

SECTION I

INTRODUCTION

CHAPTER ONE

BACKGROUND AND RECOMMENDATIONS OF THE INTERIM REPORT

BACKGROUND

1.1 The portfolio of the Senate Standing Committee on Environment, Recreation and the Arts is particularly wide. That is demonstrated by the Reports recently tabled by the Committee. In November 1988 the Chairman tabled The Potential of the Kakadu National Park Region and in June 1989 the Interim Report Drugs in Sport was tabled. Further, this Second Report on Drugs in Sport was preceded by the tabling in December 1989 of Environmental Impact of Development Assistance.

1.2 The Interim Report Drugs in Sport was prepared pursuant to the Senate referring the following matter to the Committee on 19 May 1988:

The use by Australian sportsmen and sportswomen of performance enhancing drugs and the role played by Commonwealth agencies.

1.3 The Interim Report was prepared early in 1989 because, while it was clear that the inquiry had not been able to conclude hearings on all aspects of its reference, uncertainties were being experienced by the Australian Institute of Sport (AIS). Those uncertainties, which needed to be removed expeditiously, arose out of evidence before the Committee that Institute athletes had taken drugs with the connivance of their coaches and some sports medicine personnel.

1.4 Importantly, the Interim Report was written out of the concern to ensure that Australian sport generally, and the AIS in particular, will be kept as drug free as the limits of present detection technologies will allow. Twelve recommendations to that

end were provided in the Interim Report; a number have been acted upon or embraced by relevant government and private institutions and by a wide range of individuals.

1.5 Although the Interim Report concentrated on the AIS, for this Report the Committee considered the issue of drug-taking in sport across a much wider spectrum. The motive for drug consumption by athletes aspiring to Olympic selection clearly can be shared by athletes involved in non-Olympic, amateur and 'professional' sport throughout Australia. The incentive would be similar to that for Olympic athletes - the ambition to excel in a chosen field, and the prospect of considerable financial gain consequent upon that success. Further, while powerlifting is not an Olympic sport, it shares with weightlifting the temptation to employ drugs to improve muscle mass and strength. And these same drugs are clearly applicable to bodybuilding which, while not a sport in the conventional sense, is a competitive activity centred on the development of physique, often to extremes.

1.6 This Report, then, widens the focus of the Interim Report with regard to the sporting activities that are considered, and the institutions concerned with sports administration. However, it must be emphasised that the Committee's central ambition for this Report continues that of the Interim Report: to ensure that Australian sport activities are as drug free as education programs and contemporary detection technologies will permit, having regard to the civil rights of those athletes tested and the capacity of the Federal Government to meet costs.

1.7 In pursuing that aim, this Report examines relevant aspects of 'professional' sport, the power sports and the international environment. It considers the sources of supply for banned sporting drugs and their means of distribution. The impact on sections of society affected by sports drugs is acknowledged and the consequences for human health, both physical and psychological, are examined.

1.8 As a consequence of the perspective that it has been able to achieve from this widening of focus, the Committee has, in addition to arriving at judgements about matters not previously canvassed, enjoyed a wider context in which to consider and pursue issues that were examined somewhat more narrowly in the Interim Report.

1.9 The Committee notes, however, that following the further consideration that it has been able to devote to the problem of drugs in sport since the Interim Report, the conclusions and recommendations of the Interim Report have been even further validated. Significantly, the conclusions and recommendations of this Report build on, and do not invalidate, the recommendations of the Interim Report. Indeed, many recommendations of this Report depend on the fulfilment of recommendations made in the Interim Report.

RECOMMENDATIONS OF THE INTERIM REPORT

1.10 It is important, then, to repeat the Interim Report recommendations as a basis for this Report. Those recommendations were as follows:

Recommendation One

The Committee recommends:

- (i) that a meeting of Commonwealth and State Ministers responsible for sports and health matters be held to consider matters raised in this report;
- (ii) the meeting adopt a definition of doping which relates to the use of any of the substances covered by the International Olympic Committee's 'List of Doping Classes and Methods' and the use of any of the methods identified in that list;

- (iii) that the meeting agree that it be a precondition of any sporting organisation receiving public funding that it adopt this definition and be subject to the drug testing arrangements described later in this report; and
- (iv) that professional sporting bodies be encouraged to adopt the same definition of doping and to subject themselves to the drug testing arrangements described later in this report.

