

CHAPTER EIGHT

POWERLIFTING

INTRODUCTION

8.1 Unlike weightlifting, from which it broke away in 1972, powerlifting is not an Olympic sport. Nevertheless, it is a charter member of the World Games. It consists of three lifts: the back squat, the bench press; and the deadlift.

8.2 In the squat the weight is carried on the shoulders. Racks holding weights are adjustable to the lifter's height. The lifters step underneath the weight, take it on their backs, step back from the racks, do a deep knee bend, come up and put the weight back. A bench press involves lifters lying down on their backs on a bench. The weight rests on uprights. The lifters take the weight at arms length, lower it to their chests and then push it back up again. A dead lift involves the lifter bending down and picking up the weight until it is a little above the knees, at arms length when standing up straight. The weight is not raised above the head, as in Olympic weightlifting. As in weightlifting, however, the sport is contested in weight divisions.

8.3 In Australia the sport of powerlifting claimed 11,010 registered participants in 1987-88 when it received a grant of \$13,000 from the Commonwealth Government under the Sport Development Program. (Commonwealth Assistance to Australian Sport 1987-88, Appendix 1)

ORGANISATIONS

8.4 During the course of this inquiry Australian powerlifting was in turmoil, with a number of factional contests being waged over the administration of the sport. The changes taking place are related directly and indirectly to various

allegations about the involvement of drugs in the sport and the role played by various officials.

AAPLF

8.5 The Australian Amateur Powerlifting Federation (AAPLF) was established in 1972 as an unincorporated body. From the year of its foundation it was recognised by the International Powerlifting Federation as the governing body of powerlifting in Australia. The AAPLF has been receiving funding from the Australian Sports Commission. (Evidence, p. 3694)

8.6 In 1986 the AAPLF resolved to become an incorporated body. It received legal advice that it would be appropriate for each state powerlifting association to incorporate and for these incorporated bodies to join an incorporated national body. (Evidence, p. 3704)

Australian Powerlifting (to be incorporated)

8.7 By August 1988 each State powerlifting association belonging to the AAPLF had incorporated and a draft constitution for the to-be-incorporated national body had been prepared. However, at a general meeting of the AAPLF on 5 May 1989 the matter of incorporation was held over to a meeting on 4 August 1989. At this meeting it was resolved to dissolve the AAPLF so as to form a new incorporated body and this was accomplished by each state body withdrawing from the AAPLF. An interim body, called Australian Powerlifting, was set up with a view to a fully constituted and incorporated body being established at a general meeting to be held in Adelaide in October 1989. (Evidence pp. 3704-5) Mr Robert Wilks was convenor of this interim body.

8.8 Mr Wilks wrote to the Australian Sports Commission on 18 August 1989:

The formation of the new incorporated body should greatly enhance the administrative efficiency and unity of Australian

powerlifting. The constitution to be adopted includes a specific item mandating drug testing and making clear the penalties associated with positive test results. (Evidence, p. 2528)

8.9 At a general meeting of state powerlifting associations and interested individuals held in Adelaide in October 1989 an election for the office bearers of 'Australian Powerlifting (to be Incorporated)' was held with the following being elected:

President	Yuris Sterns
Vice President	Grant Ellison
Secretary	Jack Pappas
Treasurer	Michael Battenally
Coaching co-ordinator	Grant Ellison

(Evidence, p. 3706)

Australian Powerlifting Federation Inc

8.10 However, there remained concerns about the 'unrepresentative and undemocratic nature of the meeting of 20th - 21st October' and a belief that Mr Grant Ellison was unacceptable as a representative of powerlifting. There were also fears that the main office bearers would attempt to affiliate with the World Powerlifting Congress rather than with the International Powerlifting Federation. (Evidence, p. 3706) Consequently, a meeting was held at which it was resolved to incorporate another body, Australian Powerlifting Inc., as a continuation of the AAPLF and to seek the membership of State powerlifting associations. The unacceptability of Mr Grant Ellison related to his admitted role as a former dealer in performance enhancing drugs. (Evidence, p. 3470)

8.11 A general meeting of the Australian Powerlifting Federation Inc was held in Sydney on 5 November 1989 at which the following officers were elected:

President	Robert Orr
Vice President	Bill Keir
Secretary	Robert Wilks
Treasurer	Robert Stanton

8.12 The Australian Powerlifting Federation Inc., is the body now recognised by the International Powerlifting Federation as the Australian national body. (Evidence, p. 3823) It has recognised the bans placed on Australian powerlifters who have tested positive at international competitions. These bans are apparently not recognised by the breakaway 'Australian Powerlifting (to be incorporated)' group. (Evidence, p. 3824)

Australian Drug Free Powerlifting Federation

8.13 In 1986 a breakaway group, the National Drug Free Powerlifting Association of Australia, was formed by Mr Chris Turner. (Submission No 54, Attachment 1)

Summary

8.14 There are now three national powerlifting bodies:

- . the Australian Drug Free Powerlifting Federation which is affiliated with the World Drug Free Powerlifting Federation;
- . the Australian Powerlifting Federation Inc., recognised by the International Powerlifting Federation; and
- . Australian Powerlifting (to be incorporated).

8.15 It should be noted that the factional fighting between and within these bodies is very intense and it is not always apparent which state affiliate belongs to each federation. The minutes of the 'Semi-Annual AAPLF Federal Council Meeting' of May 1989 record, for example, that in the ACT there was a:

Large fall off in membership in 1989, mainly junior lifters. The Senate Drugs in Sport Inquiry and the alternate [sic] 'Drug Free' association have contributed to this. The ACT

association has incorporated the name 'ACT Drug Free Powerlifting' to forestall the other association. (Evidence, p. 3476)

8.16 Similarly, the Queensland Amateur Powerlifting Association had to incorporate as the 'Queensland Power Sports Association', as the Drug Free group would not allow the use of the term powerlifting. (Evidence, p. 2404)

Possible Amalgamation between Australian Powerlifting Federation and Australian Drug Free Powerlifting Federation

8.17 When asked about the possibility of an amalgamation between the Australian Powerlifting Federation and the drug free group, Mr Wilks told the Committee:

The individuals within (the Drug-Free) organisation are quite clearly not favourable to the AAPLF or the APF as it is now. They are very much isolationist, wanting to run their own show and their motivation is to have their own separate organisation. (Evidence, p. 3830)

8.18 Mr Wilks made the point that the AAPLF had never stopped anyone from belonging to both organisations. (Evidence, p. 3831) Mr Glenn Jones similarly noted that the Drug Free group was prepared to consider applications for membership from former members of the AAPLF. (Evidence, p. 2818) He stated that:

It is very much up to the individual States as to who they select, but the national body has a final veto. (Evidence, p. 2818)

8.19 Mr Jones explained that any member of the national executive could object to a person being admitted to membership. The objection is circulated to other members of the executive, with reasons for the objection being explicitly stated. If the executive decides to refuse membership an appeal process is available through which the potential member can make a written submission to the executive. (Evidence, p. 2819)

National Recognition

8.20 The Australian Sports Commission is able to recognise and fund only one national sporting organisation for each sport. For this reason it has:

deferred consideration of funding to the sport of powerlifting pending the report of [the] Senate Committee's Inquiry into Drugs in Sport. Once the results of the Inquiry are known, the Commission will determine its approach to any application from organisations representing this sport. (Letter from Mr Perry Crosswhite, Acting Executive Director, Australian Sports Commission to Committee Secretary, 18 December 1989).

