THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

AUSTRALIAN SPORTS ANTI-DOPING AUTHORITY AMENDMENT (SPORT INTEGRITY AUSTRALIA) BILL 2019

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Youth and Sport, Senator the Hon Richard Colbeck)
AUSTRALIAN SPORTS ANTI-DOPING AUTHORITY AMENDMENT
(SPORT INTEGRITY AUSTRALIA) BILL 2019

OUTLINE

The Australian Sports Anti-Doping Authority Amendment (Sport Integrity Australia) Bill 2019 establishes Sport Integrity Australia to prevent and address threats to sports integrity and to coordinate a national approach to matters relating to sports integrity in Australia.

In August 2017, the then Minister for Sport requested a Review of Australia’s Sports Integrity Arrangements (Wood Review), as part of the Australian Government’s development of the National Sport Plan – Sport 2030. The report of the Wood Review was delivered to the Minister in March 2018 and published on 1 August 2018.

The Wood Review is the most comprehensive examination of sports integrity arrangements ever undertaken in Australia, if not the world. It found sports are challenged by a range of mounting integrity threats, which include the increasing sophistication and incidence of doping, the globalisation of sports wagering particularly through rapidly growing illegal online gambling markets, the infiltration and exploitation of the sports sector by organised crime, corruption in sports administration and growing participant protection issues – particularly the sexual abuse of minors in sporting environments.

At the heart of the Wood Review is a recommendation the government establish a National Sport Integrity Commission to cohesively draw together and develop existing sports integrity capabilities, knowledge and expertise. Sport Integrity Australia will fulfil this function by nationally coordinating all elements of the sports integrity threat response including, prevention, monitoring and detection, investigation and enforcement.

Sport Integrity Australia will implement Australia’s international obligations both under the UNESCO International Convention against Doping in Sport and, once in force and binding on Australia, the Council of Europe Convention on the Manipulation of Sports Competitions (Macolin Convention). In order to do this, Sport Integrity Australia will bring together the functions of the Australian Sports Anti-Doping Authority, the National Integrity of Sport Unit, and the sports integrity functions of Sport Australia. Once established and operating, it is anticipated Sport Integrity Australia will expand to include enhanced match-fixing detection and suspicious wagering alert capabilities, a whistle-blower scheme, and promote national collaboration on sports wagering-related integrity frameworks.

Financial Impact Statement

No net cost to government. Sport Integrity Australia is supported by approximately $22m per annum from existing ongoing appropriations relating to Commonwealth sports integrity measures with an additional $7.7m in 2020-21 offset by residual savings from within the broader Health Portfolio 2018-19 MYEFO context.
Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

AUSTRALIAN SPORTS ANTI-DOPING AUTHORITY AMENDMENT (SPORT INTEGRITY AUSTRALIA) BILL

This Bill is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the Human Rights (Parliamentary Scrutiny) Act 2011.

Overview of the Bill
Sport Integrity Australia will be the Australian Government agency that focuses on the overall integrity of Australian sport and the health and welfare of those who participate in sport.

In August 2017, the Minister for Sport requested a Review of Australia’s Sports Integrity Arrangements (Wood Review), as part of the work being done by the Australian Government to develop a National Sport Plan. The Wood Review was delivered to the government in March 2018, published on 1 August 2018 and is the most comprehensive examination of sports integrity arrangements ever undertaken in Australia.

At the heart of the Wood Review was a recommendation the government establish a National Sport Integrity Commission to cohesively draw together and develop existing sports integrity capabilities, knowledge and expertise. The Australian Sports Anti-Doping Authority Amendment (Sport Integrity Australia) Bill 2019 responds to this Wood Review recommendation and aims to establish a single Commonwealth agency to cohesively draw together and develop existing sports integrity capabilities.

Sport Integrity Australia will implement Australia’s international obligations both under the UNESCO International Convention against Doping in Sport and the Convention on the Manipulation of Sports Competitions (Macolin Convention). In order to do this, Sport Integrity Australia will bring together the national sports integrity functions currently exercised by the Australian Sports Anti-Doping Authority, National Integrity of Sport Unit, and Sport Australia.

