

## CHAPTER ELEVEN

### AIS DRUG TESTING

#### HISTORY

##### Introduction

11.1 From January 1982, all AIS scholarship holders were required to abide by the AIS 'Code of Ethics'. This included an agreement to undertake a random drug test, if required, and an agreement not to 'take or use drugs or stimulants nor participate in other practices prohibited by the Institute'.<sup>1</sup> Presumably, the stimulants referred to are those banned by the IOC. However, no tests were required by the AIS until 1986.

##### Random Testing

###### Introduction

11.2 In June 1986, random testing of scholarship holders commenced.<sup>2</sup> Twenty-three random tests were administered over a six month period to December 1986, and all were recorded as negative.<sup>3</sup>

11.3 At that time the administrator was Dr Jean Roberts, who was also Mrs Gael Martin's throwing and technique coach.<sup>4</sup> Mrs Gael Martin ceased her full scholarship with the AIS in October 1986.<sup>5</sup> She was not subjected to a random test at the AIS during the short time between June and October 1986.<sup>6</sup>

11.4 Dr Roberts described the procedure for selecting an athlete for testing:

Every Monday morning Sister Sue Beasley, who is the nursing sister in the Institute, and I would go together to the physiotherapy room. There would always be injured athletes there, receiving treatment on Monday morning. The athlete would actually throw the dice and we would have a set of random numbers and from that get a final number ... and this would restrict the choice to, say, five lines of numbers. The athlete would throw the dice again, and this would restrict the column. The athlete would throw the dice again until finally we had narrowed it down to one number and whatever that number was, the athlete who threw the dice would know it for that week, say, 25. Sister Beasley and I would then go back to her office and get out the computer listing of athletes in alphabetical order. If 25 was Joe Smith, I would tell the head coach to notify the athlete.<sup>7</sup>

11.5 Sister Beasley described her involvement in the tests:

I was involved in helping to select the athlete with the administrator of sports medicine and sports science and an athlete. When we found an athlete who was not being treated in physio, we would use a barrel of balls like a lotto system. The athlete would chose another athlete for drug testing and the administrator would look up the name of the athlete who was being selected. The administrator would notify the athlete and notify the coach that that particular athlete was to come in for random drug testing. The athlete would make an appointment to see me and I would do the test.<sup>8</sup>

11.6 Dr Roberts said that the alphabetical list of athletes was updated every month.<sup>9</sup> The selection process occurred on the first working day of each week and the athlete had until 5pm of the following day to report to Sister Beasley. Slightly longer times were allowed for the outposted AIS units, and overseas athletes were tested on their return.<sup>10</sup>

11.7 With the change in Directors in early 1987, the Co-ordinator of Sports Science and Sports Medicine, Dr Peter Fricker, was asked to re-assess the drug testing procedures and to consider an extension of these procedures to all athletes associated in some way with the Institute, and into high-risk sports.<sup>11</sup> As a result, in April 1987, the Institute's drug testing procedures were aligned with those of the Australian Olympic Federation and testing was extended to all athletes receiving grants under the Sports Talent Encouragement Plan administered by the Australian Sports Commission.<sup>12</sup>

### **Frequency of Tests**

11.8 In August 1987, the Board of the AIS decided that two athletes would be randomly selected each week, one from all resident athletes, and one from those in the national Sports Program and the 'high-risk' sports.<sup>13</sup> The Director also introduced drug testing of whole AIS squads at his discretion.<sup>14</sup> Squad tests are discussed in a later section of the Chapter as they are more an example of discretionary testing than of random testing.

11.9 During 1987, seventy nine athletes were recorded by the AIS as being tested at random, including the weight-lifting and track and field squads.<sup>15</sup> All results but one were negative. The tests were only for the presence of anabolic steroids.<sup>16</sup>

### **Squad Testing**

11.10 In September 1987, Mr Ron Harvey, the Director of the AIS, introduced drug testing of complete AIS squads.<sup>17</sup> This gave the Director the power to order drug tests for all scholarship holders in a particular sport at the AIS. The usual conditions applied, and required members of the squad to provide a urine sample within two days of the tests being ordered.

11.11 The weightlifting squad was the first tested at the Director's discretion, on 7-8 September 1987. The Track and Field Squad was tested on 7-8 December 1987 and the Cycling Squad in March 1988. All results were negative.<sup>18</sup>

11.12 Since the Inquiry began, two further squads, water polo and rugby union were tested in November and December 1988 respectively.<sup>19</sup>

#### **Positive Test**

11.13 One athlete at the AIS showed minute traces of anabolic steroid in his first sample, but subsequent analysis of the second sample, collected at the same time, was negative. Mr Ron Harvey, AIS Director at that time stated that:

The Institute's action on that test was to inform the Australian Soccer Federation, as the boy, in a letter to us, indicated that it was when he was under its care that that he possibly took some tablets.<sup>20</sup>

The AIS Board accepted that the athlete had not knowingly taken or administered an illegal substance.<sup>21</sup> The Australian Soccer Federation were asked to follow-up the matter. The athlete concerned was Mr Alistair Edwards who had been tested on 15 September 1987.

#### **Procedures and Costs**

11.14 The drug testing program was under the direct control of Dr Fricker, the Co-ordinator of Sports Science and Sports Medicine, during 1987 and early 1988. Dr Jean Roberts was replaced by Mr Michael Corbitt, who was in turn replaced by Mr Don Wright as the administrator involved in the selection of athletes for testing, using the random system.<sup>22</sup> In January 1988, the administrative procedures for the Sports Medicine Centre were reviewed and amended.<sup>23</sup>

11.15 Dr Fricker acknowledged that he had discretionary power to order a test for any athlete he suspected of using drugs.<sup>24</sup> He advised the Committee that he had never used this power.<sup>25</sup>

11.16 The cost of the random testing program for the Institute increased from \$3 800 in 1986-87 to over \$23 000 in 1987-88.<sup>26</sup> The current cost of each test was \$232, and the AIS expected that the total costs in 1988-89 would be in the order of \$40 000.<sup>27</sup>

#### **Drugs in Sport Program's Involvement**

11.17 In April 1988, Mr Steve Haynes, the National Co-ordinator of the Drugs in Sport Program, was asked to co-ordinate all AIS and Sports Talent Encouragement Plan random drug testing.<sup>28</sup> Mr Haynes:

took over the co-ordination of the test program at the AIS with respect to selection of athletes and the facilitation of security containers and dispatch to an overseas laboratory, bearing in mind that at that stage there was no accredited laboratory in Australia.<sup>29</sup>

11.18 Sister Beasley was still responsible for the collection of the urine sample from the athlete.<sup>30</sup>

11.19 Between January and 20 July 1988, thirty six athletes were tested, including the cycling squad. All results were negative.

