

Sports Drug Testing Amendment Bill 2006

Clauses and Explanatory Notes

Introduction

The *Australian Sports Drug Agency Act 1990* established the Australian Sports Drug Agency to provide drug testing and educational services for national level athletes. The Act did not directly enable the Agency to test State level athletes, but provided for State legislation to confer powers to the Commonwealth allowing testing of State athletes under contracts between States and the Agency.

Queensland's *Sports Drug Testing Act 2003* (SDT Act) conferred these powers and testing of State level athletes has since been conducted under contract, to ensure a satisfactory level of services to sports in Queensland. This testing has been a core component of Queensland's Drug-Free Sport program.

In recent years there has been progress towards harmonisation of anti-doping practices internationally. The Commonwealth Government adopted the *World Anti-Doping Code* in March 2003 and ratified the United Nations Educational, Scientific and Cultural Organisation's *International Convention Against Doping in Sport* (the Convention) in January 2006. Signatories to the Convention are required to determine the most appropriate method of implementing the Code within their jurisdictions.

In March 2006, the Commonwealth passed the *Australian Sports Anti-Doping Authority Act 2006* (the ASADA Act). The ASADA Act established the Australian Sports Anti-Doping Authority (ASADA) which incorporates the prior role of the Australian Sports Drug Agency with wider powers and functions. The ASADA Act brings the Commonwealth legislation into alignment with its commitments under the Convention.

Since development of the ASADA Act, the Department of Local Government, Planning, Sport and Recreation (DLGPSR) has been reviewing the SDT Act with respect to its role and consistency with the new Commonwealth legislation.

Short Title of the Bill

The short title of the Bill is the *Sports Drug Testing Amendment Bill 2006*.

Objectives of the Bill

The policy objectives of the Bill are to align the State's sports drug testing legislation to new Commonwealth legislation and Australia's commitment to the World Anti-Doping Code.

By aligning the State's sports drug testing legislation to the Commonwealth's ASADA Act, the Bill aims to maintain a strong stance against doping in sport.

Policy rationale

Amendments to the SDT Act are required to facilitate the Government's objective of ensuring a level of targeted services are provided to the industry in Queensland in partnership with State sporting organisations.

How objectives are achieved

Passage of the Bill will achieve the State's anti-doping objectives by retaining a strong statement against doping in sport on terms consistent with the new Commonwealth legislation.

Alternative method of achieving the policy objectives

There is no alternative to amending the SDT Act that will meet the Government's anti-doping objectives.

Estimated cost for Government implementation

The Bill will have no new or additional cost implications for Government. Drug testing currently funded by the State will continue to be funded under a new agreement with the Commonwealth.

Consistency with Fundamental Legislative Principles

The Bill has been drafted with regard to fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

Consultation

Consultation on the amendments has been undertaken with all Departments prior to gaining Authority to Prepare and subsequently with the Department of the Premier and Cabinet and the Office of the Queensland Parliamentary Counsel.

Queensland's key industry stakeholders (State sporting organisations and the Sports Federation of Queensland) have been advised of the Bill.

Clause 1—Short title

Clause 1 provides that the short title of this Act is the *Sports Drug Testing Amendment Act 2006*.

Clause 2—Act amended

Clause 2 provides that this Act amends the *Sports Drug Testing Act 2003*.

Clause 3—Amendment of long title

Clause 3 amends the long title of the Act to ensure consistency with the Commonwealth legislation. The new Commonwealth legislation reflects the terminology of the Convention and the World Anti-Doping Code and replaces the Australian Sports Drug Agency with ASADA. Changes in terminology include use of the term 'athlete' rather than 'competitor'.

Clause 4—Amendment of s 1 (Short title)

Clause 4 replaces the term 'Drug Testing' in the short title of the Act, with 'Anti-Doping', reflecting the terminology of the new Commonwealth legislation and the broader scope of services available through ASADA.

Clause 5—Amendment of s 3 (Objects of Act)

Clause 5 amends section 3 of the Act to reflect the terminology of the new Commonwealth legislation. The clause also amends section 3 (2) to provide for the State to enter into agreements with the Commonwealth under which anti-doping testing services and educational services about doping in sport are now provided to State athletes by the ASADA.

Clause 6—Amendment of s 6 (References in Commonwealth Act)

Clause 6 removes the current section 6 from the Act. This section has become redundant under the broader scope of the Commonwealth legislation.

Clause 7—Replacement of Part 3 – Agreement about matters relating to State athletes

Clause 7 removes Part 3 of the Act and replaces it with a new Part 3. The new Part 3 contains a new section 6 – Agreement between State and Commonwealth, providing for agreements between the State and Commonwealth under which anti-doping testing services and educational services about doping in sport are provided to State athletes by the ASADA.

Clause 8—Amendment of s 11 (State competitors under 18 years)

Clause 8 amends section 11 of the Act to reflect the new powers of ASADA under the new Commonwealth legislation to test State athletes under 18 years, and renumbers section 11 as section 7.

Clause 9—Amendment of s 12 (Regulation-making power)

Clause 9 renumbers section 12 as section 8.

Clause 10—Amendment of schedule (Dictionary)

Clause 10 amends terminology in the dictionary to reflect the terminology of the new Commonwealth legislation and the broader scope of services available through ASADA.