.
- (5) The ASDMAC may disclose to any relevant sporting administration body:
- (a) information arising out of the entry of name of an athlete or support person on the Register; or
 - (b) information about a test on an athlete's sample:
 - (i) carried out by a sporting administration body other than at the request of ASADA; and
 - (ii) that has revealed the presence or use of a drug or doping method.

Note Disclosure of information: The following clauses in this Schedule provide for the disclosure of information to persons other than an athlete or support person:

- Clause 82 provides for ASADA to disclose information to a sporting administration body about the issue of a notice of an entry on the Register;
- Clause 83 provides for ASADA to disclose information arising from an entry on the Register to a sporting administration body;
- Clause 84 provides for ASADA to disclose information to a sporting administration body, where no entry has yet been made on the Register;
- Subclause 92 (5) provides for ASDMAC to disclose information to a sporting administration body concerning an entry on the Register, or a test of a sample given by an athlete;
- Clause 95 provides for ASADA to disclose information, other than information arising from an entry, to a sporting administration body, the Australian Federal Police or the Australian Customs Service.

In addition, regulation 5 provides for ASADA to disclose information to a sporting administration body for the purposes of drug testing programs.

- (6) If ASADA asks the ASDMAC to review the procedures adopted by a sporting administration body for approving the use of a drug or doping method for therapeutic purposes, the ASDMAC may do so.

- (7) If ASADA consults with the ASDMAC in relation to whether an approval for the use of a drug for therapeutic purposes was given:
- (a) by ASDMAC; or
 - (b) by a TUE committee; or
 - (c) as a result a decision by WADA following a review or appeal;
- the ASDMAC may investigate the approval and give its opinion to ASADA.
- (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 drug for therapeutic purposes; or
 - (b) to refuse to approve the use of a drug for therapeutic purposes.
- (9) 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 drug for therapeutic purposes; or
 - (ii) to refuse to approve the use of a drug for therapeutic purposes.
- (10) However, the ASDMAC must not give information under subclause (9) unless the ASDMAC has taken reasonable steps to satisfy itself that the information disclosed will not be used or disclosed for other purposes.

Note For other functions of the ASDMAC, see Part 7 of the Act.

Part 4 Sporting administration body rules

92A Sporting administration body rules — powers of ASADA

For the purposes of Part 4 **Sporting administration body rules**, *sporting administration body* means an organisation in Australia that is:

- (a) a national sporting organisation; or
- (b) a sporting organisation

(2) ASADA

93 Sporting administration body rules — powers of ASADA

- (1) For subsection 15 (1) of the Act, the sporting administration body rules mentioned below apply to all sporting administration bodies.
- (2) ASADA is authorised to:
 - (a) monitor the compliance by sporting administration bodies with the sporting administration body rules; and
 - (b) notify the ASC about the extent of such compliance by sporting administration bodies other than the ASC; and
 - (c) publish reports about the extent of compliance by sporting administration bodies with the sporting administration body rules.

Note *sporting administration body* is defined in clause 3.

Sporting administration body rules

1. A sporting administration body must:
 - (a) at all times have in place, maintain and enforce anti-doping policies and practices:
 - (i) that were in force immediately before the commencement of the NAD scheme; or
 - (ii) that comply with:
 - (A) the mandatory provisions of the World Anti-Doping Code, including the World Anti-Doping Agency International Standards; and
 - (B) the NAD Scheme; and
 - (b) not adopt its anti-doping policy unless it has been approved by the ASADA; and
 - (c) not substantively amend its anti-doping policy unless the amendment has been approved by the ASADA; and
 - (d) ensure that at all times it has the constitutional authority to enforce its anti-doping policy; and
 - (e) immediately inform the ASADA of any alleged breach of its anti-doping policy and cooperate with any investigation into the matter; and
 - (f) organise (not necessarily conduct) a hearing within 4 weeks of receipt of notice of a violation of the anti-doping rules unless the rules governing the hearing prescribe a longer period; and
 - (g) provide to the ASADA appropriate details or reports related to investigations, hearings, appeals and sanctions; and
 - (h) provide ASADA and the ASC 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 and athlete education; and

