

GOVERNMENT RESPONSE

TO

**A REPORT BY THE SENATE STANDING
COMMITTEE ON ENVIRONMENT,
RECREATION AND THE ARTS**

ON

**THE CIRCUMSTANCES SURROUNDING THE
POSITIVE DRUG TEST ON MR ALEX WATSON**

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**THE CIRCUMSTANCES SURROUNDING THE POSITIVE DRUG TEST ON
MR AILEY WATSON**

The Australian Sports Drug Agency (ASDA) has commissioned a research project, jointly funded by the Australian Sports Commission's (ASC) Applied Sports Research Program, entitled "An Investigation of the Pharmacokinetics of Caffeine Ingestion and Elimination in Athletes". The research will provide information relevant to questions on the likelihood of athletes exceeding the International Olympic Committee's Caffeine limit and reliable measures for caffeine levels.

ASDA will ensure the findings of the research are made available to the Minister for the Arts, Sport, the Environment and Territories and presented in relevant scientific journals.

Research projects on alternative routes of Caffeine ingestion and the effects of Caffeine on physical performance have been identified as priorities in ASDA's 1992-93 Research Program and will be undertaken if funding becomes available from interested agencies.

Recommendation 2

That the AOC recommend to the IOC that while Caffeine remains on the IOC list of proscribed drugs, Caffeine beverages not be available at Olympic Games competition venues and athletes be advised of the possibility of exceeding the proscribed limit by simply drinking coffee.

Government Position: Noted

This recommendation has been brought to the Australian Olympic Committee's attention.

Recommendation 3

That the AOC provide comprehensive drug briefings for Australian Olympic athletes both at the time of selection and immediately prior to departure for future Olympic Games.

Government Position: Supported

This recommendation has been brought to the Australian Olympic Committee's (AOC) attention. In addition, the Australian Sports Drug Agency developed an internationally acclaimed drug education program. In 1992-93 the Agency received an additional \$300,000 to enhance this program. The Agency will offer to assist the AOC to provide comprehensive drug briefings for Australian Olympic athletes competing in future Olympic Games.

Recommendation 4

That the AOC:

- (i) **formulate comprehensive procedures for when Australian athletes are found to have positive drug tests or infringe IOC drug rules at Olympic Games;**
- (ii) **provide all Australian Olympic athletes with a copy of the procedures; and**
- (iii) **ensure the availability of an appropriately qualified advocate for any Australian athlete infringing IOC drug rules.**

Government Position: Noted

This recommendation has been brought to the Australian Olympic Committee's attention.

That Australian athletes found to have breached drug guidelines be penalised in accordance with internationally accepted standards: up to three months ban for inadvertent use, two years for a first offence, and a life ban for any subsequent offence.

Government Position: Supported

The Australian Sports Commission's Doping Policy provides for sanctions in line with international standards recognising that there is variability among international sporting federations, particularly between Olympic and non-Olympic sports. As a condition of funding under the Sports Development Program, Australian sporting organisations are required to apply and enforce effective sanctions on persons who are found to have engaged in a doping practice.

Also, this recommendation has been brought to the Australian Olympic Committee's attention.

Recommendation 5

That the Australian Sports Commission comment in its annual reports on positive drug tests by prominent Australian athletes and the procedures established to deal with them.

Government Position: Supported in Principle

The Australian Sports Commission (ASC) accepts its responsibility to report on its area of responsibility in drugs in sport issues in its Annual Report.

In August 1990, compliance with the ASC Doping Policy was made a condition of funding under the Sports Development Program. From the time Australian Sports Drug Agency (ASDA) was established as an independent authority and commenced regular reports to the ASC on positive drug test results and refusals, the ASC has monitored actions taken by sporting organisations. Relevant reports will be included in the ASC's Annual Report.

In giving effect to this recommendation the ASC will have regard to and comply with the provisions of the Privacy Act.

In addition, ASDA provides a list of all positive drug tests recorded by the Agency in its Annual Report. The list does not identify individual athletes but rather records the sport, date of collection, default substances, class of drug and the sanction imposed.

RECOMMENDATIONS - MINORITY REPORT

Recommendation 1

That the details of this research [... on Caffeine related matters currently being undertaken by the Australian Sports Drug Agency ...] and the subsequent findings be made available to the Australian Olympic Committee (AOC) and the International Olympic Committee (IOC) Medical Commission.

