



Strasbourg, 2 October 2001

T-DO (2001) 16 Final

Anti-Doping Convention (T-DO)

Committee for the Development of Sport (CDDS)

“Compliance with Commitments Project” Respect by Australia of the Anti-Doping Convention

Reports by:

- Australia**
- Examining Group**

TABLE OF CONTENTS

A. Report by Australia.....	5
Foreword.....	5
Article 1 Aims of the Convention.....	6
Tough on Drugs in Sport strategy.....	6
Australian Sports Drug Agency.....	8
Australian Sports Commission.....	10
Article 3 Domestic Coordination.....	10
ASDA Coordination.....	12
ASDA Out of Competition Testing.....	13
ASC Coordination.....	13
Article 4 Measures to Restrict the Availability and use of Banned Doping Agents and Methods.....	14
Australian Customs Service.....	14
States and Territories.....	15
Funding for National Sporting Organisations.....	16
Government Funds for Drug Testing.....	17
Reciprocal Drug Testing Agreements.....	17
Article 5 Laboratories.....	18
Australian Sports Drug Testing Laboratory.....	18
ASDTL Research.....	18
High Resolution Mass Spectrometry.....	19
Isotope Ratio Mass Spectrometry.....	19
Steroid Reference Materials.....	19
Human Growth Hormone.....	19
EPO 2000.....	20
Future Research.....	20
Article 6 Education.....	21
ASDA Education Programs.....	21
Government Anti Doping Education Programs.....	22
Article 7 Cooperation with Sports Organisations.....	23
Cooperation with National Sporting Organisations.....	23
Australian Sports Drug Medical Advisory Committee.....	23
Article 8 International Cooperation.....	24
International Drugs In Sport Summit.....	25
International Anti Doping Arrangement.....	25
International Bilateral Agreements.....	26
International Collaboration.....	27
World Anti Doping Agency.....	27

Out of Competition Testing	27
EPO Test	27
Test Results Management	28
Independent Observer	28
Council of Europe	29

B. Report by the Examining Group on Compliance by Australia with the Anti-Doping Convention.....	30
Article 1 Aim of the Convention.....	30
Article 2 Definition and scope of the Convention.....	31
Article 3 Domestic co-ordination.....	32
Article 4 Measures to restrict the availability and use of banned doping agents and methods.....	33
Article 5 Laboratories.....	36
Article 6 Education.....	37
Article 7 Co-operation with sports organisations on measures to be taken by them	38
Article 8 International co-operation	42
Article 9 Provision of information	44
RECOMMENDATIONS.....	45
Note	46

A. Report by Australia

FOREWORD

This report was produced by the Sport and Tourism Division within the Department of Industry, Science and Resources (ISR). The report outlines anti-doping efforts by Commonwealth agencies of the Australian Customs Service, Attorney-General's Department, the Australian Sports Drug Agency (ASDA), the Australian Sports Drug Testing Laboratory (ASDTL) and the Australian Sports Commission (ASC) in the fight against doping in sport.

This report focuses on Australia's compliance with the Council of Europe's Anti Doping Convention (Reykjavik, 1989) particularly Articles 1, 3, 4, 5, 6, 7 and 8.

Actions taken by Australia to meet its anti-doping commitments have become the basis of a nationally coordinated strategy - *Tough on Drugs in Sport*. This strategy is an initiative of the Australian Government and involves a central framework that addresses key anti-doping in sport issues.

The strategy draws together the Government's various legislative, anti-doping policy, drug testing, education, research and law enforcement and regulatory programs to form a comprehensive and integrated national response to the problem of doping.

The strategy also commits the Government to work in cooperation with other governments and international sporting organisations to support international anti-doping efforts.

Over the next four years the Government will commit approximately AUD \$24 million to the *Tough on Drugs in Sport* strategy to continue the fight against doping in sport both domestically and internationally with the objective of reducing and eventually eliminating doping in sport.

This report highlights the national *Tough on Drugs in Sport* strategy and also outlines the roles played by key Australian authorities of ASDA, ASDTL and the ASC in the delivery of anti-doping programs.

Report

ARTICLE 1. AIM OF THE CONVENTION

Undertaking and applying constitutional provisions necessary with a view to reduce and eventually eliminate doping in sport.

The Australian Constitution establishes a federal system of government. Under this system, powers are distributed between the Federal or Commonwealth Government and six states and two mainland territories. The Constitution sets out the areas of law-making powers of the Commonwealth Government.

Generally, legislation prohibiting or restricting the use of performance enhancing drugs (PEDs) is State or Territory legislation. States and Territories also have primary responsibility for general law enforcement activity.

The Commonwealth Government's direct enforcement role is limited to its constitutional responsibilities for regulating the import and export of goods including performance enhancing substances. The Commonwealth pursues the implementation of its anti-doping laws through national law enforcement agencies such as the Australian Customs Service.

To complement its law enforcement functions, the Commonwealth has also legislated to confirm its responsibility for implementing national drug testing and drug education programs.

Beyond these areas, the Commonwealth undertakes a leadership role in coordinating efforts of Commonwealth agencies with responsibilities for aspects of the national anti-doping program, as set out in the *Tough on Drugs in Sport* strategy. The Commonwealth also encourages harmonisation of state and territory legislation restricting the manufacture and supply of drugs, including PEDs.

Tough on Drugs in Sport strategy

The Australian Government has strengthened its commitment to fighting doping in sport with the implementation of its *Tough on Drugs in Sport* strategy. In May 1999, the Government launched its national strategy that comprises a range of legislative, policy, research, education and regulatory anti-doping initiatives. The *Tough on Drugs in Sport* strategy involves government agencies delivering key anti-doping initiatives within their jurisdictions. These government agencies include:

- **Department of Industry, Science and Resources** - coordinates the implementation of the *Tough on Drugs in Sport* strategy through monitoring the implementation of anti-doping programs, policies and services by relevant Commonwealth agencies. ISR also coordinates the Australian Government's involvement in the World Anti Doping Agency (WADA).
- **Department of Agriculture, Forestry and Fisheries** - plays a role in the regulation of human and veterinary steroids to ensure that they are not being diverted to illicit use.

- **Australian Bureau of Criminal Intelligence** - works with other law enforcement agencies both in Australia and overseas to facilitate the exchange of criminal information between Australian law enforcement agencies. This may include information on the importation, manufacturing and trafficking of PEDs.
- **Australian Customs Service** - facilitates the movement of goods across the Australian border within provisions of Australian law. Customs enforces import controls for PEDs and has the capacity to prosecute any illegal importation that breaches legislation.
- **Attorney-General's Department** - works with states and territories to encourage the harmonisation of drug offences that includes offences for the manufacture and trafficking of anabolic steroids and other PEDs in sport.
- **Department of Education, Training and Youth Affairs** - develops and implements the National School Drug Education Strategy that includes school drug educational activities to address the use of PEDs.
- **Australian Sports Drug Testing Laboratory** - provides internationally recognised sports drug testing capabilities in Australia. Also conducts ongoing research into improving analytical techniques for more effective and efficient ways of detecting banned substances.
- **Department of Health and Aged Care** - implements the Australian Drug Information Network that provides a focal point for the dissemination of information to the general community. This network includes information about health and social issues such as the use of illicit substances.
- **Therapeutic Goods Administration** - regulates and controls the supply of therapeutic goods into Australia. Responsible for determining which PEDs are restricted imports for licensing and permit arrangements.
- **Australian Federal Police** - the principle law enforcement agency through which the Commonwealth pursues its law enforcement activities. Any breaches of Australian law relating to doping in sport may be actioned by the Australian Federal Police.
- **Australian Sports Commission** - has developed a model anti-doping policy to provide guidance to national sporting organisations to develop their own sport specific anti-doping policies. Monitors the application of anti-doping policies by Australian national sporting organisations.
- **Australian Sports Drug Agency** - provides drug testing services to the Australian sporting community. Develops and implements anti-doping education campaigns and coordinates Australia's involvement with international anti-doping arrangements.
- **National Registration Authority** - implements a register for agricultural and veterinary chemicals in Australia. This registration process ensures the monitoring of products in the Australian marketplace and assists in the prevention substances being diverted for illegal sporting use.

This whole-of-government approach recognises the complexity of doping in sport and involves the coordination of Commonwealth agency activities within their jurisdictions.

The strategy encourages greater cooperation between government agencies to facilitate information exchange; importation of banned PEDs; and harsher penalties for the trafficking and manufacturing of anabolic steroids.

More information about the *Tough on Drugs in Sport* strategy can be obtained from the website www.isr.gov.au/sport/tough_on_drugs_in_sport

Two of the key organisations that aim to reduce and eliminate doping in sport are the Australian Sports Drug Agency (ASDA) and the Australian Sports Commission (ASC).

Australian Sports Drug Agency

In 1990, the Government established the Australian Sports Drug Agency (ASDA) as a Commonwealth statutory authority. In accordance with Section 9 of the *Australian Sports Drug Agency Act 1990* (ASDA Act) the functions of the agency include:

- to provide drug testing services;
- advocate the international development and implementation of consistent and effective anti-doping policies;
- encourage Australian national sporting organisations, state and territory sporting organisations and professional sporting organisations to develop and implement comprehensive and consistent anti-doping initiatives; and to use the services of the Agency and accredited laboratories;
- carry out research relating to the use of drugs in sport and the safety of participants in sporting competition;
- implement anti-doping arrangements;
- develop and implement initiatives that increase the skills and knowledge of people involved in sporting activities about matters relating to the use of drugs in sport;
- collect, analyse, interpret and disseminate information about matters relating to the use of drugs in sport and the safety of participants in sporting competitions;
- advocate and support research in and outside Australia relating to the use of drugs in sport and the safety of participants in sporting competitions; and
- encourage the establishment of means for the carrying out by government Departments and authorities of the states and territories of initiatives relating to the use of drugs in sport.

Section 9 of the ASDA Act empowers ASDA to perform its functions both within and outside Australia. ASDA cooperates with all Australian state and territories and any person, body, association or organisation. In the performance of its functions, the Federal Minister for Sport may instruct ASDA directly as to the exercise of its powers.

The ASDA Act and its subordinate legislation (the ASDA Regulations, and ASDA Drug Testing Orders) provide the legislative basis for ASDA to perform its functions.

The ASDA Act empowers ASDA to collect samples from competitors, arrange for the analysis of those samples, and report test results to the competitor and relevant sporting organisations. The ASDA Act broadly defines "competitors" as elite sports people likely to represent Australia in national and/or international sporting competition either within Australia or overseas. The Act also empowers ASDA to conduct testing of elite non-

Australian sports people likely to represent their countries in international sporting competition who are training or competing in Australia, or who ASDA is requested to test by a competitor's national or international federation.

The ASDA Act sets out the core principles under which ASDA is to perform its full range of functions. It defines the Agency obligations to be publicly accountable and regularly report on its activities to the Australian Parliament. It also sets down the obligations on the Agency to protect the rights of competitors selected for testing to privacy, confidentiality and due process.

The ASDA Regulations set out the principles under which ASDA will specifically perform its drug testing functions. This includes defining which persons are authorised to perform the functions of drug control officials and chaperones/escorts; the information ASDA must convey to competitors when requesting them to provide samples, the due process procedures managing cases where athletes record positive test results or have failed to comply with a request to provide a sample without reasonable cause. The Regulations also define the information the Agency is required to enter on its Register of Notifiable Events when a competitor records a positive test result or is found to have failed to comply without reasonable cause, including which individuals and sporting organisations are to be notified of this fact.

The ASDA Drug Testing Orders define the detail of how ASDA is to go about collecting urine samples (*Australian Sports Drug Agency Testing (Scheme A) Orders*) and blood and urine samples (*Australian Sports Drug Agency Testing (Scheme B) Orders*). The Scheme B orders were enacted in September 2000 to enable ASDA to commence sample collection for detection of EPO using the detection protocol approved by the IOC prior to the Sydney Olympic Games.

Finally the ASDA Act also establishes the Australian Sports Drug Medical Advisory Committee (ASDMAC). ASDMAC is a specialist medical advisory body consisting of medical practitioners from fields such as sports medicine, endocrinology and pharmacology, appointed by the Commonwealth Minister for Sport. Section 7A of the ASDA Act defines ASDMAC's functions as being:

- conducting investigations relating to positive test results where required (eg provide assistance to laboratories conducting T/E investigation, etc);
- approving the use of scheduled drugs for therapeutic purposes where such use is recognised by the competitor's relevant sporting organisation; and
- providing expert advice to sports doping tribunals considering alleged doping infractions.

ASDA is fully accountable for its business operations. Key initiatives undertaken that ensure accountability include:

- developing and implementing strategic plans and operational plans including appropriate measurements;
- delegating authority in accordance with the operational needs of teams and individuals; and
- applying appropriate levels of internal and external scrutiny to ensure that the agency's operations are meeting the corporate governance requirements.

