

CHAPTER TEN

THE BLACK/WHITE MARKET OF DRUG SUPPLY

HOW LUCRATIVE IS THE BLACK MARKET IN PERFORMANCE DRUGS?

10.1 In an article in The Courier Mail of 23 February 1989, allegations were published that anabolic steroids were readily available at Archer's Gym in Brisbane. The gym proprietor, Mr Gary Jensen, was reported to have emphasised that it was almost impossible for proprietors to keep anabolic steroids out of their gyms. Mr Jensen, however, confirmed that there was 'big money' to be made in steroids.

10.2 Another gymnasium proprietor advised that were he to take up the sale of steroids, it could be most lucrative. Mr Phillip Kabakoff stated:

I could, quite conceivably, have quite a nice little underground operation from my facilities selling steroids on the black market; there is no doubt about that.
(Evidence, p. 2306)

10.3 A third gymnasium proprietor, Dr Brian Ross, when asked whether there was money to be made from black market performance drugs responded:

I really cannot comment on that. I know that the drugs are sold at exorbitant prices, grossly inflated at the rate of 200 percent or 300 percent on the actual cost of the drug.
(Evidence, p. 2457)

This view was supported during evidence received in camera. There the Committee was told that profit on the sale of a bottle of performance drugs would be \$70 or \$80 a bottle. (In Camera Evidence, p. 1250) Further, a former dealer in performance drugs, Mr Grant Ellison, advised the Committee:

Remember that steroids now have risen a touch and are still very, very expensive, so a \$2000 lot would not fill the corner of a shoe box. (Evidence, p. 3861)

10.4 This kind of evidence was confirmed by two medical practitioners. The sports medicine practitioner, Dr Peter Brukner advised that he knew of people who spent \$1,000 a week on performance drugs. (Evidence, p. 3544) And Dr Gavin Dawson suggested:

Gymnasium owners can make over \$5,000 a year and the drug pusher up to \$50,000 a year all tax free. (Evidence, p. 1308)

OVERSEAS SOURCES

10.5 There would be a number of methods of importing black market performance drugs. Three methods were reported to the Committee - accompanied baggage, international mail and direct importation.

Accompanied Baggage

10.6 The Committee is aware that large quantities of performance drugs have been imported into Australia by individuals in their accompanied luggage.

10.7 The champion bodybuilder and marketer of vitamins and other bodybuilding 'supplements', Mr Peter McCarthy advised the Committee that his brother-in-law, Mr Don Mahoney travels frequently between Australia and the United States. (Evidence, p. 2677) Mr McCarthy confirmed that, when arriving in Australia in August 1989, a quantity of steroids was seized by Customs from Mr Mahoney's baggage. The drugs were subsequently returned to Mr Mahoney following his claim that they were for his personal use. (Evidence, p. 2677)

10.8 Further, the Committee was advised by the former AIS weightlifter, Mr Paul Clark, that he had carried drugs into Australia. The drugs were anabolic steroids. Mr Clark advised

that the steroids had been purchased at various international competitions including the Panonia championships in Hungary in 1981, and the junior championships of 1981 and 1982 held in Brazil. (Evidence, pp. 646, 647)

10.9 The most recent example of a similar incident made known to the Committee involved Mr Donald Steedman of Bexley in Sydney. Mr Steedman arrived in Australia from Pakistan on 18 October 1989; on passing through Sydney Airport, Mr Steedman was found to be in possession of:

- . 1 carton (200 bottles) Proviron
- . 3 cartons (1500 ampoules) Testoviron
- . 1 carton (2000 ampoules) Deca-Durabolin

On subsequent representation to a court, Mr Steedman was released 3 boxes of Proviron and 100 ampoules of Deca-Durabolin on the understanding that they were for his personal use over a fourteen day period.

10.10 In order to present his drug importation as being entirely for personal use, Mr Steedman provided a prescription from a medical practitioner from Lahore in Pakistan. The prescription held by Mr Steedman for the drugs was written in Pakistan for the condition hypogonadism; the prescription did not specify the quantity of steroids to be taken. The Department of Community Services and Health advised the Australian Government Solicitor on 1 December 1989 that:

In respect of the issue of 'personal use' in regulation 5A(2)(c) of the Regulations, I note that in paragraph 9 of the Affidavit of Mr D B Steedman sworn on 28 November 1989 ('the Steedman Affidavit'), various dosage levels are described. Based on these dosage levels and the quantities of the substances referred to at Annexure 'C' to the Steedman Affidavit, this would indicate a 40 year supply of Deca-Durabolin and a 30 year supply of Testoviron. Given the lack of evidence provided by Mr Steedman concerning the origin, manufacture and contents of these substances, and concerns held relating to the shelf-life

of these substances I am of the view that it can not be said that the large amount of these substances are for the 'personal use' of Mr Steedman.

10.11 This view was also reflected in advice from the Chief Executive of the Australian Sports Drug Agency:

The highest recommended weekly doses for each of these drugs is:

- . Proviron - 525mg per week
- . Testoviron - 100mg per week
- . Deca Durabolin - 50mg per week

(Source MIMS Manual 1989 - IMS Publishing Sydney)

Proviron

One carton Proviron contains (200 x 20 x 25) mgs Mesterolone, ie, 100,000 mgs.

