



Speech by

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MEMBER FOR CURRUMBIN

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SPORTS DRUG TESTING AMENDMENT BILL

Mrs STUCKEY (Currumbin—Lib) (5.01 pm): It is indeed a pleasure to rise to add my contribution to the debate on the Sports Drug Testing Amendment Bill 2006. I would like to acknowledge the lively speech that was given by the honourable member for Toowoomba South as shadow minister for this portfolio. As members heard from all of the coalition speakers, we will be keenly supporting this bill.

As stated in the explanatory notes the main objective of this bill is to align Queensland's sports drug testing legislation with new Commonwealth legislation and Australia's commitment to the World Anti-Doping Code. In doing so the bill aims to maintain a strong stance against doping in sport. This bill changes little of the Sports Drug Testing Act 2003. It purely confers similar powers upon the new Commonwealth antidoping authority to the powers that were conferred on the previous Commonwealth antidoping authority.

Clause 2 provides that the Sports Drug Testing Amendment Bill amends the Sports Drug Testing Act 2003, whilst clauses 3 to 5 amend the terminology used within the Sports Drug Testing Act 2003 to reflect the terminology adopted by the new Commonwealth legislation.

Clause 6 will remove the current section 6 from the Sports Drug Testing Act as it now has become redundant under the broader scope of the Commonwealth legislation. Clause 7 omits the current part 3 of the act and replaces it with a new part 3, which provides for agreements between the state and Commonwealth to allow for antidoping testing services and educational services about doping in sport to be provided to state athletes by the Australian Sports Anti-Doping Authority. Clause 8 amends section 11 of the act to reflect the Australian Sports Anti-Doping Authority's new power under the Commonwealth legislation to test state athletes under 18 years old with the consent of the athlete's parent or guardian.

The need to introduce these amendments in order to realign Queensland's sports drug testing legislation with that of the Commonwealth has come about as a result of changes to the Commonwealth legislation. Prior to those changes in 2006, Queensland's Sports Drug Testing Act conferred the powers to the Commonwealth, allowing the now defunct Australian Sports Drug Agency to provide drug testing and drug education services to Queensland athletes under the Australian Sports Drug Agency Act 1990.

However, in more recent years there has been an international push to synchronise antidoping practices worldwide. I do not think that any members of the House would disagree with that initiative. As such, in March 2003 the Commonwealth government adopted the World Anti-Doping Code and ratified the United Nations Educational, Scientific and Cultural Organisation's International Convention Against Doping in Sport in January 2006. In order to bring the Commonwealth's sports antidoping legislation into line with its commitments under this United Nations convention, the Commonwealth enacted the Australian Sports Anti-Doping Authority Act 2006. This act established the Australian Sports Anti-Doping Authority, which replaced the Australian Sports Drug Agency as the national sports antidoping body and conferred wider powers and functions upon the new authority. In light of these changes to Commonwealth legislation regarding antidoping in sport, the Sports Drug Testing Amendment Bill 2006 is necessary to rectify the inconsistencies that have been created within the current Queensland legislation.

Specific drugs are not defined in the legislation—either at state or Commonwealth level. Prohibited substances are set by the relevant association for each specific sport and under the Commonwealth legislation—the ASADA—can test for any prohibited substance relevant to the particular sport that the athlete is competing in. Most sporting associations use the world antidoping prohibited list as set by the World Anti-Doping Agency. This list is reviewed annually. However, some sports do not recognise this list and write their own separate list into their antidoping policy.

As there are so many different performance-enhancing drugs available, it is hard to determine which one is the most frequently abused. Just as the different medications alleviate different ailments, different performance-enhancing drugs are effective in different sports. According to an article written in 2005 by David Gerrard, who sits on the board of the World Anti-Doping Agency, the most popular types of misused drugs are anabolic androgenic steroids and glycoproteins, such as human growth hormone.

Cheating in sport has long been abhorred in this, our sport-loving nation, and the use of prohibited drugs by athletes is seen as particularly heinous. On 23 March this year Prime Minister John Howard said, 'You can't be tough enough when it comes to drugs.'

Many Australian athletes have fallen from grace owing to drug use. Shane Warne was banned for a year after returning a positive drug test ahead of the 2003 Cricket World Cup.

Mr Nicholls interjected.

Mrs STUCKEY: I take that interjection from the honourable member for Clayfield. I think Shane faces bans from another member of his family. In 2006, Rugby Union star Wendell Sailor tested positive for cocaine and received an automatic two-year suspension. Illicit drugs such as cocaine and MDMA, or ecstasy, are also classed as performance enhancing if they are detected during competition. It can be argued that these drugs have the potential to stimulate or relax an athlete and, therefore, improve their performance. Sailor had not taken cocaine for the best part of a week and, therefore, he did not think that it would show up in a random urine sample.

Even a suspicion of drug use is enough to taint an athlete's reputation. News that one of our greatest swimmers, Ian Thorpe, was under investigation for a suspicious drug test last year rocked Australia. The abnormal test result cast a shadow over Thorpe's illustrious career. Only a couple of months ago Australians learned that Ian Thorpe's name was cleared by the Australian Sports Anti-Doping Authority. In March this year it was revealed that the international body FINA called in the Court of Arbitration for Sport to probe a test that Thorpe took in May last year. Thorpe, who retired in November 2006, commented to one media source—

My reputation as a fair competitor in swimming is the thing I value most.