More information about the Australian Sports Drug Agency can be obtained from the website www.asda.org.au

Australian Sports Commission

The Australian Sports Commission (ASC) was established under the *Australian Sports Commission Act 1989* (ASC Act). The two main objectives of the ASC are to administer and fund sport in Australia on behalf of the Commonwealth Government and to develop elite sporting excellence as well as increase community participation. In working to achieve these objectives, the ASC provides leadership and guidance within the Australian sporting system by implementing the national sports policy that reflects the Australian Government's sports philosophy.

The ASC is responsible for coordinating the development and implementation of anti-doping policies by national sporting organisations (NSOs). The ASC has developed a model anti-doping policy that provides guidance to NSOs in the development of sport specific anti-doping policies. The ASC model policy defines doping offences, recognises prohibited PEDs and doping methods and outlines appropriate sanctions to be applied for breaches of anti-doping policy.

Additionally, the ASC has its own ASC anti-doping policy, which applies nationally to athletes, and sporting bodies receiving financial support from the ASC. Employees, contractors of the ASC and members of the public who access the government funded ASC facilities and services are also subject to the ASC anti-doping policy. The ASC anti-doping policy outlines definitions of doping offences and sanctions to be applied in the result of a breach of this policy.

The ASC monitors the way in which NSOs enforce their anti-doping policies and whether appropriate sanctions are applied when an athlete fails to comply with a request to provide a sample or records a positive test result.

The ASC has the capacity to withdraw funding from any NSO that does not effectively implement their anti-doping policies or fail to apply appropriate sanctions for breaches of their respective anti-doping policies.

More information about the Australian Sports Commission can be obtained from the website www.ausport.gov.au

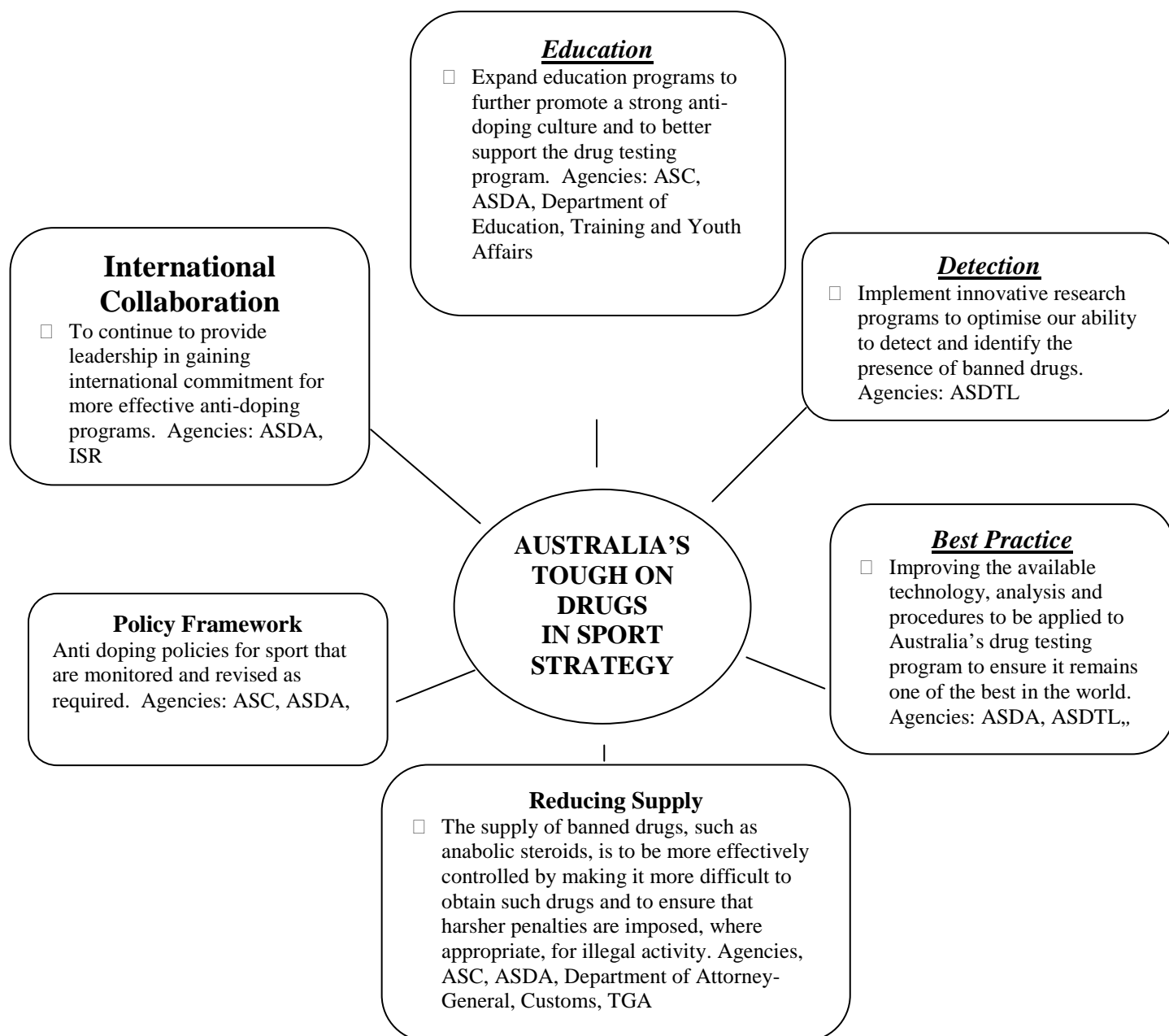
ARTICLE 3. DOMESTIC COORDINATION

The coordination of policies and actions of government departments and other public agencies concerned with combating doping in sport. The implementation of Council of Europe Convention provisions to a designated sports authority/organisation.

The Government's *Tough on Drugs in Sport* strategy is the centrepiece for the domestic coordination of anti-doping measures implemented by government agencies. The strategy comprises a range of legislative, policy, research, education and regulatory initiatives to fight the use of banned drugs in sport.

Strategic actions address issues ranging from supply control to information and awareness, a drug testing program, a research program and appropriate anti-doping sanctions and penalties. The strategy reaches beyond the athletes to also deal with the environmental factors that influence or support the use of banned drugs in sport. The strategy covers all sports,

jurisdictions, agencies and organisations to provide a holistic and potent response to the threat drugs pose. The diagram below represents key components of the *Tough on Drugs in Sport* strategy.



Within this framework, ISR consults with the relevant agencies to monitor the effectiveness of the strategy. ISR promotes interdepartmental communication across all agencies and produces reports to the Federal Minister for Sport on the implementation of the strategy, as demonstrated with the production of a *Tough on Drugs in Sport* Report Card in September 2000.

An integral part of the Commonwealth's coordination within its *Tough on Drugs in Sport* strategy are the authorities of ASDA and the ASC. Both of these authorities work with

government agencies and (NSOs) to delivery strong and innovative anti-doping policies and programs.

ASDA Coordination

ASDA has fostered close working relationships with national, state and commercial sporting organisations to provide relevant and timely information, education and advice on drug testing, education and policy. Clients are surveyed at regular intervals to measure their satisfaction with products and services. Overall, client satisfaction during 1999-2000 with ASDA services was recorded at 89%. These ASDA services included a comprehensive anti-doping program incorporating a range of effective drug testing services, education programs and information services such as the *Drugs in Sport Hotline*. ASDTL and the Australian Sports Drug Medical Advisory Committee (ASDMAC) assist ASDA in delivering its programs and services.

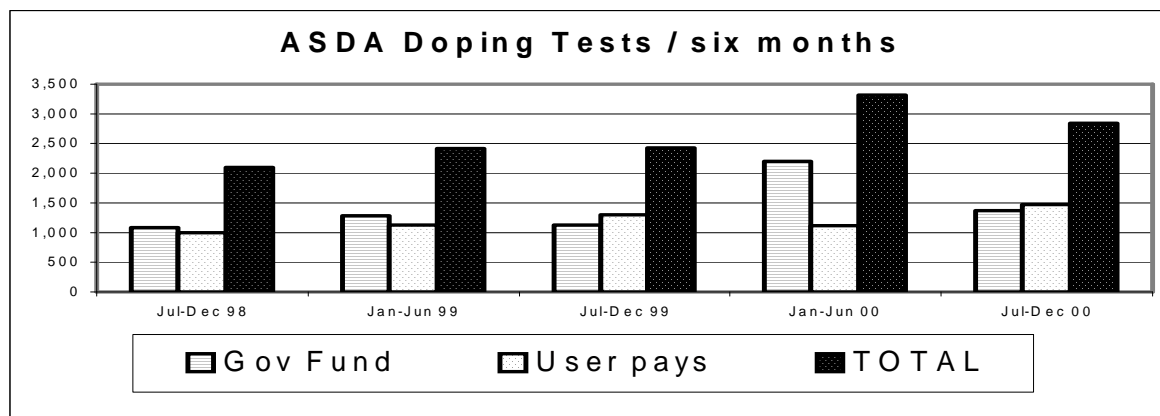
In May 2000, ASDA achieved ISO standard certification of its business systems under the ISO 9002 and the International Standard for Doping Control (ISO/PAS 18873). ASDA is one of only three drug testing authorities worldwide to achieve accreditation against the full scope of the ISDC. This certification provides athletes, coaches and officials with confidence that ASDA's systems and procedures are consistent with world's best practice. Furthermore the achievement of these standards, which required an independent external evaluation of the agency's drug testing system, illustrate ASDA is committed to transparent and accountable operations.

As part of ISO certified operations, ASDA strictly complies with procedures for conducting doping controls as set out in the ASDA regulations and drug testing orders. ASDTL, which analyses samples collected by ASDA, also fully complies with the requirements of IOC accredited laboratories. Test samples are tested using particular analytical techniques and equipment; measures are implemented to ensure that samples are not tampered with; and those samples are securely contained and identified.

ASDA conducts its tests in accordance with the prohibited lists of Australian sporting organisations. These lists are predominantly in accordance with the Olympic Movement Anti-Doping Code Appendix A. All samples collected are analysed by IOC accredited laboratories.

In 1999-00, ASDA conducted a total of 5,745 drug tests. Of these tests, 3,321 were government funded and 2,424 were user pays tests. This total number represented an overall increase of 25% for drug tests conducted by ASDA from the previous 12 months. These tests resulted in 22 positive test results and one athlete failing to comply when notified for a drug test.

ASDA has also aligned itself with major Australian professional sports. By working in collaboration with these sports, ASDA has achieved significant milestones in developing drug testing procedures for sports such as the Australian Football League and the National Rugby League. These sports now have anti-doping policies that comply with ASDA's anti-doping standards.



ASDA's growing alliance with Australian professional and non professional sport is reflected in the number of sports now utilising the doping control and education services offered. In 1999-2000, ASDA conducted doping tests on behalf of 35 Olympic and 21 non-Olympic sports. The total number of annual tests conducted by ASDA is displayed below.

ASDA has strongly advocated for a number of key drug testing improvements. An example of this has been demonstrated by ASDA's increased focus on random, no-notice, out of competition testing at a level which creates the perception in the target athlete communities that they are likely to be tested in the immediate future and at a time when they are most likely to be using a banned substance.

ASDA Out of Competition Testing

Of the total 5,745 ASDA tests conducted in 1999-00, 3,293 were out-of-competition tests. A high proportion of out-of-competition tests are conducted on athletes competing in high risk sports (eg athletics, cycling, swimming, weightlifting etc). Around 70% of drug tests conducted on athletes competing in high risk sports are out-of-competition tests.

This coverage of the out-of-competition testing program has been expanded as a result of the introduction of testing agreements with state governments and the testing of overseas athletes training in Australia.

ASDA undertakes a systematic approach to its out-of-competition testing of Australian athletes training and competing overseas. Two hundred and three of the out-of-competition tests were conducted under reciprocal arrangements with other national testing authorities and international federations.

ASC Coordination

The ASC, which provides leadership and guidance within the Australian sporting system, encourages and coordinates with NSOs to develop and implement sport-specific anti-doping policies. The ASC's objective is to guide NSOs where possible, to ensure that anti-doping policies are consistent with the anti-doping regulations enforced by respective international federations.

The ASC is responsible for monitoring the alignment of NSOs' anti-doping policies with both the international standards and the ASC Model Anti-Doping policy. The ASC ensures that appropriate sanctions are imposed by NSOs for breaches of their respective anti-doping policies.

The Government, through the ASC, provides significant levels of funding to sporting organisations to further develop their sport and assist elite performance. NSOs are required to comply with various conditions, including responsibilities to enforce their anti-doping policies, in order to receive government assistance. The ASC works with NSOs to ensure that they comply with their anti-doping obligations.

ARTICLE 4. MEASURES TO RESTRICT THE AVAILABILITY AND USE OF BANNED DOPING AGENTS AND METHODS.