At 525 mg per week, 100,000 mg is sufficient for approximately 190 weeks (3.65 years).

Testoviron

Three cartons of 1500 ampoules of Testoviron contains (3 x 1500 x 250) mgs Testosterone proprionate, ie, 1,125,000 mgs.

At 100 mg per week, 1,125,000 mg is sufficient for approximately 11,250 weeks (216 years).

Deca Durabolin

One carton of 2000 ampoules of Deca Durabolin contains (2000 x 100)mgs of Nandrolone, ie, 200,000 mgs.

At 50 mgs per week, 200,000 mgs is sufficient for approximately 4000 weeks (76.92 years).

It should be noted that, with respect to the highest recommended doses, these three preparations would not be used simultaneously.

(Letter to Committee Secretary, 31 January 1990)

10.12 Somewhat inconsistently, Mr Steedman claimed in an affidavit seeking the release of his drugs that the goods were

'therapeutic substance' in that they are used as a synthetic form of male hormone, yet Mr Steedman sought the drugs on the grounds that they were required so that he could complete a contract for bodybuilding appearances in Pakistan. The drugs were prescribed for hypogonadism, not bodybuilding.

10.13 Further, Mr Steedman claimed that he would use the drugs 'potentially within three years'. The Committee referred this claim to Dr Nichols Keks, Head of Psychopharmacology and Psychoneuroendocrinology with the National Health and Medical Research Council. Dr Keks advised that, to consume the quantities seized of Proviron and Testoviron would entail 'heavy use consumption' as specified in a paper in the American Journal of Psychiatry, 145:4, April 1988. That paper by Pope and Katz, 'Affective and Psychotic Symptoms Associated with Anabolic Steroid Use', noted the development of affective disorder and/or psychosis. Dr Keks advised that the Proviron and Testoviron imported by Mr Steedman, if consumed over the time envisaged by Mr Steedman, would result in mental state effects at the severe end of those reported in the journal. Those effects amounted to a manic state. (Letter to Committee Secretary, 13 January 1990)

10.14 Further, however, Mr Steedman also imported 2000 ampoules of Deca-Durabolin. With regard to that steroid Dr Keks advised:

Quantity of Decadurabolin was of order of 20 to 50 times heavy abuse doses reported by Katz and Pope (ie even if used over 3 years doses taken would exceed heavy use by factor over 20). Consequences would be expected to be something of order of 20-50 times worse than noted (assuming dose-effect relationship) and there is a virtual certainty of profound psychiatric (and probably physical although not my expertise) consequences which may not be compatible with continuing existence. My comments here are speculative since there is no information concerning overdose of this degree that I am aware of.

By far the more likely possibility is that only a small fraction of the available Decadurabolin would be consumed by one person.

The dose consumed would be over 1000 times maximum recommended dose and volume of injection alone may not be physically realistic. (Letter to Committee Secretary, 13 January 1990)

10.15 The importation of performance drugs including steroids has been possible as accompanied baggage because the Customs (Prohibited Imports) Regulations previously have allowed for importation of quantities considered to be for personal use. Importantly, as is noted in Chapter 12 (para. 12.7), such importation is now not possible without permission in writing from the Secretary of the Department of Community Services and Health; an amendment to the Regulations was gazetted on 21 December 1989 making that provision.

10.16 The Committee recommended in the Interim Report that Australian athletes should not continue in a low risk category for the Passenger Control guidelines of Australian Customs. This Second Report recommends at para. 10.58 that bodybuilders be classified as a high risk category for the illegal importation of performance drugs.

International Mail

10.17 The Committee examined the suggestion that quantities of performance drugs have been distributed in Australia through the US Embassy. The unnamed 'former drug dealer' interviewed on the ABC Four Corners program of 30.11.87, and since identified as Mr Grant Ellison (Evidence, p. 3860), originally made this allegation:

There are other steroids that will come in through the docks and the wharves in various States. A lot of the guys in the US marines will bring it in, basically because they don't have to go through Customs and there's no great hassle there. (Department of the Parliamentary Library Transcript, p. 13; Evidence, p. 3859)

10.18 During in camera evidence, further reference was made to a marine at the US Embassy in Canberra. It was suggested that a

white US marine serving at the US Embassy was involved in the distribution of performance drugs. The Committee was told that the marine was a bodybuilder who:

went from being a nobody to winning everything there was to be had six months later. He really had a body that could have competed internationally and done very well. (In Camera Evidence, p. 1275)

The evidence provided to the Committee in camera alleged that:

- . the marine was stationed at the Embassy some years ago;
- . the drugs were posted to the Embassy;
- . the drugs included some that were not otherwise available in Australia;
- . they included growth hormone. (In Camera Evidence, p. 1257)

It was further suggested that the marine must have been using the growth hormone himself. (In Camera Evidence, p. 1257)

10.19 As with all allegations of this type, the Committee sought to establish its veracity. In response to a letter, the US Embassy confirmed that:

- . a white Marine departed the Embassy before the end of 1984;
- . that marine was an active weightlifter. (Letter to Chairman from Charge, US Embassy, 31 May 1989)

Further, the Embassy confirmed to the Committee Secretary the name of that Marine; the name is the same as was mentioned during in camera evidence. (In Camera Evidence, p. 1220) It was alleged in that evidence that the Marine received his drug supply through the post. (In Camera Evidence, p. 1220)

10.20 The Committee considers that the advice of the US Embassy corroborates details about the white US marine serving at the Embassy up to the end of 1984. The Committee further

considers that, while postal articles received by personnel at the US Embassy are subject to Australian Customs inspection, a quantity of performance drugs could have been received through the international post without detection.