The outcome will be an agency that cohesively draws together and develops existing sports integrity capabilities, knowledge and expertise, and nationally coordinates all elements of the sports integrity threat response including prevention, monitoring and detection, investigation and enforcement.

Human rights implications
This Bill engages Article 17 of the International Covenant on Civil and Political Rights (ICCPR) – privacy and reputation.
Right to privacy and reputation

Article 17 of the ICCPR states that ‘[n]o one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.’

By ensuring that appropriate protections are available to prevent the disclosure of protected information, the recognition of the Bill’s secrecy provision in Schedule 3 of the Freedom of Information Act 1982 (FOI Act) positively engages the right to privacy and reputation in Article 17 of the International Covenant on Civil and Political Rights. Specifically it ensures that information received by Sport Integrity Australia is protected from release under the FOI Act, ensuring Sport Integrity Australia is able to provide appropriate guarantees in relation to the protection of information, such as health and medical records, received by Sport Integrity Australia in the performance of its functions.
The proposed amendments will declare Sport Integrity Australia to be an enforcement body for the purposes of the Privacy Act 1988 (Privacy Act), which will relevantly have the effect that:

- Sport Integrity Australia would not be required to notify an eligible data breach under Part IIC, where the CEO believes on reasonable grounds that notifying the breach would be likely to prejudice one or more enforcement related activities conducted by, or on behalf of, the enforcement body;
- Sport Integrity Australia would not be required to obtain an individual’s consent to collect sensitive information, where the collection of the information is reasonably necessary for, or directly related to, one or more of Sport Integrity Australia’s functions or activities (Australian Privacy Principle 3);
- another APP entity would be able to disclose information to Sport Integrity Australia, where the other APP entity reasonably believes that the use or disclosure of the information is reasonably necessary for one or more of Sport Integrity Australia’s enforcement related activities (Australian Privacy Principle 6.2(e));
- Sport Integrity Australia would not be required to obtain an individual’s consent to disclose their personal information to an overseas recipient, where the recipient is a body that performs functions, or exercises powers, that are similar to those performed or exercised by an enforcement body (Australian Privacy Principle 8);
- another APP entity would be able to disclose a government identifier to Sport Integrity Australia, where the entity reasonably believes that the use or disclosure of the identifier is reasonably necessary for one or more of Sport Integrity Australia’s enforcement related activities (Australian Privacy Principle 9.2(e));
- Sport Integrity Australia would not be required to give an individual access to their personal information where to do so would be likely to prejudice one or more enforcement related activities conducted by Sport Integrity Australia (Australian Privacy Principle 12.3(i)).

The proposed amendment engages Article 17 of the ICCPR:

No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

The inclusion of Sport Integrity Australia as an enforcement body for the purposes of the Privacy Act cannot be considered arbitrary as it is sufficiently precise; the exemptions will only apply in relation to circumstances where the use or disclosure of particular information is reasonably necessary for Sport Integrity Australia’s relation enforcement related activities. Sport Integrity Australia will otherwise remain subject to the requirements of the Privacy Act, including the Australian Privacy Principles.

It can be considered proportionate for Sport Integrity Australia to be listed as an enforcement body under the Privacy Act. While the formal allegations put forward by Sport Integrity Australia do not result in civil penalties or criminal charges (as is the case with most bodies granted this exemption under the Privacy Act), Sport Integrity Australia nonetheless will have the function of investigating threats to sports integrity. In the context of investigations into sports doping, Sport Integrity Australia has
specific investigative powers, and the results of such investigations will be used in pursuing cases of anti-doping rule violations against athletes and support persons, including before the National Sports Tribunal and other sporting tribunals.

