



AUSTRALIAN CAPITAL TERRITORY

Drugs in Sport Act 1999

No. 84 of 1999

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Drugs in Sport Act 1999

No. 84 of 1999

An Act to confer functions and powers on the Australian Sports Drug Agency in relation to the use of drugs and doping methods in sport and for other purposes

[Notified in ACT Gazette S65: 23 December 1999]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Drugs in Sport Act 1999*.

2 Commencement

This Act commences on the day it is notified in the *Gazette*.

3 Definitions

In this Act—

ACT competitor means a person—

- (a) who competes, or has been selected to compete, as a representative of the ACT in an open age sporting competition; or
- (b) who is included in a squad formed for the purpose of the selection of persons to compete as representatives of the ACT in an open age sporting competition; or

- (c) who competes in an open age sporting competition, or trains to compete in an open age sporting competition, and is receiving support from the ACT or is a party to an arrangement under which he or she will receive support from the ACT; or
- (d) whose name is entered on a national register and, as a result of having his or her name entered on the register, is ineligible to take part in an open age sporting competition as a representative of the ACT; or
- (e) who purports to represent the ACT in an open age sporting competition.

Note Section 3 of the Commonwealth Act defines people who are receiving support from a government, including the ACT.

ASDA means the Australian Sports Drug Agency established under the Commonwealth Act.

Commonwealth Act means the *Australian Sports Drug Agency Act 1990* of the Commonwealth, and includes the regulations under that Act.

Commonwealth competitor means a competitor as defined in the Commonwealth Act.

compete means compete as an individual or as a member of a team.

national register means a register under the Commonwealth Act.

Note **Register** is defined in subsection 2 (1) of the Commonwealth Act to mean a Register of Notifiable Events established under a drug testing scheme.

open age sporting competition means a sporting competition that is open to persons of any age who are competing either as individuals at the top level for a sport or as members of the top team for a sport.

Note **sporting competition** is defined in subsection 2 (1) of the Commonwealth Act to mean a sporting event or a series of sporting events, and **sporting event** is defined to include any sporting activity.

relevant sporting organisation, for an ACT competitor, means a sporting organisation (whether a national sporting organisation or a sporting organisation recognised by the ACT government as the peak body in the ACT for a sport)—

- (a) of which the competitor is, in that capacity, a member; or
- (b) with which the competitor is, in that capacity, associated in any way.

Note **sporting organisation** is defined in subsection 2 (1) of the Commonwealth Act.

4 Expressions used in the Commonwealth Act

An expression used in this Act that is also used in the Commonwealth Act has the same meaning in this Act as it has in the Commonwealth Act, unless the contrary intention appears.

5 Notes

A note in the text of this Act is explanatory and is not part of the Act.

6 Conferral of functions and powers on ASDA

(1) ASDA has, under this Act in relation to an ACT competitor, the same functions and powers as it has under the Commonwealth Act in relation to a Commonwealth competitor.

(2) The Federal Court of Australia, the Administrative Appeals Tribunal, and members and officers of that court or tribunal have the same jurisdiction, functions and powers under this Act in relation to an ACT competitor as they have under the Commonwealth Act in relation to a Commonwealth competitor.

(3) For subsections (1) and (2), the Commonwealth Act applies in relation to an ACT competitor as if—

- (a) a reference in that Act to a competitor were a reference to an ACT competitor; and
- (b) a reference in that Act to an international sporting competition were a reference to a national sporting competition; and
- (c) a reference in that Act to a relevant sporting organisation or a relevant national sporting organisation were a reference to a relevant sporting organisation as defined in this Act; and
- (d) a reference in that Act to a representative of Australia were a reference to a representative of the ACT; and
- (e) all other necessary changes, and any changes prescribed under the regulations, were made.

(4) This section is subject to the following sections:

- (a) section 7 (Taking samples from an ACT competitor under 18 years old);
- (b) section 8 (Agreement with ASDA about performance of functions etc under this Act).

7 Taking samples from an ACT competitor under 18 years old

(1) ASDA may request an ACT competitor who is under 18 years old to provide a sample, or may obtain a sample from an ACT competitor who is under 18 years old, only if the competitor and his or her parent or guardian have given written consent to the taking of the sample.

(2) A consent may be given either generally or in relation to a particular request for a sample.

8 Agreement with ASDA about performance of functions etc under this Act

(1) The Minister may enter into an agreement with ASDA about the performance of its functions and the exercise of its powers under this Act.

(2) The agreement may provide that ASDA must perform its functions and exercise its powers under this Act as provided under the agreement.

9 Regulation-making power

The Executive may make regulations for the purposes of this Act.

[Presentation speech made in Assembly on 21 October 1999]