



WORLD ANTI-DOPING AGENCY

INDEPENDENT OBSERVER REPORT

2003 DAVIS CUP FINAL
AUSTRALIA v SPAIN
MELBOURNE, 28-30.11.03
AUSTRALIA

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1. INTRODUCTION

WADA was invited by the ITF to send an Independent Observer (IO) Team to the Davis Cup Final in Melbourne, Australia, November 28-30 2003. The exercise was to be carried out in a manner consistent with the objectives and requirements of the IO Program which are summarised as follows:

The Independent Observers Program has been initiated with the fundamental objective to promote open and transparent doping control procedures by helping to ensure a fair, impartial doping control process. Achieving this objective contributes to enhancing the confidence of the athletes and public. It also leads to improvements of the current anti-doping measures and procedures.

Therefore, the primary role of the Independent Observer is to observe, audit and report on all facets of the doping control operations in an objective and unbiased manner.

For full details refer to the WADA website (www.wada-ama.org).

Given the size of the event a small team of David Howman (Director-General of WADA) and Graeme Steel, (Executive Director, New Zealand Sports Drug Agency) was appointed. Arrangements were confirmed only a couple of weeks prior to the event and the ITF are to be congratulated for the way in which they facilitated the Observation at such short notice.

Testing was to be carried out according to ITF rules and protocols and responsibility was given to International Doping Tests and Management (IDTM) to conduct the controls. IDTM Officials both at the event and at head office were extremely helpful and provided every assistance to the IO Team.

2. SCOPE OF OBSERVATION

a. ITF Rules and WADA International Standard for Testing

While the testing was conducted under ITF rules the IO Team took the opportunity to review the relationship between those rules (and their application in this instance) to the International Standard for Testing which is a mandatory element of the World Anti Doping Code effective in 2004.

Generally speaking the ITF "Tennis Anti-Doping Programme 2003" sets out a good, clear and comprehensive set of requirements which provide for a process which, when applied accurately, should ensure reliable results and proper safeguards to protect athletes. The 'Programme' already aligns closely with the WADA Testing Standard. However, there will be some adjustments required to bring it completely into line. Some of these were highlighted during the observation and will be referred to in relation to the observations listed below. The comments below focus particularly on areas which the Team believes may be worthy of re-consideration but these should be read in the context of the overall conclusion, which was that the testing was carried out according to sound processes and in a very professional manner.

b. Player Notification and Observation:

All players who competed were tested. Their activities on court after the completion of the match were not observed by the Chaperones who waited under the stand. As players exited the playing arena they were met by the Referee who briefly introduced the player to the Chaperone. The Chaperone then presented the Notification Form (part of the Doping Control Form) to the player and accompanied him to the changing room. While not directly observed it was apparent that in some instances it took a long time – up to an hour - to obtain the player's signature on the Notification Form.

A limited amount of information about the doping control process is available on the athlete copy of the form. However this copy is toward the back of the multiple sheet form and is not readily apparent at the time of notification. This section of the Form is given to the athlete at the end of the sample collection session. There was no additional material which gave information to the athletes about the process, nor did the chaperones (in any of the situations observed) give any orally. Specifically players were not warned about drinking or eating from unknown and/or unsealed sources.

In one case a member of the IO Team accompanied the chaperone and player into the changing room and the chaperone was seen to carry out his task discretely and in an appropriate and professional manner. (This was not done on every occasion in order to limit any intrusiveness felt due to the presence of the Observers.)

Players did not attend the Sample Control area within the stipulated hour in most cases. In some instances this was due to media commitments but in others the impression was that it was due to a reluctance to attend until it suited the player. The radio communication system did work extremely well however in ensuring that the DCO knew what was happening. The players were chaperoned at all times and the delays were not extensive.

The Chaperones were well presented, carried out their functions diligently, and dealt well with the players. They were not, however, particularly experienced, nor apparently, trained in how to deal with unusual circumstances. The first response to any out of the ordinary situation was to contact the DCO by radio (a luxury not usually available at other events) which may not always have provided the decisive response called for. For example, during conversations with them, it was apparent that they had no expectation that they should warn a player of the implications of refusing to undergo a test should such a prospect have arisen. (A brief reference to this is written on the athlete copy of the notification form but this appears on the back page and is neither immediately evident nor did the players have their attention drawn to it.)

Recommendations:

- 1) *Chaperones should observe Players from the end of the match until notification.*
- 2) *The involvement of the Referee in introducing the Player to the Chaperone, while perhaps representing a courtesy, on balance does not add anything to the process. (Note Testing Standard s 5.3.9)*
- 3) *Written information should be available to the players at the time of notification setting out the core "rights and responsibilities" the player has during the process. (Note Testing Standard s 5.4.1)*
- 4) *An immediate signature acknowledging notification should be insisted upon once the player has had opportunity to clarify any questions about the process. (Note Testing Standard s 5.4.3)*
- 5) *Chaperones should receive some training in problem solving enabling them to respond to the more common issues which might arise, without reference to the DCO. (Note Testing Standard s 5.3.2)*
- 6) *Chaperones need to be clear on how to apply the one hour limit.*

c. Sample Collection

The Sample Collection Station was set up within the confines of the Stadium and a 2-3 minute walk, through a restricted area, from the changing rooms. The Area itself was well appointed for the purpose with separate waiting and administration areas the latter with a curtained toilet area (including mirror). Comfortable chairs and television were provided as well as sealed drinks. Fruit was also available; this has been questioned in previous IO reports as being inappropriate and might be reconsidered in the future. A lockable refrigerator was provided in the administration area and it was kept locked at all times when the room was unattended. Similarly the administration room was locked at such times. On a couple of occasions other people who use the facility for its usual purpose tried to gain entry but did not interfere with the process and there were sufficient measures in place to ensure they could not.