The adoption of legislation, regulations or administrative measures to restrict the availability (including control movement, possession, importation, distribution and sale) of banned doping agents and doping methods and in particular anabolic steroids. The application of anti-doping regulations as a criterion for the grant of public subsidies. Assistance to sports organisations to finance doping controls and analyses, withholding and facilitate the carrying out of doping offences. Encourage and facilitate agreements permitting members to be tested by authorised doping control teams in other countries.

Australian Customs Service

The Australian Customs Service (Customs) is the Commonwealth agency responsible for the detection of unlawful activity at the border. Under the *Tough on Drugs in Sport* strategy, Customs is responsible for restricting the import and export of those banned drugs in sport that are also prohibited imports and/or exports.

Customs works closely with its *Tough on Drugs in Sport* partners to ensure that, whenever appropriate, substances that are banned/restricted in sport are listed as prohibited imports and/or prohibited exports. For example, Erythropoietin (EPO) has been listed as a prohibited import.

Substances banned in sport that are covered by the *Customs (Prohibited Imports) Regulations 1956* and/or *Customs (Prohibited Exports) Regulations 1958* include:

- Anabolic and androgenic substances;
- Natural and manufactured growth hormones and insulin-growth factors;
- Natural and manufactured gonadotrophins;
- EPO;
- Narcotics such as cocaine, heroin, pethidine;
- Stimulants such as amphetamines, phentermine and dexamphetamine.

These substances can only be imported/exported with an appropriate permit issued by the Therapeutic Goods Administration. Recognising their important medical use, substances such as EPO, growth hormones and gonadotrophins can be imported in Australia under specific conditions that include the obtainment of appropriate prescriptions.

However, if the importer of any of these substances is a person who is a competitor within the meaning of the *ASDA Act* or a person who coaches, manages or is in some way associated with a competitor or a competitor's interests then they must obtain permission from relevant Australian authorities.

Customs, in consultation with its partner agencies, also recently introduced heavier penalties, including criminal sanctions, for the importation of certain PEDs (including steroids, growth hormones, EPO and gonadotrophins). Under the *Customs Legislation Amendment (Criminal Sanctions and Other Measures) Act 2000*, the maximum penalty for the importation of more than the defined amount of these PEDs is now \$100,000 and/or five years imprisonment. Other substances banned in sport may be covered by narcotic penalties. Further, on 19 September 2000, the Minister for Justice and Customs announced that export controls for some performance enhancing drugs are to be introduced (many substances are already prohibited exports). These export controls are currently being developed by relevant agencies.

The effectiveness of these supply control measures is demonstrated by Customs' seizing record numbers of PEDs- 1125 seizures were made in 1999-2000, an increase of 16 percent over the previous year and an increase of 40 times over 1994-95. The time for identifying drugs seized by Customs has been reduced with the use of faster, more reliable laboratory analysis. The Australian Forensic Drug Laboratory, which analyses Customs and Australian Federal Police drug seizures, has expanded its capabilities to include IOC-banned drugs. This expansion has been funded through government public interest programs.

During 1999-2000, legislative amendments were passed allowing Customs to provide information on illegal importations of performance enhancing substances to ASDA and the ASC. Customs with assistance from ASDA has developed protocols to govern the passage of information under Section 16 of the *Customs Administration Act 1985*. These protocols, which include a regular review requirement, aim to protect the privacy and operational security of this sensitive information. Customs also assists ASDA and the ASC in their development of procedures for handling the information. ASDA uses this information to inform its drug testing programs. If there has been an attempt to import a prohibited substance through a particular port of entry, or by persons connected with a particular sport, ASDA may choose to increase the level of testing in a particular geographic area or in a particular sport. The ASC may use information provided by Customs to determine if there has been a breach of a sports anti-doping policy.

ASDA provides Customs with information on scheduled dates, times and possible arrival points for athletes attending key sporting events. Customs uses this information in its risk-assessment based targeting of passengers, cargo and postal items.

More information about the Australian Customs Service can be obtained from the website www.customs.gov.au

States and Territories

The *Tough on Drugs in Sport* strategy encourages consistency amongst states and territories for the measures to restrict the availability and use of banned doping agents and methods. Within Australia, the scheduling of drugs and poisons including PEDs is determined by individual state and territory jurisdictions. The majority of PEDs are covered under state and

territory legislation, and availability is predominantly restricted to prescription for legitimate medical usage (with some such as heroin and amphetamines totally banned).

At the state level, commitment to the restriction of the illicit trade in PEDs is demonstrated by the majority of states having introduced penalties for steroid offences in line with the Standing Committee of Attorneys-General agreement of 5 years imprisonment for trafficking in steroids.

Funding for National Sporting Organisations

The ASC's model anti-doping policy that provides guidance to NSOs in the development of sport specific anti-doping codes is reflective of both domestic and international requirements.

In order to receive government financial grants, sporting organisations are obliged to demonstrate to the ASC's satisfaction that there is an effective doping control program within their sport. This includes the need to cooperate with ASDA in regard to the conduct of the government funded testing program. Under terms and conditions applying to ASC financial grants, NSOs are required to:

- have a policy which has been approved by the ASC and obtain approval from the ASC to vary its policy
- provide ASDA and the ASC with copies of its current policy and that of its international federation and notify the ASC immediately of any amendments to those policies
- have the constitutional authority to test and, where necessary, sanction its members
- ensure that other rules and regulations of the sport do not override the provisions of its policy
- recognise and enforce sanctions imposed on athletes, coaches, officials and other persons by any ASC recognised NSO, international federation and the Australian Olympic Committee under their anti-doping policies
- provide ASDA with timely and accurate athlete contact information and cooperate to ensure the proper and timely collection of samples by drug testing authorities
- make available to all relevant athletes, coaches, and medical personnel and officials appropriate information and education material about the policy's content, application and effect. This may include, but is not limited to, the following:
 - developing and implementing, in consultation with ASDA and the international federation where appropriate, drug education programs for athletes and officials
 - supporting the information and education initiatives of ASDA
 - promoting the ethical issue that athletes who use banned drugs or doping practices are cheating
 - promoting resources, services and training available to drugs in sport through communication channels (ie include information in newsletters, discuss issues as general business, encourage athletes to obtain the ASDA Drugs in Sport handbook and other resources available from ASDA)
 - communicating information about careless use of prohibited substances
 - incorporating drug testing warning/message on registration forms/cards, in newsletters, programs etc

- demonstrating a commitment to some form of drugs in sport education (ie integrating anti-doping awareness workshops for athletes as elements of national sports camps).
 - discussing other education strategies that NSOs might adopt with ASDA, and
 - promoting knowledge among its members of the ASDA hotline (1800 020506).
- notify the ASC's Executive Director of the details, including the name of the person(s) involved, of any alleged breach of the NSOs policy and the action it intends to take
 - seek the endorsement of its international federation to accept sanctions imposed by Australian authorities where these are greater than sanctions applying under the international federation's policy and advise the ASC of the outcome
 - advise the ASC of any proposed hearings and consult with it about its involvement in those hearings where it involves a person who is subject to the ASC's anti-doping policy. Ensure that its rules allow for joint hearings involving the ASC
 - conduct hearings and apply sanctions in accordance with its or its international federation's anti-doping policy, and as appropriate, advise the ASC of any decision taken on a person who has committed a doping offence, including any details and/or reports requested by the ASC;
 - provide for compliance by its athletes, coaches and officials with its policy in contracts and selection criteria for national programs, and
 - undertake to abide by, implement and enforce its policy to the satisfaction of the ASC.

The ASC has provisions to withhold financial subsidies and suspend access to government funded sporting facilities to individual sports people who have been suspended following a doping offence in sport or to suspend funding to sporting organisations should they fail to effectively apply anti-doping regulations.

Government Funds for Drug Testing

In 1999-00, 3,321 of the total 5,745 tests conducted by ASDA were government funded. ASDA allocated these tests across 45 sporting organisations. The remaining 2,424 drug tests were funded independently by twenty-four sporting organisations choosing to conduct additional testing by paying ASDA directly to perform tests on their behalf.

Reciprocal Drug Testing Agreements

Australia's willingness to minimise the window of opportunity in which athletes can dope has also been demonstrated by a commitment to a range of bilateral anti-doping arrangements. ASDA, on behalf of the Australian Government, has entered into reciprocal drug testing agreements with both France and China. Furthermore, ASDA has also independently entered into additional reciprocal arrangements with other country's national doping control agencies. These agreements make provisions for ASDA to conduct doping controls on foreign athletes training and competing in Australia and the reciprocal testing of Australian athletes who are training or competing outside Australia by duly authorised agencies in other countries.

More information about reciprocal drug testing agreements can be found in this report under Article 8 International Cooperation.

ARTICLE 5. LABORATORIES

Establish one or more doping control laboratories suitable for accreditation under the criteria adopted by international sports organisations. Assist organisations to gain access to laboratories of another party. The employment, retaining, training and retraining of qualified staff. Programs for research and development into doping agents and methods. Publish and circulate new data from research.

Australian Sports Drug Testing Laboratory

ASDTL is a body within the Australian Government Analytical Laboratories (AGAL) that was established in 1988. ASDTL undertakes activities for the purpose of testing for the use of drugs in sport and provides an international sports drug testing capability within Australia. ASDTL is one of only twenty-seven laboratories in the world with IOC accreditation and with its ISO17025 accreditation, ASDTL is the major service provider for ASDA.

ASDTL currently tests around 7000 samples per year, on a ten day turnaround. To ensure that ASDTL maintains high levels of accuracy and reliability in testing processes, ASDTL employs a comprehensive quality system that includes rigorous method validation, results validation as well as fully documented procedures.

ASDTL performs the doping analysis of samples collected through ASDA's drug testing program on behalf of sporting organisations. ASDA markets its services to professional sports such as Rugby League and Australian Rules to continue to use the high quality, independent testing facilities that both ASDA and ASDTL are able to provide.

ASDTL also services the New Zealand Sports Drug Agency (NZSDA), the Federation Internationale de Football Association (FIFA), the International Tennis Federation (ITF), the Association of Tennis Professionals and the Women's Tennis Association (ATP/WTA). ASDTL has recently expanded its operations to service small countries in neighbouring regions such as Nauru and Singapore. With the development of the World Anti Doping Agency (WADA), ASDTL foresee the potential for further international expansion through the provision of accredited services that will assist WADA activities.

ASDTL Research

In addition to sample analysis, another major function of ASDTL is the conduct of analytical research of the detection of banned substances.

Prior to the Sydney Olympics, the Australian Government allocated AUD \$3 million over three years to research programs designed to implement new detection capabilities. Some of the projects have included High Resolution Mass Spectrometry (HRMS), Isotope Ratio Mass Spectrometry, Steroid Reference Materials, Human Growth Hormone (hGH) and EPO 2000.

The Government allocated a further AUD \$1.5 million, matched by the IOC to conduct the validation study on the EPO blood test.

Details of projects funded by ASDTL's pre Olympic research program, and of the EPO research project are as follows:

High Resolution Mass Spectrometry (HRMS)

The IOC requires all accredited laboratories to be able to detect certain anabolic steroids down to a level of 2ng/mL. Detection at such low levels requires high-resolution mass spectrometry (HRMS) or tandem mass spectrometry (MS/MS), both of which are more sensitive than conventional mass spectrometry. ASDTL purchased and installed a high-resolution mass spectrometer in 1996, and the instrument has been in use since early 1997.

ASDTL has developed, validated and improved methods so that the screening of steroids at low levels is now routine. ASDTL is the first IOC laboratory to be accredited to ISO 17025 for this method. ASDTL has also introduced new purification techniques which have been developed as a complement to sensitive detection techniques in order to increase the sensitivity of drug detection. A method using high performance liquid chromatography (HPLC) to prepare clean extracts for most steroids and their metabolites has been developed and validated. This methodology is now in routine use.

An instrument capable of performing MS/MS analysis has also been acquired by ASDTL. The technique complements HRMS, in that MS/MS can give a definitive result with some samples that prove difficult to confirm by HRMS. The main advantage of these sensitive techniques has been that steroids can be detected for a much longer time after administration. ASDTL can now identify abuse of steroids for weeks longer that was possible a few years ago. The level of detection achieved satisfies the requirements of the IOC and these techniques were used for the Sydney Olympics.

Isotope Ratio Mass Spectrometry

ASDTL have developed a technique to complement the usual methods for the detection of testosterone. The developed technique involves the use of gas chromatography coupled to isotope ratio mass spectrometry (GC-IRMS). This technique measures the differences in the ratio of carbon-12 to carbon-13 isotopes. In March 1999, a GC-IRMS instrument was installed in ASDTL. By measuring the C12:C13 ratio of steroids, GC-IRMS can distinguish between administered and naturally occurring steroids and can identify steroid abuse in cases that would have previously gone undetected.