8.21 Nevertheless, Mr Steve Haynes, Executive Director of the Australian Sports Drug Agency, has in effect recognised the Drug Free organisation by allocating it 50 dope tests to be financed by the Agency. (Evidence, p. 2816) Mr Haynes explained that:

It has been very difficult ... to work out where powerlifting is at in this country. All the communications I have had with various groups meant quite simply, 'If you are serious then you must give us the right to test any of your members any time'. The only group that has come forward on that is the [Australian Drug Free Powerlifting Federation]. (Evidence, p. 2934)

8.22 This de facto recognition of the Drug-Free Federation took place before the split in the AAPLF. Mr Wilks, ASC Liaison Officer for the AAPLF, wrote to Mr Haynes on 13 June 1989 expressing concern over this matter. (Evidence, p. 3780)

DRUGS BANNED IN POWERLIFTING

8.23 The International Powerlifting Federation list of banned substances is not as comprehensive as the IOC list. Mr Wilks advised that this is because it 'omits beta-blockers, which are of not great relevance to powerlifting, and a few other items'. (Evidence, p. 3798) Moreover, even for those substances which are the same in both lists, the length of time that bans apply for

breaches of the code may vary. The powerlifters will often impose shorter bans than the IOC by a considerable period.

8.24 Anabolic steroids, banned by the IOC Medical Commission in 1974, were first banned internationally in powerlifting in 1981. The first tests were conducted in 1982. The constitution of the Australian mainstream powerlifting group was not changed to ban drugs until 1989, although testing had been introduced by the AAPLF as early as 1987. (The Drug-Free group had broken away in 1986.) Mr Wilks explained the delay between the international banning of performance enhancing drugs and the change in the constitution of the Australian Powerlifting Federation Inc:

There was laxness in tying up the constitution and the legalities and naivety in understanding how hard people would fight these bans and underestimating the legal consequences we are getting ourselves into. (Evidence, p. 3838)

8.25 The blocking agent probenecid was not banned by the International Powerlifting Federation until 1988. (Evidence, p. 3798) The minutes of the 'Semi-annual AAPLF Federal Council Meeting' on 5 May 1989 record that the IPF delegate reported that 'Diuretics and probenecid are now banned and tested substances'. Both were banned by the IOC Medical Commission in 1987.

8.26 The Drug Free Powerlifting Federation uses the IOC list of banned substances. As discussed later, it conducts tests for, and may take action on, substances (such as beta-blockers) not banned by the IPF.

EXTENT OF DRUG USE

8.27 Table 6.1 summarises the data on powerlifting from the 1982 Survey of Drug Use in Australian Sport in order to give some indication of the general level of drug usage in the sport.

8.28 The Survey noted that 77.8% of powerlifting respondents knew of other Australian competitors who had taken drugs to

improve performance. Moreover, 20.4% of respondents said that they intended to use anabolic steroids in the future and 18.5% indicated their intention to use stimulants. The survey concluded that '50% or more of international level powerlifters' could be using anabolic steroids.

TABLE 6.1
 USE OF DRUGS BY POWERLIFTERS
 (Based on 54 respondents)

Drug	Percentage Using	Survey Page
Vitamins	77.8	77
Anti-inflammatory drugs	42.6	86
Analgesics	13.0	96
Bronchodilating drugs	20.4	108
Diuretics	27.8	118
Anabolic steroids	22.2	128
Stimulants	24.1	138
Sedatives	9.3	148

8.29 The high levels of drug usage by powerlifters seem to be a characteristic of the sport. Mr Glenn Jones advised the Committee that because powerlifting is not an Olympic sport its rules concerning performance enhancement were 'fairly loose' and that:

this was attractive to those in other sports who saw powerlifting as an adjunct to their own sport for use in strength enhancement during off season ... it quickly became evident that whilst Olympic lifting was the province of the 'government' police boys

clubs, powerlifting found its strength in private gyms where body building was at its strongest. (Evidence, p. 717)

8.30 Mr Robert Wilks, Secretary of the Australian Powerlifting Federation Inc., when asked about the level of drug usage in powerlifting at the present time, claimed:

It is impossible to put figures on it. I can only say that at the lower levels it is very low - minimal to nil. (Evidence, p. 3840)

However, he also said that drug abuse is 'frequent, common and widespread at the very high levels' (Evidence, p. 3841) and commented that:

There may be some lifters who will be put off by the prospect of testing. But many others will not be. They will resort to whatever means they can to get around the test. The majority who do use will try to subvert the test and get around the test in some way. (emphasis added) (Evidence, p. 3842)

8.31 As will be evident from Chapter Ten, bodybuilding is probably the only activity showing a greater level of performance enhancing drug abuse than powerlifting. Mr Ray Rigby, former President of the AAPLF acknowledged that there was a problem with drug abuse in the sport but said that the AAPLF had tried to eradicate the problem by introducing testing. (Evidence, pp. 3540-1)

8.32 Mr Christopher Turner, Secretary of the Australian Drug Free Powerlifting Federation, informed the Committee that:

In mainstream, ie funded, powerlifting, it [use] is widespread at National levels. At the AAPLF (or APLA) 1987 Senior Nationals, in Alice Springs, there were 62 lifters. Of 25 women, 8, or 32%, were on drugs. Of 37 men, 28 or 77.77%, were on drugs. In the 1980s, for events of this nature for which I have the figures, the percentage of women on drugs has ranged from 20% to 32%, and the men from as low as 50% to as high as 81%. (Evidence, p. 2324)

Mr Wilks' response to these figures was to ask how Mr Turner could possibly know, especially as he was not there:

Even if he were present I do not see how he could determine so precisely who was and was not on drugs. Perhaps with Mr Turner's extraordinary powers of detection the IOC could dispense with the messy business of urinalysis and simply arrange with him to spot drug users world wide, via clairvoyance from his Brisbane residence. (Evidence, p. 3697)

8.33 The Drug Free Powerlifting Federation presented figures to show that across the weight divisions, mainstream powerlifters in Australia demonstrated a 25 to 30 per cent strength increase compared with the records of the Drug Free group. It argued that this difference was a result of the use of steroids. (Evidence, p. 2341 and 2343) Mr Wilks, while accepting the figures, disputed the interpretation placed on them by Mr Turner. He pointed out, for example, that at the international level the difference between the effective World Drug Free records and the International Powerlifting Federation records is consistently around ten per cent. He claimed that the difference of up to 30 per cent in the figures was because in Australia 'the so called Drug Free association has very few lifters. In fact we would have more drug free lifters than they would'. (Evidence, p. 3847) Mr Turner accepted this as a partial explanation, pointing out that as the Drug Free Federation obtained new members the standard of competition performance was improving and the gap between the Drug Free records and those of the other Associations was being narrowed. (Evidence, p. 2344) However, the figure of 25 to 30 per cent improvement is consistent with figures given to the Committee by other athletes and by Dr Gavin Dawson (Interim Report p. 46) as well as with figures reported in the literature, for example by Dr Alex Tahmindjis in his study of Sydney weightlifters.

