



**AUSTRALIAN OLYMPIC COMMITTEE INC**

**ABN 33 052 258 241**

**Registered Number A0004778J**

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## **SUBMISSION**

concerning

### **AUSTRALIAN SPORTS ANTI-DOPING AUTHORITY AMENDMENT (ENHANCING AUSTRALIA'S ANTI-DOPING CAPABILITY) BILL 2019**

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#### **Executive Summary**

- 1 The Australian Olympic Committee (AOC) welcomes the introduction of the Australian Sports Anti-Doping Authority Amendment (Enhancing Australia's Anti-Doping Capability) Bill 2019 (the Bill).
- 2 It is paramount to the protection of clean athletes in an increasingly complex sporting environment that anti-doping authorities have the necessary powers to investigate allegations of doping violations.
- 3 The AOC is supportive of all proposed amendments to the Australian Sports Anti-Doping Authority Act 2006 (the ASADA Act) and the ability of the Australian Sports Anti-Doping Authority (ASADA) to carry out intelligence-based investigations.
- 4 Without this protection, we cannot preserve the integrity and honesty of Australian sport for all clean athletes.

#### **History**

- 5 The AOC has a longstanding and significant history of advocating for clean athletes in the fight against doping in sport, both as the National Olympic Committee responsible for its Australian Olympic Teams, and as a supporter of anti-doping reforms more broadly within the sporting landscape.
- 6 Since the prior to the 2000 Sydney Olympic Games the AOC has acknowledged the challenge faced by anti-doping authorities (in all their forms) in being properly

empowered to investigate and prove doping violations in a complex and changing technological environment.

- 7 On 5 March 2003, the AOC became a signatory to the World Anti-Doping Authority Code (WAD Code) and is responsible for assisting ASADA in initiating, implementing and enforcing the doping control process.

### **Privilege Against Self Incrimination**

- 8 The AOC requires that all Australian Olympic Team members co-operate and assist ASADA, including by:

- (a) attending an interview to fully and truthfully answer questions;
- (b) giving information; and
- (c) producing documents,

in an investigation being conducted by ASADA, even if to do so might tend to incriminate the Australian Olympic Team member or expose them to a penalty, sanction or other disciplinary measure. A copy of clause 8 (Doping Requirements and Use of Drugs) of the Team Membership Agreement for the Tokyo 2020 Olympic Games, which reflects the AOC Anti-doping By-Law is annexed to this submission.

- 9 The requirement of Australian Olympic Team members to co-operate and assist ASADA is established by contract between the AOC and each Australian Olympic Team member and extends the powers of ASADA as currently provided under the ASADA Act.

- 10 It is the position of the AOC that the proposed amendments bring the powers of ASADA to investigate anti-doping violations in line with the AOC's contractual position of its Australian Olympic Team members.

### **Submissions**

- 11 The AOC is entirely supportive of the proposed amendments. These amendments are key to empowering ASADA to protect clean athletes.

- 12 The AOC calls for the proposed amendments outlined in this submission to be enacted to ensure that ASADA is provided with the requisite powers prescribed in the current amendments to carry out its regulatory functions through intelligence-based investigations and actively continue the fight against doping in sport.

- 13 The AOC will continue to take a leading position on the evolving risk doping in sport poses to the integrity and health of Australian sport as part of our obligation to protect clean athletes.

**JOHN COATES AC**  
**President, Australian Olympic Committee**  
9 January 2020

## ANNEXURE

### Clause 8 of the Team Membership Agreement for the Tokyo 2020 Olympic Games

#### 8. DOPING REQUIREMENTS AND USE OF DRUGS

- 8.1. I agree:
- 1) to comply with:
    - a. the AOC Anti-Doping By-Law;
    - b. my NF and the IF anti-doping policy for my sport;
    - c. the World Anti-Doping Code; and
    - d. the IOC Anti-Doping Rules.
  - 2) not to use, attempt to use, have in my possession, attempt to have in my possession, traffic or attempt to traffic a 'drug of addiction', 'poison', or 'restricted substance' in contravention of the *Poisons and Therapeutic Goods Act 1966* (NSW) (as each of these words and phrases is defined in the Act).
- 8.2. I agree that I am not using and will not use any drugs and medications from the time of my selection until I am no longer a member of the Team without this use being under the supervision of a medical practitioner. All drugs and medications that I am prescribed must first be approved by the Team Medical Director or his or her nominee.
- 8.3. For the purposes of determining whether I have in my possession any evidence of the use of a prohibited substance or method prohibited under the World Anti-Doping Code or clause 8.1 of this Agreement, I authorise the AOC and its authorised officers to, in the presence of a third party,:
- 1) search my bags and all possessions that I may bring into the Games Accommodation, have on my person, have under my control at any Olympic Venue or have at any time while I am a member of the Team;
  - 2) search my clothing and person at any time while I am a member of the Team; and
  - 3) take and retain in its or their possession any substance or evidence of the use of a prohibited substance or method they may discover as a result of the search and which they believe or suspect to be a substance or method prohibited under the World Anti-Doping Code or clause 8.1 of this Agreement. I acknowledge that the AOC will have any such substance or evidence of a prohibited method analysed or investigated at its expense to determine whether or not it is a prohibited substance or method.
- 8.4. I acknowledge that the AOC will return such substance or evidence to me if the analysis or investigation determines that it is not prohibited under the World Anti-Doping Code or clause 8.1 of this Agreement.
- 8.5. I will co-operate and assist ASADA, including by:
- 1) attending an interview to fully and truthfully answer questions;
  - 2) giving information; and
  - 3) producing documents,
- in an investigation being conducted by ASADA, even if to do so might tend to incriminate me or expose me to a penalty, sanction or other disciplinary measure. My obligations under this clause continue notwithstanding the conclusion or termination of this Agreement, to the extent that an investigation involves matters existing during the term of this Agreement.
- 8.6. Where it is alleged that I have breached the AOC Anti-Doping By-Law by committing an anti-doping rule violation (as defined in the AOC Anti-Doping By-Law), I agree to an expedited hearing. I provide this consent under R44.4 of the Code of Sports-Related Arbitration in order to minimise the disruption to my preparation and participation in the Games, and to my fellow Team members.