

## EXPLANATORY STATEMENT 2 of 2008

### AMENDMENT, ADOPTED 1 OCTOBER 2007, TO ANNEX 1 OF THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANISATION (UNESCO) INTERNATIONAL CONVENTION AGAINST DOPING IN SPORT OF 19 OCTOBER 2005

#### **Practical and legal effect**

1. The proposed treaty matter amends Annex 1 to the UNESCO *International Convention Against Doping In Sport* [2007] ATS 10 (the Convention). Annex 1 is the 2007 Prohibited List International Standard (the List) which lists the substances and methods of doping prohibited in sport. The amendment updates the List to reflect the 2008 Prohibited List International Standard issued by the World Anti-Doping Agency (the WADA List). The WADA List is applied by international sporting bodies to athletes, and reviewed by WADA on an annual basis. While the Amendment will have little practical effect in Australia as the specification of prohibited substances under the Australian Government's anti-doping arrangements is based on the current WADA List, it promotes the international effort against doping in sport.

#### **Nature and timing of proposed treaty matter**

2. The List in Annex 1 is an integral part of the Convention. It is based on the WADA List. If WADA modifies its List, it may inform the Director-General of UNESCO of the changes. The Director-General is required to notify States Parties to the Convention of the changes as proposed amendments to the List in Annex 1.

3. On 1 October 2007, the Director-General of UNESCO notified all States Parties of the changes approved by WADA to the WADA List and accordingly proposed that the List in Annex 1 to the Convention be amended to reflect the WADA List. The amendment came into force on 15 November 2007, in accordance with Article 34(3) of the Convention. As Australia did not object to the proposed amendment, it entered into force for Australia on that date.

#### **Reasons for Australia to take the proposed action relating to the treaty matter**

4. Amendment of the List in Annex 1 of the Convention to reflect the WADA List is important to harmonise the fight against doping in sport internationally. This is imperative in order to provide certainty and consistency for Australian athletes, who are required to comply with the most recently issued WADA List.

5. A discrepancy between the List that the Australian Government has agreed to at the international level and the List that comes into force each year which applies to athletes would compromise the harmonisation of international anti-doping policies and practices and restrict the ability of Australia to successfully implement the List through the Australian Sports Anti-Doping Authority in accordance with the requirements of the World Anti-Doping Code.

#### **Implementing legislation**

6. Compliance with the Convention does not require further legislative amendment.