IDTM appointed two Doping Control Officials (DCOs) for the event.

They were very helpful towards the Independent Observers and generally had a manner which facilitated the process both when dealing with the chaperones and players.

In every case players only attended the Station at a point when they were able to immediately give a full sample. All players were familiar with both the Berlinger equipment being used and the process and, if anything, tended to rush ahead a little too quickly. All players were properly witnessed giving a sample, a process assisted by "footprints" marked on the floor and a mirror.

In some cases the players were (perhaps understandably) less than enthusiastic about the process and took too long to attend but generally speaking they were compliant and courteous. This applied to their support staff as well.

The DCOs went through the necessary steps in a methodical and efficient manner. Because of the familiarity of the players little instruction or clarification was needed. However an initial inquiry about whether or not they were familiar with the process, and did they want anything clarified, would be good practice.

At one point a Team Doctor wanted to submit a list of medications when the athlete was not present. While this was clearly a new matter for the DCO a reasonable response was made. A comprehensive manual of procedures was available (from IDTM) and was referred to from time to time.

Subsequent and appropriate communications with the IDTM headquarters established that no Medical declarations or Therapeutic Use Exemptions existed for any of the players tested.

Recommendation:

A more decisive position should have been taken with respect to the tardiness of players attending within the hour.

Either it constituted an important breach of the rules which should have been rigorously enforced or it was a relatively unimportant matter, given the circumstances (all players chaperoned, no pressure of time or numbers of athletes being tested) and the relaxed position conveyed to the Chaperones. (In the IO's view it was the latter and there was little to be gained by officiously enforcing the rule.)

d. Despatch of samples:

All samples were kept together and taken home by the DCO to be despatched the following day (1st of December) using DHL. The samples arrived at the Sydney Laboratory on December 2. The Bag seal number was not available when the IO Team departed. However the sample seal numbers on the laboratory report matched those on the Doping Control Forms and the Laboratory advice Form.

e. Results:

Results were received by the IO Team, directly from the Laboratory, according to instructions. A "full screen" was applied to all samples and all results were negative.

f. Forms

The Doping Control Forms provided and their manner of use raised a few issues which could be easily remedied:

1. The nationality of the competitor is set out in a place in which it would be apparent to the Laboratory. In a case such as this, involving a limited number of players it could well be apparent who the individual was. This was solved by this information being written in the section above but the form should be altered.
2. An alteration to the time of arrival of one player was made and countersigned by the player. This is a section of the Form which is seen by the laboratory and therefore the player's signature should not be placed there.

The signature could have gone a little higher up in an area obscured from the lab, the matter could have been covered off in the comments section or a new form could have been completed.

3. There is a place for the “doping officer” and a place for the “doping officer assistant” to sign the form. It is not explicit what the respective duties of these two are and in particular which one was responsible for witnessing the provision of the sample. (Note Testing Standard annex C.4.8))
4. Most critically, the section entitled “Confirmation” where final signatures are required refers solely to “IAAF” rules. Clearly this is a matter with potentially serious implications and has been raised by previous IO Teams with respect to paperwork provided by IDTM.

The Chief DCO was aware of the authority of the IO Team to attend and observe but had not been given any written notification of what the IO Team were able to expect from her. In particular it had not been made clear that the Team were entitled to receive copies of the Doping Control Forms and other relevant documents. Given that, the DCO was initially reluctant to pass them on to the IO team. The Team was able to provide sufficient documentation to satisfy the DCO that copies should be provided but it would have been better for IDTM/ITF to have provided this instruction directly. It is understood that the late arrangement of the Observation contributed to this lack of awareness.

Recommendations:

- 1) *The Forms need to be altered to ensure that errors are fixed and they correspond to the sport being tested.*
- 2) *Players should not sign/initial the Form in any section which will be visible to the laboratory staff.*
- 3) *Testing Officials should be fully informed, in advance, of what responsibilities they have with respect to co-operating with IO teams.*

g. Conclusions

This event provided a very easy environment in which to provide doping control services.

The operation was very well arranged by the ITF, local organisers from Tennis Australia who set up the facilities, and the IDTM staff.

The testing was conducted with a high level of professionalism although some issues have been raised above, and a couple at least need to be addressed quickly. Nevertheless most were minor and it is the view of the Team that the process was, in general, one in which athletes could have considerable confidence.

The Team of testing Officials and particularly the DCO's are to be congratulated for the quality of their work.

3. MEMBERS OF THE INDEPENDENT OBSERVERS TEAM

- Mr. Graeme Steel – Doping Control Expert (NZ)

Chair of the Independent Observers

Executive Director, New Zealand Sports Drug Agency

- Mr. David Howman –Legal Expert (NZ)

Independent Observer

Director General, WADA