

Committee Secretary
Senate Rural and Regional Affairs and Transport References Committee
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

21 February 2013

Dear Committee Secretary

Thank you for allowing Exercise & Sports Science Australia (ESSA) the opportunity to provide a submission to the Senate Rural and Regional Affairs and Transport Reference Committee in relation to the *Australian Sports Anti-Doping Authority Amendment Bill 2013*.

ESSA is the peak professional body for exercise and sports science in Australia and provides national leadership and advocacy on key issues. ESSA supports over 3500 members (including sports scientists) and the community through fostering excellence in professional practice, education, training and research.

ESSA welcomes the current spotlight on the use of performance-enhancing drugs and unethical practices in professional sport, as it reinforces our ongoing concerns regarding the lack of regulation in this area.

In relation to the proposed changes, in brief:

- 1) ESSA supports the need to strengthen the Australian Sports Anti-Doping Authority's (ASADA's) investigative functions.
- 2) ESSA supports the need for information-sharing arrangements to allow proper investigative functions to occur.
- 3) ESSA supports the need for investigative functions and intelligence gathering, in combination with an effective drug-testing program to identify those involved in the use and distribution of performance-enhancing drugs.
- 4) ESSA supports the provision for the CEO of ASADA to have the power to issue a notice compelling persons of interest to assist ASADA's investigations. ESSA, however, considers it vital that ASADA's staff are adequately trained in the appropriate use of these new provisions and there are appropriate controls and sanctions for the misuse of these powers.
- 5) ESSA supports the penalty of 30 civil points for those who do not comply with these notices.
- 6) ESSA supports the extension of sharing arrangements with Australia Post. However, the Bill is missing important sharing arrangements with the Australian Health Practitioner Regulation Agency (AHPRA). If ASADA's investigation



involves a registered health professional, AHPRA should be consulted as it holds the registration file of the individual and has the ability to deregister them as a health professional. The Bill cannot legislate arrangements with bodies who are self-regulated (e.g. Exercise and Sports Science Australia and the Dietitians Association of Australia); however, there should be authorised communication channels between ASADA and self-regulators (e.g., ESSA) and their ethics and disciplinary panels to allow sharing of information about an individual (e.g. an accredited sports scientist) under investigation.

- 7) ESSA supports the position on the Statute of Limitation being set at 8 years. We however, would be open to the Senate's considering a longer period of time. A longer time period would allow for advancements in technology and for those using banned substances to be caught and disciplined.

We thank the Senate for contacting ESSA to contribute to the inquiry. We are available to attend the public hearing if required.

Regards

Anita Hobson-Powell

Executive Officer