8.34 Mr Wilks commented that the AAPLF had many lifters who had never taken steroids but whose totals exceeded the Drug Free Powerlifting Federation records, and he said that if a 30 per

cent improvement from steroids was accepted and was added to the records of the World Drug Free Powerlifting Association, the figures produced far exceeded world records. He suggested that one reason for this might be that the (supposed) Drug Free lifters are not drug free. (Evidence, p. 3696) The Committee notes, on the basis of this evidence, that drug free powerlifters in the AAPLF could increase their competitiveness by joining the Drug Free Association. That they do not do so is perhaps due to a range of factors including the sport's politics, and the perceived international credibility of particular powerlifting organisations.

ADMINISTRATION

AAPLF

8.35 A number of serious allegations have been made about the administration of the AAPLF which, until the middle of 1989, was the governing body of powerlifting in Australia as recognised by both the International Powerlifting Federation and the Commonwealth Government. These are considered here in so far as they are relevant to the question which of the existing powerlifting bodies, if any, should receive public funding.

Financial Administration

Audits

8.36 Mr Chris Turner wrote to the Committee that:

The AAPLF's administrative record included never having their books audited, from their inception in 1972 to 1985. When funding from the ASC [Australian Sports Commission] began, they had the deployment of those funds only, audited, and at the last meeting of theirs that I attended in 1985, they were even talking of misdirecting THOSE into areas other than those stipulated by the ASC. (Evidence, p. 2312)

8.37 Mr Turner's assertion that the AAPLF had not had their books audited before 1985 was rejected by Mr Wilks, who said that in the 1970s and early 1980s audits were done by a Sydney accountant, Mr Terry Gibbs. As this period preceded Mr Wilk's time as an executive office bearer of the AAPLF, he did not himself have access to the relevant records. (Evidence, p. 3690) From the mid 1980s audits were carried out each year 'but many records were lost during the unfortunate reign of Mr Mason Jardine as AAPLF treasurer'. (Evidence, p. 3690) Mr Wilks told the Committee that copies of these audits would be on file with the Australian Sports Commission and that audits, 'although in some cases headed "Application for Government Grants", were actually of all funds utilised by the AAPLF'. (Evidence, p. 3691) Mr Wilks also informed the Committee that while a variation was made in the 1985-86 Australian Sports Commission grant to powerlifting, this was fully approved by the Commission. (Evidence, pp. 3720-3) Documentary evidence provided to the Committee demonstrated this to be the case.

Loss of Funds

8.38 Mr Wilks' reference to the 'unfortunate reign of Mr Mason Jardine as AAPLF treasurer' (Evidence, p. 3690) is explained by an article in Powerview, the official newsletter of the Queensland Amateur Powerlifting Association, dated Jan/Feb 1987:

Set Back for the QAPLA

Well, fellow lifters, the unthinkable has happened. Mason Jardine, treasurer for both the QAPLA and the AAPLF appears to have absconded with the major portion of QAPLA funds. It is not known at this stage exactly how much is missing as the books are in a complete shambles. The matter is being looked into by the Brisbane CIB. (Evidence, p. 2416)

8.39 Mr Jardine had been elected State Treasurer in June 1986, and National Treasurer in August 1986. According to Mr Dino Toci, then President of the Association, all the missing forms

and receipts 'and stuff' were subsequently found (Evidence, p. 2424) as Mr Jardine had left both the State and the Federal books with the auditors before he absconded. (Evidence, p. 2426)

8.40 The funds that were missing amounted to \$4000 from the QAPLA, which received State government grants but no Commonwealth funds. (Evidence, p. 2405) Mr Jardine, presently serving time in gaol as a result of social security fraud convictions (Evidence, p. 2424) is repaying the missing money to the QAPLA. (Evidence, p. 2688)

8.41 The AAPLF itself did not lose any money in this matter (Evidence, p. 2687) although, as Mr Toci explained, the Federal Association:

were worried about what amount of funds may have been missing, but this was because some of the Federal books were being audited with the State books and they did not have them. We had to track those down. (Evidence, p. 2426)

8.42 Mr Wilks emphasised that no AAPLF or Australian Sports Commission funds were involved in 'Mr Jardine's indiscretions' and stated that:

The only fiscal problem for the AAPLF connected with Mr Jardine was that difficulty in obtaining records held by him meant that the AAPLF could not meet an audit deadline imposed by the ASC and \$5000 of the AAPLF's grant therefore could not be forwarded. (Evidence, p. 3695)

Membership Numbers

8.43 Mr Chris Turner told the Committee that both the QAPLA and the AAPLF were guilty of exaggerating their membership numbers to gain increased Commonwealth and State government grants. (Evidence, p. 2314) He suggested that this was in part because:

In mainstream (ie funded) powerlifting, Associate membership numbers are small, and so

many official positions are manned by active top lifters, who as drug users themselves, are used to lying and cheating, and so show no hesitation in exaggerating figures. (Evidence, p. 2314)

8.44 He amplified this by tabling a document, allegedly in the handwriting of Mr Robert Wilks, then national vice president in charge of administration of the AAPLF, showing that in May 1984 the AAPLF had 364 registered members. (Evidence, p. 2325 and 2328) Mr Turner also said that at a meeting in May 1985 Mr Wilks reported approximately 700 registered members. (Evidence, p. 2325) However, because weightlifting had claimed a membership of 22,000:

The feeling of the powerlifting meeting in Sydney in May of 1985 was that, given that weightlifting was having its figures bumped up all the time and had no need apparently for corroborative evidence to that effect, the figures for powerlifting should be bumped up as well in the submission [to the Australian Sports Commission], so the round figure of 2,000 was latched onto. (Evidence, p. 2326)

Mr Ray Rigby agreed that the AAPLF tried to introduce as many people to the sport as possible, explaining that:

We try to get a large percentage of people down so that we can show numbers to help with our government grants. I do not deny that at all ... I do not have the exact figures but I think that it would be appropriate to say that the figures are greatly inflated because of the school children's participation. (Evidence, pp. 3516-7)

8.45 Mr Wilks discussed in some detail the allegations made concerning the inflation of membership numbers. He noted a belief that high registration would be pleasing to the ASC and implied that many Australian sports bodies have become involved in a race for registration numbers. (Evidence, p. 3692) He described how:

from approximately 1985 the ASC required each sport to submit a development plan, powerlifting devised and implemented a mechanism to increase participation in the

junior section of the sport, namely the Schools Bench Press Contest ... This event was very successful in terms of generating mass participation, less so (but certainly not unsuccessful) in terms of follow up. (Evidence, p. 3692)

8.46 Mr Wilks agreed that the School Bench Press Contest resulted in a surge of membership figures but pointed out that the details of the contest had always been clearly explained to the ASC. He also noted that the growth in membership figures of the AAPLF appeared to have had little impact on the level of ASC funding received. (Evidence, p. 3693) Mr Wilks pointed out that the May 1984 registration document tabled by Mr Turner showed the position before the majority of registrations for that year had been received. He said that all of the Australian Juniors/Masters Championships, the various State Championships and the National Championships were held in the May to August 1984 period. (Evidence, p. 3694)

Australian Drug Free Powerlifting Federation

8.47 The Australian Drug Free Powerlifting Federation was established in 1986 by Mr Christopher Turner, formerly a member of AAPLF. The Drug Free Federation is 'in total opposition to the use of anabolic steroids, amphetamines and other ergogenic drugs in sport' and is 'trying to present itself as a drug FREE body, not just a drug TESTED one'. (Submission No 54, Attachment 1, p. 1; Evidence, p. 2315A)

8.48 A number of arguments were put forward about the representative nature of the Drug Free Federation, in part because this was seen as potentially important in reaching a decision as to the funding of powerlifting in Australia. Mr Turner made the statement that the Drug Free Federation:

can hardly be blamed for seeing the continued funding of any other powerlifting body than ours as being a tacit approval for drug abuse and mismanagement of funds. (Evidence, p. 2309)

8.49 Mr Rigby claimed, in contrast, that Mr Turner established the Drug Free Federation only because he 'lost his position, I think on the National Council (of the AAPLF) ... I believe there was a lot of personality conflicts'. (Evidence, p. 3469)

8.50 Irrespective of the reasons for the formation of the Drug Free Federation, the questions that need to be answered concern how representative an organisation it is, how well managed it is, how open an organisation it is, and whether it deserves its 'Drug Free' title.