...

I took my obligations to comply with the anti-doping codes very seriously and prided myself on this.

In another highly publicised case a few years ago antidoping policies did not automatically spell doom and gloom for all athletes. Australian swimmer Samantha Riley successfully contested a positive drug test in the lead-up to the 1996 Olympic Games. Riley argued that she inadvertently consumed the banned substance in a headache tablet and ended up receiving only an official warning rather than a ban.

However, the damage is done to reputations and it is not just the reputation involved; it brings the country that these athletes represent into disrepute. I ask members to take a look at the Chinese swimming team, which was constantly hounded by drug scandals during the 1990s. For instance, during the 1998 world championships four Chinese swimmers tested positive for banned substances and vials of human growth hormone were found in breaststroker Yuan Yuan's luggage. That is but one example. Since 1990 over 40 Chinese swimmers have failed drug tests, which is more than triple the number from any other swimming team from any other country during the same time. The result is that, thanks to a generation of cheaters, up and coming Chinese swimmers will be competing under a shadow of doping doubt for many years to come.

It is for these reasons that these legislative amendments are necessary. Queensland and Australia as a whole needs to toughen and unify its stance against doping and also the taking of illegal drugs in sport to ensure the integrity of both Australian athletes and elite sporting events held in Australia. We must continue to strive to provide a fair playing field.

Recent news of Andrew Johns's drug abuse throughout the many years of his illustrious career sent shudders through the football fraternity. Thousands of children who held Johns up as their role model have been cruelly short-changed by a person who played Russian roulette with his drug taking between matches. While some people no doubt feel a degree of sympathy for him, there really is no excuse for an elite, highly paid athlete to cheat his team, his sport and average Aussies who worshipped him as a sporting hero. Johns had the money and access to specialist help at his fingertips, unlike many Australians who have unmet needs and suffer from challenging illnesses.

I hear the argument time and again that high-profile footballers in particular despise the words 'role model' and some feel they should not be treated more harshly than other members of the community on drug charges. After all, many of them have little life experience as they are plucked as potential youngsters and groomed for the game and also for fame. Receiving enormous amounts of money, fame and all the other trappings that accompany sports star status, they have few real skills to equip them in handling the pressure that this fame brings. However, the fact remains that the higher the profile, the higher the influence of the role model and, as they say, the price of fame. At least by being caught, Johns was forced to admit he had a problem. Rather than putting forward mental illness as an excuse, I hope he will commit himself to undergoing whatever counselling and therapy that his treating medical professionals recommend. In common with many members of this House, I enjoyed watching Joey, even though he was from over the border, displaying his remarkable talents on the field on numerous occasions. I wish him a clean and full recovery.

Sporting bodies such as the ARL, NRL and AFL have a responsibility to their players and to keeping their respective codes clean and drug free. Failure to do so is not only irresponsible but it could result in the death on or off the field of a player, as was the case with the tragic passing of ex-AFL player Chris Mainwaring and the alleged drug use of Ben Cousins, also from the west coast of Australia.

But it was Wendell Sailor who received a tough sentence compared with those received by the general community. It was Wendell who commented that drug use is less common among footballers than people of the same age group in the wider community. When out and about speaking to kids about the dangers of drugs, Wendell was frightened by what he heard and the extent of drug use amongst young kids in the bush and the cities. I hope for Wendell's sake that he enjoys the clean life and a return to the game that has brought him pinnacles and also some troughs. I hope he can influence young Australians in a positive and inspirational way.

Marion Jones, another in a long line of fallen heroes, or villains depending on people's stance on sports cheats, pleaded guilty in New York last week to using steroids in the lead-up to the Sydney Olympic Games. That plea meant that her three gold and two bronze medals had to be forfeited and her reputation was left in tatters. Ben Cousins, as I mentioned, is the most recent high-profile sportsman to be caught in possession of drugs. The message that this sends to our youth and society in general is wrong, so terribly wrong.

This week Senator George Brandis announced the Howard federal government's \$20.8 million Tough on Drugs in Sport initiative to provide a voluntary regime for out-of-competition testing for illicit drugs. In response to a growing community concern about the use of drugs by sportsmen and women, this initiative will encourage sports to adopt sanctions which ensure consequences apply from the first illicit drugs breach. He said—

Sporting codes will need to adopt testing regimes that apply sanctions to players after each positive test—this sends the message that drug use will not be tolerated.

I would like to add my congratulations to former premier and federal minister John Fahey who, it was announced on television last evening, will become head of the World Anti-Doping Agency in the new year. I am sure he will bring integrity and sensitivity to the role as well as enormous passion to help keep our athletes drug free.

The AFL needs to support the strongest illicit drug policy, especially in light of Ben Cousins and others. Coming from the southern states, I grew up absolutely adoring this game and I have to say that it is disappointing to see so many of their players now receiving slaps on the wrist. We must not worship the almighty dollar over the welfare of an individual. In the quest to be a top sportsman and celebrate the best, let us not lose sight of the human being in the middle.

I wish to commend the Howard government's continued commitment to zero tolerance of drugs in sport. I also commend this bill, which follows in the footsteps of Commonwealth legislation and Australia's commitment to the World Anti-Doping Code. There should be no such thing as a consequence-free positive drug test.