



Speech by

## John-Paul Langbroek

**MEMBER FOR SURFERS PARADISE**

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### SPORTS DRUG TESTING AMENDMENT BILL

**Mr LANGBROEK** (Surfers Paradise—Lib) (5.37 pm): It is my pleasure to rise to speak to the Sports Drug Testing Amendment Bill 2006. I am pleased to offer my full support for the bill and note the contribution of the member for Toowoomba South, the shadow minister. This bill was introduced by the member for Mount Coot-tha and now has carriage by the Minister for Police, Corrective Services and Sport. I commend the former minister for his initiative in amending Queensland's antidoping legislation in order to achieve uniformity with the Commonwealth's Australian Sports Anti-Doping Authority Act 2006.

The Queensland coalition endorses the amendments to Queensland's Sports Drug Testing Act. These bipartisan amendments are necessary to align Queensland's sports drug testing legislation to new Commonwealth legislation and underline our commitment to upholding the integrity of our athletes and proud sporting tradition in Queensland. Australia has taken a tough stance with regard to drugs in sport. Only recently the Prime Minister stated, 'You can't be tough enough when it comes to drugs.' As a nation we are at the forefront in detecting and deterring the use of drugs and doping methods in sport. The fact that very few Australians have been disgraced on the international stage for taking performance-enhancing drugs is testament to the fact that our national policy against drugs in sport is working.

It is a little disappointing to see that the number of Australians who have been involved in doping cases is increasing. Many times, Australians do not want to believe that fellow Australians would be involved in such matters. I will refer to a research brief commissioned by my colleague, the member for Clayfield—

**Mr Nicholls** interjected.

**Mr LANGBROEK:** My learned friend, the member for Clayfield. He commissioned a Parliamentary Library research brief which under the heading 'Australian sports people in doping cases' stated those who had—

1. Been suspended by a sporting body ... for illegal performance-enhancing drug, and/or banned drug, use
2. Publicly admitted such use
3. Been found to have taken illegal performance-enhancing drugs by a court of law
4. Been suspended by a sporting body for failure to submit to mandatory drug testing

That list includes people like Nathan Baggaley, Mark Bosnich, Sergo Chakhoyan, Justin Charles, Wendell Sailor, Mitchell Sargent and Shane Warne. We have heard some very prominent names mentioned in the chamber today. It is very disappointing and it shows the pressure that our Australian sports people are also under in an effort to win and perform to the best of people's abilities but with some sort of assistance.

We all know about the 2000 Olympics, which people have been talking about with regard to the Marion Jones incident. I did attend the Olympic Games in 2000 for a couple of events. I did not see the 100 metres or Marion Jones compete, but it was a remarkable experience. I think most of us who remember it cannot believe that as recently as 2000 there could have been an athlete proclaiming her innocence. We all want to believe in people's innocence, so it was very disappointing to see what happened recently in the Marion Jones case.

Internationally, the use of performance-enhancing drugs started becoming more prevalent at the turn of the 20th century, but instances of doping methods predate the modern Olympics. I want to refer to something else that I found out. From a historical point of view, the start of the more specific search for the substance forming boys into men was when in 1889 Harvard Professor Charles-Edouard Brown-Sequard self-injected subcutaneously a 'rejuvenating elixir' consisting of an extract of dog and guinea pig testicle. He reported in the *Lancet*—that fine journal of medicine—that his vigour and feeling of wellbeing were markedly restored but, predictably, the effects were transient. In 1927, Koch—and that is not David Koch from *Sunrise*—and his student, Lemuel McGee, derived 20 milligrams of a substance from a supply of 40 pounds of bull testicles that when given to castrated roosters, pigs and rats remasculinised them.

The Organon group in the Netherlands was the first to isolate and identify the hormone—the good old Dutch, at the forefront of scientific experiments. In 1935 the paper 'On crystalline male hormone from testicles (testosterone)' by KG David, E Dingemanse, J Freud and E Laqueur appeared. The chemical synthesis of testosterone was first reported in 1935 by A Butenandt and G Hanisch. Only a week later the Ciba group in Zurich announced a patent application. These independent partial syntheses of testosterone from a cholesterol base earned both Butenandt and Ruzicka the joint 1939 Nobel Prize. So we can see that it goes back a long way. I note also from the research brief that as early as 1963 France had been the first country to enact antidoping legislation.