Membership Numbers

8.51 On 13 November 1989 Mr Turner told the Committee that the Federation was 'operating in Queensland, New South Wales, the Australian Capital Territory and Victoria, and ... commencing a group in Western Australia currently'. (Evidence, p. 2818) He indicated that the establishment of associations in the other States and the Northern Territory was being examined. Mr Glenn Jones said that the current membership was:

slightly fewer than 500, we believe. That does not include schoolboys, bench press programs, and associate members - people who support the sport but do not actually lift. That figure would be the number of genuine lifters. At our national championships we had 115 entrants of whom 105 lifted. (Evidence, p. 2830)

8.52 Mr Turner was aware of the administrative reorganisation taking place in mainstream powerlifting and said that he was not aware of any recent membership figures for the Australian Powerlifting Federation Inc or for Australian Powerlifting. However, he said to the Committee:

as far as I can tell from contacts in the states where we are affiliated ... our body has the majority of registered powerlifting members in all cases. (Evidence, p. 2340)

Mr Wilks described this statement as 'a falsehood', and stated that Mr Turner's organisation has no representation at all in Tasmania, South Australia, Western Australia and the Northern Territory. Mr Wilks could:

personally vouch for the fact that in Victoria the Drug Free Powerlifting Association has a very minimal membership relative to that of the Victorian Powerlifting Association Inc. (Evidence, p. 3695)

Mr Ray Rigby similarly claimed that the Drug Free Federation:

is only a very small minority group of people. We [the APF] are a part of the International Powerlifting Federation, which has an enormous amount of testing ... They are only a breakaway group ... In actual fact there are not many people involved in the so-called drug free association. (Evidence, p. 3516)

Representation

8.53 Mr Wilks suggested that the Drug Free Federation was not representative because:

the individuals involved in running it have very little credibility amongst the vast majority of lifters and people do not want to be associated with them. Plus, of course, people recognise that if there is to be any future in the sport for them, it is to maintain their association with us and thence to the IPF where the true world championships are held. It is meaningless to go into a world championship in which there are one or two competitors as happens in the so-called drug free world championships. The other factor, of course, is these drug free organisations are not drug free, especially at the international level. (Evidence, p. 3847)

DRUG TESTING

AAPLF

8.54 A number of allegations were made to the Committee that the drug testing carried out by the AAPLF was not always conducted in a fair and reasonable manner, or in accordance with the agreed protocols. (Evidence pp. 703; 735)

8.55 Mr Glenn Jones suggested that when testing was introduced in powerlifting:

Numerous stories began to do the rounds that the 'fix was in'. (Evidence, p. 719)

He suggested that testing was never carried out according to the IPF protocol and that the urine examined:

was often that of the testing commission or some other drug-free person. (Evidence, p. 719)

8.56 Mr Jones made the allegation that testing could be used to punish or 'blackmail' lifters. He described how:

At one recent national event, a State official who also happened to be a lifter was complaining about various trivial matters. He was pointedly told that unless he shut up, he would be required to supply a urine sample. (Evidence, p. 719)

The official concerned was Mr Bob Orr (Evidence, p. 737) who described Mr Jones' statement as 'just a complete fallacy'. He said:

It is some story out of a story book. There was a confrontation with Mr Rigby, who was announcing the competition ... and we did have a heated discussion and I was asked to put myself back in the audience at that time, and that was all that was said on that. (Evidence, p. 3849)

8.57 Mr Wilks noted that the AAPLF had attempted to institute a drug testing program in Australia, commencing in 1986. (Evidence, p. 3530) He stated that up to 1988 this program had been held back by a lack of funds and had been limited to a small number of tests at state championships and voluntary tests of those attempting world records. The first broad scale testing was carried out at the National Championships in 1988. Mr Wilks wrote to the National Program on Drugs in Sport (NPDS) on 8 September 1988 advising that:

It is now AAPLF policy that, subject to funding availability:

- . testing will be conducted at all Senior National Championships;
- . testing will be conducted at all State Championships, within the limits imposed by the travel costs for drug control officers, thus far testing has been carried out at the NSW, Queensland, Victorian and South Australian Championships;
- . testing will only be carried out by IPF appointed drug control officers (at present Robert Wilks and Ray Rigby) in accordance with IPF procedures, or if so arranged by the IPF appointed officers in conjunction with NPDS (National Program on Drugs in Sport) officials;
- . no lifter shall be selected for a team to the Senior World Championships unless he/she has passed a drug test at the previous National Championship or at a similar time;
- . the penalties for failure of a drug test shall be in line with IPF penalties, ie. 3 years suspension from International and Australian competition for a first offence, 4 years for a second;
- . testing of samples shall be carried out only at IOC laboratory. (Evidence, p. 3530)

8.58 In this letter to Mr Haynes, Mr Wilks described the IPF policy on dope testing and wrote that:

these guidelines have been very strictly followed, with none of the loopholes allowed in some other sports. Initially an average of 4-6 positives were found at tested championships, with this improving in recent years and no, or the occasional, positives typically being found in recent years. (Evidence, p. 3530)

8.59 The following section examines the AAPLF's record in doping control and provides some comparison with the approach now being adopted by the recently formed Australian Powerlifting Federation Inc., and Australian Powerlifting.

Drug Control Officers

8.60 Mr Glenn Jones told the Committee that drug testing in powerlifting 'became a joke from the very outset' because the two appointed drug testing officials 'were known to be pro-drugs'. (Evidence, p. 719) These two IPF-recognised Drug Control Officers were Mr Robert Wilks, the then Vice-President (Administration) and National Team Coach of the AAPLF, and Mr Ray Rigby, the then President of the AAPLF. The Australian Powerlifting Federation Inc. has applied to the IPF to have appointed another two drug control officers (additional to Messrs Wilks and Rigby).

8.61 Mr Rigby told the Committee that he 'was the person who instigated having drug testing in Australia back in 1986'. (Evidence, p. 3471) He was also the author of an article 'Simple Facts About Anabolic Steroids' published in Modern Athlete and Coach, Vol. 19 No 4. This article 'without taking into consideration any ethical problems ... presents, some simple and straight forward facts about anabolic steroids'. These simple facts include the statement that Mr Rigby 'doubts that there are any world class weightlifters who are not on steroids'. The article also claims that drug tests do not 'mean very much because an athlete only has to stop taking the pills for 21 days prior to a tested event to give a negative swab'. In addition, the article provides specific information on drug brand names and on the dosages and combinations in which they should be used. In the opinion of the Committee, the article does not give the

impression of being written by an opponent of the use of performance enhancing drugs. (Allegations that Mr Rigby was involved with the supply of drugs are noted in Chapter Ten of this Report which deals with the black market.)