Steroid Reference Materials

Reference materials are used to detect the presence of a banned substance in a sample and to monitor the quality of a test. The production of steroid reference materials has been undertaken by the National Analytical Reference Laboratory (NARL), a unit of AGAL. In collaboration with ASDTL, NARL has been producing these key standards in accordance with International Laboratory Accreditation Cooperation (ILAC) Guide G12:2000 guidelines for reference material production. Other laboratories in Australia and New Zealand have been subcontracted to synthesis some of the standards. More than 70 of the required anabolic steroids and their metabolites have been prepared and fully characterised. These materials are being increasingly used by laboratories around the world with IOC-accreditation, and will help ensure the drug testing procedures are reproducible from one laboratory to another.

Human Growth Hormone (hGH)

A project conducted jointly by ASDTL and the Garvan Institute of Medical Research in Sydney focuses on the differences between naturally occurring hGH and the recombinant hormone used for injection. Work is continuing on the development of a test using variants of hGH to detect doping. Further efforts will be devoted to improving analytical techniques and

testing the procedure in hGH-treated subjects. The test that is eventually developed is likely to include analysis of both indirect markers and variants to provide reliable evidence of doping.

EPO 2000

The Government also contributed AUD \$1.5 million with a similar amount from the IOC, for the validation of a test for the banned substance EPO. A team of scientists from the Australian Institute of Sport (AIS) and ASDTL led an international research team in this ground breaking research. In 1999, an EPO administration trial was conducted with the results being used to produce a method or test to predict current or recent abuse of EPO using indirect markers. At the same time, another IOC accredited laboratory in France developed a test to distinguish between administered and natural EPO in urine samples.

Both of these detection tests undertook a comprehensive validation process, known as the EPO 2000 Project. The validation study involved EPO administration to recreational athletes to obtain further information on indirect markers of EPO abuse and a study of samples from elite athletes to obtain a normal range of values for the markers. As a result of this research, the IOC agreed to implement a combined blood-urine test to detect the use of EPO at the Sydney Games.

ASDTL scientists regularly collaborate with overseas scientists and other Australian researchers to ensure that important scientific developments are shared and that duplication is avoided. ASDTL along with the Royal Australian Chemical Institute (RACI) jointly funded an international drug detection research symposium in 1999 to bring together researchers from around the world. This symposium enabled the review and circulation of ASDTL research and the evaluation of new methods of detection prior to the Sydney 2000 Games. The major success in the development of an effective test for detecting synthetic EPO is an example of how international laboratories can collaborate to further their anti doping detection capabilities.

Future Research

ASDTL will continue to make analytical research a priority. In the lead up to the Sydney Olympic Games, the Australian Government provided significant assistance to ASDTL in order to build up its expertise in research staff and also the technological capabilities utilising state of the art equipment. The ASDTL facilities are considered world class and the Government has indicated its intention for ongoing investment with a long-term vision into the continued success of ASDTL. On 24 April 2001, the Government announced it would allocate up to AUD \$5 million to support analytical research over the next 4 years.

The Government will continue to support ASDTL research to target drugs for which there is presently no effective test and those technologies with promise for improved detection. The Government is committed to sharing ASDTL scientific breakthroughs in the international arena. ASDTL collaborates with other laboratories worldwide to increase, where possible, their drug detection capabilities in order to progress international anti-doping efforts.

Further details regarding ASDTL can be obtained from the website www.agal.gov.au

ARTICLE 6. EDUCATION.

In cooperation with sport organisations devise and implement media, educational and information campaigns to emphasise the dangers to health inherent in doping. Promote research into ways of devising scientifically based physiological and psychological training programs.

ASDA Education Programs

ASDA's media, education and information programs are integrated to:

1. enable athletes to make informed decisions; and
2. promote anti-doping activities.

These programs are based on a model for doping control developed by Professors Rob Donovan and Garry Egger - *A Conceptual Framework for Achieving Drug Compliance in Sport*.

The overall model features six major inputs to an athlete's attitudes and intentions with respect to using banned drugs. One of these relates to personality factors, while the other five represent elements from various well-recognised attitude and behaviour change models:

- Threat appraisal (Protection Motivation Theory);
- Non-compliance benefit appraisal (the Health Belief Model);
- Reference group influences (Fishbein & Arzen's attitude model);
- Personal morality; and
- Legitimacy (the legal compliance model).

All six inputs, to varying degrees, are modified via various intervention strategies. For example, threat appraisal can be influenced by education and media messages and dealing with failure and self-esteem issues can be influenced by counselling.

Further quantitative and qualitative social research is regularly conducted to inform both the messages (or content) and methods for media, education and information programs. The research is undertaken by expert consultants engaged by ASDA and by the agency directly.

The model and the research findings are then implemented through partnerships with sporting organisations to integrate drugs-in-sport information into sports education curricula for athletes, coaches and other support staff.

ASDA's comprehensive response to clients' resource and information needs includes:

- information to support informed decision making of athletes and their support staff including *Drug Testing: An athlete's guide* pamphlet, *Drugs in Sport Handbook*, free call Drugs in Sport Hotline telephone service, wallet card, *Drugs in Sport Update* newsletter and drug education presentations and workshops;
- complementary media liaison and public relations support for agency activities including the *True Champions* campaign targeting athletes competing for places on the Olympic and Paralympic teams and their sports administrators; and
- regularly updated Internet presence(www.asda.org.au) targeting the general sports public and media.

In the lead-up to the Sydney 2000 Games, ASDA's testing and education services were promoted through its *True Champions* campaign. This campaign, launched in May 1999, featured a series of direct mail packages sent to approximately 1,800 elite athletes training and competing for places on the Olympic and Paralympic teams. The direct mail content emphasised the anti-doping initiatives that combined to maximise the deterrent effect of the national anti-doping program. These athletes were directly informed of the Government's *Tough on Drugs in Sport* activities such as:

- increased out-of-competition drug testing, nationally and internationally;
- developments in research for the detection of banned substances;
- strengthening of penalties relating to the prohibited import of banned substances; and
- developing international commitment to anti-doping.

An important element of the campaign was the True Champion Passport pilot concept. The passport pilot was a voluntary program aimed at strengthening athlete commitment to clean sport. Evaluation of the campaign and passport revealed substantial athlete support and a willingness to see the passport implemented internationally. The World Anti-Doping Agency is considering a passport trial to determine the potential for international application for all athletes.

ASDA also provides sports administrators, coaches and other support staff with information on drugs-in-sport issues through personal interaction as well as a quarterly newsletter – the *Drugs in Sport Update*.

The agency cooperated with the Australian Sports Drug Testing Laboratory (ASDTL) and Australian Customs Service (ACS) to promote improvements to the national anti-doping program such as:

- ASDA's new sample collection equipment (Berlinger);
- ASDTL's analytical capacity including research achievements in detecting EPO and testosterone;
- ACS's role in reducing the supply of banned substances.

ASDA regularly briefed key media personnel on emerging issues to provide balanced and accurate reporting in the public. This was a major focus in the lead-up to the Sydney 2000 Games due to the large media contingent amassed in Australia for these events.

Government Anti Doping Education Programs

A broad range of educational anti-doping programs is an essential part of Australia's *Tough on Drugs in Sport* strategy. Initiatives aim to raise the profile of drug testing and promote a strong anti-doping culture along with a strong deterrent message.

Programs such as the National School Drug Education strategy administered by the Department of Education, Training and Youth Affairs demonstrates the principles and the strategic intent for national initiatives and funding in the area of school drug education. This national strategy complements the delivery of regional school education programs. The national school strategy raises the awareness of the issues surrounding doping and drugs in sport along with providing skills to increase resilience and influence attitudes towards healthier behaviour. The school-based programs teach a young person about the potential harm associated with the use of banned drugs in sport and encourages them to remain clean and safe in sport.

Government initiatives aim to improve the access to anti-doping information. Resources containing accurate information on drugs in sport are produced for overseas sports people visiting Australia. In addition, the Australian Drug Information Network, funded by the Government, provides a focal point for the dissemination of information to the general community, including sporting organisations in addition government agencies place information on drugs in sport on Internet sites with links established between them.

ARTICLE 7. COOPERATION WITH SPORTS ORGANISATIONS.

Encourage sporting organisations to formulate and apply all appropriate measures and to clarify and harmonise respective rights, obligations and duties incorporating; anti doping regulations, pharmacological classes of doping agents, doping control procedures, disciplinary procedures and international principles of natural justice and respect for fundamental rights, imposition of effective penalties for officials, doctors, veterinary doctors, coaches and other officials, procedures for the mutual recognition of suspensions and other penalties imposed by sports organisations in the same or other countries.

Cooperation with National Sporting Organisations

The ASC works directly with NSOs to formulate an effective response to doping in sport. The ASC encourages NSOs to adopt anti-doping policies that are consistent with their international federations anti-doping requirements. At the same time, the ASC works to ensure NSO anti-doping policies are consistent with the principles set out in its model anti-doping policy.

To this end, the ASC works with NSOs to ensure:

- their policies clearly define doping;
- that the national anti-doping policies are applied to all members and athletes;
- anti-doping policies accommodate in and out-of-competition drug testing;
- the recognition of IOC banned doping agents and methods;
- appropriate sanctions that include a minimum of two years for an initial, and life for a second, serious doping offence;
- that athletes alleged to have committed a doping offence are afforded procedural fairness and have access to a fair hearing. This disciplinary mechanism may be in the form of an independent tribunal process set up by respective sports, or through access to the Court of Arbitration for Sport (CAS). The hearings are expected to be under conditions that guarantee due process and ensure respect for the fundamental rights of privacy and confidentiality. The sport related arbitration allows the person alleged to have committed a doping offence to be assisted by a legal representative or other person throughout the hearing; and
- where permitted by international federations policies, NSO policies include provisions for independent approval mechanisms for the use of therapeutic substances.

Australian Sports Drug Medical Advisory Committee

The Australian Sports Drug Medical Advisory Committee (ASDMAC) established in August 1999 ensures that an independent and transparent process is available for athletes to seek approval to use a prohibited substance on the grounds of legitimate health needs. NSOs are encouraged to promote the services of ASDMAC to their athletes in order to obtain guidance and clarification for the usage of banned substances.

ASDMAC comprises qualified medical practitioners who form an accountable expert committee to consider applications from athletes who are seeking exemption to use prohibited substances for legitimate therapeutic reasons in accordance with the policy of the sport. ASDMAC's functions as outlined in Section 7A of the *ASDA Act 1990* include:

- assist laboratories to determine whether the presence of a banned substance is due to the substance being present at naturally high levels for that competitor, or due to doping;
- independent approval of athlete requests to use prohibited substances for therapeutic reasons, where the rules of the sporting organisation permit therapeutic usage;
- expert medical advice to the sports doping tribunals that hear cases of alleged doping offences, and
- review national sporting organisations' systems for prior approval and prior notification for the therapeutic use of asthma medications.

ASDMAC provides advice to ASDA and the ASC on ASDMAC functions and matters relating to drugs in sport and the safety of athletes. ASDMAC provides services, information or advice where ASDA enters a contract with clients to provide those services.

The use of prohibited substances for legitimate therapeutic reasons is recognised in a number of NSOs anti-doping policies. For example, disabled sport has systems for approving the use of banned substances. Some international federations also have systems for approving the use of banned substances, for legitimate therapeutic application.

NSOs are encouraged to incorporate appropriate provisions into their own anti-doping policies so that athletes can seek approval from ASDMAC to use banned substances for serious medical conditions in accordance to when their international federation's anti-doping policy permits athletes to use banned substances for therapeutic reasons. The ASC's anti-doping policy incorporates such a provision and has provided a useful model for other organisations to embrace.

Further information regarding ASDMAC can be obtained from the website www.asda.org.au/fs_homeasdmac.htm

ARTICLE 8. INTERNATIONAL COOPERATION.

All parties to cooperate closely and encourage cooperation amongst their sports organisations. Encourage sporting organisations to promote the application of the Convention provisions. Promote cooperation between laboratories. Initiate bilateral and multilateral cooperation between agencies. Establish laboratories to assist other parties to enable them to acquire the experience skills and techniques to establish their own laboratories.

The Australian Government supports the need to cooperate and promote harmonisation within the international sporting community in an effort to effectively combat the use of PEDs.

One of the six key elements of the *Tough on Drugs in Sport* strategy is the fostering of the international fight against doping. Activities that have been implemented as part of the strategy include:

- Australian hosting an international meeting of sport ministers to gain the commitment of other governments to implementing effective anti-doping regimes.
- ASDA pursuing testing agreements with international federations and foreign national agencies to enable testing of overseas athletes visiting Australia and Australian athletes abroad.
- Australia continuing to lobby for increased cooperation into research for improved technology to detect banned drugs.

Details of Australian Government initiatives to support and promote international cooperation in the fight against doping in sport are as follows:

International Drugs In Sport Summit

In November 1999, Australia hosted an International Drugs in Sport Summit involving international government ministers responsible for sport. This Summit obtained international agreement to adopt best practice in doping control, including the implementation of effective drug testing programs worldwide. Ministers for sport and officials representing 25 governments, the European Commission, and observers from peak international sporting organisations including the IOC attended the summit.