In 1967 the International Olympic Committee—IOC—mandated a ban on doping in sport. Since then, through the efforts of the IOC, the World Anti-Doping Agency—WADA—as well as individual nations, we now collectively fight the scourge of performance-enhancing and illicit drugs in sport which undermine the integrity and spirit of the game.

The bill before the House effects a number of changes pursuant to Queensland's and Australia's obligations in this international fight against drugs in sport. On the front line of this battle is the WADA, established under the Lausanne declaration, born of the IOC World Conference on Doping in Sport. The 1999 conference, held in Switzerland, was convened by the IOC following the doping scandal which plagued the Tour de France a year earlier. The scandal highlighted the need for a standardised, international approach to antidoping and was the impetus for the establishment of the World Anti-Doping Agency, responsible for promoting, coordinating and monitoring the fight against doping. One of the tasks charged to WADA was the development of a universal World Anti-Doping Code, which sets out a framework for effective antidoping rules and programs across all sports and countries. The Australian government ratified the code in 2003, and in doing so adopted a series of binding clauses; namely, those stipulating a list of banned substances and imposing a mandatory two-year suspension for athletes caught competing in contravention of the world policy on antidoping.

Australia reiterated its commitment to the fight against doping in sport by signing the International Convention Against Doping in Sport, instituted by the UNESCO. Subsequently, the federal government brought in the Australian Sports Anti-Doping Authority Act last year, giving legal effect to Australia's commitment under the international convention. The Sports Drug Testing Amendment Bill before the parliament harmonises Queensland and Commonwealth legislation in this respect.

Clause 4 of the bill amends the short title of the act to 'Sports Anti-Doping Act' to promote consistency between state and federal legislation. Many of the subsequent clauses are also to this effect. The principal change is contained in clause 5 of the bill, which seeks to clarify section 3 under part 1 of the act, setting out the objectives of the legislation. Whereas under the previous act the objects were to be achieved primarily by conferring functions and powers to the former Australian Sports Drug Agency to carry out drug testing of Queensland athletes, the amendments contained in this bill will provide for the state to enter into an agreement with the new Commonwealth agency to carry out this function, as well as educating athletes about drugs in sport. This function is more thoroughly detailed in clause 7 of the bill.

In his second reading speech the former Minister for Local Government, Planning and Sport, and now Treasurer, stated that the agreements formed under the new part 3 will be fundamental to Queensland's Drug-Free Sport Program and its antidoping policy. It is important to note that the changes this bill effects give Queensland a greater role to play in the national fight against antidoping. The new legislation facilitates a closer working relationship between the minister, the Queensland government and state sporting organisations and the Australian Sports Anti-Doping Authority. The bill gives state based groups the opportunity to assist the ASADA and the Commonwealth in identifying the priorities and services needed to achieve and sustain a drug-free state when it comes to elite sport.

I would encourage the Minister for Police, Corrective Services and Sport and her government to exploit this opportunity as far as is practicable so that Queensland becomes a global leader in antidoping practices. This will involve enhanced dialogue between the government, the Queensland Academy of Sport, state sporting organisations and other stakeholders to formulate a war plan against doping in sport as well as distinguishing targets and priorities for Queensland sport. Focusing on athletes at a state level enhances the likelihood of exposing the few rogue elements of elite sport before they reach a high-profile international level. Such measures as these amendments will only produce more positive outcomes for Australian sport.

The other element of the Sports Drug Testing Amendment Bill that should be commended is that pertaining to young athletes under the age of 18. Under the current Sports Drug Testing Act 2003, Queensland's underage athletes may only be subject to drug testing with the written consent of a parent or guardian. Commonwealth legislation does not require the ASADA to seek parental permission before drug testing young athletes. I would like to note, however, that whilst the Commonwealth agency is not legally required to notify a child's parent or guardian where an underage athlete is obliged to submit to drug testing, it is currently common practice for the ASADA to inform the parents or guardians about the rights and responsibilities of their young athletes.

Clause 8 of the bill reflects the new powers of the ASADA to test state athletes under Commonwealth legislation but also prescribes a method by which consent may be provided. I commend the minister in codifying this process and I am supportive of her efforts in seeking endorsement of this process at the federal level. It is important that all athletes, regardless of age, be subject to and expected to uphold Australian and international antidoping policies, but I also believe younger athletes should be protected through parental guidance. In essence, this bill underlines Queensland's commitment to upholding the integrity of our athletes and proud sporting tradition in Queensland.