#### **Current Practice**

11.20 Mr Steve Haynes described the current practice:

The whole drug testing program now is under the control of the anti-drugs campaign, from the selection of the athletes to the collection of the athletes' samples, dispatch

to the laboratory and the retrieval of results and subsequent action. That was instigated officially from 13 February this year [1989] but is a process that commenced on 1 January this year.<sup>31</sup>

11.21 Mr Ron Harvey expanded on the changes put in place since the inquiry began:

We have provided additional money to the drug testing in sport program, plus additional staff. We will have a recommendation going to the board on 3 March [1989] that the drug testing facility be removed from our premises completely into an independent location. We are seeking legal advice on the patient-doctor confidentiality question to see whether we can avoid that to assist the doctors.<sup>32</sup>

11.22 It should be noted that the National Program on Drugs in Sport is still under the management structure and control of the board of the Australian Sports Commission.<sup>33</sup>

11.23 The procedures for collection, identification and dispatch of the urine sample now follow the International Olympic Commission requirements. Athletes must complete an Athlete Signature Form and provide information to assist with laboratory analysis. The sample is dispatched to, and analysed at, an IOC accredited laboratory; either Cologne or Los Angeles. The urine sample is analysed for the presence of stimulants, narcotics and steroids.<sup>34</sup>

11.24 At 30 June 1988 there were 294 athletes on scholarship at the Institute. With the testing rate at one or two athletes per week, an athlete could be expected to be tested about once every 3 to 6 years.

## DISCUSSION

### Chaperone Anomalies

11.25 Drug testing guidelines require a chaperone to witness urine collection and to ensure that the urine collected in the bottle has been passed by the athlete selected for the test. For this reason, it is essential that the chaperone is the same sex as the athlete and that he or she accompanies the athlete to the toilet. It is important that the chaperone is identified in the testing procedure and signs the Specimen Identification Form. If the test results need to be further investigated, the chaperone can testify that the urine was passed by the athlete selected. The chaperone, in normal competition testing, also serves as a check that procedures are followed rigorously and that more than just the supervisor and the athlete are involved in sealing the sample.

11.26 The 'Area Supervisor' in the sample collection-procedure is the person responsible for supervising procedures and certifying that the urine samples are correctly sealed so that they cannot be tampered with before analysis by an IOC accredited laboratory. It is also essential that the area supervisor be identified on the Specimen Identification Form by a signature.

11.27 The following pages provide examples of the Specimen Identification Forms found on the drug testing files at the AIS. The first (Figure 11.1) shows no chaperone identified, the second (Figure 11.2) no area supervisor and a female chaperone for a male athlete. The third (Figure 11.3) records Sister Beasley as both chaperone and area supervisor for a male athlete. The fourth (Figure 11.4) records Sister Beasley as the chaperone and Dr Fricker is identified as the area supervisor in Sister Beasley's handwriting, but there is no signature. The last (Figure 11.5) records Dr Fricker as the unsigned chaperone in Sister Beasley's handwriting. In other cases Sister Beasley has

signed the form as area supervisor for samples that were collected in Brisbane.

11.28 Of the 99 Specimen Identification Forms on the AIS file provided to the Committee, only 10 contain the signature of both a chaperone and an area supervisor in accord with accepted procedures. Two of these 10 were supervised by the replacement nurse. Another two of these 10 tests involved a longer delay between selection for testing and the time of giving a urine sample than the allowed 48 hours. Overall, less than 10 per cent of all tests in 1986 and 1987 met the accepted standards and the Committee believes, as a result, that the integrity during this period of the entire AIS testing program is questionable.

11.29 It is clear from the drug testing files provided to the Committee by the AIS that the correct procedures were not followed during 1986 and 1987.

11.30 Sister Beasley was asked if she had chaperoned male athletes. She replied that:

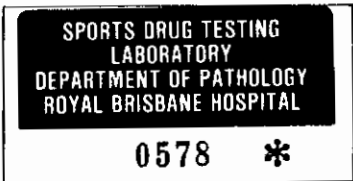
I signed just for the sake of signing the form, but the athletes were chaperoned by a male for a male athlete and a female for a female athlete.<sup>35</sup>

Sister Beasley was able to name a list of people who may have acted as chaperones, but could not offer an explanation as to why the forms were not completed. She also recognised that because the procedures were not accurately recorded, any action on a positive test would fail.<sup>36</sup>



FIGURE 11.1

DRUG TESTING



### SPECIMEN IDENTIFICATION FORM

Date 19 / 11 / 86

No. 1780

COMPETITOR SELECTION CRITERIA AIS Random  
Drug Testing  
COMPETITOR'S SURNAME OBERMAN SEX M  
COMPETITOR'S OTHER NAMES Mark Raymond  
COMPETITOR'S COUNTRY Australia  
SPORT Water polo EVENT  
COMPETITOR'S IDENTIFICATION NUMBER

The competitor identified above passed a satisfactory specimen of urine in my presence

.....  
*Chaperone's Signature*

NAME OF CHAPERONE (Block Letters) .....

The urine obtained from the competitor identified above has been properly sealed and given the number affixed above.

B. Beasley  
.....  
*Area Supervisor's Signature*

NAME OF AREA SUPERVISOR (Block Letters) .....

I agree with the above statements.

M. Oberman  
.....  
*Competitor's Signature*

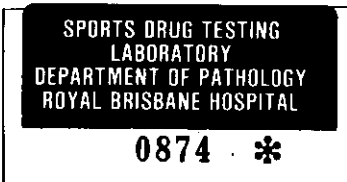
*Team Official's Signature  
(If any present)*

NAME OF TEAM OFFICIAL (Block Letters) .....

Specimen identification form with no chaperone identified.