Government Position: Supported

Australian Sports Drug Agency (ASDA) has commissioned a research project, jointly funded by the Australian Sports Commission's (ASC) Applied Sports Research Program, entitled "An Investigation of the Pharmacokinetics of Caffeine Ingestion and Elimination in Athletes". The research will provide information relevant to questions on the likelihood of athletes exceeding the International Olympic Committee's (IOC) Caffeine limit and reliable measures for Caffeine levels. ASDA will ensure the findings of the research are made available to the Australian Olympic Committee and the IOC Medical Commission.

Recommendation 2

That the AOC provide a thoroughly detailed and comprehensive drug briefing for Australian Olympic athletes both at times of selection and immediately prior to departure for future Olympic Games.

Government Position: Supported

This recommendation has been brought to the attention of the Australian Olympic Committee (AOC). In addition, the Australian Sports Drug Agency developed an internationally acclaimed drugs in sport education program. In 1992-93 the Agency received an additional \$300,000 to enhance this program. The Agency will offer to assist the AOC to provide comprehensive drug briefings for Australian Olympic athletes competing in future Olympic Games.

Recommendation 3

That the Australian Olympic Committee appoint an independent Sports Drug Tribunal to hear disputed cases of positive drug tests and to facilitate any appeals to international authorities.

Government Position: Noted

This recommendation has been brought to the Australian Olympic Committee's attention.

Recommendation 4

That the AIS rule prohibiting access by (drug) banned athletes be amended to permit assistance to such athletes who may require AIS facilities in order to appeal against positive drug tests.

Government Position: Supported

The Australian Sports Commission (ASC) is aware that the interpretation of some positive tests may require an evaluation by medical or scientific experts. Banned athletes will not be refused access to ASC facilities where this access is directly relevant to an appeal against a positive drug test.

Recommendation 5

That the AOC:

- (i) provide a legal adviser who can assist;
- (ii) provide a technical expert;
- (iii) formulate comprehensive procedures for Australian athletes found to have positive drug tests or alleged to have infringed IOC drug rules at Olympic Games;
- (iv) provide all Australian Olympic athletes with a copy of the procedures; and
- (v) ensure the availability of an appropriately qualified independent advocate for any Australian athlete infringing IOC drug rules.

Government Position: Noted

This recommendation has been brought to the Australian Olympic Committee's attention.

That Australian athletes found to have breached drug guidelines be penalised in accordance with internationally accepted standards: up to three months ban for inadvertent use, two years for a first offence, and a life ban for any subsequent offence.

Government Position: Supported

The Australian Sports Commission's (ASC) Doping Policy provides for sanctions in line with international standards recognising that there is variability among international sporting federations, particularly between Olympic and non-Olympic sports. As a condition of funding under the Sports Development Program, Australian sporting organisations are required to apply and enforce effective sanctions on persons who are found to have engaged in a doping practice.

Also, this recommendation has been brought to the Australian Olympic Committee's attention.

Recommendation 6

That the AOC devise and publish a protocol to be signed by Australian Olympic athletes covering the manner in which any athlete would return to Australia if disqualified from a Games. Such a protocol would determine aspects of travel, escort arrangements, communications with family, protection from media attention and the particular requirements of adolescent athletes.

Government Position: Noted

This recommendation has been brought to the Australian Olympic Committee's attention.

Recommendation 7

That Caffeine in any concentration in the urine be proscribed.

That an appeal against the findings of Caffeine in a sample could be based on inadvertent use and that a level for inadvertency be set.

Government Position: Not supported

Proscribing any level of Caffeine in the urine would create many difficulties for testing agencies. If this were to be enforced, it would inevitably lead to a vast increase in the number of athletes testing positive through inadvertent use of Caffeine, and therefore create an unnecessary drain on the limited resources of testing agencies.

Recommendation 8

That the Australian Sports Commission comment in its annual reports on positive drug tests by prominent Australian athletes and the procedures established to deal with them and other investigations conducted by the ASC into alleged doping practices including self admission of the use of banned drugs and possession of banned drugs.

Government Position: Supported in Principle

The Australian Sports Commission (ASC) accepts its responsibility to report on its area of responsibility in drugs in sport issues in its Annual Report.

In August 1990, compliance with the ASC Doping Policy was made a condition of funding under the Sports Development Program. From the time Australian Sports Drug Agency (ASDA) was established as an independent authority and commenced regular reports to the ASC on positive drug test results and refusals, the ASC has monitored actions taken by sporting organisations. Relevant reports will be included in the ASC's Annual Report.