Appropriate protections remain in place to ensure information may only be accessed in certain circumstances, that is, relating to the investigation of possible breaches of anti-doping rules. Specifically, the current secrecy provisions in Part 8 of the Australian Sports Anti-Doping Authority Act 2006 (ASADA Act) will relevantly be retained for Sport Integrity Australia. These provisions govern the circumstances in which protected information can be disclosed, and create a criminal offence for entrusted persons who disclose protected information other than in the circumstances set out in the Act.

**Conclusion**
This Bill is compatible with human rights as it promotes rights, and to the extent that it limits rights, these limitations are reasonable, necessary and proportionate to achieving a legitimate objective.

**Senator the Hon Richard Colbeck, Minister for Youth and Sport**
NOTES ON CLAUSES

Clause 1: Short title
This clause provides that the Bill, once enacted, may be cited as the Australian Sports Anti-Doping Authority Amendment (Sport Integrity Australia) Act 2019.

Clause 2: Commencement
This clause (Table items 1 and 2) provides for the commencement of the whole of the Act on the later of the day after the Act receives the Royal Assent, or 1 July 2020.

Table items 3 and 4 set out commencement provisions for the contingent amendments in Parts 1 and 2 of Schedule 3 to the Bill. These amendments in Part 1 of Sch 3 will not commence unless Part 1 of Schedule 1 to the Australian Sports Anti-Doping Authority Amendments (Enhancing Australia’s Anti-Doping Capability) Act 2019 (Enhancing Capability Act) commences on or before the day those amendments commence. The amendments in Part 2 of Schedule 3 would not commence at all unless Part 1 of Schedule 1 to the Enhancing Capability Act has already commenced.

Clause 3: Schedule(s)
This clause provides that each Act specified in a Schedule to the Bill is amended or repealed as set out in the applicable items in the Schedule concerned and any other item has effect according to its terms. This is a technical provision that gives operational effect to amendments contained in the Schedules. Schedule 1 amends the Australian Sports Anti-Doping Authority Act 2006.


Schedule 3 provides for transitional and consequential amendments to address the abolition of ASADA and establishment of Sport Integrity Australia.

The amendments in Parts 1 and 2 of Schedule 3 are expressed to be contingent, as they have been drafted to take account of various scenarios concerning the commencement of the Enhancing Capability Act. Relevantly, the Enhancing Capability Bill will amend the ASADA Act to abolish the Anti-Doping Rule Violation Panel (ADRVP). The amendments in Part 1 of Schedule 3 are drafted on the basis that the amendments abolishing the ADRVP have not commenced. In this scenario, the amendments to s 50F of the ASADA Act will have the effect that Sport Integrity Australia and the ADRVP together are a listed entity for the purposes of the finance law, known as Sport Integrity Australia.

The amendments in Part 2 of Schedule 3 are drafted on the basis that the amendments abolishing the ADRVP have commenced, and it is no longer mentioned in s 50F of the ASADA Act. The amendments proposed by the Schedule will consequentially
replace all references to ‘the Australian Sports Anti-Doping Authority’ in s 50F with references to ‘Sport Integrity Australia’.

Schedule 4 to the Bill sets out saving and transitional provisions following on from the abolition of ASADA and the establishment of Sport Integrity Australia.
SCHEDULE 1 – MAIN AMENDMENTS

Australian Sports Anti-Doping Authority Act 2006

Item 1: Title
This item amends the long title of the Act to omit the words ‘the Australian Sports Anti-Doping Authority’ and replace them with ‘Sport Integrity Australia’.

Item 2: Section 1
This item omits ‘Australian Sports Anti-Doping Authority Act 2006’ and replaces it with ‘Sport Integrity Australia Act 2019’. This has the effect of renaming the legislation.

Item 3: Section 3
This item omits the first two paragraphs of the simplified outline of the legislation and replaces them with language that incorporates Sport Integrity Australia. It continues to confirm that the Act requires the creation of the National Anti-Doping scheme in order to give effect to Australia’s international obligations.