FIGURE 11.2

DRUG TESTING



### SPECIMEN IDENTIFICATION FORM

Date 11 / 3 / 87

No. 1441

COMPETITOR SELECTION CRITERIA A.I.S. Random Drug Testing  
COMPETITOR'S SURNAME Honey SEX M  
COMPETITOR'S OTHER NAMES Neil Emil  
COMPETITOR'S COUNTRY Australia  
SPORT Track & Field EVENT Pole Vault  
COMPETITOR'S IDENTIFICATION NUMBER

The competitor identified above passed a satisfactory specimen of urine in my presence

S. Beasley  
Chaperone's Signature

NAME OF CHAPERONE (Block Letters) Sue Beasley

The urine obtained from the competitor identified above has been properly sealed and given the number affixed above.

Area Supervisor's Signature

NAME OF AREA SUPERVISOR (Block Letters)

I agree with the above statements.

[Signature]  
Competitor's Signature

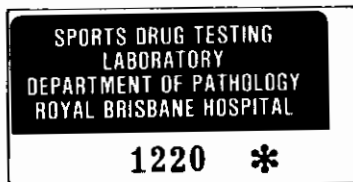
Team Official's Signature  
(If any present)

NAME OF TEAM OFFICIAL (Block Letters)

Specimen Identification Form showing female chaperone for male athlete and no recorded area supervisor.

FIGURE 11.3

DRUG TESTING



### SPECIMEN IDENTIFICATION FORM

Date 3 / 8 / 87

No. 1041

COMPETITOR SELECTION CRITERIA A.I.S. Random  
Drug Testing  
COMPETITOR'S SURNAME ANDERSON SEX M  
COMPETITOR'S OTHER NAMES JOHAN  
COMPETITOR'S COUNTRY AUSTRALIA  
SPORT TENNIS EVENT  
COMPETITOR'S IDENTIFICATION NUMBER

The competitor identified above passed a satisfactory specimen of urine in my presence

S. Beasley  
Chaperone's Signature

NAME OF CHAPERONE (Block Letters)

The urine obtained from the competitor identified above has been properly sealed and given the number affixed above.

S. Beasley  
Area Supervisor's Signature

NAME OF AREA SUPERVISOR (Block Letters)

I agree with the above statements.

[Signature]  
Competitor's Signature

Team Official's Signature  
(If any present)

NAME OF TEAM OFFICIAL (Block Letters)

Specimen Identification Form showing female chaperone for a male athlete and the same person as both chaperone and area supervisor.

FIGURE 11.4



DRUG TESTING

### SPECIMEN IDENTIFICATION FORM

Date 13/8/87 No. 1531  
COMPETITOR SELECTION CRITERIA AIS Random  
Drug Selection  
COMPETITOR'S SURNAME SALTER SEX F  
COMPETITOR'S OTHER NAMES Teresa Michelle  
COMPETITOR'S COUNTRY Australia  
SPORT Basketball EVENT .....  
COMPETITOR'S IDENTIFICATION NUMBER .....

The competitor identified above passed a satisfactory specimen of urine in my presence

S. Beasley  
Chaperone's Signature

NAME OF CHAPERONE (Block Letters) Sue Beasley

The urine obtained from the competitor identified above has been properly sealed and given the number affixed above.

x  
Area Supervisor's Signature

NAME OF AREA SUPERVISOR (Block Letters) Peter FRICKER

I agree with the above statements.

x Teresa Salter  
Competitor's Signature

Team Official's Signature  
(if any present)

NAME OF TEAM OFFICIAL (Block Letters) .....

Specimen Identification Form showing Dr Fricker as area supervisor but unsigned.

FIGURE 11.5

NATIONAL PROGRAM ON DRUGS IN SPORT

SPECIMEN IDENTIFICATION FORM

DATE 9 / 9 / 87

COMPETITOR SELECTION CRITERIA A.I.S. random Drug  
Testing.....  
COMPETITOR'S SURNAME Gibson..... SEX male  
COMPETITOR'S OTHER NAMES John Bacharach.....  
COMPETITOR'S COUNTRY Australia.....  
SPORT ~~Football~~ Soccer EVENT Soccer.....  
COMPETITOR'S IDENTIFICATION NUMBER .....

The competitor identified above passed a satisfactory specimen  
of urine in my presence

.....  
Chaperone's Signature

NAME OF CHAPERONE (Block Letters) ... Peter FRICKER .....

The urine obtained from the competitor identified above has been  
properly sealed and given the number affixed above.

S. Beasley.....  
Member Doping Committee  
Signature

NAME OF MEMBER (Block Letters) ..... Sue Beasley .....

I agree with the above statements.

..... John B. Gibson.....  
Competitor's Signature

.....  
Team Official's Signature  
(if any present)

NAME OF TEAM OFFICIAL (Block Letters) .....

Specimen Identification Form showing Dr Fricker as the unsigned  
chaperone in Sister Beasley's writing.

## 'Sink-Tests'

11.31 Mr Hambesis, who left the AIS before random testing was introduced, told the Committee that he understood:

Every time leading up to a competition, if some of the athletes were not competing those athletes would be handpicked to be tested and apparently they also used the sink test at times - you urinate into into a tube and just pour it down the sink.<sup>37</sup>

Ms Sue Howland suggested that Sister Beasley was involved in a cover-up of a positive test:

She was the one who was there to watch them, I suppose. There was particularly one test that we know about - whether it got tipped down the sink or whatever.<sup>38</sup>

11.32 Sister Beasley denied this involvement and said that no-one had sought to intrude in the testing procedure to the extent that she was involved in either selection of the athlete or collecting the urine sample.<sup>39</sup>

11.33 Dr Fricker denied strongly any interference by AIS staff with dope testing procedures at the AIS:

With respect to dope testing at the AIS, the allegations presented by Ms Howland and Ms Martin that sports medicine staff interfered with dope testing procedures at the AIS, which we have instituted under International Olympic Committee procedures, are absolute lies. I have read transcripts of their 'evidence' and I am amazed at the clumsiness and appalling lack of understanding of dope testing procedures. I trust their lack of credibility on this matter is evident.<sup>40</sup>

11.34 Despite Dr Fricker's statement, it is obvious that due to the slackness with which the procedures for collecting urine samples were followed, samples could have been tampered with or

destroyed by Sister Beasley. Moreover, because of the lack of proper documentation, in many cases there is no evidence that the urine sample was actually provided by the athletes being tested. Even if samples were found positive it is highly unlikely that any action could have been taken when area supervisors or chaperones were not recorded or had not signed the required forms. As discussed later, Dr Fricker himself was party to these lax procedures, quite apart from his overall responsibility for the drug testing program. The comments made above by Dr Fricker about Ms Howland and Mrs Martin's appalling lack of understanding of 'dope testing' are much more appropriately applied to himself, as his statement that International Olympic Committee procedures were used is just not true.