In giving effect to this recommendation the ASC will have regard to and comply with the provisions of the Privacy Act.

In addition, ASDA provides a list of all positive drug tests recorded by the Agency in its Annual Report. The list does not identify individual athletes but rather records the sport, date of collection, default substances, class of drug and the sanction imposed.

Recommendation 9

That the IOC adopt the hearing and appeal provisions as set out in their brochure Annex 6 headed "Rights and Responsibilities of Sports Organisations, Athletes and their Entourage", together with Annex 7 "Guidelines for Sanctions and Penalties".

Government Position: Noted

This recommendation has been brought to the Australian Olympic Committee's attention.

THE POTENTIAL OF THE KAKADU NATIONAL PARK REGION: RESPONSE TO
REPORT BY THE SENATE STANDING COMMITTEE ON ENVIRONMENT,
RECREATION AND THE ARTS

Kakadu National Park Region is a very special place. It has outstanding natural, scenic and cultural values. The flora and fauna are exceptional and much is rare or unknown elsewhere. For example, there are more rare and endangered bird species in the Kakadu Region than anywhere else in Australia. Kakadu is richer in species of birds, mammals, reptiles and amphibians than any other area of northwestern Australia.

Kakadu is renowned for its sandstone escarpment and outliers, its vast wetlands and birdlife. It also encompasses lowland monsoon forests, some of Australia's richest and most extensive mangrove forests and a range of drier habitats and species on stony hills and granite ridges. In addition, the Region is known for its potential mineral resources.

The antiquity and quality of the Region's Aboriginal archaeological, cultural and art sites is internationally recognised.

The Government has recently enlarged Kakadu National Park by over 2 000 square kilometres reflecting the very great importance Australians place on Kakadu and greatly increasing the area of the South Alligator River catchment included in the Park. In recognition of the Region's international significance Stages 1 and 2 of Kakadu National Park have been inscribed on the World Heritage List imposing strong obligations on Australia to protect and conserve the natural and cultural heritage of the area. The wetlands of Stage 1 and 2 are included in the list of areas recognised under the Convention on Wetlands of International Importance Especially as Waterfowl Habitat.

The information considered by the Committee during the Inquiry highlights the complex nature of management of the Region for the long term benefit of all Australians. It is vital that the integrity which makes the Region so valuable nationally and internationally be maintained through responsible management.

The Government in making its October 1989 decision to enlarge Kakadu National Park recognised this complexity and that it could not responsibly err on the side of risk to the Kakadu wetlands. Consequently the Kakadu Conservation Zone has been almost entirely incorporated into Stage 3 of the Park. A new 48 square km Conservation Zone is the subject of comprehensive and concurrent inquiry processes relating to land use options for the entire Zone. A Resource Assessment Commission (RAC) inquiry is covering environmental and economic considerations. A second inquiry, being conducted by the Chairman of the RAC and using common resources, is examining Aboriginal heritage

issues related to an application for protection of the Sickness Country (which includes the Conservation Zone) under the Aboriginal and Torres Strait Islander Heritage Protection Act 1984. A decision on the Coronation Hill Project will be made following the Government's consideration of reports from these two inquiries.

Many of the Committee's recommendations are already encompassed by existing Government policy and procedures (Recommendations 3.92, 3.109, 3.113, 3.114, 3.146, 3.147).

The Plan of Management for Kakadu National Park and the operations of the Australian National Parks and Wildlife Service (ANPWS) are consistent with many of the Committee's recommendations (Recommendations 2.42, 2.43, 2.44, 2.51, 2.54, 2.67, 2.85, 4.19, 4.32, 4.37, 5.22, 5.27, 6.53).

Other recommendations relating to ANPWS and the Office of the Supervising Scientist (OSS) (Recommendations 3.96, 4.25, 7.33, 7.35) have been addressed by the Government in reviews of the role and functions of both the ANPWS and the OSS.

Several recommendations relate to Park management policy (Recommendations 2.47, 7.18, 7.19). A Board of Management for Kakadu National Park was established on 26 July 1989. The Board has a majority of Aboriginal members representing the traditional owners. Considering the statutory roles of the Board and of the Co-ordinating Committee for the Alligator Rivers Region, it does not seem appropriate for a position on the Co-ordinating Committee to be identified for the Board Chairman (7.35). The Board has jurisdiction only in Kakadu National Park. The Conservation Zone Advisory Committee (COZAC) has jurisdiction only in the new 48 square km Conservation Zone outside the Park. The Committee recommended that the terms of reference of COZAC be changed so that COZAC provides advice to the Kakadu Board of Management. COZAC was set up to guide management of the Conservation Zone and it seems inappropriate for the COZAC to provide advice to the Board (7.46).