10.21 One significant source of importation of banned performance drugs, then, probably has been international postal delivery. This judgement is supported by earlier evidence received by the Committee and referred to in the Interim Report. The former AIS weightlifter, Mr Stan Hambesis, confirmed the use of the mail as a means of importing banned performance drugs:

When I was there it was being mailed over.
(Evidence, p. 650)

10.22 Some drug importation through the international mail, however, is detected. One witness informed the Committee in camera that he had imported steroids from Spain in 1986; those drugs were intercepted by Customs although they were subsequently released to the witness on application to the Commonwealth Department of Health. (In Camera Evidence, p. 1351)

Direct Importation

10.23 In July 1987 the Western Australian Police Drug Squad found considerable quantities of anabolic steroids at the house of Mr Ken Ware in Hammersley, a suburb of Perth. Mr Ware was prosecuted under the State Poisons Act for supplying those drugs without a licence. The advice of this matter to the Committee from the Health Department of Western Australia included an attachment showing photographs of capsules of methandienone seized from Mr Ware but known to have been imported directly from India for veterinary use. (Evidence, pp. 2269-70)

DISTRIBUTION WITHIN AUSTRALIA

Background

10.24 The black market in performance drugs includes suppliers, purchasers and users. It is not realistic to believe that purchasers and users are not part of the black market, and that only sellers are. This point was put during in camera evidence to the Committee:

If you are buying, you are still involved in the black market. To me, whether you are actually the seller or you are the receiver makes no difference. They all have a knowledge of what they are doing and where they buy it from and they pass on information. So if you are a user and you pass on that information to someone else, you are as bad as the person who sells it. (In Camera Evidence, p. 1211)

Further, Mr Mason Jardine was asked whether he had been involved in the black market for anabolic steroids. He responded:

Yes, I have used them.

When asked to clarify that comment, Mr Jardine replied:

Using black market steroids, I assume, would be being involved in them. (Evidence, p. 2688)

Mail Distribution

10.25 While performance drugs have been imported through the international mail, they have also been distributed within Australia through the post. In a submission to the Committee, the Health Department of Western Australia provided a dated list of the names and addresses of people against a listing of performance drugs; the list was compiled from docket books seized from Mr Ken Ware in Perth. (Evidence, pp. 2291-9) The material provided to the Committee by the Western Australian Department of Health (as Submission No. 15) included records of interviews with Mr Paul Jordan and Mr Michael John. Mr Jordan, a horse trainer

confirmed that he obtained the anabolic steroids for Mr Ware from Mr John, the licensee of BIO-JOHN Pty Ltd of Camden Street Belmont. BIO-JOHN is a drug wholesaler. (Evidence, p. 2222-36)

10.26 Mr Joe Lopez, a gymnasium proprietor, explained to the Committee that his name appeared on the list because he had ordered steroids from Mr Ware. Mr Lopez explained that he received a booklet from 'SAA Research':

When this book was sent to us it was sent to just about every gymnasium everywhere. I actually did, even though you may think it was only for the time, but it was an actual report put out by some organisational body because there were no laws against steroids. Nobody was making any noises in those days. I then wrote away to this individual who sent me a list. On the list it said that you had to keep the prices as they were given. You had to buy five of each. So four other persons plus myself got together and we sent away for some of the products. When the products arrived they were veterinary products and they were just the products. (In Camera Evidence, p. 1353)

Mr Lopez explained that when the drugs arrived and they were marked for veterinary use, he decided not to use them. The drugs had cost about \$500. (In Camera Evidence, p. 1369) Mr Lopez stated that he had been charged and convicted of possession and supplying steroids, and was given twelve months probation. (In Camera Evidence, pp. 1376, 1377)

10.27 While there were prosecutions in Western Australia and Victoria concerning the sale of steroids by Mr Ware, the New South Wales Government has advised that in that State no such prosecutions were possible of persons who had purchased steroids through the mail from Mr Ware. The list of names of people in NSW was drawn up by the Western Australian Department of Health and is shown at Figure 10.1. The Director-General of the NSW Cabinet Office has confirmed to the Committee Secretary:

Advice recently received from the Minister for Police and Emergency Services indicates that

NEW SOUTH WALES

14.5.87	Scott Brodie Comet Depo Alexandria 2015	5 Deca 5 Primobolan 5 Test/Cyp
19.5.87	Scott Brodie Comet Drive Alexandria 2015	10 D/Bol
22.5.87	Andreas Olbrich Total Share Gym 3 Camellia Grove Bomaderry	2 Red D/Bol
26.5.87	Scott Brodie Comet Depo Alexandria 2015	3 HGH 3 Finjet
29.5.87	Bill Moore 107 Crown Street Sydney 2000	12 Primo 10 Test/Cyp 10 ml 10 Test/Cyp 20 ml 10 Orabolin 10 Noladex 20 Win-U 1 Pregnyl 6 Boldec 4 DPN
2.6.87	Bill Moore 107 Crown Street Sydney	3 Win-U 2 S/Bol 1 Primo Depo
5.6.87	Bill Moore 107 Crown Street Sydney	20 Dec 10 ml 10 Deca 20 ml 20 Win-U 10 Deca 50 10 Deca 200 10 Fin 10 Proviron 10 Linivar
5.6.87	Scott Brodie Comet Depo Alexandria 2015	10 Dia/Bol 5 Primo/D
10.6.87	Scott Brodie Comet Depo Alexandria 2015	10 Deca 2 HGH
11.6.87	Scott Brodie Comet Depo Alexandria 2015	10 D/A Bol 5 Test 20 ml