Item 4: After Section 3
This item inserts new section 3A, providing that the object of the Act is to establish Sport Integrity Australia to prevent and address threats to sports integrity and to coordinate a national approach to matters relating to matters relating to sport integrity in Australia.

Item 5: Section 4
This item inserts new definitions for the terms ‘Advisory Council’, ‘Advisory Council Chair’ and ‘Advisory Council Member’. These definitions are necessary due to the establishment of the Sport Integrity Australia Advisory Council.

Items 6-7: Section 4 (definitions)
These items repeal the definitions of ASADA and ASADA staff.

Item 8: Section 4 (definition of CEO)
This item repeals the definition of CEO and substitutes a definition that takes account of the change from ASADA to Sport Integrity Australia.

Item 9: Section 4
This item inserts a definition which provides that a matter relating to sports integrity includes a sports doping and safety matter. Without limiting what is meant by ‘matter relating to sports integrity’, this is intended to ensure that functions previously exercised by the CEO of ASADA in relation to ‘sports doping and safety matters’ can continue to be exercised by the CEO of Sport Integrity Australia.

Item 10: Section 4 (definition of sporting administration body)
This item omits ‘the ASADA’ and replaces it with ‘Sport Integrity Australia’.

Item 11: Section 4
This item inserts a new definition of ‘sports integrity’ which means the manifestation of the ethics and values that promote community confidence in sport.
Item 12: Section 4
This item provides a non-exhaustive list of threats to sports integrity. This list of threats is not intended to limit what may be considered a ‘threat to sports integrity’, rather, this list provides content to the functions exercised by the CEO of Sport Integrity Australia.

Item 13: Section 4 (before paragraph (b) of the definition of vacancy)
This item inserts a reference to the Advisory Council into the definition of ‘vacancy’, so that the meaning of vacancy in section 5 will apply to an Advisory Council member.

Item 14: Before subsection 5(2)
This item inserts a clause into the Act that addresses when a vacancy occurs in the office of an Advisory Council member. This item provides that there are taken to be 10 offices of Advisory Council members in addition to the Advisory Council Chair.

Items 15-18: Various
These items omit ‘the ASADA’ and substitute ‘Sport Integrity Australia’ at paragraphs 11(1)(a), 13(1)(c), 14(2)(b) and 15(2)(b) and (c).

Item 19: Part 3
This item repeals Part 3 of the Australian Sports Anti-Doping Authority Act 2006 and replaces it with a new Part 3 that establishes Sport Integrity Australia and outlines its function.

The new Part 3 establishes that the function of Sport Integrity Australia is to assist the CEO of Sport Integrity Australia in performing the CEO’s functions. Sport Integrity Australia is to consist of the CEO of Sport Integrity Australia and the Sport Integrity Australia staff.

Sport Integrity Australia is to have the privileges and immunities of the Crown in right of the Commonwealth.

Item 20: Section 20CA
This item omits the words ‘functions relating to the NAD scheme and other sports doping safety matters’ and substitutes ‘functions relating to sports integrity matters, including threats to sports integrity.’

Item 21: Section 20CA
This item omits ‘the ASADA’ and substitutes ‘Sport Integrity Australia.’

Item 22: Section 20D
This item repeals the existing section 20D of the ASADA Act (which established the office of the ASADA CEO) and replaces it with a provision that provides that there is to be a Chief Executive Officer of Sport Integrity Australia.

Item 23: Paragraph 21(1)(c)
This item omits ‘sports doping and safety matters’ and substitutes ‘matters relating to sports integrity’. As discussed previously, ‘sports doping and safety matters’ are included in the definition of a ‘matter relating to sports integrity’.
Item 24: **Paragraphs 21(1)(e) to (j)**
This item repeals existing functions of the CEO of ASADA and replaces them with functions related to the expanded role of the CEO of Sport Integrity Australia, to include functions performed by the National Integrity of Sport Unit in the Australian Government Department of Health, and the nationally-focussed sports integrity functions of Sport Australia.

