

EXPLANATORY STATEMENT 2 of 2010

AMENDMENT TO ANNEX I OF THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANISATION (UNESCO) INTERNATIONAL CONVENTION AGAINST DOPING IN SPORT OF 19 OCTOBER 2005

Practical and legal effect

1. The treaty matter amends Annex I to the UNESCO *International Convention Against Doping in Sport* [2007] ATS 10 (the Convention). Annex I is titled the 2009 Prohibited List-International Standard (the Prohibited List) and identifies the substances and methods of doping which are prohibited in sport. The Prohibited List is an integral part of the Convention.
2. The amendment updates the Prohibited List to include the 2010 Prohibited List that has been adopted by the World Anti-Doping Agency (WADA).
3. Australia's international obligations are given effect through an anti-doping legislative framework which comprises the *Australian Sports Anti-Doping Authority Act 2006* and *Australian Sports Anti-Doping Regulations 2006*, including the National Anti-Doping Scheme.

Nature and timing of the treaty action

4. Article 34 of the Convention sets out an expedited mechanism for amending its annexes. Pursuant to this provision when WADA modifies the Prohibited List, it may inform the Director-General of UNESCO of the changes in writing. The Director-General then notifies all States Parties of the changes as amendments to the relevant Annexes to the Convention. The amendments will come into force unless two thirds of States Parties express an objection. Australia did not object to these amendments.
5. On 16 November 2009, the Director General of UNESCO notified all States Parties that the amendments to Annex I were approved and would enter into force on 1 January 2010. As Australia did not object to the amendments, it entered into force for Australia on that date.

Reasons Australia took the treaty action

7. The amendment of the Prohibited List in Annex I of the Convention harmonises the application of prohibited substances and methods, in and out-of-competition, across sport. This amendment provides certainty and consistency for Australian athletes who are required to comply with WADA's Prohibited List.
8. Were a discrepancy to exist between the Australian Government's agreed Prohibited List (through the Convention) and WADA's Prohibited List, the Australian Sports Anti-Doping Authority's would be restricted in its ability to implement its anti-doping regime in accordance with the requirements of the World Anti-Doping Code.

Implementing legislation

9. Compliance with the amendment to Annex I of the Convention does not require legislative amendment. The amendment will not require amendment to the Australian anti-doping legislative framework as the specification of prohibited substances under the Australian Government's anti-doping arrangements is based on the current WADA Prohibited List.