A detailed public commitment was made regarding national and international anti-doping initiatives in the *Sydney Communiqué*. The two major outcomes of the Summit were that:

- (1) participating governments committed themselves to establish comprehensive national anti-doping programs that are modelled on the Australian approach set out in *our Tough on Drugs in Sport* strategy (ie policy framework, drug testing, education, research, reducing the flow of illicit drugs, international collaboration), and
- (2) an interim International Inter-Governmental Consultative Group on Anti-Doping in Sport (IICGADS) was formed that has responsibility for carrying forward and coordinating action on the outcomes of the summit and resolving the process for coordinated worldwide governmental participation in the World Anti-Doping Agency (WADA). Australia and Canada co-chair the IICGADS.

Further information regarding the International Drugs in Sport Summit can be obtained from www.drugsinsport.isr.gov.au

International Anti Doping Arrangement

Australia is signatory to an International Anti Doping Arrangement (IADA) with eight other governments. The IADA aims to facilitate the development and harmonisation of high quality domestic anti-doping programs throughout the international sporting community.

Australia's involvement in the agreement includes: the exchange of information on a range of anti-doping subjects between other participating countries; agreeing on procedures and implementing a system for the testing of athletes of participating countries; reporting on the progress of domestic anti-doping programs; and contributing to the collaborative strategies for the advancement of the international anti-doping campaign.

Australia, through ASDA, has played a key role in developing the IADA Standard for Doping Control (ISDC) and facilitating the recognition of the ISDC by the International Standards

Organisation. In March 2000, the 43 member countries that have acceded to the Council of Europe's Anti Doping Convention committed to use the ISDC as a reference for their domestic anti-doping programs.

In 1999, ASDA developed a strategy for the long term development and management of the IADA ISDC. Since then ASDA in collaboration with Canada and Norway facilitated the establishment of the International Project Team 2 (IPT2). This team, made up of the national anti-doping authorities for Portugal, South Africa, Denmark, Finland, Netherlands and Austria, worked to implement the ISDC. The project team of NIF, CCES and ASDA is playing a major role in expanding the operation of this standard to more jurisdictions and promoting greater harmonisation of doping control procedures.

ASDA facilitated collaboration between IADA and WADA and is involved in extending the IPT concept to include more countries and international federations with the aim to position the IADA ISDC as the international standard for doping control. ASDA is also working with WADA and the International Standards Organisation (ISO) to develop the ISDC to a full international ISO standard and developing certification guidelines.

International Bilateral Agreements

ASDA has established over 20 bilateral and multilateral agreements with international federations and national agencies. These agreements cover the mutual recognition of anti-doping sanctions and the mutual cooperation on drugs in sport matters and the exchange of information. The bilateral agreements permit Australian athletes training in other countries to be tested by duly authorised doping control teams of that country and enables the reciprocal testing of overseas athletes visiting Australia. In addition, Australian legislation permits Australian doping control teams to go and test Australian athletes whilst training in another country.

A successful example of Australia's involvement in international anti-doping agreements is the Memorandum of Understanding (MOU) between the Australian Government and the State Sports General Administration China. The terms of the MOU allow for an implementation plan, including a drug testing agreement, to be entered into between ASDA and the Chinese Olympic Committee Anti-Doping Commission (COCADC) as the executing authorities, under the umbrella of the MOU. Therefore, a reciprocal drug testing agreement between ASDA and COCADC has subsequently been entered into detailing drug testing services to be provided by each party.

The MOU's intention is to facilitate high quality anti-doping programs. It is based on the principles in the Olympic Movement Anti Doping Code and the anti-doping regulations of both China and Australia. Another purpose of the MOU is to influence the international sporting community through good example and agree to assist the International Olympic Committee and International Sporting Federations with doping control.

Australia and China have agreed to cooperate with respect to doping control and education. The MOU allows for the mutual exchange of information and expertise on testing programs, education, research and legislation. It provides for mutual assessment and evaluation, and also for reciprocal visits between ASDA and COCADC.

International Collaboration

A component of Australia's *Tough on Drugs in Sport* strategy is international collaboration. The Australian Government has pursued various innovative strategies to international organisations such as the IOC and WADA, in order to progress the application of consistent standards for doping control. With the recent staging of the Sydney Olympic Games, Australia had the prime opportunity to encourage international organisations to develop and implement more stringent anti-doping strategies.

In particular, significant achievements resulting from collaboration between the Australian Government and international sporting organisations included: a world wide international testing program, Olympic Games out-of-competition testing, EPO testing, the establishment of a transparent results management process and an independent observer concept.

World Anti Doping Agency

Australia is committed to seeing the strategic development of WADA progress so that WADA becomes an effective international anti-doping authority. Australia has become a member of the WADA Foundation Board and the WADA Executive Committee and is represented on all but one of WADA's sub committees.

Australia's presence at the WADA Executive Committee enabled us to work closely with other WADA representatives to assist the development of an independent, worldwide, unannounced testing program into the lead up to the Sydney Games. This testing program was developed and delivered by the Drug Free Sports Consortium (DFSC) consisting of ASDA, the Canadian Centre for Ethics in Sport and the Norwegian Olympic Committee and Confederation of Sports. This DFSC also contracted the International Doping Test and Management (IDTM).

The DFSC negotiated testing contracts with all summer Olympic international federations except football and conducted 2043 doping controls on athletes from 82 countries across 27 sports in the six months between April and September 2000. ASDA was able to conduct almost 600 of WADA's international tests on athletes living or training in Australia prior to the Games.

Out of Competition Testing

In late 1999 the Australian Government through ASDA approached the IOC and asked it to consider conducting a pre-Games out-of-competition testing program on athletes from the opening of the Athletes Village. The IOC agreed to the proposal and for the first time ever conducted a pre-Games out-of-competition testing program. The program started from the date that the Athlete Village opened on 2 September 2000. Athletes in the Athlete Village and in metropolitan Sydney and training at centres around Australia were subject to testing. The Sydney Organising Committee for the Olympic Games (SOCOG) conducted the tests in the Athletes Village and ASDA collected the samples from athletes located at all other centres. ASDA received the results for all tests in this program. The Australian Government, through ASDA, funded 200 of the 400 out-of-competition doping control tests.

EPO Test

In 1999-00, Australian researchers developed a blood test for the detection of EPO. The blood test and a confirmatory urine test developed by French researchers were approved by

the IOC for use at the 2000 Sydney Olympics and Paralympics. The EPO test was conducted on over 300 athletes during the Sydney Games. The tests were unannounced and out-of-competition in order to maximise the deterrence value of the testing regime. Tests were targeted towards sports at high risk of EPO use. Despite the sensitivities of blood collection and the complexity of chain of custody procedures, a high level of athlete confidence in the program was reported.

The Australian Government, through ASDTL is working with WADA and the IOC to support implementation of the IOC approved EPO test in all accredited laboratories. In addition, the Australian Government has allocated additional funding to ASDA to enable the agency to incorporate the IOC approved EPO test into its domestic testing program.

Test Result Management

Australia has pursued the review of Test Result Management (TRM) guidelines with the objective of enabling a transparent, accountable and legally defensible doping control process. The adoption of improved TRM guidelines into the Olympic Movement Anti Doping Code (OMADC) would assist making international anti-doping efforts more robust to public scrutiny and provide a natural justice system for athletes.

Following an invitation from the Sydney Games Coordination Commission Chair, Dr Jacque Rogge, Australia was asked to review the existing test result procedures. ASDA undertook the review and submitted its findings to the IOC. The Australian proposal was taken up by WADA in the lead up to the Sydney Olympics following discussions between the IOC and WADA. For the first time at an Olympics, sampling procedures and results management policy and procedures were fully documented and publicly available in the *Sydney 2000 Doping Control Guide* and the OMADC.

The objective of codifying these procedures was to ensure the integrity of competitor's samples, and to maintain confidentiality in any investigation conducted in relation to a potential doping offence. As such athletes' rights, appeal and hearing procedures were also fully documented.

In December 2000, the IOC released a public report on the Sydney Games doping control program. The IOC also agreed to provide ASDA with a copy of all laboratory analysis reports for the pre-Games testing program. The IOC report included; the number of tests conducted by sport, both in and out-of-competition, the results of all tests conducted, numbers of positive tests, numbers of voided tests, numbers of doping offences arising from the positive tests, numbers of tests still under investigation and the results of blind control tests.

Further information regarding the IOC public report can be obtained from the website www.olympic.org/ioc/e/news/index_e.html

Independent Observer

In December 1999, the Australian Government asked the IOC to consider appointing an independent observer to monitor test result management procedures. The Independent Observer concept was to allow the IOC to demonstrate the integrity of its doping control program. WADA was active in taking up this proposal with the IOC and subsequent discussions between the IOC, WADA, SOCOG and the Australian Government resulted in

the IOC Executive Board accepting the Independent Observer concept and that WADA would be the agency responsible for the role.

The Sydney Olympics provided an opportunity for the IOC to incorporate an independent observer role to oversee the doping control procedures. With the IOC endorsement, WADA set up teams of independent observers that was responsible for observing all aspects of the Sydney Games testing program, including sample collection, chain of custody of the sample and results management. These independent observers attended testing sessions conducted by ASDA and IOC that comprised tests conducted both in and out-of-competition at the Sydney Games.

This independent scrutiny, together with the transparent results management processes provided a guarantee that all samples collected were received and analysed, and that all results were reported and acted upon. These two actions protected the integrity of the process, the IOC and the athletes.

Further information regarding the Independent Observer report can be obtained from the website www.wada-ama.org

Council of Europe

In 1994, Australia became the first non-European member to ratify the Anti Doping Convention. Australia has promoted anti-doping in sport and encouraged other non-European countries, such as China and South Africa, to adopt and apply the provisions of the Anti Doping Convention. Australia cooperates with all signatories to the Anti Doping Convention and is active in the Monitoring Group forum.

B. Report of the Examining Group

Article 1

Aim of the Convention

The Parties, with a view to the reduction and eventual elimination of doping in sport, undertake, within the limits of their respective constitutional provisions, to take the steps necessary to apply the provisions of this Convention.

As an overview it appears that Australia has done all that the Convention could have contemplated with respect to taking steps, within their constitutional restraints, to apply the provisions of the Convention. The Convention as an international treaty gives the Commonwealth government some powers and authority; detailed implementation in many areas lies with the six States and two Territories.

The Examining Group notes several specific legislative interventions at Commonwealth level notably the Australian Sports Drugs Agency Act and its supporting regulations and orders - which is of a rare level of authority for a national testing programme.

There are also legislative initiatives taken with respect to the Customs and the Agriculture, Fisheries and Forestry Departments.

In addition are the policy initiatives of Government Departments, e.g. the Therapeutic Goods Administration and quasi-governmental departments such as the Australian Sports Commission (also set up by legislation).

The decision by the Australian government to commit A\$24m to the implementation of the national Tough on Drugs in Sport strategy before and in the three years following the Sydney Olympics was an important decision. Not only is the amount significant in itself, it also led to the constructive involvement of other relevant Commonwealth agencies under the coordination of the Department of Industry, Science and Resources.

The National Report on Australia's Compliance with the Anti-Doping Convention is of high quality: it also demonstrates the high quality of the Australian approach to the fight against doping in sport. It is clear that for some elements of the Convention, insufficient information was provided for the Examining Group adequately to assess the level of compliance but, for the most part, these are relatively less important matters.

Comment by Australia

It was Australia's understanding following advice sought from the secretariat of the Monitoring Group, that Australia's report on compliance with the Anti Doping Convention was to focus primarily on 3-4 key strengths, highlights and challenges of the national anti doping program. It was thought that this approach would serve as a useful resource for other national governments to learn from Australia's experiences and practices in implementing specific provisions of the Anti Doping Convention. In addition, it was Australia's understanding that this approach would also ensure that the report was kept to a reasonable length and prevent a chronicle of anti doping in Australian sport being submitted.

The Examining Group would also note the particular nature of the federal system in Australia and the efforts of the Commonwealth government to overcome, by persuasion, some of the barriers to common policies which this seems to provide. Most of the States and Territories have adopted their own specific, but complementary, legislation for anti-doping purposes, including restrictions and penalties for dealing with performance enhancing drugs ("PEDs").

In the opinion of the Examining Group:

Australia has a very good strategy for implementing the fight against doping in sport.

Australia has very precise and pertinent anti-doping legislation (Australian Sports Drug Agency Act, the relevant Regulations under the Act, and the Testing Schedules under Scheme A (for urine sampling) and Scheme B (for blood sampling)).