FIGURE 10.1

-2-

12.6.87	Scott Brodie Comet Depo Alexandria 2015	1 Fin 2 HGH
17.6.87	Doug Powell 24 Curranwang Street Blakehurst 2211	2 Red D/Bol 2 G.H. 3 Fin
19.6.87	Scott Brodie Comet Depot Alexandria 2015	1 GH 10 Deca
19.6.87	Andreas Olbrich Total Shape Gym 3 Camella Grove Bomaderry	5 D/Bol
22.6.87	Tony Strutt 1/46 Inwood Street WOOLLOOWIN 4030	1 H.G.H.
26.6.87	Scott Brodie c/ Geraldine Hunter Comet Depot Alexandria 2015	10 D/Bol
1.7.87	Scott Brodie c/ Geraldine Hunter Comet Depo Alexandria 2015	10 Primo/D
6.7.87	Scott Brodie c/ Geraldine Hunter Comet Depot Alexandria 2015	5 Test 20ml
(217JK)		

no action has been taken by officers of the Department's Drug Enforcement Agency to prosecute any of the persons mentioned for any offence connected with the supply or possession of anabolic steroids. They are in any case now unable to do so.

In explanation, while it is an offence in New South Wales under Section 9(b) of the Poisons Act, 1966 to supply a substance falling within the category of an anabolic steroid, there is no offence here for possession of such a substance. Action to prosecute must, however, be taken under this section within 2 years of the alleged offence being committed.

As more than this period has elapsed since the steroids were apparently supplied, it is not now possible to prosecute any person nominated for any offence. (Letter to Committee Secretary, 30 December 1989)

10.28 With regard to the person Scott Brodie whose name appears numerous times on the list, the NSW Cabinet Office advised:

There is a Constable Scott John Brodie attached to the Mounted Section, Redfern Police Complex whose details are identical with those of a person listed on the schedule. Departmental records indicate however that he joined the Police Service on the 25 March, 1988, well after the steroids were allegedly supplied. When interviewed by a Police Internal Affairs Branch investigator, this officer admitted receiving and taking steroids prior to joining the Police Service, but denied supplying these substances to any other person. No action was subsequently taken against him. (Letter to Committee Secretary, 20 December 1989)

10.29 In the same way as Mr Scott Brodie dominates Mr Ware's order list for NSW, the name Robbie Huber is prominent on the Victorian list. That list is at Figure 10.2. The Canberra powerlifter, Mr Grant Ellison provided a submission to the Committee in which he advised:

In 1986/87 after the establishment of SAA Research, Bruce Rigby, Robby Huber and I would order veterinary anabolics directly from SAA Research. I would provide cash to Rigby or

FIGURE 10.2

VICTORIA

14.5.87	Lesley (ie) Rudolf 29 Vuitier Street N. Geelong 3215	4 Test 6 Primo 3 Win U 6 Deca 3 D/Bol 1000 A/A
19.5.87	Robbie Huber 2 Jean Court Keyborough 3173	20 D/Bol
29.5.87	Robbie Huber 2 Jean Court Keysborough 3173	10 Test 5 Prime Depot
2.6.87	Joe Lopez 10 Gaunt Street Lara 3212	5 Deca 200 5 Primo 3 Test/cyp 4 Primo Tab
5.6.87	Robbie Huber 2 Jean Court Keysborough 3173	10 Dia 5 Deca 200 1 Finajet
11.6.87	Robbie Huber 2 Jean Court Keysborough 3173	5 Fin
11.6.87	Leslie Rudolf 29 Vuitier Street N. Geelong	7 Deca 50 6 Test 10 ml 5 Primo/D 3 Fin 3 Proviron
17.6.87	Leo Wimmera Health and Fitness 2 O'Callaghan Pde Horsham 3400	10 Dia/Bol 4 Deca 200
23.6.87	Rod Sylvia Golden Life Gym 3 Ninth Street Mildura 3500	10 D/Bol
25.6.87	Robbie Huber 2 Jean Court Keysborough 3173	5 Deca 5 Cyp 10ml 5 Proviron
26.6.87	Leslie Rudolf 29 Vuitier Street N. Geelong	1 x Deca 200 1 Win-U 1 Primo/D 3 Primo/T 1 Proviron 1 Test 10 ml 10 Proviron
30.6.87	Joe Lopez 10 Gaunt Street Lara 3213	10 Proviron

Huber for the purchase. (Submission No. 80,
7 December 1989)

Mr Ware's method of distributing anabolic steroids - the mail - is the way in which most steroids are shipped around Australia according to one in camera witness. (In Camera Evidence, p. 1218)

Distribution through Gymnasiums

10.30 The distribution of black market performance drugs can occur directly, rather than through mail order. It was suggested by the Western Australian Department of Health in commenting on the distribution of drugs by Mr Ware to gymnasium proprietors that:

The experience gained in these cases and information received as a result of publicity has led the Department to believe that anabolic steroids are available in virtually all gymnasia which specialize in strength sports and probably most others. (Evidence, p. 2218)

10.31 The Committee received a wide spectrum of evidence suggesting that the view put by the Western Australian Department of Health is accurate.