### Selection Anomalies

11.35 According to the AIS drug testing files, there were 67 athletes selected on a weekly basis between 15 June 1986 and 30 November 1987. Five of the athletes selected never presented for a drug test and another two were exempted from testing.<sup>41</sup>

11.36 Dr Fricker indicated that three or four of these athletes were no longer AIS scholarship holders at the time of the test, and for this reason they were excused from taking the test.<sup>42</sup> He indicated that there was a delay in the updating of the list of scholarship holders:

One of the bugs in the system was a delay between athletes leaving and having their names removed from the register.<sup>43</sup>

This conflicts with the evidence of Dr Jean Roberts, that the list of scholarship holders was updated on a monthly basis.<sup>44</sup> Dr Fricker could offer no explanation as to why the other athletes were not tested.<sup>45</sup>

11.37 Ms Robyn Lorroway was also selected but not tested. Sister Beasley explained:

We had done the test and she asked who was asking for the test. I said it was under the AIS scholarship scheme. She said: 'I am not an AIS scholarship holder. I refuse to have it sent'. I checked with Steve Haynes. We checked the list and she was not on a scholarship. Steve Haynes directed me to discard it, so in front of Robyn Lorroway it was discarded. 46

11.38 The AIS records confirm that three of the athletes randomly selected for testing who did not present for the test had completed their scholarships, while another would have completed her scholarship before being available to undertake a test on her return from overseas. It is noteworthy that one of the athletes drawn for testing had completed her scholarship over two years earlier. 47

11.39 The two remaining selection anomalies relate to squash players based in Brisbane, where the drug testing laboratory is located. In the first case, Mr James (Ricky) Curtis was overseas continuously for some seven months after being selected for testing in October 1986, except for a short period in Australia at Christmas when neither the Brisbane laboratory nor AIS coaches were available to take a sample. Mr Curtis was never asked to present for a drug test on his eventual return to Australia.

11.40 In the second case squash coach, Ms Heather McKay, recalled taking the requisite sample from Ms Amanda Hopps, the day after receiving notification from Canberra on 11 May 1987, and delivering it to the Brisbane laboratory. This procedure is in breach of the established protocol for Brisbane, where the athlete was required to attend the Brisbane laboratory in person to ensure the integrity of the process.



11.41 The absence of Ms Hopps' test result from the AIS schedule of drug test results has not been officially explained by the AIS. The Committee has noted that in June 1987 the Brisbane laboratory notified the AIS of the negative result of three tests, numbers 0878, 0887, and 1213. While 878 and 887 are shown in the AIS records as having been obtained in Canberra in April 1987, 1213 is omitted. There is a strong likelihood that sample number 1213 was that of Ms Amanda Hopps and that it had tested negative.

11.42 Figure 11.6 shows a minute relating to an athlete (Mr Mark Oberman) having being selected for a test but being excused on the basis that he had been tested five months previously. Sister Beasley could offer no explanation for this complete break with procedure:

I do not remember doing that at all. It is completely out of character for me to do that. Honestly, I do not remember if that happened. I cannot understand why an athlete would turn up for a drug test and I would say, 'Go away'. It is completely and utterly against the whole thing that I was doing. When they tell me to do something I do it: I do not go and tell them to rack off. I do not understand. Honestly, I do not remember doing it. That is it - it is all I can say.<sup>48</sup>

11.43 After athletes were selected on the first working day of the week, they had until 5pm the following day to present for a test. Only 20 of the remaining 60 athletes selected in 1986 and 1987 actually met that criteria. Thirteen arrived within another three days, seven arrived after 30 days. Most surprising of all is that four athletes appeared to have been tested before their names were drawn.<sup>49</sup>

FIGURE 11.6

AUSTRALIAN INSTITUTE OF SPORT  
MINUTE

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For:	File
From:	Michael Corbitt
Subject:	Drug Test - Mark Oberman
Date:	28 April 1987

Mark Oberman presented for the drug test for which he was selected on 27 April 1987

Mark has already been selected at random on 17 November 1986 and the test proved negative.

Although Mark was happy to provide another specimen, Sue Beasley advised that it was not necessary.



AIS Minute recording that an athlete had been excused from testing because he had been tested six months previously.

11.44 Dr Fricker explained the delays:

if some athletes are away at competition, we try to insist that those athletes selected should try to return for drug testing as soon as they are back in Canberra. It is understandable that many athletes are away on tours, interstate or overseas, for competition. so that may explain the delay in some of those presenting.<sup>50</sup>

11.45 Athletes away on competition were not always tested on their return. For example, the files indicate that when the weightlifting squad was tested in September 1987, two members of the squad, Mr Paul Harrison and Mr Daniel Mudd, who were overseas at the time, were not tested on their return.

11.46 Neither Dr Fricker nor Sister Beasley could explain how four athletes were recorded as being tested before they had been selected.<sup>51</sup> The details of these discrepancies are shown in Table 11.1. It should be noted that one of the athletes concerned, Mr Alistair Edwards, tested positive for the first sample following the test, but the analysis of the second sample could not confirm this result. This test was an example of one in which there was no chaperone's signature, although Sister Beasley had printed in Mr Michael Corbitt's name as chaperone.

TABLE 11.1

DETAILS OF ATHLETES DRUG-TESTED BEFORE THEY  
WERE SELECTED

Name	Date Selected	Date Notified	Date Tested
Alistair Edwards	21 Sept 1987	15 Sept 1987	15 Sept 1987
Sharon Ellis	26 Oct 1987	20 Oct 1987	21 Oct 1987
Peter Hogan	23 Nov 1987	17 Nov 1987	17 Nov 1987
Paul Oberman	30 Nov 1987	17 Nov 1987	18 Nov 1987

11.47 Figure 11.7 shows the AIS file note giving details of who was selected on each date while Figure 11.8 shows the specimen identification form for Mr Edwards. It makes it quite clear that these athletes were notified before they were selected. Two explanations occur to the Committee. One is that the random drug testing program at the AIS was never intended to be anymore than a public relations exercise. Another is that the file note giving the dates on which athletes were selected is in some way incorrect. But this itself raises questions about the credibility of all the other documentation on the file, much of which, as already discussed, is in any case totally inadequate. In either case, it is difficult to conclude that any reliance at all can be placed on the results of the AIS random drug testing program.

