AUSTRALIAN
PARALYMPIC
COMMITTEE

19 February 2013

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

Dear Mr Palethorpe,

Re: Submission to the Inquiry into the Australian Sports Anti-Doping Authority Amendment Bill 2013

The Australian Paralympic Committee appreciates the opportunity to make this submission as part of the "Inquiry into the Australian Sports Anti-Doping Authority Amendment Bill 2013".

Without reservation the APC supports the efforts of the Australian Government to ensure that Australia remains at the forefront of anti-doping practices in sport. The risks to sport and its value to society are immense in the absence of a robust, earnest and constant effort to uphold the integrity of the anti-doping framework established by the World Anti-Doping Agency Code.

With this in mind the APC makes the following points on the proposed Bill:

1) The Bill proposes an extension of the "Australian Sport Anti-Doping Authority Information Sharing Arrangements" to include Australia Post. The purpose for this being to provide ASADA access to post office box registrations.

   We believe that it is important that the distinction between ASADA's role and that of bona-fide law enforcement agencies be clearly defined.

   It is appropriate for this additional Information Sharing Arrangement to be established, but it also important that the point at which ASADA engagement with these agencies ceases or where responsibility is transferred for the purposes of investigating potential criminal behaviour is clearly defined.

2) Item 5: Section 4 (Evidential Burden)
   The evidential burden of proof in Australian Law lies predominantly (although not exclusively) with the prosecuting body.

   This amendment proposes that a person asked to provide information, documents, materials or things and who claims that they do not have them, will have the burden of proof to demonstrate that.

AUSTRALIAN
PARALYMPIC
COMMITTEE

PO Box 596
Sydney Markets
NSW 2129

Building A
1 Herb Elliott Avenue
Sydney Olympic Park
NSW 2127

T +61 2 9704 0500
F +61 2 9704 0589
www.paralympic.org.au
auspara@paralympic.org.au

Australian Paralympic
Committee Ltd
ABN 41 810 234 213
ACN 061 547 957

Australian Government
Australian Sports Commission

AUSTRALIAN
PARALYMPIC
COMMITTEE

Given the extensive Investigative and Information Sharing Arrangements already available to ASADA and further extended through this Bill, we are concerned that the shifting of this burden might be an unreasonable step. It implicitly confers an assumption of "guilt" in circumstances where it is reasonable for a person to have a genuine basis to claim non-possession but no practical way of proving that beyond their declaration.

We would be happy to appear as a witness should the Committee chose to hold a public hearing on Friday 1 March.

Again, we thank the Committee for accepting our submission.

Yours sincerely,

Jason Hellwig
Chief Executive Officer

Cc: Greg Hartung, President

AUSTRALIAN PARALYMPIC COMMITTEE

PO Box 596
Sydney Markets
NSW 2129

Building A
1 Herb Elliott Avenue
Sydney Olympic Park
NSW 2127

T +61 2 9704 0500
F +61 2 9704 0589
www.paralympic.org.au
auspara@paralympic.org.au

Australian Paralympic Committee Ltd
ABN 41 810 234 213
ACN 061 547 957