Item 25: **Subparagraph 21(1)(k)(iii)**
This item omits ‘relating to sports doping and safety matters’ and substitutes ‘in relation to matters relating to sports integrity, including threats to sports integrity.’

Item 26: **Subparagraph 21(2)(a)(iii)**
This item omits ‘its functions in a place outside Australia’ and substitutes ‘the CEO’s functions in relation to persons, places, matters or things outside Australia’. This has been amended to provide clarity on the exercise of the CEO’s functions and is intended to provide that the CEO may exercise functions both within and outside Australia in respect of persons, places, matters or things outside Australia.

Item 27: **Subparagraph 21(2)(n)(i)**
This item omits ‘the ASADA’s’ and substitutes ‘Sport Integrity Australia’s’.

Item 28: **Subparagraph 21(2)(n)(ii)**
This item omits ‘ASADA’ and substitutes ‘Sport Integrity Australia’.

Item 29: **Subsection 24J(1)**
This item repeals the subsection and substitutes a clause that permits the Minister to terminate the appointment of the CEO of Sport Integrity Australia for misbehaviour or if the CEO is unable to perform their duties due to physical or mental incapacity.

Item 30: **Division 4 of Part 3A (heading)**
This item repeals the heading and substitutes reference to the staff of Sport Integrity Australia.

Item 31: **Subsection 24L(1)**
This item omits ‘the ASADA’ and substitutes ‘Sport Integrity Australia’.

Item 32: **Paragraph 24L(2)(a)**
This item omits ‘ASADA’ and substitutes ‘Sport Integrity Australia’.

Item 33: **Paragraph 24M(b)**
This item repeals the paragraph and replaces it with reference to the CEO being able to be assisted by officers or employees of a State or Territory as well as officers or employees of bodies or organisations of the Commonwealth, a State or Territory.

Item 34: **End of Division 4 of Part 3A**
This item adds section 24MA that allows the CEO of Sport Integrity Australia to, on behalf of the Commonwealth, engage consultants to assist in the performance of the CEO’s functions.
**Items 35: Paragraph 24N(1)(a)**

**Item 36: -Subsections 24N(3A) and (3B)**

These items omit ‘ASADA’ and substitute ‘Sport Integrity Australia’ at paragraph 24N(1)(a) and subsections 24N(3A) and (3B).

**Item 37: After Part 3A**

This item inserts Part 4 – Sport Integrity Advisory Council into the Act.

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**Division 1 – Simplified Outline of this Part**

This outline establishes the intention of the Part and outlines in brief the functions of the Advisory Council.

**Division 2 – Establishment and functions of the Sport Integrity Australia Advisory Council**

This Division establishes the Sport Integrity Australia Advisory Council and provides that its functions are to provide advice to the CEO of Sport Integrity Australia and to the responsible Minister.

The Advisory Council may provide advice to the CEO at the request of the CEO or on its own initiative. The Advisory Council may provide advice to the Minister on request of the Minister.

The Advisory Council is limited to providing advice on strategic matters only, and the advice must not relate to a particular individual or particular investigation.

These limitations have been included to ensure compliance with any World Anti-Doping Code requirements, including the requirement that the government will respect the autonomy of a National Anti-Doping Organisation in its county and not interfere with its operational decisions and activities.

The CEO of Sport Integrity Australia is not intended in any way to be bound by, or to be required to follow or comply with, any advice provided by the Advisory Council. It is intended that the CEO will make any operational decisions independently and free from interference by government.

**Division 3 – Membership of the Advisory Council**

This Division provides that the Advisory Council consists of a Chair and at least 6, and not more than 10, other members. Advisory Council members are to be appointed by the Minister on a part-time basis for a period not exceeding three years. The Division further outlines the Minister must be satisfied a person has substantial experience or knowledge in an appropriate field of expertise in order to appoint them to the Advisory Council. Members of the Advisory Council are not officials under the Public Governance, Performance and Accountability Act 2013.

