



Australian Government

Australian Sports  
Anti-Doping Authority

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Office of the Chief Executive Officer

2 August 2013

Mr Andrew Demetriou  
Chief Executive Officer  
Australian Football League

Dear Mr Demetriou

Please find attached a copy of ASADA's Interim report into the investigation at the Essendon Football Club.

The Interim report contains information uncovered by the investigation as at 1 August 2013. It is important to note that ASADA's investigation is continuing – in that context, it is possible that further material may come to light that will change the nature of the evidence, or the findings in the Interim report.

**Basis on which this interim report is being provided**

Although ASADA's investigation of possible anti-doping rule violations is continuing, I am able to disclose information to the Australian Football League (AFL) under Article 4.7 of the AFL Anti-Doping Code and clause 4.21 of the National Anti-Doping (NAD) Scheme (Schedule 1 to the *Australian Sports Anti-Doping Authority Regulations 2006*).

Under Article 4.7 of the AFL Anti-Doping Code, ASADA has an obligation to report to the AFL on the exercise of its anti-doping functions, including its investigative functions.

The Interim report contains information that is "NAD scheme personal information" within the meaning of the *Australian Sports Anti-Doping Authority Act 2006*, and that is therefore subject to section 71 of that Act.

This information will generally also be information that does not arise out of any entry on the Register maintained under the NAD Scheme and relates to persons in connection with a possible anti-doping rule violation by athletes and support persons, and that is therefore covered by clause 4.21 of the NAD Scheme. Some of the information was collected by the AFL or has already been disclosed to the AFL.

To the extent that the interim report contains NAD Scheme personal information that the AFL did not collect and has not already been disclosed to the AFL, it cannot be disclosed to the AFL except for the purposes of the NAD scheme (section 71(1), (2)(b)). Disclosure of information under clause 4.21 of the NAD Scheme is disclosure for the purposes of the NAD Scheme and falls within the exception to the prohibition on disclosure in section 71(2)(b).

The relevant information can be disclosed to the AFL under clause 4.21 of the NAD Scheme for the purposes of, or in connection with, the administration of the NAD Scheme. The NAD Scheme would prevent the relevant information (the interim report) being made public.

I am providing the AFL with the interim report in connection with my investigation under the NAD Scheme, noting that the interim report is the culmination of our joint investigation to date and the starting point for further investigation.

Please provide me with your comments on the interim report. For example, I am particularly interested in receiving the AFL's views on the necessity for me to use my new powers to gain further information about specific substances provided to players and their contents.

I note that use and disclosure by the AFL of the information in the interim report is subject to the operation of the National Privacy Principles in the *Privacy Act 1988*. The Principles would preclude making the interim report public.

Having said that, the interim report has been redacted in a number of places. The following categories of information have been redacted from the interim report:

- Material from other Australian Government agencies that ASADA is unable to lawfully provide to the AFL;
- Internal ASADA communications that are not relevant to the investigation and all references in the footnotes to internal ASADA file references;
- Text describing conduct that appears to be a possible anti-doping rule violation not relevant to Essendon;
- Material that is relevant to other ASADA investigations; and
- Sensitive medical information.

#### Area of further investigation – possible use of other prohibited substances by Essendon players

The investigation has established that WADA prohibited substances such as Hexarelin, Thymosin Beta 4 and SARM S-22 were stored on the Essendon Football Club premises.

It has also been established that an Essendon support person administered Hexarelin to other Essendon personnel. At this stage, ASADA has not been able to establish that Essendon players were administered with this substance. This is also the case for SARM S-22.

During the investigation, players in interviews expressed their knowledge or their belief that they were injected with Thymosin. Based on the material uncovered during the course of the investigation, there is strong circumstantial evidence that the Thymosin that Essendon players were injected with was Thymosin Beta 4.

However, at this stage ASADA does not consider that it has sufficient evidence to establish to the comfortable satisfaction of a hearing panel that specific players were in fact administered Thymosin Beta 4.

ASADA's investigation into these matters is continuing – the commencement of the *Australian Sports Anti-Doping Authority Amendment Act 2013* will enable other lines of inquiry to be pursued with a view to establishing the substances that were in fact administered to Essendon players.

Should ASADA take the view that anti-doping rule violations can be established against one or more players in relation to the use of these substances, ASADA intends to proceed with these violations. While the availability of any defences will depend on the circumstances of each player, the evidence so far suggests that the defence of *no fault, no negligence* is unlikely to be able to be established by any player.

#### AOD-9604

In relation to the issue of AOD-9604, ASADA will make a public statement about its proposed approach in all sports to the enforcement of possible anti-doping rule violations involving this substance that occurred prior to the World Anti-Doping Agency's media release of 22 April 2013.

#### Conclusion and next steps

Should ASADA, following the conclusion of its investigation, make an assessment that it is possible that an individual or individuals have committed anti-doping rule violations, those persons will be given the opportunity to respond to those allegations at that point in time, in accordance with the scheme provided for in the *Australian Sports Anti-Doping Authority Act 2006*.

Following that process, ASADA will make recommendations to the AFL for the issuing of infraction notices to relevant persons, at which point those persons will be able to elect whether or not to exercise their right to a hearing before the AFL Anti-Doping Tribunal.

As I stated earlier in my letter, I look forward to your comments on the interim report, and will take these into account in the continuation of my investigation. Please convey these to Paul Simonsson, Director Intelligence and Investigations, at [paul.simonsson@asada.gov.au](mailto:paul.simonsson@asada.gov.au).

Yours sincerely



Aurora Andruska PSM  
Chief Executive Officer