11.48 Dr Fricker told the Committee that he became aware 'more recently' that large numbers of samples were obtained from athletes who were not chaperoned by the person indicated on the form as being their chaperone.<sup>52</sup> He said:

I must say that I never checked all the forms ... I only became aware of this as a problem, as it is tonight, in recent weeks.<sup>53</sup>

This is difficult to accept, given that in 1986 and 1987 Dr Fricker had himself acted as a chaperone and area supervisor but had not signed the forms. When some of these forms were shown to him he commented:

I do remember chaperoning that particular athlete, because I did not chaperone many. That is my name, I suppose, for the record ... It is not my signature. In fact, that is Sister Beasley's writing ... On folio No. 89 again my name is there as the name of the area supervisor but my signature is not on the form. On No. 87 it is a similar appearance - my name but not my signature. On No. 81 I am named as the chaperone of a male athlete on at least one occasion but I have not signed it as the chaperone.<sup>54</sup>

FIGURE 11.7

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Week Commencing	Number Drawn	Name	Sport
August 3	106	Mark Grooby	WP
10	50	Sue Cook	TF
17	290	Alison Worth	Row
24	95	John Gibson	Soc
31	183	Nathan Meade	Div
September 7	85	Paul Foster	Soc
14	141	Kaylyn Fry	Row
21	65	Alistair Edwards	Soc
28	244	Catherine Spottiswood	Net
October 5	175	Greg Mills	Soc
12	257	Peta Taylor	Div
19	237	Chris Sherman	Wei
26	66	Sharon Ellis	TF
November 2	76	Michelle Gollen	Sw
9	206	Chris Sherman	Wei
16	68	Jane Flemming	TF
23	103	Peter Hagan	Gym
30	178	Paul Obermer	WP

AIS File Note showing the selection dates for athletes in the AIS testing program between August and November 1987

FIGURE 11.8

NATIONAL PROGRAM ON DRUGS IN SPORT

SPECIMEN IDENTIFICATION FORM

DATE 15/9/87

COMPETITOR SELECTION CRITERIA *A.I.S. random Drug Selection*

COMPETITOR'S SURNAME *Edwards* SEX *Male*

COMPETITOR'S OTHER NAMES *Alistair Martin*

COMPETITOR'S COUNTRY *Australia*

SPORT ..... EVENT *Soccer*

COMPETITOR'S IDENTIFICATION NUMBER .....

The competitor identified above passed a satisfactory specimen of urine in my presence

.....  
Chaperone's Signature

NAME OF CHAPERONE (Block Letters) *Michael Carbutt*

The urine obtained from the competitor identified above has been properly sealed and given the number affixed above.

*S. Beasley*  
.....  
Member Doping-Committee  
Signature

NAME OF MEMBER (Block Letters) *Susan Beasley*

I agree with the above statements.

*Alistair Edwards*  
.....  
Competitor's Signature

.....  
Team Official's Signature  
(if any present)

NAME OF TEAM OFFICIAL (Block Letters) .....

Specimen Identification Form for Mr Alistair Edwards showing that he was tested before he had been selected (cf. Figure 11.7)

11.49 The Committee finds it impossible to understand how the officer directly in charge of the drug testing program, who should be well aware of the protocols involved and the reasons for them, would behave in such a lax manner. Without the proper documentation, which is designed to protect the rights of the athlete as well as those of the Institute, there is no way that any action could have been taken had any test proved positive. There was no excuse for any chaperone not to provide a signature. In the case of some of the supposed chaperones, it might be said in their defence that they had never been properly informed of what their responsibilities were, but in Dr Fricker's case his actions, or lack of them, can only be described as incompetence.

### Supervision of Tests

11.50 The Committee explored with the AIS the extent to which the drug testing procedures, apparently largely carried out by Sister Beasley, were subject to supervision. Sister Beasley told the Committee that she had been supervised once:

It was the first time, by Mr Steve Haynes just to go over the procedures.<sup>55</sup>

The following exchange took place:

Senator Crichton-Browne - You went over the correct procedures? So from that point you had no supervision at all?

Sister Beasley - Not that I remember. Maybe he [Mr Haynes] might have come into the office once or twice after the first time, but it was not an organised attendance or he might have been there while I was drug testing someone, to pick up the specimens, but it was not organised, no.<sup>56</sup>

11.51 When Senator Crichton-Browne asked Sister Beasley whether she was ever supervised or whether anybody ever asked to review the procedures she was using in order to ensure they were in conformity with what was required, the following exchange took place:

Dr Smith - On a couple of occasions I have spoken to Sister Beasley about that. One was quite recently, prior to your intended visit, and we went through the procedures. With Senator Black, once again Sue Beasley went through that particular procedure. Prior to that, after I arrived at the Institute in late 1987, in discussion with Sister Beasley, she informed me of that particular procedure and to my knowledge it conformed with the protocols that were prescribed.

Senator Crichton-Browne - You have only just in the last moments learnt that she was signing as a chaperone when in fact she was not?

Dr Smith - Yes.<sup>57</sup>

11.52 The fact is, that as Acting Director of the Institute, Dr Smith was in overall charge of the drug testing at the Institute. He agreed with the Committee that this was the case.<sup>58</sup> While Sister Beasley must accept some responsibility for the very inadequate implementation of the drug testing program, it is clear that she should have been subject to proper supervision.

11.53 The Committee is appalled at the casual attitude displayed by senior staff, particularly by Dr Smith and Dr Fricker, who should have been responsible for directly supervising the integrity of the sample collection process. Even a superficial check of the paperwork involved in the testing program would have revealed some serious problems. Such checking by the senior officers of the AIS should have been a minimum requirement, and at the very least a random series of checks should have been carried out on the drug testing procedures themselves. The lack of action by the senior management and medical staff can only be described as incompetence and as a failure to treat the drug testing program with the seriousness that it deserves.