The Division includes provisions to account for acting appointments, remuneration and allowances, leave of absence, disclosure of interests to the Minister, resignation, termination of appointment, and the authority of the Minister to determine any other conditions of employment in writing.
Division 4 – Ministerial directions
This Division provides for the Minister to give a direction to the Advisory Council, in writing, about the way in which the Advisory Council is to carry out its functions. The Minister is also able to give a written direction to the Advisory Council about the procedures to be followed in relation to meetings of the Advisory Council.

Nothing in this Division is intended to override the restrictions at subsection 27(2) of the Sport Integrity Australia Act 2019 which prevent the Advisory Council from giving advice in relation to a particular individual or particular investigation. It is not intended that the Minister be able to give a direction which is contrary to those restrictions.

Subsection 37(3) provides that directions made under Section 37 are not legislative instruments within the meaning of subsection 8(1) of the Legislation Act 2003. This is merely declaratory of the law rather than an express exemption from the Legislation Act 2003 and has been simply included to assist readers.

Item 38: Subparagraph 50F(d)(ii)
This item omits ‘ASADA’ and substitutes ‘Sport Integrity Australia’.

Item 39: Subparagraph 50F(d)(v)
This item omits “and” from the subparagraph to allow for the inclusion of an additional subparagraph.

Item 40: End of paragraph 50F(d)
This item includes any consultants engaged by the CEO under section 24MA as being an official of the listed entity.

Item 41: Subparagraph 50F(e)(i)
This item omits ‘the ASADA referred to in section 20B’ and substitutes ‘Sport Integrity Australia referred to in section 20C’.

Item 42: Section 67A
This item omits ‘a member of the ASADA staff’ and substitutes ‘a member of the Sport Integrity Australia staff’.

Item 43: Section 67A
This item omits ‘for the purposes of the ASADA’ and substitutes ‘for the purpose of Sport Integrity Australia’.

Item 44: After paragraph 68B(3)(f)
This item inserts new paragraph 68B(3)(fa), to provide that the CEO may authorise the disclosure of protected information to a sporting administration body, for the purposes of that body.

Item 45: Section 68E(c)
This item omits ‘the ASADA’ and substitutes ‘Sport Integrity Australia’.

Item 46: Paragraph 69(b)
This item omits ‘ASADA’ and substitutes ‘Sport Integrity Australia’.
Item 47: After paragraph 69(b)
This item inserts reference to an Advisory Council member as being an entrusted person. This has the consequence that an Advisory Council member is subject to the secrecy provision in s 67 of the Act.

Item 48: After paragraph 69(e)
This item inserts reference to a consultant engaged under section 24MA as being an entrusted person.

Item 49: Paragraph 73B(4)(a)
This item omits the reference to ASADA and substitutes ‘Sport Integrity Australia’.

Item 50: After section 74
This item inserts new section 75, which provides that the CEO of Sport Integrity Australia may request information or documents from any person or body about matters relating to sports integrity. New subsection 75(2) creates a statutory authorisation for the purposes of the Privacy Act, by providing that the giving of information or documents in response to a request by the CEO, and the collection of that information, is taken to be authorised by the Sport Integrity Australia Act.

Item 51: Paragraph 78(1)(b)
This item omits ‘ASADA’ and substitutes ‘Sport Integrity Australia’ at paragraph 78(1)(b).

Item 52: After paragraph 78(1)(c)
This item includes a consultant engaged under section 24MA in the protections from civil proceedings provision of the Act.

Item 53: After subsection 78(1)
This item includes an Advisory Council member in the protections from civil proceedings provision of the Act.

Item 54: Paragraphs 78(4)(a) to (d)
This item omits ‘the ASADA’ and substitutes ‘Sport Integrity Australia’.
SCHEDULE 2 – CONSEQUENTIAL AMENDMENTS

Age Discrimination Act 2004

Item 1: Schedule 1 (table item 32A)
This item omits reference to the Australian Sports Anti-Doping Authority Act 2006 and replaces it with reference to the Sport Integrity Australia Act 2019.