Article 2

Definition and scope of the Convention

1. For the purposes of this Convention:

a. "doping in sport" means the administration to sportsmen or sportswomen, or the use by them, of pharmacological classes of doping agents or doping methods;

b. "pharmacological classes of doping agents or doping methods" means, subject to paragraph 2 below, those classes of doping agents or doping methods banned by the relevant international sports organisations and appearing in lists that have been approved by the Monitoring Group under the terms of Article 11.1.b;

The Group notes that this is a little ambiguous as the International Federation (IF) lists may differ from that approved by the Monitoring Group. For example, as there is no national list of banned substances, but only the lists approved by each IF, two Australian athletes (and indeed all athletes) with the same concentrations of a banned substance (eg, 3.5 ng/mL of norandrosterone) might result in one being positive under say FIFA's regulations and one being negative under say UCI's regulations. However, as the Australian Sports Drug Agency (ASDA) applies the relevant list of each International Federation, Australia appears to be in compliance.

It is of particular interest that, under the authority of the ASDA Act a "Medical Advisory Committee" has been formed (ASDMAC) to consider, amongst other things, applications and grant, as appropriate, dispensations for the use of prohibited substances. The system is, by international reference, well developed and apparently becoming increasingly effective even though it appears not *yet* to have complete understanding in the sporting community. It may only be applied where the rules of the sport permit it. To the argument that the dispensations given by ASDMAC may be opening the door to circumvention of the regulations, the reply is that ASDMAC's protocols and decisions are arrived at independently, and transparently. The system has been proposed to the World Anti-Doping Agency (WADA) as the basis for a possible common international system.

c. "sportsmen and sportswomen" means those persons who participate regularly in organised sports activities.

The Examining Group noted that the ASDA testing programme does not necessarily apply to a category as wide as this but it is certainly more embracing than just the "elite" level as summarised in the Australian national report. However, in practical terms it does appear that the national elite level is the main focus. The coordination of testing between federal and State institutions does not always cover all relevant elite areas (State elites, young potential national elite, masters, etc). The Group doubts that the broad definition was ever intended to suggest that all people qualifying as "*sportsmen and sportswomen*" be subject to a *continuous*

on-going testing programme. There are roughly 1800 national level or potential national level athletes in Australia, the main target group for ASDA's operations. These athletes are identified and nominated to ASDA by the respective national sporting organisations. Some States also have their own testing programmes for State level athletes. The value of testing in some events or sports, such as disabled or masters, was questioned by one official at the Australian Sports Commission (ASC).

There is a further problem in obtaining approval to undertake testing at events organised by entrepreneurs, such as the Goodwill Games in Brisbane this year. There is also the question, as in many other countries, of testing in the fitness industry. However, a working group, comprising representatives from Commonwealth, State and Territory governments, produced a report on possible actions against performance and image-enhancing drugs that was endorsed by the Ministerial Council on Drug Strategy in July 2000. Most professional sports (a substantial proportion of the sporting scene in Australia) have accepted testing by ASDA in their sports, on a user pays basis. These various factors have led to a situation where top level sport people are tested systematically and relatively frequently. There is less frequency of testing at lower levels, and the testing programme is less systematic.

Article 3

Domestic co-ordination

1. The Parties shall co-ordinate the policies and actions of their government departments and other public agencies concerned with combating doping in sport.

The development of a single national strategy "Tough on Drugs in Sport" which assigns a role to a full range of government departments provides a very good blueprint for the achievement of a well co-ordinated response to doping in sport. In the words of the Australian national report, it provides an "... holistic and potent response to the threat drugs pose".

The ad hoc group of government departments, which was formed as a result of this strategy and which met the Examining Group at the beginning of the process, clearly has the potential to provide a practical tool for implementing this co-ordination process but we are not sure that it really operates as an effective entity (they, in effect, said so). There are undoubtedly a number of linkages, formal and informal, between and among the various departments and it appears that, all in all, there is reasonable co-ordination. The Sydney Olympics added impetus to this process in a way that may not have existed previously and it is to be hoped that it will continue now that they are over.

The Examining Group thinks that it should be possible to provide for this group to interact more regularly and create a better mechanism to allow the current good level of co-ordination to be even better and ensure that implementation of the full strategy is maintained.

The remarks made, under Article 2.1.b, regarding ASDMAC, may also be regarded as relevant under this Article regarding Domestic Coordination. ASDMAC's responsibilities and decisions help ensure coordination.

It was not clear to the Examining Group how far this inter-ministry ad hoc group extended also to cover the sporting world. The Australian Sports Commission, which is a public agency, was present at this first round table. While bearing in mind that the responsibilities and prerogatives of public authorities and of sports bodies, while complementary, differ

substantially, the fight against doping in sport also requires coordinated action with sports organisations. (cf below, under 3.2).

2. They shall ensure that there is practical application of this Convention, and in particular that the requirements under Article 7 are met, by entrusting, where appropriate, the implementation of some of the provisions of this Convention to a designated governmental or non-governmental sports authority or to a sports organisation.

The Australians have ensured that there is practical application of the Convention by empowering a number of organisations to implement various elements. Particularly, with respect to this Article and Article 7, the Australian Sports Drug Agency, through the relevant legislation, is entrusted with implementing many of these requirements. The implementation by Australia of the International Standard for Doping Control (in the development of which ASDA played a leading role) and the quality policy of ASDA ensures good standards. ASDA has obtained certification under both the ISO 9002 norm and the ISO-PAS 18873 norm. The education and information (see Article 6) policies of ASDA and other bodies are also of international reference standard.

ASDA records an 89% client satisfaction in the year 1999/2000. Its Annual Reports are precise and of high quality. The priority given to high standards and quality control in all aspects of ASDA's work requires a consequent human resources level and commitment of those staff, both of which have been achieved.

The Australian Sports Commission plays an important, possibly key, role in ensuring consistent policies are adopted by Sporting Organisations and, where necessary, policing that, particularly with regard to the sanctioning processes. In particular, the ASC has produced, for the benefit of national sporting bodies and federations, a "Model Anti-Doping Policy". In addition, in the lead-up to the Sydney Olympic Games, the Australian Olympic Committee also developed its own slightly different, model policy: cf under 7.2). However, the AOC is no longer involved in anti-doping policy approvals, and the ASC model is now the only valid one.

Article 4

Measures to restrict the availability and use of banned doping agents and methods

1. The Parties shall adopt, where appropriate, legislation, regulations or administrative measures to restrict the availability (including provisions to control movement, possession, importation, distribution and sale) as well as the use in sport of banned doping agents and doping methods and in particular anabolic steroids.

These matters are the responsibility of numerous organisations, the 3 key ones being the Australian Customs Service (ACS), the Department of Agriculture, Fisheries and Forestry – Australia (AFFA) and the Therapeutic Goods Administration (TGA). State and Federal Police, medical authorities and others also have roles. It would appear that in particular the first two of these organisations significantly increased their response to this issue in the lead up to the Olympic Games. It is in this area that the apparent difficulties in trying to establish a centralised and consistent approach in a "federal" environment is most clearly exposed. Without exploring this constitutional issue too deeply it is apparent that it does provide an impediment but it is also apparent that the various departments, including the Attorney-General's Department, have made a determined effort to convince state authorities of the need to provide consistency and that this has had some, if not complete, success. (For example, there is a common and comparatively harsh penalty of 5 years for trafficking of steroids.) It

was of interest that accession to the Convention, which has Treaty status, was the tool that enabled intervention at a Federal Government level.

Comment by Australia

The impetus to increase penalties for trafficking in PEDs (and the actions of the Commonwealth in encouraging this) came about from a more general push for national consistency in penalties for drug trafficking (which has been going on through the Standing Committee of Attorneys-General - which is the forum where the Commonwealth has actively sought to persuade jurisdictions to strengthen their penalties) along with the need to strengthen the response to PEDs in the lead up to the Olympics.

Controls of internal “trafficking” of PEDs rests with State and Territory Police, as well as Health and Veterinary Authorities and inter-state inconsistencies are revealed most clearly here. For example, controls in gyms are not considered to be a priority, and as noted above, not all jurisdictions, despite the efforts of the Attorney General’s Department, have acted to increase relevant penalties.

The ACS has been empowered by significantly more potent legislation adopted before the Sydney Olympics to intervene in the movement of performance-enhancing drugs (PEDs) across the border (the penalties were substantially increased during the Olympic build up). The mechanisms they described in order to monitor and control these movements were numerous and, we are convinced, are as effective as exist anywhere in the world. These measures include profiling of “target” groups, monitoring and exchanging intelligence on significant movements of athletes, x-rays of both luggage and postal material (from which comes the majority of seizures), training of staff to recognise PEDs (including provision of very good ID posters) and easy mechanisms for identifying contents of substances. The effectiveness of these methods is indicated by the dramatic and progressive increase in customs’ seizures of PEDs (27 in 1994/95; 1125 in 1999/2000) although it is impossible to relate this to the actual volume of PEDs being trafficked. Foreign Internet providers of PEDS are constantly watched and warned that export of their products to Australia is illegal.

AFFA is responsible for agricultural goods, especially veterinary steroids, some of which are clearly diverted into the human market for PEDs: at sub-elite levels of sport, and in some professional sports such as powerlifting. A number of high profile cases of thefts from agricultural chemical warehouses, involving substances with potential sports application, occurred in the period leading up to the Olympic Games. Veterinary surgeons selling veterinary PEDS are required to administer the medication themselves to eliminate the possibility of large orders being diverted. AFFA seem to have a clear understanding of the issue and their role within the strategy.

Comment by Australia

AFFA’s role in the strategy is to ensure that manufacturers are licensed and there is regulatory control of veterinary steroids. Accordingly, manufacturing licensing provisions have been strengthened in consultation with the National Registration Authority and the Department of Health and Aged Care.

TGA appears to take an interested and pro-active role in the issue, working with sports nutritionists at the Australian Institute for Sport and elsewhere to ensure that they properly understand what is needed and so assist in as much as their powers permit. The control of availability and use of “dietary supplements” is a worldwide problem and countries have varying levels of success in dealing with it. The methods adopted by the TGA appear to be as good as anything else in the world and far better than most. Control over unsustainable “therapeutic” claims appears to be well maintained and accurate labelling is required for all

active ingredients of preparations with any kind of health claim. Dietary supplements on the other hand is a category unrecognised by law.

2. To this end, the Parties or, where appropriate, the relevant non-governmental organisations shall make it a criterion for the grant of public subsidies to sports organisations that they effectively apply anti-doping regulations.

This is very clearly set out within the policies of the Australian Sports Commission (ASC). There was some disparity in the views of some as to whether or not this was fully and effectively utilised. Nevertheless it is there and has been used to good effect from time to time e.g. in the sport of weightlifting.

3. Furthermore, the Parties shall:

a. assist their sports organisations to finance doping controls and analyses, either by direct subsidies or grants, or by recognising the costs of such controls and analyses when determining the overall subsidies or grants to be awarded to those organisations;

Finance for “public interest” doping controls is provided centrally via the budget allocated to ASDA. (Aus \$5m for the budget year 2000/01; an additional \$2.5m is secured with user pays controls). 3321 such tests were conducted in the 1999/2000 year which is impressive in a country with a population of c. 19 million. A substantial number of additional tests (2424 in the same period) were also done on a “user pays” basis, primarily in professional sports such as the various football codes. Recently testing for ePO has been instituted, involving substantial cost increases as blood samples must be taken and transported to the lab in a very efficient manner to ensure their integrity.

b. take appropriate steps to withhold the grant of subsidies from public funds, for training purposes, to individual sportsmen and sportswomen who have been suspended following a doping offence in sport, during the period of their suspension;

This is provided for, both by way of the sport policies required by the ASC (see above) and also directly by ASC’s own policy, where athletes receive direct funding or assistance and in contracts athletes sign with the AIS and various state equivalents. Specific verification of this occurring was not provided but we understand that this provision is properly implemented (there were some instances of suspended athletes being denied access to publicly-owned sports facilities during the Sydney Olympics).

c. encourage and, where appropriate, facilitate the carrying out by their sports organisations of the doping controls required by the competent international sports organisations whether during or outside competitions; and

It is clear that ASDA works with many International Federations in order to conduct doping controls at events in Australia which are conducted under the auspices of the IF. In most cases the national federation assists in this process. Australia has faced problems related to the restrictions of both of their legislation, and the requirements of the International Standard for Doping Control which ASDA has chosen to implement, in complying with some expectations of IFs with respect to the conduct of doping controls. Amendments to the legislation have given ASDA more freedom in this regard but the potential for difficulties remains. This emphasises a frequently observed disharmony between the rules of IFs and the requirements of centrally operated national programmes. ASDA have worked hard to come to terms with the IFs but fundamental tensions still have the potential to emerge. It is unknown what level

of testing, if any, occurs which is conducted by individual sports without the involvement of ASDA.

d. encourage and facilitate the negotiation by sports organisations of agreements permitting their members to be tested by duly authorised doping control teams in other countries.

Australia, and ASDA specifically, have probably done more in this area than any other country. The International Anti-Doping Arrangement provides for this and ASDA has signed an additional 15 specific bilateral agreements with other countries to give effect to this element. ASDA has also signed user-pays drug testing agreements with 6 international federations.