### Alleged Test Cover-up Involving Mr Neil Honey

11.54 Mrs Gael Martin said that the 'sink test' to which Ms Howland had referred, involved a particular athlete at the AIS, and that she had first-hand knowledge of this athlete's comments.<sup>59</sup>

11.55 Mrs Martin told the Committee that this athlete had been selected for a random test in December 1986 or the beginning of 1987 and she said that:

He gave his test and he was so concerned about it because he was taking drugs at the time so he went to his coach, who was the head coach in track and field at that time ... Tony Rice. When he told Tony Rice, he was absolutely horrified that one of his athletes was taking drugs. He went straight to sports science. I do not know what he asked but it was to stop the process of that test.<sup>60</sup>

11.56 Mr Kelvin Giles also had some knowledge of the circumstances of this particular test but claimed that this was second hand.<sup>61</sup>

11.57 The AIS testing records show that the athlete concerned (Mr Neil Honey) was tested in March 1987 and was negative.<sup>62</sup> The athlete's medical records confirm that the test was undertaken, and Sister Beasley recorded:

appeared very angry (but co-operative about whole business) feels picked on??<sup>63</sup>

11.58 Mr Tony Rice denied that any athlete he had coached had told him that they would have problems in taking a doping control test.<sup>64</sup> The athlete concerned also denied taking performance enhancing drugs at the time he was subject to a random drug test, and had no comment to offer on any other related issues.<sup>65</sup>

11.59 The AIS drug testing files demonstrate that the testing program in 1987 was to begin on 19 January 1987.<sup>66</sup> However, the first test recorded in 1987 was on 2 February 1987. No explanation of the change in commencement dates is recorded on the file. This would be of little concern to the Committee except that the alleged cover-up of a test occurred during this period, prior to the Australia Day competition. The Committee has also noted that Mr Honey was notified of his selection for a further dope test on 7 December 1987 but that this test and its negative result were inadvertently missed from the print-out of dope test results originally provided to the Committee by the AIS.<sup>67</sup>

#### Effectiveness as Deterrent

11.60 The AIS admitted that:

The number of tests of AIS athletes, relative to the total number of AIS athletes each week, would seem to provide a minimum form of deterrent. ... An increase in the number of tests made each week by random selection would further enhance the deterrent factor.<sup>68</sup>

However, the AIS also argued that:

it would seem that the random nature by which squads of athletes have been tested has raised the deterrent factor markedly.<sup>69</sup>

11.61 Dr Fricker estimated that:

if you tested all athletes in that high-risk group - you can extend that out as far as you like - if you tested them, say, every six weeks with a urine test under the IOC rules, then I think you would be pretty sure that all athletes in that program would be clean all the time.<sup>70</sup>

He further estimated that there were about 100 high-risk athletes at the Institute.<sup>71</sup> As a guide, Dr Fricker's program would require about 10 times the current testing rate of less than 90 tests per year.

11.62 Another aspect of the deterrence effectiveness of the AIS program is the random nature of testing. Mr Steve Haynes stated that:

one of the big problems is trying to escape this random nature because you can end up with a fairly ineffective program. ... We have to get away from that random nature and I think we have to use the expertise that we have. ... While there should always be some sort of random element, there has to be some other mechanism ... We have a mechanism now whereby if we believe there is good cause to carry out additional tests, that will happen. From a hypothetical point of view, perhaps if a national coach contacted us and said that he wanted athlete X or Y tested, I think that would be a reasonable ground for consideration.<sup>72</sup>

11.63 Anabolic steroids are used only during training.<sup>73</sup> Presumably it would be more effective to test the high risk squads at the times during training when anabolic steroids are of maximum use, as argued in Chapter Three. It should be noted that the AIS was relying on the sporting associations themselves to test for the drugs most likely to be used during competition, because these tests were not conducted at the AIS.<sup>74</sup>

11.64 The effectiveness of the squad testing program as a deterrent has also been criticised. For example Ms Howland commented on this program:

I am sure it is just a bluff for the public and for the Government ... Possibly an example was when Ron Harvey said - it was a big media thing last year - 'I just woke up this morning and said "I think we will get all the

weightlifters tested". The weightlifters had been to a competition the week before they had been tested so everybody knew they were clear anyway.<sup>75</sup>

11.65 The suggestion that the weightlifting squad was tested at a time when they were known to be 'clean' was refuted by the AIS. Their submission stated:

The test was taken 20 days prior to 4 of the 11 athletes departing overseas for an international competition. Six of the athletes participated in schoolboy championships up to a week before the testing and it was known at that time that the schoolboy competition was not subject to testing.<sup>76</sup>

11.66 Mr Harvey also denied any knowledge of whether the weightlifters would test negative or not:

I had no knowledge of that, Senator, at all. I have got to be honest and say that when I put them in in September I had no knowledge of their timetable either. On the information I provided you, it was quite fortuitous that that was 20 days before all four of them were competing internationally.<sup>77</sup>

11.67 The discretionary power of the Director is a two-edged sword. When providing the appearance of an effective testing program, the unclear basis for ordering squad tests combined with its in-house nature also leave the AIS open to allegations of 'sham' testing. A more effective approach to targeted testing is discussed in Chapter Three and will be mentioned in later Sections of this Chapter.

### Independence of Tests

11.68 Mr Haynes was asked to comment on the possibility of subverting the AIS drug testing program through any of the stages in the program. He commented that:

Obviously, in any in-house drug testing program there is always that possibility, although I believe that the integrity of the people involved in sports medicine would have negated that. ... But it is one of the major problems that we have in drug testing programs. There has to be some independent agency to carry out drug testing because that conflict of interest will always exist.<sup>78</sup>

11.69 Had Mr Haynes known of the evidence already presented in this Chapter he may not have seen so confident. One clear case of conflict of interest was to place Dr Jean Roberts, who was Mrs Gael Martin's throwing and technique coach, in charge of the initial drug testing program. In commenting on this situation, Mr Haynes stated:

I would have thought that was a foolish practice to have instigated.<sup>79</sup>

11.70 The AIS has recently shown concern for the potential conflict of interest in the drug testing program by putting the selection of athletes under the control of the National Program on Drugs in Sport in April 1988.<sup>80</sup> In 1989, the total control of the program was placed with the National Program on Drugs in Sport and it was proposed to move the drug testing facility to an independent location.<sup>81</sup> The AIS has also scheduled an internal audit of the random drug-testing program conducted by the Anti-Drugs Campaign.<sup>82</sup>

11.71 Unfortunately, this does not remove all conflict of interest because the National Program on Drugs in Sport is, itself, under the direction of the Australian Sports Commission.<sup>83</sup>

#### Testing of Non-Scholarship AIS Athletes

11.72 In an Article ' "No drug use" at AIS' in The Canberra Times of 28 November 1987 Dr Fricker was quoted as saying:

Any athlete who gets any support at all - and this could be just a taxi-fare from here to the airport - are on our list and could be asked to test at any time. It is done on a numbers system, like a drug lotto.