- (i) ensure that other rules and regulations of the sport do not override the provisions of its anti-doping policy; and
- (j) abide by, implement and enforce its anti-doping policy to the satisfaction of the ASADA; and
- (k) submit to the operations of ASADA; and
- (l) refer all instances of possible violations of the anti-doping rules to ASADA for investigation and cooperate with any investigation, as required; and
- (m) allow ASADA to present anti-doping cases at hearings unless ASADA has approved the sporting administration body presenting its own case; and
- (n) accept any finding by ASADA, ensure an infraction notice is issued in accordance with ASADA's recommendations in the case of any adverse finding, and enforce penalties imposed in accordance with ASADA's recommendation; and
- (o) ensure that their members and staff cooperate with ASADA; and
- (p) provide ASADA with relevant information in a timely manner, and
- (q) 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 ASADA to require from sporting organisations to which the ASC provides funding, services and support.

Part 5 Miscellaneous

94 When notices are presumed to have been received

- (1) This clause applies if ASADA sends a notice to an athlete or support person for the NAD scheme.
- (2) The athlete or support person is presumed to have received the notice (unless ASADA is given evidence sufficient to raise doubt about the presumption):
 - (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 ASADA, 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 ASADA, 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 ASADA of a number to which notices may be sent to the athlete or support person by facsimile 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 (if any) 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 ASADA asking the organisation to send the envelope to the athlete or support person.
- (4) The athlete or support person is presumed to have received the notice 10 days after the date it is sent.

95 Disclosing information to sporting administration bodies — non-entry information

- (1) For paragraph 13 (1) (g) of the Act, this clause applies to information that:
- (a) is not information arising out of an entry on the Register, mentioned in clause 83; and
 - (b) relates, or appears to relate, to any person in connection with any of the following matters:
 - (i) the failure by an athlete to comply with a request by ASADA to keep ASADA informed of where the athlete can be found, in violation of the anti-doping rules;
 - (ii) that an athlete was unable to be located in order to request a sample, because the athlete failed to comply with a request to keep ASADA informed of

- where the athlete could be found, in violation of the anti-doping rules;
- (iii) that an athlete evaded, or attempted to evade, receiving a request by ASADA for a sample, in violation of the anti-doping rules;
 - (iv) that an athlete has failed to comply with a request by ASADA for a sample, in violation of the anti-doping rules;
 - (v) that an athlete or support person has tampered with, or attempted to tamper with, a sports drug matter, in violation of the anti-doping rules;
 - (vi) that an athlete used, or attempted to use, a drug or doping method, in violation of the anti-doping rules;
 - (vii) that an athlete or support person trafficked in a drug or doping method, in violation of the anti-doping rules;
 - (viii) that an athlete or support person possessed a drug or doping method, in violation of the anti-doping rules;
 - (ix) the administration, or attempted administration, by an athlete or support person of a drug or doping method, in violation of the anti-doping rules;
 - (x) the aiding, abetting, covering up, or being involved in any other type of complicity relating to, any conduct referred to in subparagraphs (i) to (x), in violation of the anti-doping rules;
 - (xi) the presence or use of a drug or doping method mentioned in the prohibited list in a urine sample or a blood sample provided by an athlete, in violation of the anti-doping rules.
- (2) ASADA may disclose information to which this clause applies to:
- (a) a sporting administration body; or
 - (b) the International Olympic Committee; or

- (c) the World Anti-Doping Agency; or
- (d) a National Anti-Doping Organization as defined in the World Anti-Doping Code; or
- (e) a foreign sporting organisation; or
- (f) the Australian Federal Police; or
- (g) the Australian Customs Service; or
- (h) the Therapeutic Goods Administration; or
- (i) State or Territory law enforcement bodies.