8.62 Further, Mr Jones alleged that Mr Wilks 'writes pro-drug articles' (Evidence, p. 719; 735) and he gave to the Committee a paper 'Health Monitoring During Steroid Programmes'. The article contains statements such as:

By arming him or herself with some relatively accurate information the chemically inspired athlete will be able to make alterations to any steroid program.

The wiser steroid user (if there is such a thing) will take the appropriate steps to minimise the risks involved.

8.63 Mr Wilks told the Committee that the article was not intended to be pro-drug and that anybody reading it and becoming informed of all the potential side effects it describes 'is not going to get a view that steroids are going to make them healthier'. (Evidence, p. 3837) According to Mr Wilks the article does not oppose the use of anabolic steroids because, had it done so, the athletes would not have read it. He explained that it was written in a very even-handed way 'so as not to alienate people - not to come across as being on a soapbox and moralising'. (Evidence, p. 3839)

The 1988 National Championships

8.64 The Committee received a considerable body of evidence relating to the dope testing carried out at the 1988 National Championships held on 5 August to 8 August in Sydney. The allegations made concerning this event are important because they reflect on the integrity of senior office holders of the AAPLF who are still associated with the Australian Powerlifting Federation Inc.

8.65 A particular allegation was that made by Mr Glenn Jones, who told the Committee that testing at the Nationals was 'not fair dinkum'. He said:

The people were told that if they were going to be selected for the national powerlifting team that they would be tested. They were also told not to worry about going off steroids because the fix would be in and the test would not be fair dinkum. In view of past performances with the Powerlifting Federation's drug testing, they had no reason to believe that that was not so. (Evidence, p. 735)

Six Positives

8.66 Mr Wilks advised the Committee that to his knowledge:

no individual was told that there was any way he could avoid, defeat or be assisted in passing these tests. Surely the fact that 6 out of 14 lifters were found positive indicated the genuineness of the testing carried out. (Evidence, p. 3638)

Certainly six out of the 14 samples tested for the competition proved to be positive even though notice had been provided on 28 May that testing was going to take place. (Evidence, p. 3499) This suggests a surprising degree of complacency on the part of the competitors. With this length of notice (about 10 weeks) it should have been possible to stop taking oral and water-based injectable drugs and test negative for those at the competition. Nevertheless, given that six of the tests proved positive and urine samples arrived at the laboratory with seals intact and numbered consistently with the Athlete Signature Forms, it is clear either that 'the fix' did not take place or, that if it did, it was the reverse of that the lifters were expecting. It is possible, of course, that while they may have thought that the tests were to be 'fixed', this had never been intended by other officials. Mr Larry Wallen, who was tested positive for boldenone (an oily injectable with a clearance time running into months) was the official who issued the advice that drug testing was to

take place. He, at least, must have been convinced that there would be a 'fix'.

8.67 The sequence of events relating to the testing at the championships was as follows:

- . drug tests were carried out on 14 competitors at the 1988 Australian Championships held in Sydney in August of that year;
- . six of the lifters tested positive and were to receive suspensions;
- . the AAPLF received a letter alleging breaches in the sample collection procedures from a legal firm representing the six lifters who failed tests;
- . material regarding the lifters' appeal was circulated to those entitled to vote;
- . the vote was in favour of lifting the suspensions; and
- . two of the six lifters then went on to test positive at the 1988 World Championships held in Perth in November 1988, but did not lodge appeals against the international bans resulting from those tests although one appealed against the resulting Australian suspension.

8.68 The grounds for the appeal were that the 'fairly precise drug testing procedure rules laid down by the International Powerlifting Federation' were 'substantially disregarded'. (Evidence, p. 3491) According to some accounts this was certainly the case. Mr Glenn Jones said that he had:

spoken to a number of the lifters who did actually give urine at that particular event and were tested, and they said that the whole testing procedure was slapdash. They were told things like, 'don't worry; you go out there

and just have a leak in the bottle, and come back in' ... There was no witness there. It could have been anyone's urine. It was not sealed in their presence; they were not required to fill in the correct forms; there were not the right witnesses - the whole works - because it was being treated as a joke. (Evidence, pp. 740-1)

8.69 Mr Jones suggested that the testing was meant to be no more than a public relations exercise to demonstrate that drugs were not being used. (Evidence, p. 741) Mr Childs explained that the State Associations had 'had enough of the bad testing' and at a meeting prior to the Nationals had:

put forward for the minutes a motion that the tests should be done correctly. Mr Rigby agreed that this time the tests would be done properly, the forms filled out, the bags sealed ... and so forth. Part way through the competition, after these guys had been tested and before Mr Wilks had a chance to do whatever it is he does with the bottles, they disappeared. They turned up in California at the IOC testing laboratories at Sacramento. They were consequently tested properly and the lifters found to be positive. It was a shock to all. (Evidence, p. 740)

8.70 Mr Wilks rejected this description of what happened. He emphasised that all tests were carried out according to IPF procedures, using kits provided by the Australian Sports Commission. He pointed out that the lifters and their representatives all indicated their satisfaction with the sample taking procedures as demonstrated by their signature on the Athlete Signature Forms (provided to the Committee). He said the fact that the samples were received at the UCLA laboratory in California with their seals intact demonstrates that there could have been no intention to interfere with the samples once they had been taken. (Evidence, p. 3637)

The Appeal

8.71 Six lifters were found positive as a result of the tests conducted at the 1988 Nationals. They were Mr Mason Jardine, Mr Dino Toci, Mr Terry Lonsdale, Mr Larry Wallen, Mr Glenn Waszkiel

and Mr Wayne Scarffe. Following the release of these test results and the lifters being advised that they were suspended for a period of three years, the AAPLF received a letter from a firm of solicitors which alleged breaches of procedure in the collection of test samples. (Evidence pp. 3491-3) Legal advice obtained by Mr Wilks was to the effect that this letter should be accepted as an appeal against the suspensions. This required that the formal mechanisms for adjudication on the appeal be brought into effect. These procedures meant that each State body, plus executive office bearers, were given the opportunity to vote on the appeal. (Evidence, p. 3638)

Each of the ten grounds put forward for the appeal is considered separately below.

Grounds for Appeal

1. Notification of Tests

8.72 The first ground for appeal was that 'no notification was given to lifters in the form required'. (Evidence, p. 3492) The response of the AAPLF Executive to this was that:

verbal notification of being called for testing was given to the lifters at the championship; however, advice that all those available for selection for the World Championship team would be required to be tested was given well before the Australian Championships. (Evidence, p. 3489)

Mr Wilks said that, as it had been decided that to be eligible for selection in an Australian team lifters had to pass a drug test, the 18 lifters who made themselves available for selection had in effect selected themselves for drug testing. (Evidence, p. 3796)

8.73 It is certainly true that ample notification of testing was given. A memorandum dated 28 May 1988 sent to AAPLF State secretaries stated:

There will be drug testing at the Senior Nationals. In addition to random testing, a urine sample will be collected from all lifters who are selected as team members or alternates for the men's team to the World Championships in Perth. The testing will be funded by a grant from Canberra. (Evidence, p. 3499)

8.74 Notably, this memorandum was from Mr Larry Wallen, AAPLF General Secretary and one of the six lifters who tested positive and subsequently appealed, partly on the basis of the supposed lack of notification.