In other words the public were entitled to believe, because they were being told, that the entire body of athletes using AIS facilities was being subject to random drug testing. The Committee believes that this is an important principle, because the major role of the AIS is in providing training facilities, with the awarding of scholarships being subsidiary to this. However, while this principle that all athletes using AIS facilities be subject to testing was both important, and essential if the drug testing program was to operate in a fair and equitable manner, it had never been put into place. The Committee notes that Dr Fricker, in a letter to the Committee dated 8 May 1989 commenting on the article from which the quote was taken, said that it was an interpretation of what was said to the journalist.

11.73 Dr Maguire told the Committee that there were athletes resident at the AIS or using AIS facilities for training who were not subject to the random testing program. These included international athletes visiting the AIS. He commented that:

The major contentious issue is that the AIS received a lot of accolades for providing facilities for overseas athletes and is happy to mention such athletes to promote the AIS. However, the rules say that ALL athletes using facilities are to be included in drug testing protocols. These rules are not being enforced and this is the responsibility of Administration.<sup>84</sup>

11.74 Dr Maguire said that this issue of the testing of facility-pass holders was of some concern to him because the group included an athlete who was known to have used anabolic steroids.<sup>85</sup> Dr Maguire commented:

He is the major one I would say, but the fact that his training group train at the Institute and we have one of them who we know uses drugs, it is suspicious because of their type of sport. It would seem to me that that is another group of people that should be tested, because for example, if it is common knowledge around athletic circles that this particular man is taking drugs, and the athletes know what is happening, and you have got somebody who has got some sort of gripe to the Institute, if they know that there is a person training there and not being tested, then obviously that gripe is well founded.<sup>86</sup>

11.75 Dr Maguire also indicated a concern about visiting overseas athletes 'some of whom bring their own doctors and their own everything'.<sup>87</sup> He commented that:

This [AIS] is their place to come and have a drug [test] free environment for the summer, so to speak.<sup>88</sup>

11.76 Dr Maguire said that the issue of including the facility-pass holders in the drug testing program was raised at the meeting with Mr Harvey immediately prior to Christmas in 1988, following Mr Harvey's meeting with the Minister. This meeting is discussed in more detail in Chapter Five. Dr Maguire described the meeting and commented that:

Dr Smith had been told that there were athletes in the throwing area whom we had strong suspicions and even evidence on paper, were taking drugs and we recommended that they be tested. At that point, Mr Harvey interjected and said, 'Dr Smith, have those guys tested next week'. I know, after coming here for the inquiry, that those people have not been tested at all.<sup>89</sup>

11.77 Dr Fricker agreed that he and Dr Maguire 'did suggest that those athletes be tested fairly vigorously'.<sup>90</sup> He thought this had happened in November 1988, but on being told Dr Maguire said that it happened at the December 1988 meeting with Mr Harvey, he said, 'Yes, all right, I will accept that'.<sup>91</sup>

11.78 Similarly, Mr Harvey, when he appeared before the Committee on 3 April 1989, agreed that he had instructed Dr Smith to carry out the testing of facility pass holders as a result of that meeting.<sup>92</sup> The following exchange took place:

Senator Crichton-Browne - I understand from the evidence that [the doctors] returned the bat to you and the matter was raised again at the late December meeting that you had with Dr Fricker, Dr Maguire and Dr Smith. That is four months ago. I think, as a result of that meeting, you instructed Dr Smith to provide the names.

Mr Harvey - I did.<sup>93</sup>

Both Mr Harvey and Dr Smith advised the Committee that facility-pass holders and visiting athletes would be included on the list for selection for testing as soon as their consent could be obtained.<sup>94</sup> Mr Harvey commented that:

I decided last December that we would throw in everybody from the local community who used it, all athletes as well, to try to get the barrel as big as we could'.<sup>95</sup>

11.79 Mr Harvey formally advised the Committee on 12 April 1989 that as from 17 April 1989 the program of drug testing at the AIS had been expanded to include:

- . facility pass-holders;
- . overseas athletes;
- . hirers of facilities; and
- . national sporting organisations.<sup>96</sup>

11.80 The question remains as to why it took so long to include facility pass-holders in the testing program, once this issue had been raised. The attitude of the administrators to this issue was also confused. At the later hearing on 12 April 1989,



neither Dr Smith nor Mr Harvey could recall Dr Maguire providing information on the need to test facility pass holders at the December meeting,<sup>97</sup> despite their confirmation during the earlier hearing that this discussion had occurred. The following exchange took place:

Senator Collins - [Dr Maguire] never spoke to you about the failure of these people to be tested and they had never, at 3 April [1989] been tested?

Dr Smith - No, I do not recall any specific ...

Senator Collins - Can you assist us by suggesting who else he may have spoken to?

Dr Fricker - For what it is worth, that means nothing to me either.<sup>98</sup>

11.81 Moreover, Dr Smith said that he could not recall that, during the interview to reprimand Dr Maguire for commenting on drug use during the Olympics, that Dr Maguire raised the question of athletes using AIS facilities (one of whom was suspected of taking steroids) not being included in the testing program.<sup>99</sup>

11.82 Dr Smith explained why the corrective action taken between 3 April and 12 April 1989 had not been taken earlier:

It was started a while ago but there was difficulty, as Dr Roberts tried to explain on that Monday evening; she was having difficulty receiving the information from coaches who in the first instance had indicated they wished to have a facility pass. That is the best answer I can provide for you.<sup>100</sup>

11.83 However, it should be noted that Dr Maguire said:

We have been fighting for nearly a year and a half now, I suppose, to have everybody included in drug testing but everybody is not.<sup>101</sup>

11.84 This statement is supported by a minute on the AIS drug testing file from Dr Fricker to Mr Harvey on 19 May 1987. The minute stated, among other things, that:

The AIS I believe should be drug testing (dope testing) any athlete who receives support from the AIS in any way whatsoever. I believe it is unfair to select some athletes who train under the auspices of the AIS, but others are excluded from testing for reasons such as part-time or visiting scholarships, use of training facilities alone, limited coaching staff, etc.<sup>102</sup>

11.85 On this basis, that the issue was raised one and a half years ago, Dr Maguire's comment seems more than justified:

Thus we have a situation of the medical staff informing Administration of potential drug users, of a command to include in testing being given but after 3 months NO testing was being undertaken. I feel that the medical staff have acted responsibly but have not been supported by Administration.<sup>103</sup>

11.86 The Committee notes Mr Harvey's remark at the 12 April 1989 hearing that:

Following your comments made on Monday of last week, we put a needle in it and gave it a good push along.<sup>104</sup>

The questions arise to why this 'good push along' could not have been given earlier and whether it would have ever happened if the Committee had not expressed concern.