4. Parties reserve the right to adopt anti-doping regulations and to organise doping controls on their own initiative and on their own responsibility, provided that they are compatible with the relevant principles of this Convention.

Certainly, at a general level, the Australian government, by charging ASDA with main responsibilities in the anti-doping field, has done this.

Article 5 Laboratories

1. Each Party undertakes:

a. either to establish or facilitate the establishment on its territory of one or more doping control laboratories suitable for consideration for accreditation under the criteria adopted by the relevant international sports organisations and approved by the Monitoring Group under the terms of Article 11.1.b;

b. or to assist its sports organisations to gain access to such a laboratory on the territory of another Party.

2. These laboratories shall be encouraged to:

a. take appropriate action to employ and retain, train and retrain qualified staff;

b. undertake appropriate programmes of research and development into doping agents and methods used, or thought to be used, for the purposes of doping in sport and into analytical biochemistry and pharmacology with a view to obtaining a better understanding of the effects of various substances upon the human body and their consequences for athletic performance;

c. publish and circulate promptly new data from their research.

In agreement beforehand with the Australian authorities, the Examining Group did not visit the Australian Sports Drug Testing Laboratory at Pymble (near Sydney). The laboratory has a high reputation, also at the international level. It is IOC and ISO 17025 accredited. Its operations during the Sydney Olympic Games were thoroughly covered, and reported on, by the Office of the Independent Observer established by WADA for the Games. Laboratory questions were therefore not specifically investigated by the Examining Group, but many matters are known to be dealt with at the ASDTL are able to be verified (eg in research into steroids, growth hormones and especially EPO). The Australian national report covers this issue fully.

Article 6 Education

1. The Parties undertake to devise and implement, where appropriate in co-operation with the sports organisations concerned and the mass media, educational programmes and information campaigns emphasising the dangers to health inherent in doping and its harm to the ethical values of sport. Such programmes and campaigns shall be directed at both young people in schools and sports clubs and their parents, and at adult sportsmen and sportswomen, sports officials, coaches and trainers. For those involved in medicine, such educational programmes will emphasise respect for medical ethics.

The ASDA educational programmes, for their athletes in particular, are especially impressive. They are comprehensive, based on sound research (including performance evaluation) and well considered methodology and are presented in association with striking graphics. A core programme is run centrally where it is targeted at the 1800 (approx) “elite” level athletes on their out of competition testing database. An example of this innovative work is the “True Champions” campaign. This campaign, a voluntary one, was launched for the Olympics and Paralympics. It was very well conceived, with posters, ribbons, tattoos and an athlete’s passport. The campaign’s message, that True Champions achieve their best without drugs, went right to the heart of the issue.

The Australian Olympic Committee’s work in this area was also well developed for the Sydney Olympics. It is naturally complementary to (though it does not appear to be coordinated with) ASDA’s work, focusing on Olympic issues: never an Olympic athlete if a cheat, using the example of the Johnson case, and using Australian Olympic role models.

In addition, in order to ensure that athletes at lower levels are picked up, programmes are run in conjunction with appropriate state authorities. Again it is apparent that individual state circumstances, which may vary considerably, have been well considered and ASDA have worked hard to discover the most appropriate mechanism for each environment.

The impact of this programme was given strong testament by both the elite level athlete (netball) and coach (volleyball) who were interviewed by the group. In both cases they believed that they were very well briefed on the subject and had a good understanding of the relevant issues, including both their rights and their duties. Indeed there was a feeling that the base material of the education programme was overdone and that further extension of the material was warranted for experienced athletes who were well versed in the “basics”. The athlete particularly expressed an acceptance of a role as a leader in sport and was happy to be pro-active in supporting drug free sport. Both affirmed the need to maintain the programme and did not believe that it was a poor use of sport money.

Programmes for “young people in schools and sports clubs and their parents” were not as clearly articulated. ASDA acknowledged that they pulled back from the initiatives they had initially developed in that area in the early 90s to concentrate on elite level athletes, leaving this question to other agencies in the Tough on Drugs in Sport strategy. The Department of Education, Training and Youth Affairs explained how the matter was dealt with in the school curriculum but left the impression that its coverage was likely to be variable depending on the motivation of individual schools and teachers (the teachers of physical education and health). The team was left with the conclusion that coverage was likely to be less than comprehensive and that DETYA was less involved with the overall Tough on Drugs in Sport strategy.

Comment by Australia:

The National School Drug Education strategy does not prescribe to schools how the issue of drugs in sport should be handled but identifies it as an important and serious issue, among a range of drug related issues that should not be overlooked. The National School Drug Education strategy recognises the important role schools play in preventing unsanctioned and illicit use and abuse of drugs by young people. At the national level in school education there are not separate initiatives focused on specific drugs or reasons for taking drugs such as to enhance performance. This is because the strategy recognises that there are commonalities between the risk and protective factors relating to the misuse of many different drugs as well as other youth welfare issues. To provide a holistic and cost effective effort at the primary prevention level in schools the strategy is designed to be flexible so that schools are able to tackle the issue of drug use including PEDs in a manner suitable for their context.

The Department of Industry, Science and Resources commented in a follow up meeting that they accepted that the issue may not be fully covered at that level but the presentation at the initial meeting may have “undersold” the position.

An additional area where ASDA acknowledged that they had made little headway was within the “fitness industry”. This is generally acknowledged as being a part of the population which is potentially significant in terms of the doping issues but is difficult to influence. Many “trainers” come from this sector and, of course, many sportsmen and sportswomen train in gymnasia alongside people who are not subject to the same rules.

It is the view of the team that, given the apparently good uptake within elite athletes at least, some consideration and even resources might be applied in this area.

The Examining Group also draws attention in the context of education to the high quality of the websites of all the principal partners in the fight against doping, both governmental and non-governmental. Many of them are indicated in the National Report.

2. The Parties undertake to encourage and promote research, in co-operation with the regional, national and international sports organisations concerned, into ways and means of devising scientifically-based physiological and psychological training programmes that respect the integrity of the human person.

This element was not directly investigated however, as a one off example, the athlete interviewed by the team clearly had the benefit of state of the art facilities and expertise at the Institute and yet retained a well-developed sense of the ethics of sport. Indeed the coach also asserted the important part sport had to play in establishing appropriate role models for the wider community. The Australian Institute for Sport (AIS) plays an important role here, ensuring very good medical supervision of athletes under its wing, and in providing assistance with non-PED training methods (physiological, psychological, biomechanical, nutritional, etc). The AIS regime relating to the use of “dietary supplements” gave a good insight to the motivation of their programme and the emphasis on a conservative approach to supplement use. On the basis of these observations at least there is evidence that this element is being given due attention.

Article 7

Co-operation with sports organisations on measures to be taken by them

1. The Parties undertake to encourage their sports organisations and through them the international sports organisations to formulate and apply all appropriate measures, falling within their competence, against doping in sport.

There is no question that, in Australia, sport organisations generally encourage appropriate measures, falling within their competence, against doping in sport. This is partly as a result of both the leadership of ASDA, the ASC and also the AOC with their “requirements” but also resulting from the inherent commitment to the issue that many of those organisations feel. In at least one case that we became aware of, however, there was a perception that the national sporting organisation took quite a passive role and while complying with the requirements did little to lead the matter themselves. This was a sport with a very small head office and undoubtedly this creates a priority issue; however it is also clear that in such a well structured and resourced programme, at the central level, it is possible for a sport to take something of an armchair ride.

It was also apparent that there is no concerted approach toward encouraging the national federations to work with their IF’s in the development of appropriate anti-doping policies. There is no question that the AOC as well as some Australian sports (e.g. swimming) are very active internationally but this seems to be on the basis of individual initiative rather than a concerted national policy. This would seem to be an under-utilised tool available to further augment the significant international advocacy role already played by Australia.

Comment by Australia:

The ASC works to ensure that where permitted by international federations (IFs) policies, Australian national sporting organisations (NSOs) include provisions that harmonise with their respective IF anti doping policies. Furthermore, where NSOs policies exceed that of the IFs, such as independent approval mechanisms for the use of therapeutic substances, NSOs are encouraged to pursue with the IFs concerned to obtain mutual acknowledgment.

2. To this end, they shall encourage their sports organisations to clarify and harmonise their respective rights, obligations and duties, in particular by harmonising their:

a. anti-doping regulations on the basis of the regulations agreed by the relevant international sports organisations;

In the case of Australia the harmonisation process is catered for, on the one hand, within the model policy provided by the ASC which explicitly allows for particular requirements of the relevant IF. On the other hand it also has some compulsory elements which may be inconsistent with IF requirements. This raises again the issue of the relative merits of harmonising at a national or international level and the fact that, as things stand, there are inevitably some incompatibilities. On balance the Australian model, according to the ASC requirements, gives precedence to the need for national common elements to be adhered to. This is clearly a reasonable path where funding for anti-doping is sourced from Government who then require some minimum safeguards to ensure that their objectives are met. Some IFs have consistently argued the reverse and there is some validity to their position as well.

Australia provides an even more interesting case study in this, however, as in the lead up to the Olympic Games the AOC applied some substantial muscle in requiring Olympic Sports to comply with a policy which had some differences to that of the ASC. Without going into the respective merits of the two approaches it was disappointing that two powerful and leading sporting bodies should not have been able to reach agreement on a common approach for Australian sport. As stated at Article 3.2, the AOC is no longer involved at this policy level. The Examining Group’s recommendation on a National Anti-Doping Council could provide a framework for avoiding such differences in the future.

b. lists of banned pharmacological classes of doping agents and banned doping methods, on the basis of the lists agreed by the relevant international sports organisations;

As previously explained, ASDA apply the list particular to each sport within its testing programme. ASDA has an impressive information system, based around a freecall “hotline”, which enables them to give immediate and accurate responses to questions from athletes and others about the banned list. A database using Microsoft Access and with regularly updated information provided by MIMS is at the heart of the hotline’s responses. All such responses (consistent and accurate) are standardised, logged and recorded to limit suggestions that they may be incorrect. The system and database would undoubtedly have application and appeal to many anti-doping organisations. An automatic answering capacity when the hotline is not manned between 2100 and 0900 would perfect this aspect.

c. doping control procedures;

ASDA apply a common set of procedures, harmonised nationally and set out in the “Regulations” and “Orders” which form an integral part of the legislative framework. Furthermore these have a clear international compatibility, particularly relevant to the Convention, as they apply the “International Standard for Doping Control” a set of standards recognised by the Monitoring Group. This common approach undoubtedly provides for efficiency and consistency within the national programme but again may potentially provide tensions with the requirements of the IF’s even though the testing is part of the national programme. The point where greatest disparity occurs with most IF procedures is the immediate “result management” process which occurs following a positive test (or refusal). In the Australian system the national sporting organisation is not ordinarily told of an “A” positive until all checking processes, including analysis of the “B” sample, as necessary, have been completed. This is designed to ensure that the sport receives only “clean” results that are confirmed as having been properly conducted according to the requirements of the Act. The process is designed to ensure quick processing of the samples and consideration of submissions and to minimise the delay between the A sample and the report to sport concerned. It is a logical part of a process which sees the testing done by a body which is independent of the sporting organisation which the athlete belongs to and eliminates the need for that sport to try to verify the processes applied by ASDA in a hearing.

It is of note that Australia are a prime player in the promulgation and promotion of the ISDC which is a mechanism which has great potential to assist in the harmonisation of approaches to doping control.

d. disciplinary procedures, applying agreed international principles of natural justice and ensuring respect for the fundamental rights of suspected sportsmen and sportswomen; these principles will include:

(i) the reporting and disciplinary bodies to be distinct from one another;

In the Australian system, ASDA reports the case and the NSO acts as the disciplinary body.

(ii) the right of such persons to a fair hearing and to be assisted or represented;

These rights are ensured at two points: firstly in the process established under §15 of the ASDA Act which specifically deals with suspected athletes’ rights (this is claimed as a first in law) and ASDA procedures which require submissions from the competitor about the testing process to be considered; and secondly within the requirements of the common policy of the ASC (section 5). These may be augmented by possible additional safeguards established by the national federation in response to IF requirements.

(iii) clear and enforceable provisions for appealing against any judgment made;

There are two separate opportunities for appeal. Firstly, in relation to ASDA judgements, appeals can be made to the Administrative Appeals Tribunal on technical grounds in relation to the drug testing procedures performed. Secondly, a separate appeal can be made to the Court of Arbitration in Sport (Ocean Registry) against the sanctions applied by the respective national sporting organisations following the confirmation of a breach of an anti doping policy.

e. procedures for the imposition of effective penalties for officials, doctors, veterinary doctors, coaches, physiotherapists and other officials or accessories associated with infringements of the anti-doping regulations by sportsmen and sportswomen;

The ASC model policy provides as follows – 1.4 “Athletes and other persons may be subject to investigation and disciplined under this policy.” Additional references are made to other persons throughout the policy. The team did not establish, however, the extent to which these provisions have been implemented in the past.

f. procedures for the mutual recognition of suspensions and other penalties imposed by other sports organisations in the same or other countries.

