



Australian Government
Australian Sports Commission

Senate Community Affairs Legislation Committee
Australian Sports Anti-Doping Authority Amendment Bill 2014

The Australian Sports Commission (ASC) is the Australian Government agency that develops, supports and invests in sport at all levels. The Australian Institute of Sport (AIS) is a division of the ASC.

Introduction

The ASC condemns doping in sport as fundamentally contrary to the spirit of sport. It is imperative that Australia continues to have in place effective anti-doping arrangements that provide Australian athletes with the assurance that, both domestically and internationally, they are competing on a level playing field. The 2015 World Anti-Doping Code (Code) provides a framework which harmonises anti-doping rules internationally.

The ASC was involved in the extensive three stage consultation process which provided interested parties with the opportunity to comment on the proposed changes to the 2015 draft Code. The ASC's submission supported the proposed changes to the 2015 draft Code. The revised Code was ratified on 15 November 2013 at the World Conference on Doping in Johannesburg, South Africa.

The ASC supports the Australian Sports Anti-Doping Authority Amendment Bill 2014 (Bill) which ensures the Australian Sports Anti-Doping Authority Act and Regulations can give effect to the changes in the Code and the World Anti-Doping Agency International Standards.

Implications for National Sporting Organisations

The ASC achieves its objectives, in part, by investing in and working with Australian National Sporting Organisations (NSOs). In high performance sport, the ASC currently funds through the AIS 36 sports to achieve outcomes linked to our high performance strategy, *Australia's Winning Edge*. More than \$110 million p.a. is delivered in grant funding to NSOs and athletes.

If the Bill is not enacted by 1 January 2015, then Australia's anti-doping legislation would become, to some degree, inconsistent with the international obligations imposed on Australian NSOs through their respective International Federation (IF) anti-doping policies (as those IF policies become compliant with the 2015 Code). This will result in differing rules, sanctions and definitions which will contradict a fundamental purpose of the Code of harmonising anti-doping rules internationally.

As a condition of receiving Australian Government funding through an ASC Sport Investment Agreement (SIA), NSOs are required under the SIA to have an anti-doping policy that complies with the Code (as amended) and acknowledge ASADA's powers and functions under the ASADA Act and NAD Scheme. NSO anti-doping policies replicate essential parts of the Code, such that when ASADA is exercising its legislative functions in relation to anti-doping rule violations, it is also enforcing the anti-doping policy of the relevant NSO.

Consequently, if the Bill is not enacted by 1 January 2015, NSOs will be placed in the position of having inconsistent obligations under their respective IF anti-doping policies and Australia's legislative anti-doping framework.

**Australian Sports Commission
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