The Committee recommends the assessment by ANPWS of the desirability of an Aboriginal cultural centre within Kakadu National Park (Recommendation 2.45). The possibility of an Aboriginal cultural centre in the Park has been under consideration by the ANPWS for some time and a firm proposal is being developed in close consultation with Aboriginal groups.

The Committee recommends that ANPWS take steps to coordinate a detailed long-range tourist strategy for the Park which, inter alia, covers expected visitor numbers, the growth in visitor numbers at particular destinations within the Park, the maximum visitor carrying capacity of different areas and the optimum pattern of tourist infrastructure (Recommendation 2.91). The Government supports such a concept, but it should be stressed that there is difficulty in assessing such a maximum carrying capacity. The concept of carrying capacity can be misleading since there is no fixed

carrying capacity for a site - the capacity depends on a number of variables including psychological factors (the expectations of visitors) and management (the nature of site development).

The Committee recommends compensation for commercial fishers displaced from Kakadu National Park (Recommendation 5.23). The Commonwealth has a responsibility to manage the fish resources of the Australian fishing zone. Under that charter, management arrangements are put in place which have a direct impact on the livelihood of fishers. In no instance have payments been made where such management measures have adversely affected the fishing activity or income of fishers and the Government does not intend to create a precedent in this instance. In Kakadu, the affected fishery is managed by the Northern Territory Government under Territory legislation and few commercial fishers were affected by the Commonwealth decision. The Park has many values other than its potential use for commercial fishing. There is significant pressure on the Region already from amateur fishing. The Government had to balance the expectations of these recreational anglers, the sustainability of the resource, and the heritage values of the Region.

The issue of maintenance of buffalo herds to meet Aboriginal needs was addressed by the Committee (Recommendation 6.45). The ANPWS has been working with the Gagudju Association, which represents the traditional owners of Stages 1 and 2 of the Park, to consider establishing a controlled buffalo herd free of brucellosis and tuberculosis in the Park. This project has commenced and a herd is now established. The proposed buffalo park south of the Mary River, discussed in the Committee's Report, is not on Commonwealth land and is outside Commonwealth jurisdiction.

The Committee made a series of recommendations in relation to OSS research operations (Recommendations 3.83, 3.88, 3.90 3.95). The OSS has ongoing research programs to enable it to advise the Government of the appropriate environmental guidelines and safeguards for protection of people and the environment of the Region from the effects of uranium mining and the effects of any non-uranium mining operations which may take place in the Conservation Zone. The OSS research program in the Conservation Zone aims to provide that basic knowledge and understanding of environmental processes necessary to ensure that control measures are soundly based, and that monitoring programs are effectively and efficiently designed.

It is not possible at this stage to provide a definitive statement of the Government's position concerning those recommendations on mining and exploration in the Conservation Zone (Recommendations 3.109, 3.113, 3.114). The Government will give further consideration to these matters following completion of the RAC and Aboriginal heritage inquiries.

The practicability and implications of a levy on exploration and mining activity in the Conservation Zone (Recommendation 7.41) as proposed by the Committee will be addressed by the

Government if exploration and/or mining proceeds in the Zone following the RAC and Aboriginal heritage inquiries. This will be pursued with the joint venturers should the project proceed.

The Committee recommends that a full and detailed plan for rehabilitation should be required before any mining operations are allowed at Coronation Hill (Recommendation 3.108). The Government endorses the concept of rehabilitation planning as an integral part of the orderly development of any mining project.

Aboriginal concerns with respect to exploration and mining in the Conservation Zone are addressed in Recommendations 3.133, 3.134, 3.146 and 3.147. These concerns are being addressed by the RAC and Aboriginal heritage inquiries.

The Government thanks the Committee for its report which clearly identifies the significant environmental and cultural values of the Region and the need for strict control of all activities in the Region to protect these values.

What we have in Kakadu is an outstanding example of the original Australia. Much of the value of the area stems from the fact that there has been relatively little human disturbance. Unlike other areas of our continent which have been overrun by goats, donkeys, rabbits or weeds, relatively few introduced species or pests have become established. No native species have been lost since European colonisation. The Government will continue to give the protection of this globally significant area a very high priority and will not allow any activity that poses the risk of unacceptable damage to the environment.