Recommendation Two

The Committee recommends that the meeting of Commonwealth and State Ministers proposed in Recommendation One examine the possibility of developing procedures that would help prevent the inadvertent use of substances identified in the IOC List of Doping Classes and Methods.

Recommendation Three

The Committee recommends that the National Program on Drugs in Sport:

- (i) conduct a survey, based on the methodology of the 'Survey of Drug Use in Australian Sport', to help define the extent to which banned drugs are used by amateur and professional sportspeople at all levels, and of all ages and to determine the attitude of these groups towards performance enhancing drugs in order to see if there has been any change since the previous survey;
- (ii) carry out a survey of community attitudes to the use of drugs in sport and the attitudes and practices of non-competing sportspeople (administrators; coaches, sports scientists); and

- (iii) carry out a survey of the attitudes and practices of those individuals and organisations involved in the supply of performance enhancing drugs, particularly doctors, gymnasiums and health food outlets.

Recommendation Four

The Committee recommends that the Commonwealth Government:

- (i) establish an independent Australian Sports Drug Commission to carry out all sports drug testing in Australia. The Commission should be responsible for developing sports drug policies, conducting relevant research, selecting sportspeople for drug testing, collecting samples, dispatching samples to an IOC accredited laboratory, receiving results, conducting necessary investigations and carrying out the necessary liaison activities with law enforcement agencies, customs officials and health departments. The Commission should report the results of drug tests to the appropriate sporting federations for the imposition of penalties on athletes, coaches, doctors or officials who use or encourage performance enhancing drugs. The Commission should be required to use protocols at least as stringent as those recommended by the IOC Medical Commission. The Commission should report directly to the Minister responsible for sport and should be required to table an annual report listing all tests carried out, providing comment on any anomalous results and identifying significant developments in Australia and overseas. The Commission should be established to carry out a minimum of 2000 tests a year under the following restrictions:

- . 350 of Australia's best athletes to be tested four times per year using targeted, random and competition testing;

- . 300 tests to be carried out on a wide selection of athletes not in the above group during non-competition periods;
- . 300 tests to be carried out at competition events; and
- . overall, 25 per cent of tests are to be on a strictly random basis of selection.

Additional tests would be carried out for professional sports on a full cost recovery formula to be developed as indicated in Recommendation Five below;

- (ii) establish an independent tribunal to adjudicate on disputed drug tests and the penalties imposed by sporting federations on athletes testing positive for banned substances. The tribunal should hear appeals from the Australian Sports Drug Commission, the sporting federations and individual athletes in relation to decisions made in Australia as a result of tests carried out in Australia or internationally. The appeal tribunal should be appointed by the minister responsible for sport and should be completely autonomous, although it could be serviced by the Australian Sports Drug Commission and publish its findings in the annual report of the Commission;
- (iii) request the Australian Sports Drug Commission, and the Australian Olympic Federation, to adopt a strong international role in order to take steps to ensure that the Committee's views are presented to major international forums (e.g. Second World Anti-doping Conference in Moscow and the Dubin inquiry) and to promote the world-wide acceptance of mandatory random and targeted drug testing regimes and the development of uniform policies. This is necessary in order to ensure that Australian athletes are not penalised because of Australia's strong stance on this issue;

- (iv) require the Australian Sports Drug Commission to closely examine policies relating to the inadvertent use of drugs and particularly the minimum level at which a positive result is recorded for those drugs which need to be taken on the day of competition to have a performance-enhancing effect and which have a legitimate use in medicine;
- (v) as an interim measure, and until a fully independent Australian Sports Drug Commission and separate appeals body can be established, increase the funding and administrative independence of the Australian Sports Commission Anti-drug Campaign through immediate incorporation in order to use the organisation established to carry out the testing and appeals for the Australian Commonwealth Games Organisation to take on responsibility for all sports drug testing in Australia. The Australian Commonwealth Games Association selection panel and appeals tribunal should form the basis of the Australian Sports Drug Commission and the appeals body respectively, and should play a major role in their establishment. The membership is as follows:

Commission

- Dr Brian Corrigan, Chairman - (Chairman, Committee of the National Program on Drugs in Sport)
Dr Ken Fitch, Deputy Chairman - (Chairman, Australian Olympic Federation Medical Commission)
Mr Steve Haynes, Manager - (Manager, National Program on Drugs in Sport)

Appeals Tribunal

- Dr Ken Donald, Chairman - (Deputy Director General of Health and Medical Services, Queensland Department of Health, Chairman of Doping Control Committee for 1982 Commonwealth Games)
Mr Hayden Opie - (Lecturer in Law, University of Melbourne)
Ms Elaine Canty - (Sports broadcaster and lawyer)
Ms Julie Draper - (Co-ordinator, National Sports Research Program)

Recommendation Five

The Committee recommends that the meeting of Commonwealth and State Ministers responsible for sport and health matters proposed in Recommendation One of this report:

- (i) develop in consultation with relevant sporting organisations appropriate funding and charging policies for the Australian Sports Drug Commission, particularly in regard to professional sports and international competitions in Australia;
- (ii) agree that a fixed proportion of all public monies allocated for sports funding be directed to the proposed Australian Sports Drug Commission for testing and other programs;
- (iii) investigate mechanisms through which professional sporting organisations can be encouraged to adopt drug testing programs designed by the Australian Sports Drug Commission and be subject to the decision of the appeals tribunal;
- (iv) agree that it be a precondition of any sporting organisation receiving government funding that it adopt standard penalties of a two year suspension from competition for a first offence and a life ban for any subsequent offence; and
- (v) as an interim measure, and until the completion of research directed towards setting the maximum levels beyond which inadvertent use of a drug cannot be claimed, the Commission be given discretionary power to recommend to the sporting federations a penalty of less than a two years ban for persistent inadvertent use.

Recommendation Six

The Committee recommends that the meeting of Commonwealth and State Ministers responsible for sports and health matters proposed in Recommendation One take action to make the supply for human use of any anabolic steroid labelled for veterinary use a criminal offence punishable by the same penalties as those that apply to the unauthorised use of human anabolic steroids.

Recommendation Seven

The Committee recommends that Australian Customs officers be made aware that Australian athletes should not continue to be in a low risk category as regards the importation of anabolic steroids and other performance enhancing drugs, and that Passenger Control guidelines be amended accordingly.

Recommendation Eight

The Committee recommends that regulations concerning the importation of veterinary anabolic steroids be made as stringent as those that apply to anabolic steroids for human use.

Recommendation Nine

The Committee recommends that the Australian Medical Association and the responsible Medical Boards develop and implement policies prohibiting the prescription of drugs purely to enhance sporting performance.

Recommendation Ten

The Committee recommends that the meeting of Commonwealth and State Ministers responsible for sport and health matters proposed in Recommendation One:

- (i) agree to make anabolic steroids prepared for human use a Schedule Eight drug;

- (ii) agree to make the sale or supply without prescription of anabolic steroids a criminal offence, using the Western Australian legislation as a model;

- (iii) subject to advice from Commonwealth and State Ministers for primary industry, and because of the widespread use of veterinary anabolic steroids by sportspeople, investigate the possibility of making veterinary anabolic steroids subject to the same degree of control as applies to anabolic steroids for human use.

Recommendation Eleven

The Committee recommends that the meeting of Commonwealth and State Ministers responsible for sport and health matters proposed in Recommendation One develop a uniform licensing system for gymnasiums and health centres in Australia, recognising that this is a State responsibility. It should be a condition of the licence that anabolic steroids and other drugs not be available, admitted, or used on the premises and action should be taken to check regularly that the conditions of the licence are being complied with.

Recommendation Twelve

The Committee recommends that the AIS investigate the approval of medical supply purchases without medical officer authorisation, contrary to AIS policy, with a view to disciplinary action.