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

(4) In this clause:

possession, when used in relation to a doping method, means possession of skills, knowledge, substances, equipment or technology necessary to engage in, or that can be used to engage in, the doping method.

trafficking means:

- (a) selling, giving, transporting, sending, delivering or distributing; and
- (b) when used in relation to a doping method, means trafficking (as defined in paragraph (a)) in skills, knowledge, substances, equipment or technology necessary to engage in, or that can be used to engage in, the doping method.

Note Disclosure of information: The following clauses in this Schedule provide for the disclosure of information to persons other than an athlete or support person:

- Clause 82 provides for ASADA to disclose information to a sporting administration body about the issue of a notice of an entry on the Register;
- Clause 83 provides for ASADA to disclose information arising from an entry on the Register to a sporting administration body;

- Clause 84 provides for ASADA to disclose information to a sporting administration body, where no entry has yet been made on the Register;
- Subclause 92 (5) provides for ASDMAC to disclose information to a sporting administration body concerning an entry on the Register, or a test of a sample given by an athlete;
- Clause 95 provides for ASADA to disclose information, other than information arising from an entry, to a sporting administration body, the Australian Federal Police or the Australian Customs Service.

In addition, regulation 5 provides for ASADA to disclose information to a sporting administration body for the purposes of drug testing programs.

96 Fees

For subsection 19 (1) of the Act, the fees mentioned in an item in the table are authorised for the service mentioned in the item.

Item	Service	Fee
Domestic Testing Services		
1	Half screen urine test:	
	(a) 1-49 tests	(a) \$587.00 per test
	(b) 50-199 tests	(b) \$576.00 per test
	(c) 200 + tests	(c) \$564.00 per test
2	Full screen urine test	
	(a) 1-49 tests	(a) \$702.00 per test
	(b) 50-199 tests	(b) \$690.00 per test
	(c) 200 + tests	(c) \$679.00 per test
3	EPO testing (blood and urine)	\$1789.00 per test
4	EPO testing (urine only)	\$1368.00 per test
5	Half screen statistical reporting (pseudoephedrine)	\$60.00 per test

Item	Service	Fee
6	Half screen statistical reporting (caffeine)	\$60.00 per test
7	Small session testing levy (3 or less tests)	\$115.00 per session
8	Short notice call out fee	\$229.00 per call out
9	Fast turn around	\$247.00 per test
10	Additional time for doping control officers and chaperones	
	(a) Doping control officers	(a) \$23.50 per hour
	(b) Chaperones	(b) \$17.50 per hour
International Testing Services		
11	Urine testing	\$375.00 (USD) each test
12	EPO testing (blood and urine)	\$560.00 (USD) each test
13	Athlete no shows	\$100.00 (USD) each no show
Education Products		
14	Anti-Doping Information Handbook	\$9.45
15	Anti-Doping Information card	\$1.05 each card, plus postage:
	Postage:	
	(a) 1-9 cards	(a) \$0.50;
	(b) 10-19 cards	(b) \$1.50;
	(c) 20 or more cards	(c) \$3.75
16	Anti-doping Update	\$0.85 each update, plus postage
	Postage:	
	(a) 1-10	(a) \$0.50
	(b) more than 10	(b) charged at cost

Item	Service	Fee
17	Corporate Brochure	\$0.00 per brochure, plus postage:
	Postage:	
	(a) 1-10	(a) \$0.50
	(b) more than 10	(b) charged at cost
18	Posters	\$0.00 per poster, plus postage:
	Postage:	
	(a) 1-5	(a) \$1.00
	(b) more than 5	(b) charged at cost
19	Presentations	
	(a) first hour	(a) \$230.00 for the first hour
	(b) additional hours	(b) \$115.00 for each additional hour
	(c) extras	(c) Additional expenses (flights, printing etc.) charged at cost
20	Tailored articles, issues papers, policy advice etc.	\$115.00 per article, issue or advice Additional expenses billed at cost
21	Development and delivery of non-core products and services	\$115.00 per product or service Additional expenses billed at cost
22	DVD	\$14.95 per DVD, plus postage
	Postage per quantity	\$4.95 each quantity

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.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See www.frli.gov.au.