2. Only Two Executive Members Present

8.75 The appellants claimed that only two 'Executive' members were present during the testing procedure, whereas three are required under IPF by-law 5.02. (Evidence, p. 3492) The AAPLF response was to state that IPF procedures (6)(b) require only the two members of the 'Doping Commission' to 'perform the technical work in taking the samples'. (Evidence, p. 3489)

8.76 Mr Wilks explained that the mention of a doping commission in the IPF rules relates only to world championships. He pointed out that the IPF approves drug control officers around the world quite sparingly, and that in Australia he and Mr Rigby were the only officers so appointed. (Evidence, p. 3803)

3. Not Accompanied by a Steward

8.77 The third ground for appeal was that no lifter was accompanied from the platform area by a steward. The appeal document claimed that after being verbally notified that they were required for testing, the lifters were left to their own devices and that, even when at the testing station, some experienced a wait of up to one and a half hours unattended by any steward or testing official. (Evidence, p. 3492) The response of the AAPLF to this was to state:

lifters were observed and/or attended by the IPF drug control officers during any time

period in which they received medals etc.; the time of sample collection was recorded on the athletes signature forms and none of these times exceeded 60 minutes after the completion of the relevant event. (Evidence, p. 3489)

Mr Wilks told the Committee that this claim by the appellants was simply not true and that he himself had notified those being tested that they were required and asked them to 'come across to the doping control area'. (Evidence, p. 3803)

8.78 Table 6.2 which is based on data taken directly from the Athlete Signature Forms shows, for each of the athletes who tested positive, the elapsed time between notification of the test and the passing of the urine sample. Clearly, in no case was anyone left for anything like one and a half hours at the testing station, at least if the data on the forms are to be believed. As the athletes concerned each signed their own form, there is no reason to disbelieve them. If the data in Table 6.2 are remarkable for anything, it is the speed with which three of the urine samples were able to be provided following competition.

TABLE 6.2
Time Between Notification of Drug Test and Urine Sample
being passed for the 6 lifters who tested positive.

Name	Notified	Arrived	Urinated	Total Time Lapsed
Jardine	9.40	9.45	9.48	8
Toci	3.13	3.20	3.38	25
Lonsdale	3.13	3.14	3.20	7
Wallen	12.02	12.20	12.23	21

Waszkiel	12.36	12.48	not recorded	not recorded
Scarffe	9.40	9.58	10.08	28

4. No Explanation of Procedure

8.79 The AAPLF responded to this argument by saying that the lifters had been informed well before the Championships as to who would be tested, the laboratory to be used etc. (Evidence, p. 3489)

5. No Chaperone

8.80 The appellants claimed that no lifter was accompanied by any commission official while the urine sample was given, each lifter entering a toilet cubicle of his choice at least 20 feet away from the officials and giving the sample with his back to the officials. Concerns were also expressed about the security of the testing station and that the lifter was not nude when providing the sample. (Evidence, p. 3492) The AAPLF response to this was that:

in the control room lifters were informed of the technical procedures; as these were carried out lifters were observed during collection by the drug control officers who approached within a few feet of the lifter; the lifters were required to lower their garments as appropriate to achieve sample collection. (Evidence, p. 3489)

8.81 Mr Wilks told the Committee that the lifters were all chaperoned by Mr Rigby and, on most occasions, by a representative of the athlete. (Evidence, p. 3797) In providing the sample the lifters 'were exposed from approximately the navel to mid thigh' and Mr Rigby was standing right next to them. (Evidence, p. 3798) Mr Wilks said that he did not think there was

a requirement that the lifters be nude, but that there had to be 'a nude area, from roughly the belly button to mid thigh'. (Evidence, p. 3805)

6. Coloured Bottles

8.82 The samples were placed in brown bottles, the colour of which, it was alleged, precluded persons from satisfying themselves that they were not contaminated, and the bottles were sealed only with a screw top. The bottles were then placed in a plastic envelope which was zipped up and secured only with a plastic clip tabbed onto the end of the zipper. The bottles themselves were not numbered. (Evidence, pp. 3492-3) In response to this the AAPLF said that the bottles and kits used were:

standard IOC laboratory equipment, in use throughout the world and universally accepted as providing adequate security. (Evidence, p. 3489)

8.83 Mr Wilks demonstrated to the Committee the procedures that were used, showing that there is a registration number on the 'envopack' seals and that there would be no way of opening the pack without breaking the seal. (Evidence, p. 3806)

7. No Knowledge of Procedure

8.84 The seventh ground of appeal was that the lifters were unaware of the nature of the procedures required and that they signed the confirmation form in ignorance of what the correct procedures should have been. (Evidence, p. 3493) This was disputed by the AAPLF who said that the procedures were explained and that the lifters were given ample opportunity to fully read any forms they signed. (Evidence, p. 3490) Mr Wilks commented that 'they were well aware what was going on. They read the forms and signed them'. (Evidence, p. 3808)

8. Lack of Security Once Samples Collected

8.85 It was claimed by those testing positive that the handling of the samples once collected did not pay proper attention to security and that they were stored in an unlocked motel refrigerator. (Evidence, p. 3493) According to the AAPLF, the knapsack in which the samples were stored was itself a laboratory issue carry bag, itself security sealed and the storage of the samples was in accordance with IPF protocols. (Evidence pp. 3490 and 3808)

9. No Consultation Prior to Analysis of B Sample

8.86 It was also claimed by the appellants that no lifter was consulted as to whether he wanted the B sample analysed or whether he wished to attend the analysis of the B sample in person or by delegate. (Evidence, p. 3493) The AAPLF response to this was simply that B samples were automatically tested (Evidence, p. 3490) and that this was done because of the desire to be as fair as possible and do both samples for all lifters. (Evidence, p. 3809)

10. Qualifications of Testers

8.87 The appellants claimed that the drug test procedure form was not signed by a person with the necessary qualifications and queried the minutes of appointment of the officials who carried out the testing procedure and their qualifications to do so. (Evidence, p. 3493) In fact the individuals conducting the sample collections and signing the forms were the two IPF appointed Drug Control Officers (Mr Wilks and Mr Rigby) one of whom (Mr Rigby) is a registered nurse. (Evidence, p. 3490)

Denials of Drug Use

8.88 None of the lifters who tested positive sought to appeal on the grounds that they had not been taking the drugs for which they tested positive. (Evidence, p. 3810) However, when Mr

Scarffe appeared before the Committee he claimed that he was not taking any anabolic steroids at the time of the competition and that, indeed, he had never taken anabolic steroids. He said that he believed he had tested positive because of 'faulty procedure'. (Evidence, p. 2431) Mr Scarffe explained that he did not use the fact that he was not taking steroids in the appeal because he 'did not lodge an appeal'. (Evidence, p. 2432) This was because he had made the decision to retire from the sport anyway and 'was not prepared to spend money on something that did not matter to me any more'. (Evidence, p. 2433) He had been included in the appeal by the other lifters without his knowledge.