Australian Border Force Act 2015

Item 2: Paragraph 46(m)
This item omits reference to the Australian Sports Anti-Doping Authority Act 2006 and replaces it with reference to the Sport Integrity Australia Act 2019.

Australian Postal Corporation Act 1989

Item 3: Subsection 90J(12) (heading)
This item repeals the heading and substitutes ‘Disclosure to Sport Integrity Australia’.

Item 4: Subsection 90J(12)
This item omits reference to the Australian Sports Anti-Doping Authority and Australian Sports Anti-Doping Authority Act 2006 and replaces it with reference to Sport Integrity Australia and the Sport Integrity Australia Act 2019.

Australian Sports Commission Act 1989

Item 5: Subsection 7(4)
This item inserts “subsection (4A) and” after “Subject to” in subsection 7(4). This is intended to, along with other changes, ensure that the Commission will not exercise functions that overlap with the functions of the CEO of Sport Integrity Australia.

Item 6: Subsection 7(4A)
This item, in conjunction with item 7, amends subsection 7(4A) to provide that functions of the Commission may only be performed to the extent that they do not overlap with any functions of the CEO of Sport Integrity Australia.

Items 7 -12: Various
These items remove reference to the Australian Sports Anti-Doping Authority and replace them with Sport Integrity Australia at the following sections, subsections and paragraphs:

- Subsection 7(4A);
- Section 57A (heading);
- Subsection 57A(1); and
- Paragraph 57A(1)(b).

It further removes reference to the Australian Sports Anti-Doping Authority Act 2006 and replaces it with the Sport Integrity Australia Act 2019 at the following paragraph and subsection:

- Paragraph 57A(1)(a); and
- Subsection 57A(2).
**Freedom of Information Act 1982**

**Item 13: Schedule 3**  
This item amends Schedule 3 of the *Freedom of Information Act 1982* to include the secrecy provision at section 67 of the *Sport Integrity Australia Act 2019*.

**National Sports Tribunal Act 2019**

**Item 14: Subsection 5(1) definition of ASADA CEO**
**Item 15: Subsection 5(1)**
**Item 16: Paragraphs 22(1)(a), (2)(a) and (f) and (3)(c)**
**Item 17: Paragraph 31(2)(c)**
**Item 18: Subsections 32(1) and (2)**
**Item 19: Paragraph 32(4)(c)**
**Item 20: Subsections 33(1) and (2)**
**Item 21: Paragraph 33(4)(c)**

These items amend the National Sports Tribunal Act 2019 to replace the definition of ‘ASADA CEO’ with ‘Sport Integrity Australia CEO’, and to replace references to the ‘ASADA CEO’ throughout the Act with references to the Sport Integrity Australia CEO.

**Olympic Insignia Protection Act 1987**

**Item 22: Section 23 (definition of a national sporting organisation)**  
This item omits the ‘*Australian Sports Anti-Doping Authority Act 2006*’ and replaces it with the Sport Integrity Australia and the ‘*Sport Integrity Australia Act 2019*’.

**Privacy Act 1988**

**Item 23: Subsection 6(1) (after paragraph (b) of the definition of enforcement body)**

This item includes Sport Integrity Australia in the *Privacy Act 1988* definition of an enforcement body.

This has the effect of allowing Sport Integrity Australia to receive information from other Commonwealth entities as well as State and Territory bodies where that information is necessary for an enforcement related activity undertaken by Sport Integrity Australia. This amendment will further facilitate the information flow from Sport Integrity Australia to other agencies as well.