- . The Queensland gymnasium owner, Mr Phillip Kabakoff, advised the Committee that he had received the steroid booklet For the Proper Use and Understanding of Anabolic Steroids issued by SAA Research. (Evidence, p. 2213 and pp. 2251-64) Mr Kabakoff confirmed that SAA Research attempted to recruit him as a selling agent, but he did not take up the offer. Mr Kabakoff advised that he had constant requests for steroids at his gymnasium. (Evidence, p. 2300)

- . Mr Phillip Kabakoff, also advised:

I know of one gymnasium where I walked in and saw empty steroid bottles sitting on the front counter. I asked the person behind the counter, 'What have you got those for?' and was told, 'They are not full; they are empty

ones that were found in the dressing rooms after closing, so we are putting them there to show people that we know that they are taking steroids'. That is a strange statement because I would not think you would display empty containers on the front desk. (Evidence, p. 2306)

. Mr Kriss Wilson, who suffered severe side effects from steroids, was provided with the drugs by a coach at a gym. (Evidence, p. 2192)

. Dr Hinchy, who prescribed anabolic steroids to weightlifters, stated:

They all came in saying they were obtaining these things through the gymnasium that they were attending. (Evidence, p. 2505)

. Mr John Quayle, general manager of the NSW Rugby League advised that young players involved in gymnasiums have access to drugs for their training program. (Evidence, p. 2732)

. Mr Nathan Jones was asked whether others at the gymnasium he used were on steroids and whether steroids were 'shop talk'. Mr Jones confirmed that that was the case. (Evidence, p. 2169)

. Dr Brian Ross, a medical practitioner and part owner of BJ's Gym in Brisbane advised:

I have been approached many times and put under considerable pressure to medicalise the administration of drugs in sport by the public and by people who attend the centre. (Evidence, p. 2447)

. Dr Ross also advised that some gymnasium owners were reluctant to join the Queensland Gym Owners Association:

I have knowledge, on hearsay, that other gym owners use steroids themselves and also are not adverse to them being used within their centres ... There has been a reluctance for some gym owners to address this issue within

the forum that we have for gym owners because they themselves are the ones implicated ... Some of those gym owners not within the organisation are aware of drug use in their gym and are not willing to have an active policy to stop it. (Evidence, pp. 2455, 2456)

- . Callers to a Courier Mail phone-in on 22 February 1989 named Archer's gym at Woolloongabba as a major outlet for illicit anabolic steroids in Brisbane. (The Courier Mail, 23 February 1989, p. 1)
- . Two phials of injectable steroid and a strip of tablet form steroids were provided to a fifteen-year-old boy at Archer's gym. (The Courier Mail, 23 February 1989, p. 1)
- . A pharmacist, Mr Leon Azar, made deliveries of veterinary anabolic steroids to Archer's Gym. (Evidence, pp. 2482, 2660, 2662)
- . The champion bodybuilder Mr Peter McCarthy was advised to take a course of steroids by a doctor training in the gymnasium also being used by Mr McCarthy. (Evidence, p. 2674)
- . The former gym proprietor Mr Gary Jensen advised that Dr Mark Mitchelson was seeing some people at his gym about steroids. (Evidence, p. 2647)
- . Mr Grant Ellison alleged that, when he bought human anabolic steroids from Mr Ray Rigby, Mr Rigby would deliver them to Mr Ellison at the Carnegie Fitness Centre, Caulfield. (Submission No. 80)
- . Mr Ellison also stated:

Unfortunately I have a lot of people in various gyms ask me about what they should take and where they can buy it. (Evidence, p. 3868)

. Mr Ellison confirmed of his former girlfriend:

Sue-Ellen had the unfortunate problem that whatever she was getting and using while training with me she quadrupled by asking other guys in the gym to help her out at the same time. (Evidence, p. 3884)

. Dr Peter Brukner told the Committee that anabolic steroids are very easy to obtain in gymnasiums and there is no need for patrons to consult a doctor. (Evidence, p. 3550)

. Mr Bill Stelliios, the weightlifter, stated that if he really wanted a bottle of anabolic steroids he would have approached a bodybuilding gymnasium. (Evidence, p. 3052)

10.32 The Committee has received advice from the Queensland Gymnasium Owners Association that it voted unanimously to insert the following clause into its code of ethics: 'not sell, distribute, condone or knowingly tolerate anabolic steroids and other sport enhancing drugs'. (Letter to Chairman, 31 October 1989) Given the evidence available to this Committee, there is a need for all gymnasium owners to abide by such a code.

10.33 One option discussed with the Committee would tend to reinforce the adoption of the Queensland Gymnasium Owners Association code of ethics. Dr Ross explained that, under the arrangement a person joining such a gym would have to sign a statement or a declaration that they will not sell or distribute any form of medication in the gym, or be liable to legal action. (Evidence, p. 2453). The Committee encourages the adoption of that voluntary code.

