

Western Australia

Sports Drug Testing Act 2001

As at 14 Aug 2001

No. 13 of 2001

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Sports Drug Testing Act 2001

No. 13 of 2001

An Act to provide for drug testing of persons representing Western Australia in sport and certain other persons participating in sport in Western Australia, and for related purposes.

[Assented to 14 August 2001]

The Parliament of Western Australia enacts as follows:

1. Short title

This Act may be cited as the *Sports Drug Testing Act 2001*.

2. Commencement

This Act comes into operation on a day fixed by proclamation.

3. Interpretation

In this Act —

“ASDA” means the Australian Sports Drug Agency established by the Commonwealth Act;

“Australian competitor” means a person who is a competitor within the meaning of the Commonwealth Act;

“Commonwealth Act” means the *Australian Sports Drug Agency Act 1990* of the Commonwealth;

“sample” has the same meaning as it has in the Commonwealth Act;

“sporting competition” has the same meaning as it has in the Commonwealth Act;

“WA competitor” means a person, other than an Australian competitor, who —

- (a) represents, is selected to represent, or purports to represent, Western Australia in sporting competition, whether as an individual or as part of a team;
- (b) is in a squad formed for the purpose of selecting a person or team to represent Western Australia in sporting competition;
- (c) who receives support (as defined in the Commonwealth Act) from the Government for the purposes of enabling or assisting the person to participate in, or train for participation in, sporting competition; or
- (d) whose name is entered on a register under the Commonwealth Act.

4. Functions of ASDA and Administrative Appeals Tribunal

- (1) ASDA has the same functions in relation to WA competitors as are conferred on it by the Commonwealth Act in relation to Australian competitors.
- (2) Without limiting subsection (1) it is a function of ASDA to disseminate information about the use of drugs in sport including —
 - (a) the possibility of WA competitors being requested to provide samples for testing and the procedures involved in providing and testing samples; and
 - (b) the likely consequences for WA competitors who fail to comply with requests to provide samples or who record positive test results.
- (3) The Administrative Appeals Tribunal, and members and officers of that tribunal, have the same functions in relation to WA competitors as they have under the Commonwealth Act in relation to Australian competitors.
- (4) For the purposes of this section the Commonwealth Act is to be read as if —
 - (a) references to a competitor or an Australian competitor were references to a WA competitor;
 - (b) references to international sporting competition were references to national sporting competition;
 - (c) references to representing Australia were references to representing Western Australia;
 - (d) references to a national team were references to a Western Australian team;
 - (e) references to something occurring within and outside Australia were references to it occurring within or outside Western Australia; and
 - (f) any prescribed changes, and any other necessary changes, had been made.

5. Competitors under 18

- (1) Despite section 4, ASDA must not request a WA competitor who is under 18 to provide a sample unless it has first obtained the written consent of the competitor's parent or guardian.
- (2) A refusal by the parent or guardian to give consent —
 - (a) is not a failure by the competitor to provide a sample; and
 - (b) is not grounds on which the competitor's name may be entered on a register under the Commonwealth Act.
- (3) A consent for the purposes of this section may be given, or refused, either generally or in relation to a particular request.

6. Agreement about performance of functions

- (1) Despite section 4, ASDA must not exercise any functions conferred by this Act unless there is in force an agreement between ASDA and the Minister about the performance of those functions.
- (2) An agreement between the Minister and ASDA may require ASDA to perform those functions in the manner, or subject to the conditions, provided in the agreement.

7. Regulations

The Governor may make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be prescribed, for giving effect to the purposes of this Act.

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