

Queensland



SPORTS DRUG TESTING ACT 2003

Act No. 21 of 2003

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Queensland



Sports Drug Testing Act 2003

Act No. 21 of 2003

An Act to enable the Australian Sports Drug Agency to test State competitors for the use of drugs and doping methods, and for related purposes

[Assented to 9 May 2003]

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

1 Short title

This Act may be cited as the *Sports Drug Testing Act 2003*.

2 Commencement

This Act commences on a day to be fixed by proclamation.

3 Objects of Act

(1) The objects of this Act are—

- (a) to protect the health of State competitors by discouraging the use of drugs and doping methods; and
- (b) to protect the State's outstanding sporting reputation; and
- (c) to protect the State's financial investment in sport; and
- (d) to recognise community expectations that athletes representing the State or receiving State support compete fairly without the use of drugs or doping methods.

(2) The objects are to be achieved mainly by conferring functions and powers on ASDA to carry out testing of State competitors for the use of scheduled drugs or doping methods.

PART 2—INTERPRETATION

4 Definitions

The dictionary in the schedule defines particular words used in this Act.

5 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 the expression has in the Commonwealth Act.

6 References in Commonwealth Act

For this Act, the Commonwealth Act is to be read as if—

- (a) a reference to a competitor were a reference to a State competitor; and
- (b) a reference to an international sporting competition were a reference to a national sporting competition; and
- (c) a reference to a relevant sporting organisation or relevant national sporting organisation included a reference to a State sporting organisation; and
- (d) a reference to representing Australia were a reference to representing the State; and
- (e) a reference to a national team were a reference to a State team; and
- (f) a reference to something occurring within or outside Australia were a reference to its occurring within or outside the State; and
- (g) a reference to a sporting administration body included a reference to—
 - (i) a State sporting organisation; and
 - (ii) the agency responsible for the administration of sport in the State; and
- (h) any other changes necessary for the operation of this Act were made.

PART 3—FUNCTIONS AND POWERS

7 Conferral of functions on ASDA

(1) ASDA has, in relation to a State competitor, the same functions as it has under the Commonwealth Act in relation to a Commonwealth competitor.

(2) The functions include making known information about the use of drugs or doping methods in sport including—

- (a) testing procedures and the possibility of a State competitor being asked to supply a sample during competition or training or at another time; and
- (b) the consequences that follow if a State competitor returns a positive test result or does not comply with a request to supply a sample.

(3) ASDA may perform its functions within or outside the State.

8 Conferral of powers on ASDA

(1) ASDA has under this Act, in relation to a State competitor, power to do all things necessary or convenient for the performance of its functions.

(2) The power includes power to charge fees or impose charges that are reasonable for the expense incurred by ASDA in supplying services, information or advice.

(3) ASDA may exercise its powers within or outside the State.

9 Agreement between Minister and ASDA

(1) ASDA may perform its functions and exercise its powers under this Act only if ASDA has entered into an agreement with the Minister about the performance of the functions and the exercise of the powers.

(2) The agreement may provide that ASDA must perform its functions and exercise its powers under the Act in the way, and subject to the conditions, stated in the agreement.

10 Federal Court and Administrative Appeals Tribunal

The Federal Court, the Administrative Appeals Tribunal, and members and officers of the court and the tribunal have the same jurisdiction, functions and powers under this Act in relation to a State competitor as they have under the Commonwealth Act in relation to a Commonwealth competitor.

PART 4—MISCELLANEOUS PROVISIONS

11 State competitors under 18 years

(1) ASDA may ask a State competitor who is under 18 years to supply a sample, or may take a sample from a State competitor, only if the competitor's parent or guardian has consented in writing to the sample being taken.

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

Example, for subsection (2), of consent given generally—

Consent given—

- (a) at the time the State competitor becomes a member, as a competitor, of a State sporting organisation; or
- (b) at the time the State competitor registers with a sporting organisation to compete in an open age sporting competition.

12 Regulation-making power

The Governor in Council may make regulations under this Act.

SCHEDULE

DICTIONARY

section 4

“Administrative Appeals Tribunal” means the tribunal established under the *Administrative Appeals Tribunal Act 1975* (Cwlth).

“ASDA” means the Australian Sports Drug Agency established under section 6 of the Commonwealth Act.

“Commonwealth Act” means the *Australian Sports Drug Agency Act 1990* (Cwlth).

“Commonwealth competitor” means a ‘competitor’ under the Commonwealth Act.

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

“open age sporting competition” means a sporting competition that is open—

- (a) to persons of any age who are competing at the top level for a sport; or
- (b) only to persons up to a stated age, that is over the age of 18, who are competing at the top level for a sport.

Example for paragraph (b)—

An ‘under 23’ cycling race.

“State competitor” means a person who—

- (a) competes, or has been selected to compete, as a representative of the State in an open age sporting competition; or
- (b) is included in a group of persons from which persons are to be selected to compete, as representatives of the State, in an open age sporting competition; or
- (c) competes in an open age sporting competition or participates in training for competition in an open age sporting competition, and is receiving State support; or

SCHEDULE (continued)

- (d) has been prevented from participating, or has become ineligible to participate, in open age sporting competitions as a representative of the State because the person's name is entered in a register.

“State sporting organisation”, for a State competitor, means a sporting organisation—

- (a) recognised by the agency responsible for the administration of sport in the State as the sporting organisation for a sport in the State; and
- (b) of which the competitor is, as a competitor, a member or with which the competitor is, as a competitor, associated in any way.

“State support” means support from the State or the agency responsible for the administration of sport in the State to take part in, or train for taking part in, sporting activities.¹

1 For “support”, see the Commonwealth Act, sections 2 and 3.