10.34 The Committee also endorses the establishment of a uniform licensing system for gymnasiums. The Interim Report at Recommendation Eleven records:

The Committee recommends that the meeting of Commonwealth and State Ministers responsible for sport and health matters proposed in Recommendation One develop a uniform licensing

system for gymnasiums and health centres in Australia, recognising that this is a State responsibility. It should be a condition of the licence that anabolic steroids and other drugs not be available, admitted, or used on the premises and action should be taken to check regularly that the conditions of the licence are being complied with.

The Committee further considers that the licensing system may benefit from the requirement that gymnasiums allow for some form of drug testing among their patrons; a recommendation that this be considered by the Ministerial meeting appears at the end of this chapter. This concept was raised with Dr Brian Ross, owner of BJ's Gym in Brisbane. Dr Ross was asked by the Chairman whether he could envisage the formation of a drug free gym owners association where there was a possibility of drug testing. Dr Ross responded positively:

I intend to become very active in making a testing presence known within this city.
(Evidence, p. 2457)

Direct Supply by Sport Coaches

10.35 Some witnesses before the Committee suggested that anabolic steroids were provided directly to weightlifters from time to time. Mr Grant Ellison alleged:

In Melbourne I have heard hearsay reports from various juniors and other lifters who have gone backwards and forwards from Olympic lifting to power lifting both ways and whom I do know were on steroids. I have said that a lot of what they obtained, at that stage, was from either Sam or Paul Coffa. I cannot remember which one. They were training at that stage at the Hawthorn recreation centre.
(Evidence, p. 3871)

10.36 Mr Michael Brittain was more specific with a similar allegation:

I was a member of the Hawthorn club from mid-1976 to 1982 and I was supplied with drugs by the coach at that time ... Paul Coffa, on a number of occasions from December 1980 until I

left that gymnasium at that time in 1982.
(Evidence, p. 3149)

And Mr Ian Traill advised:

Mr Paul Coffa came up to me at a competition at Mt Clear Tech High and made it clear to me that he want(ed) to introduce Drugs to me for my lifters. (Letter to Committee, 14 December 1989)

10.37 These allegations were discussed in Chapter Seven. The point here is that several suggestions have been made to the Committee that one form of black market supply of performance drugs is through coaches. Mr Grant Ellison, for example, advised that he began steroid use unwittingly in this manner:

I was being supposedly injected with B vitamins to pep me up for a couple of upcoming competitions. I was just new to training and at that stage steroids were not talked about at all in any circumstances ... I was being fed, I think, testosterone ... by my coach.
(Evidence, p. 3866)

The Bodybuilding Fraternity

10.38 Mr Ellison, a former dealer in performance drugs, advised the Committee:

In Queensland there were two or three other people who were solely into body building and they were not associated with power lifting. At that stage I suppose they dealt in quite large volumes. I think I can probably name them. One was Tony Strutt, who has been mentioned before regarding growth hormone. I suppose Tony and I when we were in Queensland were in sorts of cahoots and at that stage veterinary stores were very, very easy to obtain direct from a vet; there was no great regulation in the veterinary industry.
(Evidence, pp. 3874-5)

It should be noted that Mr Strutt's name appears on the list of persons who ordered steroids from Ken Ware; see Figure 10.1.
(Evidence, p. 2294)

10.39 Mr Ellison alleged that a French bodybuilding champion, Serge Nubret, was a source of performance drugs for Australian bodybuilders. The bodybuilders named by Mr Ellison and involved in the black market in Queensland were Tony Strutt and Danny Mackay. With regard to Danny Mackay, Mr Ellison alleged:

The other one was Danny Mackay ... He was from Brisbane, he owned a gym in Chermside at that stage. He had direct personal dealings with Serge Nubret in France. He used to get Serge over once a year to do guest posing and seminars of sorts and we would always find him quite willing to oblige us by selling us some of the French and Italian steroids that are not available in Australia. (Evidence, p. 3875)

Mr Ellison alleged that Serge Nubret initially brought the steroids to Australia himself, although he subsequently sent them directly to Danny Mackay. (Evidence, p. 3875) Further, the Committee was told during an in camera hearing that whenever bodybuilders are in Paris they:

will always go to see Serge Nubret and do a lot of buying while they are there. (In Camera Evidence, p. 1221)

10.40 Evidence received by the Committee concerning the steroid black market and bodybuilding is varying in its nature. While numerous allegations were made about people who were involved in the market, many denials were also made. Nevertheless, there was broad agreement among bodybuilders that anabolic steroids are part and parcel of the bodybuilding culture. Dr Gavin Dawson advised the Committee:

In the sport of bodybuilding, they see a necessity for steroids in the same way that a beauty queen sees for makeup. (Evidence, p. 1331)

10.41 The point is demonstrated in the affidavit sworn by Mr Donald Steedman in the Federal Court (NSW Registry) on 28 November 1989. In seeking an order for the return of steroids

obtained in Pakistan and seized by Customs, Mr Steedman confirmed that his occupation was a professional bodybuilder and swore:

On the day I saw Doctor Dastagir, I spoke to him at length upon the subject of bodybuilding and building muscle tissue through the use of anabolic steroids ... Arising out of that lengthy consultation, the Doctor prescribed the drugs for my personal use ... Should I be unable to continue to maintain my required level of dosage of the anabolic steroids, I say the ratio of my anabolic and androgenic level will fall out of balance, such that I will lose my body size. I will gain body fluid and fat due to a rebound of my hormones. I will not obtain sufficient body condition to perform effectively in any bodybuilding competition and I shall not be in suitable body condition to perform my contract with Gold's Gym in Lahore during December 1989. (emphasis added) (Attachment A, Letter to Committee Secretary from the Department of Community Services and Health, 8 January 1990)

Importantly, Mr Steedman confirmed that it is to sources other than legitimate medical prescription in Australia to which bodybuilders must resort for their anabolic steroids:

I am unable to obtain the drugs in Australia readily or the dosage I require to maintain my competitiveness. (Attachment A, Letter to Committee Secretary from the Department of Community Services and Health, 8 January 1990)

10.42 Bodybuilders gave evidence to the Committee claiming that it is obvious when bodybuilders are taking performance drugs. Typical comments were:

- . It is pretty obvious when people are on Finajet because they swell up like big balloons overnight, they carry a lot of fluid. With women who are on steroids, it is just very obvious within a very short time. (In Camera Evidence, p. 1225)
- . Most of them think it will not hurt them. They really have this inflated view and, you see, people on steroids - I have lived with them; I have trained with them; I have looked after so many of them - do not realise that they are changing.

All they see is what they see in the mirror which is what they like. It is an addiction. It is a very addictive thing because they cannot do without it: they do not train as well without it; they do not recuperate as fast without it; they do not do anything as well without it. (In Camera Evidence from a female bodybuilder, p. 1236)

- . Another reason why I am very against steroids is that for myself I have no desire to look like a man. The general public only sees what the media decide to show them and they are usually the freaks of our sport. A lot of these women who take steroids were very masculine to start with and taking steroids just makes them more so. (In Camera Evidence, p. 1238)
- . Primabolan gives them a very low voice very quickly. (In Camera Evidence p 1246)
- . She would have been on growth hormone ... Her hands just grew, everything grew, in matter of six months. She was just gigantic, absolutely enormous. There is no training method at all that will give you that. But she changed facially. She is still a very attractive lady, but we have known her before so we know how she started out. (In Camera Evidence, p. 1247)
- it is so obvious that you are on them, so what difference does it make? But who is going to stand there and say, 'Yeah, I am on this and I am on that'? (In Camera Evidence, p. 1249)

Direct Supply from Legitimate Sources

10.43 Anabolic steroids have been available through prescriptions and many abusers of steroids have begun in that way. An article in the Journal of Clinical Psychiatry 50:1, January 1989 examined such a case in the United States:

The patient began using steroids 1 year earlier because of his dissatisfaction with his body image in comparison with others. For his first 3 months of use, he obtained the drugs by prescription, and he cycled on and off them, as directed by his physician. The

directions were to take the drugs for 4 weeks and then discontinue them for the next 4 weeks. After the third month, however, the patient wanted to continue taking the steroids. He was satisfied with the effects on his weight-lifting performance and his muscle mass; when he discontinued using the steroids he felt that his motivation for training and his endurance declined. He quit seeing his physician and discovered an illicit source of supply. ('Anabolic Androgenic Steroid Dependence' by Kirk J. Brower, Frederic C. Blow, Thomas P. Beresford and Craig Fuelling)

10.44 An alternative was demonstrated by Mr Grant Ellison who advised the Committee that he would obtain prescriptions for veterinary anabolic steroids from a medical practitioner, Dr Jeremijenko, and would then have the scripts filled by the local vet:

I would ask four or five vets on the assumption that one would say yes and four would say no and I would leave it at no. I suppose we are very lucky. We would ask five and get four yeses ... At that stage we were getting 10 vials which is 100 millilitres which for any normal user, if you can classify a normal user, or under prescribed doses even, would last you six years and we were getting that in one hit. I suppose at that stage we were using that ourselves in probably ten weeks. (Evidence, pp. 3876-7)

This matter is discussed in Chapter Nine of this Report.

10.45 Further, it is possible that anabolic steroids have been sold without prescription by corrupt pharmacists. That question is also examined in Chapter Nine.

Indirect Supply from Legitimate Sources

10.46 While anabolic steroids may be obtained directly through careless or unscrupulous doctors, veterinarians and pharmacists they may also be obtained indirectly in a similar manner. When asked whether he resold any of the drugs he obtained from veterinarians, Mr Ellison confirmed that he resold some. (Evidence, p. 3878)

10.47 Another indirect manner of obtaining steroids illegally from otherwise legitimate sources has already been noted in Chapter Nine. That is, it is possible for persons to misrepresent themselves to doctors and obtain anabolic steroids from pharmacies by presenting their prescription. Mr Azar, the Brisbane pharmacist, filled scripts for a 'skinny' man who obviously had not been training. (Evidence, p. 2487) Presumably he onsold the anabolic steroids at a large profit. Mr Azar commented:

What most concerns me is what is happening to the stuff after I sell it ... I fear some of it is being sold on the black market at hugely inflated prices. (Evidence, p. 2493)

Mr Azar also claimed:

Once someone leaves here with steroids they could be doing anything with them, including selling them on the black market. It is a real problem. Judging from the demand we get in this one pharmacy, the size of the black market in steroids must be enormous. (Evidence, p. 2497)

Are there Black Market Networks?