#### Conclusion

11.87 In appearing before the Committee, the AIS has placed great store on the success of their drug testing program.

Although 239 AIS athletes have been tested, none have proved positive (apart from the soccer player mentioned earlier, whose second sample tested negative).

11.88 The Committee is of the opinion that if strict drug-testing procedures had been observed for every test and there had been a higher frequency of testing, the AIS would have had good grounds for arguing that their drug testing program was an effective deterrent. However, as established by the evidence, there are major questions over the collection of urine samples, the selection of athletes for tests and the low frequency of testing.

11.89 Because correct procedures were not followed and the necessary documentation was not kept, the Committee cannot reject the allegations that drug-using athletes avoided or influenced drug test results while at the AIS. This conclusion is supported by the findings in other sections of this report that AIS athletes used performance-enhancing drugs.

11.90 While it is recognised that the AIS initiated a drug testing program, it appears that this was a response to outside pressures to be seen to be 'drug-free', rather than from any real concern for the need to strictly apply IOC guidelines to ensure the integrity of Australian sport and the health of its athletes. The administrators at the AIS had shown a low commitment to developing an effective deterrent program until this Inquiry became active. This is demonstrated by them ignoring for over a year and a half advice from the doctors on the need to include other athletes, in their testing program. They then took action over a matter of a few weeks in April 1989 after the issue had been raised at a hearing of the inquiry. The Committee believes that in many ways the AIS drug testing program was worse than having no drug testing programs at all. It provided the

protection of appearing to do something to prevent the use of drugs, but was conducted in such a manner that it may have been possible for athletes using drugs to claim that the program showed them to be drug free.

11.91 The move to put the AIS drug testing program into the hands of the National Drugs in Sport Program is to be welcomed. However, it is the Committee's view that an effective drug testing program will require that all tests be conducted by the completely independent Australian Sports Drug Commission proposed in Chapter Three.

John Black  
Chairman

1. Evidence p. 1834
2. Evidence p. 1834
3. Evidence p. 1827
4. Evidence p. 1922
5. Evidence p. 526
6. Evidence p. 1827
7. Evidence p. 1923
8. Evidence p. 1393
9. Evidence p. 1924
10. Evidence p. 1924
11. Evidence p. 1835
12. Evidence p. 1835
13. Evidence p. 1836
14. Evidence p. 1836
15. Evidence p. 1827
16. Evidence p. 1836
17. Evidence p. 1836
18. Evidence pp. 1828-9
19. Evidence p. 1970
20. Evidence p. 1627
21. Minutes of AIS Board meeting, 2 March 1988
22. Evidence p. 1394
23. Evidence p. 1836
24. Evidence p. 1480
25. Evidence p. 2023
26. Evidence p. 1627
27. Evidence p. 1824
28. Evidence p. 1836
29. Evidence p. 1636
30. Evidence p. 1394
31. Evidence p. 1636
32. Evidence p. 1629
33. Evidence p. 67
34. Evidence p. 1809
35. Evidence p. 2006
36. Evidence p. 2007
37. Evidence p. 642
38. In Camera Evidence p. 136
39. Evidence p. 1394
40. Evidence p. 1473
41. Evidence p. 2008
42. Evidence p. 2008
43. Evidence p. 2008
44. Evidence p. 1924
45. Evidence p. 2009
46. Evidence p. 2009
47. Letter Dr R G Smith to Secretary, 18 April 1989
48. Evidence p. 2009
49. Evidence p. 2013
50. Evidence pp. 2013-4
51. Evidence pp. 2013-4
52. Evidence p. 2019
53. Evidence p. 2060
54. Evidence p. 2076
55. Evidence p. 2059
56. Evidence p. 2059
57. Evidence pp. 2059-60
58. Evidence pp. 2016-7

59. In Camera Evidence p. 146
60. In Camera Evidence p. 1656
61. In Camera Evidence p. 354
62. Evidence p. 1827
63. Medical Records provided on 20 February 1989
64. Letter Mr Rice to Secretary, 7 February 1989
65. Letter from athlete, 10 February 1989
66. Minute from Dr Roberts to Mr Corbitt, 8 December 1986, folio 62
67. Letter Dr R G Smith, Acting Director, AIS, to Secretary 18 April 1989
68. Evidence p. 1825
69. Evidence p. 1825
70. Evidence p. 1484
71. Evidence p. 1484
72. Evidence pp. 1655-6
73. K Donald, The Doping Game, A Boolarong Publication, Brisbane, 1983, p. 109
74. Evidence p. 1825
75. Evidence p. 542
76. Evidence p. 1970
77. Evidence p. 2071
78. Evidence p. 1637
79. Evidence p. 1637
80. Evidence p. 1836
81. Evidence p. 1629
82. Evidence p. 2135
83. Evidence p. 67
84. In Camera Evidence p. 569
85. In Camera Evidence p. 608
86. In Camera Evidence p. 635
87. In Camera Evidence p. 632
88. In Camera Evidence p. 634
89. In Camera Evidence p. 628
90. In Camera Evidence p. 735
91. In Camera Evidence p. 735
92. Evidence p. 1926
93. Evidence p. 1926
94. Evidence pp. 1927-8
95. Evidence p. 1927
96. Evidence p. 2134
97. Evidence p. 2055
98. Evidence p. 2057
99. Evidence p. 2039
100. Evidence p. 2038
101. Evidence p. 2043
102. Minute from Dr Fricker to Mr Harvey, 19 May 1987, AIS file No. 87/0238, Folio 87
103. In Camera Evidence p. 568
104. Evidence p. 2039