8.89 The Committee remains unconvinced by Mr Scarffe's denial that he had ever taken anabolic steroids. The Committee notes that Mr Scarffe has offended the drug testing regimes both of powerlifting and weightlifting. In Chapter Seven it was noted that Mr Scarffe failed to provide a urine sample when required following the 1987 National Weightlifting Championships and was deemed positive by the Australian Weightlifting Federation.

8.90 Mr Toci agreed that there was no denial in the appeal document that he had been taking the drug concerned, but he did deny to the Committee that he had been using them. (Evidence, p. 2438) He said that he had not taken any banned sporting drugs in the lead-up to the competition and said:

I was not happy with the way that things were done and I was not convinced that the sample that they tested was my sample. (Evidence, p. 2435)

8.91 In a letter to the Committee, Mr Waszkiel pointed out that he had been tested by the IPF and found to be negative for banned substance in 1982, 1983, 1985, and 1987 at World Championships and that:

these tests were all carried out correctly hence, as Mr Childs points out, there were a number of irregularities with the testing of the Australian Senior Nationals 1988, hence the testing became void. (Evidence, p. 2407)

8.92 However, Mr Waszkiel then tested positive again in November 1988 at the World Championships in Perth, a competition at which presumably the tests were carried out properly.

Legal Advice

8.93 The legal advice obtained by Mr Wilks from a barrister, Mr Brian Keon-Cohen, on the matters raised in the appeal was that if the matter went to court there was little chance of the tests being ruled invalid on the grounds of sampling inaccuracies. It seemed likely that the court would accept that the samples had been intact from the time at which they had been taken to the time of arrival at the laboratory, and this would be seen as the key matter. (Evidence, p. 3811)

8.94 In the letter that Mr Wilks circulated to those entitled to vote on this matter, it was stated that:

The AAPLF Executive believes that if these matters were tested in court it is more likely than not that the suspensions would be upheld. A factor here is that any such case would apparently take a number of days to complete, with costs likely to run into many thousands of dollars. The awarding of costs would partially depend on in whose favour any decision is made. However against this must be weighed the question of upholding fair play and establishing a direction for the handling of such matters in the future. (Evidence, p. 3490)

8.95 Mr Wilks told the Committee that he had contacted Mr David Weir of the Australian Sports Commission to ask whether financial support would be available to the AAPLF if the matter should go to court. The advice received was the Commission could not assist with the legal costs that might be involved in defending the suspensions. (Evidence, p. 3817) Similarly, Mr Rigby described how, after the legal opinion had been obtained, he had approached his local member Mr John Mildren, asking him to approach the Federal Minister for Sport to seek financial backing to take the matter through the courts:

Unfortunately the reply came back that they would wish us to take them to court and to do all that type of thing, but there would be no money ... Unfortunately we could not afford to go ahead with it. (Evidence, p. 3510)

The Course of the Appeal

8.96 Material regarding the lifters' appeal was distributed to those entitled to vote, that is, to each State or Territory Organisation and to each member of the executive. However, two members of the executive (Mr Larry Wallen and Mr Waszkiel) had a vested interest in the matter, being two of the lifters who had tested positive. They were not consulted and did not vote. Mrs Merilyn Wallen, wife of Mr Wallen and a member of the executive, was also excluded from participating in the appeal process. (Evidence, p. 3812)

8.97 It is possible that some lobbying took place before the official letters were sent out from the AAPLF Executive. Mr Glenn Jones described how the ACT branch of the organisation was approached first by Mr Wallen:

The new President Joanne Pappas, received a letter from Larry Wallen, Secretary of the AAPLF indicating that litigation was being commenced against the AAPLF by the six lifters over anomalies in the testing protocols (Wallen coincidentally was one of the six lifters). He enclosed a photocopy of the solicitors letter to the AAPLF setting out the disputed grounds and asked for a vote by the ACTAPLF as to whether the six lifters should be banned on the basis of that dispute. Mrs Pappas and her husband (now a Vice President) decided without reference to any other member of the executive of the Association and in spite of the fact that the AAPLF had not answered any of the charges, to vote that no ban be instituted. This caused much consternation in the ACTAPLF at such a high-handed and patently stupid reaction. (Evidence, p. 720)

8.98 Subsequently, the letter from Mr Wilks was received containing the official voting papers and the APLF submission refuting the allegations made by the six lifters. This was then

considered by an extraordinary meeting of the ACTAPLF executive. (Evidence, p. 720) Mr Wilks denied any suggestions that he had rung round those entitled to vote, asking them to overrule the suspensions so that he could then vote to maintain the ban. (Evidence, p. 3815)

8.99 The result of the voting on the suspensions was as follows: The ACT, Queensland, South Australia and Victoria all voted to overrule the suspension; NSW, Mr Wilks and Mr Rigby voted to uphold the suspension. (Evidence, pp. 3813-14) Tasmania did not vote and the Northern Territory ballot paper was received after the deadline. (Evidence, p. 3815) No evidence was given as to why a vote was not recorded for Western Australia. There appears to be some confusion as to whether Mr Chris Wood, in his capacity of Treasurer of the AAPLF, voted, (Evidence, p. 3815) as the final result was recorded as a vote of four to three in favour of lifting the suspensions. (Evidence, p. 3638)

8.100 Mr Wilks provided copies of six of the Federal Council Voting Sheets to the Committee (Evidence pp. 3673-8) These were from ACT, NSW, South Australia, Victoria and Queensland, with one (Evidence, p. 3677) being indecipherable, but in the same handwriting as the one received from Victoria. (Evidence, p. 3678)

8.101 The Committee notes that the Federal Council Voting Sheet submitted by NSW shows that whereas the complaints put forward by the appellants were accepted, it was still felt appropriate to maintain the suspension. (Evidence, p. 3675) The ACT voted to overrule the suspension:

purely on two technical grounds. Samples had not been taken in accordance with the protocols and sample security was non-existent. On this basis, then the meeting concluded that no court would uphold a ban if the matter was put to the test. (Evidence, p. 720)

8.102 South Australia voted to overrule the suspension because of 'failure to notify of IOC procedure early enough and not

agreed to'. (Evidence, p. 3676) Victoria voted to overrule the suspension because:

'The AAPLF does not have the financial capacity to fight a legal battle especially when the outcome is uncertain'. (Evidence, p. 3678)

Queensland voted to overrule the suspension on the grounds that:

Due to the serious nature of the offence we feel the procedure must be exact also the financial burden and publicity of court action not warranted. (Evidence, p. 3674)

Mr Wilks' comment on this overruling of the suspension was:

I can say we tried. We imposed the bans. We were just left out on a limb, we could not go through a court case. That was the consensus of opinion. I might add that if the vote had been the other way I would have gone ahead, bearing in mind that the AAPLF was an unincorporated body and legally it probably would have been the executive who were up for the costs. However, I would have gone ahead if that had been the vote to do so. (Evidence, p. 3818)

8.103 The results of the appeal were recorded in the minutes of the semi-annual AAPLF Federal Council meeting of 5 May 1989 as follows:

Discussions took place regarding the drug test results from the August 1988 Senior Nationals in Sydney, and the decision to allow lifters who returned positive results to compete in the Australian team at the World Championships in Perth in November. R Wilks reported the results of the federal council postal vote conducted to decide if the particular lifters should be in the Australian team. The vote 4-3 in favour, with the President, V-P (Admin) and NSW the votes against. The main reason for the result seemed to be the fear of threatened legal action, and the costs involved. (Evidence, p. 3478)