This is provided for under the ASC model policy (section 8.3)

3. Moreover, the Parties shall encourage their sports organisations:

a. to introduce, on an effective scale, doping controls not only at, but also without advance warning at any appropriate time outside, competitions, such controls to be conducted in a way which is equitable for all sportsmen and sportswomen and which include testing and retesting of persons selected, where appropriate, on a random basis;

This function is administered centrally by ASDA and is well coordinated with the AOC. The ISDC according to which ASDA has been certified has provisions which verify that this is being done properly, including an emphasis on “no-notice” testing. ASDA has developed world-leading software (“Eugene”®, a database for test planning, distribution, selection and management) that provides considerable assistance in ensuring that “equitable” testing and retesting occurs. This is done predominantly on a random basis but athletes may be targeted as necessary.

Technically the ASDA legislation limits the pool of “sportsmen and sportswomen”, who are subject to testing under the Act, to a narrower group than indicated in the all-encompassing definition of the Convention. Following discussion on this issue which allowed a clearer understanding of this definition in the Act it is apparent that it provides for most, if not all, testing that would be reasonably contemplated in a national testing programme.

Discussions with ASDA and, more critically, with the ASC revealed that the policies necessary to test “niche” groups, which may not ordinarily fit within established sports policies, may not be properly catered for. This refers specifically to such groups as “masters” or “veterans”, “disabled” and, conceivably “elite high school”. This may be one area which needs to be more carefully considered so that appropriate coverage within such groups does not rely on chance or the individual quirks of sport policies.

ASDA also tests, under its user-pays agreements, players in most professional sports.

b. to negotiate agreements with sports organisations of other countries permitting a sportsman or sportswoman training in another country to be tested by a duly authorised doping control team of that country;

As previously pointed out, Australia has been arguably the world's leading nation in establishing multi-lateral and bi-lateral agreements to provide for this. The ASDA legislation is permissive of this.

c. to clarify and harmonise regulations on eligibility to take part in sports events which will include anti-doping criteria;

This matter was not explicitly covered by the Examining Group and it is not very clear as to what is intended. The ASDA Act goes into some detail as to who may be subject to testing. Similarly the ASC model policy covers some important issues in this regard and notably refers to "retirement and comebacks", a matter which sometimes provides difficulty, and for which there is a clear and quite demanding protocol.

d. to promote active participation by sportsmen and sportswomen themselves in the anti-doping work of international sports organisations;

Again little evidence of this was provided to the Examining Group in this regard.

e. to make full and efficient use of the facilities available for doping analysis at the laboratories provided for by Article 5, both during and outside sports competitions;

ASDTL certainly have a role as a "regional" service provider as well as just a national one and, in particular, conduct the majority of the analytical work required by the New Zealand Sports Drug Agency.

f. to study scientific training methods and to devise guidelines to protect sportsmen and sportswomen of all ages appropriate for each sport.

Little evidence of this was provided to the Team in this regard. There is no question that the AIS and its various independent State equivalents provide very comprehensive scientific input into the training methods of Australian athletes. An impression was gained that the "well being" of those athletes was an important consideration within that system but such an answer is only based on general observations. (See also under Article 5 and 6.2)

Article 8

International co-operation

1. The Parties shall co-operate closely on the matters covered by this Convention and shall encourage similar co-operation amongst their sports organisations.

Australia has had a strong presence on the world anti-doping stage and has been very proactive in working towards effective international collaboration on this issue. Notable examples include:

- The first non-European Party to the Convention.

- A founding member of the International Anti-Doping Arrangement and the consequent pioneering work (mentioned under the appropriate articles) on international standards, notably the ISDC and ISO-PAS 18873.
- Conducting the “Sydney Summit” on doping for government representatives from a wide range of countries. This led to the formation of the IICGADS (which Australia co-chairs) and to a mechanism allowing for world-wide governmental participation in the World Anti-Doping Agency (WADA) and its workings.
- Heavy involvement with WADA activities at both policy and practical levels.
- Involvement with the Drug Free Sports Consortium in filling a void to assist WADA in its testing programme (4 ASDA staff are employed on DFSC controls for WADA).
- The initiation of pre-competition testing in Australia before the Olympics which was a large contribution to the feeling that the Sydney Olympics were “the most truthful Games” in the past decades.
(See also under Article 4.3.d)

2. The Parties undertake:

a. to encourage their sports organisations to operate in a manner that promotes application of the provisions of this Convention within all the appropriate international sports organisations to which they are affiliated, including the refusal to ratify claims for world or regional records unless accompanied by an authenticated negative doping control report;

It is not clear that a well established programme exists to this end (as per previous comments).

Comment by Australia:

National sporting organisations are encouraged to comply with the ASC Anti Doping Model. However they can vary where it is demonstrated that their international federations rules allow.

b. to promote co-operation between the staffs of their doping control laboratories established or operating in pursuance of Article 5;

This was not specifically investigated (see above under Article 5) but it is known that the ASDTL plays an important role in co-operative work between laboratories, most notably in relation to ePO testing but also in other research and activities. The role of the laboratory at Pymble and of the nearby Australian National Reference Laboratory in providing steroid reference materials is a good example of international inter-laboratory cooperation.

c. to initiate bilateral and multilateral co-operation between their appropriate agencies, authorities and organisations in order to achieve, at the international level as well, the purposes set out in Article 4.1.

Little indication was given in this regard.

Comment by Australia:

The Australian Customs Service has entered into a number of cooperative agreements with Canada, Korea, Japan, Hong Kong, China, USA, Indonesia, New Zealand and United Kingdom. Within the broader context of these agreements, where drugs banned in sport are Customs controlled, information may be exchanged to counter the threats they pose.

3. The Parties with laboratories established or operating in pursuance of Article 5 undertake to assist other Parties to enable them to acquire the experience, skills and techniques necessary to establish their own laboratories.

No indication of activity here and, indeed, there is little prospect of new accreditable labs forming in the Oceania region.

Comment by Australia:

Although not discussed during the Monitoring Group's visit to Australia the Australian Sports Drug Testing Laboratory (ASDTL) has worked directly with a laboratory in Jakarta which had hoped to obtain IOC accreditation by the end of 2001. ASDTL started working with Jakarta on an exchange basis in 1996 and undertook some training of their staff in Sydney to teach them the fundamentals. ASDTL also attended the Jakarta laboratory in 1997 and 1998 to help them undertake testing for their National Games (PON Games) and for the SEA Games and to provide temporary IOC accreditation during that testing. However due to changes in the Indonesian currency their ability to move quickly to the final stages has slowed. Indonesian staff have assisted ASDTL on two occasions, during the World Swimming Championships and during the Olympics and this has been performed on an extension of training basis. ASDTL still continues to assist where possible.

**Article 9
Provision of information**

Each Party shall forward to the Secretary General of the Council of Europe, in one of the official languages of the Council of Europe, all relevant information concerning legislative and other measures taken by it for the purpose of complying with the terms of this Convention.

ASDA has complied with this article by furnishing each year since 1996 data on its national anti-doping initiatives as per the questionnaire approved by the Monitoring Group. Since 2001, ASDA has accepted responsibility for managing on behalf of the Monitoring Group and free of charge, this Convention's data base and converting it into an electronic version, probably to be available in an intranet version with a web interface.

The Australian authorities, and notably the Department of Industry, Science and Resources, made in good time a full report on Australia's compliance with the convention for the purpose of the examining visit and during the visit a substantial quantity of additional written materials was copied or made available to the group.

Australian governmental rules on public accountability ensure that there is a great deal of transparency in public matters, including anti-doping questions. For example, if, under §68 of the Act establishing ASDA, the Minister makes a "direction" to ASDA (this has not happened yet), ASDA is obliged to include this direction in its annual report to Parliament, where the Minister would be subject to parliamentary scrutiny.

* * * * *

RECOMMENDATIONS

It is clear from the above that the Examining Group considers that Australia amply fulfils the obligations it has entered into under the Anti-Doping Convention. In many respects and areas, the measures introduced by the relevant Australian body have been groundbreaking innovations. In many fields, these and other measures are now regarded as amongst the best of their kind. Australia can certainly claim to have one of the most, if not the most, rigorous anti-doping policy and programmes in the world. Many other Parties to the Anti-Doping Convention could derive inspiration for their own policies and programmes from the Australian experience. The basis for this success lies, as is the case following the examination of Norway, with the twofold political and financial commitments by the government and the sports bodies. The very deep sporting ethos and rich sporting culture of Australia provide a fertile ground for a strong anti-doping message to take hold, and in which these commitments can be deployed. The pre-conditions and the commitment was very evident to the Examining Group.

The recommendations which follow therefore must be seen in the context of optimising a well-planned, well-coordinated and well-executed system and are offered by the Examining Group in that spirit:

- **The creation of a “National Anti-Doping Council” with representatives of the different national governmental bodies and agencies involved in the fight against doping in sport, together with the participation of national sports bodies and the Australian Olympic Committee. Such a body could have helped to reconcile the past differences between the ASC and the AOC on important aspects of their policies, and should help to ensure that similar differences do not develop in the future. Such a “Council” could also help improve coordinated educational approaches at various levels and take action in the fitness industry. We note that the necessary separation of responsibilities in test planning, the conduct of tests, and in test results management is well developed in Australia and our proposal is not designed in any way to change that. The erection of “firewalls” between the different bodies and their different powers is a good thing. However, it appears the firewalls are so distinct that they militate against the development of an overarching body to provide the final level of coordination and harmonised policy development.**
- **Greater attention could be paid to implementing the report endorsed by the Ministerial Council on Drug Strategy, especially as far as schools and the fitness industry are concerned.**
- **It would be desirable if all the professional sports could be persuaded to become ASDA’s clients. This would be notable, also as an example for other Parties.**
- **It would be desirable if the implementation of the national Tough on Drugs Strategy and ASDA’s corresponding work could encompass sports and people involved in sport at lower levels than is presently the case. Not all sports people are currently involved and many know that they will not be tested. This might be achieved progressively. A necessary accompaniment to this extension would involve complementary action and legislation where necessary by all States and Territories.**

Note: The draft version of this report was sent at the beginning of August 2001 to the Department of Industry, Science and Resources and to the Australian Sports Drug Agency, thus offering an opportunity to correct any errors of fact and to comment on the opinions expressed by the Examining Group. Errors of fact have been incorporated into the report, as well as some comments/clarifications approved by the members of the Examining Group. A number of comments made by the Australian authorities, which the Examining Group feels should be noted, have been incorporated into the report at the appropriate point.

The purposes and objectives of the “Compliance with Commitments” project have been set out in other reports in this series (notably, as regards the Anti-Doping Convention, in the report on Norway) and will not therefore be repeated here.

The Examining Group consisted of:

- Prof Dr Dirk CLASING, Vice-Chair of the German National Anti-Doping Commission;
- Dr Luis HORTA, Head of Sports Medicine Services at the Portuguese National Institute for Sport, and Portuguese delegate to the Monitoring Group;
- Mr Graeme STEEL, Executive Director of the New Zealand Sports Drug Agency, and observer to the Monitoring Group;
- Mr George WALKER, Head of the Sport Department, Council of Europe.

The programme of the visit was as follows:

Wednesday, 11 July 2001

Canberra.

Morning: Meeting with representatives of the Department of Industry, Science and Resources; the Department of Agriculture, Fisheries and Forestry; the Department of Education, Training and Youth Affairs; the Attorney General’s Department; the Australian Customs Service; the Therapeutic Goods Administration; the Australian Sports Commission; and the Australian Sports Drug Agency (ASDA).

Afternoon: Meetings and interviews with senior officials of the Australian Sports Commission, the Australian Sports Drugs Medical Advisory Committee, and Australian Institute for Sport, Sport Science and Medicine Department, athletes and coaches.

Evening: dinner hosted by the Department of Industry, Science and Resources.

Thursday 12 July 2001

Canberra

All day: meetings, interviews and briefings with the directing staff of the Australian Sports Drug Agency.

Friday 13 July 2001

Canberra

Morning: wrap-up meeting with the Department of Industry, Science and Resources and ASDA

Midday: depart Canberra

Sydney

Afternoon: meeting with the Secretary General of the Australian Olympic Committee, Mr Craig McLatchey, and the AOC’s legal advisors, Mr S Rofe and Ms C Ordway, for doping questions.

The Examining Group wishes to extend its sincere gratitude to all those involved in the preparation and execution of their visit, at the various institutions. Particular thanks are due to Mr R Crick, Director at the Department of Industry, Science and Resources, and his colleague Mr D Russell; and to Mr J Mendoza, Chief Executive of ASDA, and his colleagues Mr A Ives, Ms L Johnson, Ms V Kapernick, Ms A Gripper and Ms M Roberts for their whole-hearted cooperation and availability to the group.