It is the intention that by listing Sport Integrity Australia as an enforcement body that the investigation of possible breaches of the anti-doping rules by the CEO of Sport Integrity Australia is considered to be an ‘enforcement related activity’ and is integral to the efficient and effective exercising of the CEO’s functions.
SCHEDULE 3 – CONTINGENT AMENDMENTS

Part 1 – First Contingency
Part 2 – Second Contingency
The amendments in Parts 1 and 2 of Schedule 3 are expressed to be contingent, as they have been drafted to take account of various scenarios concerning the commencement of the Enhancing Capability Act. Relevantly, the Enhancing Capability Bill will amend the ASADA Act to abolish the Anti-Doping Rule Violation Panel (ADRVP). The amendments in Part 1 of Schedule 3 are drafted on the basis that the amendments abolishing the ADRVP have not commenced. In this scenario, the amendments to s 50F of the ASADA Act will have the effect that Sport Integrity Australia and the ADRVP together are a listed entity for the purposes of the finance law, known as Sport Integrity Australia.

The amendments in Part 2 of Schedule 3 are drafted on the basis that the amendments abolishing the ADRVP have commenced, and it is no longer mentioned in s 50F of the ASADA Act. The amendments proposed by the Schedule will consequentially replace all references to ‘the Australian Sports Anti-Doping Authority’ in s 50F with references to ‘Sport Integrity Australia’.
SCHEDULE 4 – SAVING AND TRANSITIONAL PROVISIONS

Item 1: Transfer of appropriated money
This item provides that, for the purposes of an Appropriation Act, any reference to ASADA is to be read as a reference to Sport Integrity Australia.

Item 2: Transitional – Legal proceedings involving the CEO of the Australian Sports Anti-Doping Authority
This item is a transitional provision that provides that any legal proceedings involving the CEO of the Australian Sports Anti-Doping Authority prior to the commencement of the amending legislation is taken to be a proceeding in which the CEO of Sport Integrity Australia is substituted in for the CEO of the Australian Sports Anti-Doping Authority.

Item 3: Things done by, or in relation to, the CEO of the Australian Sports Anti-Doping Authority
This item is a transitional provision that provides that any thing done by, or in relation to, the CEO of ASADA for the purposes of the Australian Sports Anti-Doping Authority Act 2006 (and legislative instruments made under that Act) has the effect that, after commencement of the amending legislation, it was done by, or in relation to, the CEO of Sport Integrity Australia.

Item 4: Transfer of records
This item provides that any records or documents in the possession of the Australian Sports Anti-Doping Authority are to be transferred to the CEO of Sport Integrity Australia.

Item 5: Protected Information
This item provides that Part 8 of the Australian Sports Anti-Doping Authority Act 2006 continues in effect in respect of a person connected with ASADA as identified in item 5(1) and that any information that was protected information immediately prior to the commencement of this Item is taken to be protected information for the purposes of the Sport Integrity Australia Act 2019.

Item 6: Protection from civil actions
This item provides that subsection 78(1) of the Australian Sports Anti-Doping Authority Act 2006 continues to apply in respect of any act done or omitted prior to the commencement of this item by the CEO of the Australian Sports Anti-Doping Authority, a member of staff of the Australian Anti-Doping Authority or an individual whose services were made available to the CEO under section 24M of the Australian Sports Anti-Doping Authority Act 2006.

This item further provides that any publication or disclosure made in good faith prior to the commencement of this item continues to be covered by subsection 78(3) of the Australian Sports Anti-Doping Authority Act 2006.

This item also provides that subsection 78(4) of the Australian Sports Anti-Doping Authority Act 2006 continues to apply to the making of any statement or the giving of a document or information to the Australian Sports Anti-Doping Authority or CEO of
the Australian Sports Anti-Doping Authority at any time prior to this item commencing.

**Item 7: References to the CEO of the Australian Sports Anti-Doping Authority etc. in instruments**
This item provides that where an instrument in force immediately before the commencement of this item contains a reference to either the CEO of the Australian Sports Anti-Doping Authority or to the Australian Sports Anti-Doping Authority then that instrument has effect upon commence of this item as referring to the CEO of Sport Integrity Australia or Sport Integrity Australia (as appropriate).

**Item 8: Rules**
This item authorises the Minister to make rules, by legislative instrument, prescribing matters required to give effect to the legislation. This includes rules of a transitional nature relating to the amendments made by the Bill, or its enactment.