10.48 It was suggested to the Committee that black market networks in performance drugs could be operating in Australia. Submission No. 33D noted the activities of SAA Research (now trading as West Coast Pergolas) and the involvement of Mr George Farquhar and Mr Ken Ware in that operation. That Submission, however, also alleged that Mr Peter McCarthy, who operates from Queensland an Australia-wide distribution network for his bodybuilding products and Balance Sports Supplements, also marketed steroids.

10.49 The Committee examined this allegation, questioned Mr McCarthy about it and sought advice from other witnesses in order to establish its credibility. To the allegation Mr McCarthy responded:

I have never, ever supplied steroids to gymnasiums in Australia. I am in the sports supplement business and I supply a range of sports supplements to a majority of gyms throughout Australia. These sports supplements are supplements that have natural effects from natural ingredients which have a steroid-type effect on the body and will enhance muscle growth. They enhance hormone levels and energy production, and these sorts of things, and I get them manufactured in Australia through proper manufacturing companies. (Evidence, p. 2672)

And, when asked whether he had ever supplied steroids or vitamins to Mr Ware or Mr Farquhar for distribution in their network, Mr McCarthy advised in September 1989:

No, never. It is only this last week that I have delivered any vitamins or protein powders to Ken Ware. (Evidence, p. 2682)

10.50 Nevertheless, the Committee received first hand testimony that a house once rented by Mr McCarthy at Brighton in Melbourne included a store room which contained anabolic steroids. During in camera evidence the Committee was advised:

Peter McCarthy - yes. He had pretty good stuff - not animal steroids or anything else; it was for human consumption - and I would imagine that he would have had to have got the amounts that he had from somewhere. Whether it was in Australia or outside Australia, I do not really know. (In Camera Evidence, p. 1211)

The witness provided the following details:

- . the house was at Brighton;
- . the steroids, for human consumption, were Lonavar, Primabolan and Dianabol;
- . the drugs were in stacked boxes;

- . the witness actually saw the boxes of the drugs in the room at Brighton. (In Camera Evidence, pp. 1212, 1213, 1214)

10.51 While the Committee found that this evidence could be useful, on its own it is not conclusive. The allegation came from only one source, although it was repeated in Submission 33D. Further, a number of important questions remain unanswered. They include:

- . Did anyone other than Mr McCarthy use the storeroom? The witness admitted that that was a possibility. (In Camera Evidence, p. 1214)
- . Where was the house? The witness claimed that it was on a corner, in Bay Street; (In Camera Evidence, p. 1262) Mr McCarthy said that he had rented a house in Boxshall Street, Brighton. (Evidence, p. 2684) Bay Street and Boxshall Street do not intersect.
- . Why would Mr McCarthy's brother-in-law carry steroids into Australia if Mr McCarthy had a ready supply of them?
- . Why would a knowledgeable former dealer who had resided in both Queensland and Victoria, Mr Grant Ellison, not have better than 'hearsay' familiarity with the allegation about Mr McCarthy's network? (Evidence, p. 3871)

10.52 The Committee considers that there may be answers to these questions which, together with advice from other sources, would justify further examination of Mr McCarthy's activities. At this stage, however, there is no justification in concluding that Balance Sports Supplements constitutes a network employed for the distribution of black market performance drugs in Australia. And Mr McCarthy denied the in camera allegations against him in a letter to the Committee Secretary dated 6 December 1989.

10.53 Importantly, the Committee does not rule out the possibility that organised networks operate for the distribution of performance drugs in Australia, although Mr McCarthy may not be involved. Further, the Committee considers it likely that other illegal drugs, such as narcotics and amphetamines, could be retailed through such networks. Crucially, any such networks will have strong links with the bodybuilding fraternity and many gymnasiums.

RECOMMENDATIONS

Recommendation Thirty-Two

10.54 That all relevant authorities, both sporting and government, acknowledge that the activity of bodybuilding (and its organised competitions) entails a high risk of performance drug abuse. Such acknowledgment will bear on any applications from bodybuilding organisations for governmental or other support.

Recommendation Thirty-Three

10.55 That public funding not be provided to assist bodybuilding associations but that education campaigns emphasising the health risks of performance enhancing drugs be directed towards bodybuilding associations.

Recommendation Thirty-Four

10.56 That bodybuilding associations contract out drug testing to the independent Sports Drug Agency.

Recommendation Thirty-Five

10.57 That bodybuilding be reviewed by the Australian Sports Drug Tribunal in 1991.

Recommendation Thirty-Six

10.58 That bodybuilders be placed in the high risk category of the Australian Customs Passenger Control Guidelines; bodybuilders are high risk passengers for the illegal importation of performance drugs.

Recommendation Thirty-Seven

10.59 That when the Ministerial meeting (proposed in Recommendation One, Interim Report) considers the licensing of gymnasiums, it should also review the need for additional voluntary arrangements to permit drug testing of gymnasium patrons, taking account of negotiations between gymnasium associations and ASDA on this matter.

Recommendation Thirty-Eight

10.60 That State police forces and any relevant authorities such as the Criminal Justice Commission (Queensland) investigate the criminal activity of the marketing of sports drugs. That the results of the State investigations be forwarded to the National Crime Authority and the Bureau of Criminal Intelligence for consideration.

