

EXPLANATORY STATEMENT 7 of 2010

Amendment to Annex I 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 treaty matter amends Annex I to the UNESCO *International Convention Against Doping in Sport* [2007] ATS 10 (the Convention). Annex I is titled the 2010 Prohibited List-International Standard (the Prohibited List) and identifies the substances and methods of doping which are prohibited in sport. The Prohibited List is an integral part of the Convention.
2. The amendment updates the Prohibited List to include the 2011 Prohibited List that has been adopted by the World Anti-Doping Agency (WADA).
3. Australia's international obligations under the Convention are given effect through an anti-doping legislative framework which comprises the *Australian Sports Anti-Doping Authority Act 2006* and *Australian Sports Anti-Doping Regulations 2006*, including the National Anti-Doping Scheme.

Nature and timing of the treaty action

4. On 1 October 2010, pursuant to Article 34 of the Convention, the UNESCO Director-General notified States Parties to the Convention of the amendments to the Prohibited List in Annex I to reflect the changes made by WADA. Article 34(2) provides that States Parties may object to the amendments within 45 days from the Director-General's written notification. The amendments will come into force unless two thirds of States Parties express an objection. Australia has not objected to these amendments.
5. It is anticipated that the Director-General of UNESCO will write in late November 2010 to all State Parties indicating approval of the amendments to Annex I and confirming that they will come into effect on 1 January 2011.

Reasons Australia took the treaty action

6. The amendment of the Prohibited List in Annex I of the Convention harmonises the regulation of prohibited substances and methods, in and out-of-competition, across certain sports globally. This amendment provides certainty and consistency for Australian athletes who are required to comply with WADA's Prohibited List.
7. If a discrepancy exists between the Australian Government's agreed Prohibited List (through the Convention) and WADA's Prohibited List, the Australian Sports Anti-Doping Authority would be restricted in its ability to implement its anti-doping regime in accordance with the requirements of the World Anti-Doping Code.

Implementing legislation

8. Compliance with the amendment to Annex I of the Convention does not require amendment to the Australian anti-doping legislative framework, as the specification of prohibited substances under the Australian Government's anti-doping arrangements is based on the current WADA Prohibited List.