The letter that was sent to the lifters letting them know that their suspensions had been lifted noted that:

the AAPLF feels that it should be pointed out that the vote to lift the suspension was far from unanimous. It is also the case that drug testing in Powerlifting will be continued for the foreseeable future. We trust that similar difficulties to those which occurred in 1988 will not arise again. (Evidence, p. 3680-5)

8.104 The Committee concludes in relation to this incident:

- . No 'fix' of the results took place. The six lifters concerned - Waskiel, Wallen, Toci, Scarffe, Jardine and Lonsdale - had all been using the drugs found in their samples and were correctly found to be positive. The Committee notes denials by relevant lifters who gave evidence but also observes that Messrs Waskiel and Wallen were both subsequently found positive for the same drugs at the World titles three months later. The Committee also notes that Mr Scarffe had earlier been suspended by the AWF for failing to attend a drug test and that Mr Jardine had tested positive at the 1984 World Junior Powerlifting Championships.
- . The six lifters concerned believed that a 'fix' would take place (consistent with the rumours described by Mr Glenn Jones). These lifters were involved in a sport with a high rate of drug use; they could reasonably be expected to have a rudimentary knowledge of personal clearance times (presumably they could have seen Mr Rigby's article). They also had up to three months notice that the tests would take place. One of the six, Mr Wallen, had in fact sent out the notice.
- . The other eight lifters may well have had some notice that the 'fix' was not on (if they had been using steroids) and hence were able to escape a positive test result.

- . This interpretation of events would go some way towards an explanation of the vigour with which the resulting appeals were fought and the subsequent split in the AAPLF.

The 1988 World Championships

8.105 With the suspensions overruled, the six lifters who had tested positive became members of the 11 member Australian team competing in the World Championships in Perth in November 1988. Mr Waszkiel and Mr Wallen again tested positive, and for the same drugs for which they had tested positive at the Nationals in August. (Evidence pp. 2439 and 3820)

8.106 Mr Wilks told the Committee that the same procedures and kits for testing were used in Perth as had been used at the Nationals, although the testing was carried out in Perth by a Dr Tony Galvin who had been appointed by the Drugs in Sport Program. Testing was overseen by the IPF President, Heinz Vierthaller. (Evidence, p. 3821)

8.107 Mr Waszkiel and Mr Wallen were both suspended for three years by the International Powerlifting Federation. The AAPLF, again without the votes of Mr Wallen, his wife or Mr Waszkiel, applied an Australian suspension. (Evidence, p. 3821)

8.108 Neither Mr Waszkiel nor Mr Wallen appealed against the IPF suspension. Mr Toci explained to the Committee that this was because:

to appeal any IPF procedures, the appeal must go through Sweden where the IPF is incorporated, and the cost of something like that is not worth it. (Evidence, p. 2439)

8.109 However, Mr Wallen, through his solicitor Mr Pappas, forwarded a letter disputing his AAPLF suspension on constitutional grounds. (Evidence, pp. 3770-2) At the AAPLF general meeting on 4 August 1989 it was determined by the majority of those present that Mr Wallen was not under suspension

by the AAPLF. This matter was taken up again by the Australian Powerlifting Federation Inc (Evidence, p. 3700) which reimposed the AAPLF suspension on Mr Waszkiel and Mr Wallen.

8.110 Mr Wilks stated that as nothing was heard from Mr Glen Waszkiel, it was presumed that he had accepted his suspension. (Evidence, p. 3700) The minutes of the semi-annual AAPLF Federal Council Meeting of 5 May 1989 recorded that the Vice-President (Programs) reported that:

G Waszkiel has not resigned. He has retired from lifting and ... intends to remain involved in powerlifting and will become more active in the AAPLF when his job permits. (Evidence, p. 3474)

The 1989 Australian Championships

The Testing Procedure

8.111 Mr Haynes described to the Committee how two samples were taken at the AAPLF Australian Powerlifting Championships on 5 August 1989. One of these two samples was found positive for two anabolic steroids. This sample was from Rosita Kruhse. (Evidence, p. 2529) Mr Haynes commented that he thought it 'very interesting that only two samples were taken at those championships'. (Evidence, p. 2529) Mr Wilks subsequently took exception to this remark, explaining that the reason only two samples were taken was that the AAPLF was already \$4,000 in debt at the time of the championships 'primarily due to drug testing expenditure'. (Evidence, p. 3702)

8.112 According to Mr Haynes, the sample which did not test positive 'was incorrectly processed, and had no accompanying security paperwork'. (Evidence, p. 2529) He said that even had this sample tested positive, he did not think sanctions could have been invoked against the lifter concerned. (Evidence, p. 2531) This claim was disputed by Mr Wilks who said that the sample arrived at the laboratory in good condition, but that the laboratory copy of the Athlete Signature Form was missing, even

though it had been attached to the 'envopacks' in which the samples were sealed. He could only assume that the form had been lost in transit or at the laboratory. (Evidence, p. 3702) As all other copies of the form had been distributed in accordance with the required procedures, and as the sample itself was intact and with identifying seals in place, Mr Wilks expressed the opinion that 'there would be virtually no chance of a successful appeal in the event that the sample had been positive'. (Evidence, p. 3703)

8.113 In a letter to the Committee, Mr Haynes disagreed with Mr Wilks' confidence that an appeal could not have succeeded:

If the laboratory form was lost within the laboratory this would have been the only occasion that this has occurred that I am aware of ... The fact that other copies of the form existed would almost certainly not have satisfied an appeals committee. (Letter to Committee Secretary, 12 January 1990)

The Positive Sample

8.114 One of the two samples collected at the 1989 Australian Championships proved to be positive for Dianabol and oxandrolone (which is contained in Lonavar). (Evidence, p. 2529) This sample came from Ms Rosita Kruhse. The Committee received evidence that Ms Kruhse had spoken of the pressure in her gym to use steroids and had said that all the lifters at the championships were using steroids and were all hoping that they would not be tested. It is also understood that Ms Kruhse described how, after her sample had been collected, Mr Wilks had said to her, 'See you in three years time'. (In Camera Evidence, p. 1191) Mr Wilks agreed that he might have made such a comment and said that this was because:

At the time it was very obvious that a positive result was going to accrue from that test ... A number of people had indicated to me that she was very concerned about testing. Her manner during the procedure was very tense; unhappy ... she admitted to other non-prohibited drugs on the form. (Evidence, p. 3832)

8.115 Mr Wilks also informed the Committee that very early in November 1989, after the test result became available, he had spoken to Ms Kruhse. She admitted to taking the Lonavar for which she had tested positive, but denied taking any other steroid. (Evidence, p. 3832) The Committee had received other evidence indicating that Ms Kruhse was 'disbelieving of the result of the test' because she had been taking only one of the substances for which she tested positive, namely the Lonavar. The Committee also understands that, despite her difficulty in believing the result, Ms Kruhse felt that the collection procedures had been carried out correctly. (In Camera Evidence, p. 1191)

8.116 Given that the penalty would be the same no matter how many kinds of prohibited substances she had been taking, it is not clear why Ms Kruhse would admit to taking only one of them unless that was true. The Committee has a copy of the steroid register kept by Mr Leon Azar showing that Ms Kruhse had prescriptions filled by Mr Azar for Lonavar but no prescriptions for Dianabol are recorded. Mr Wilks told the Committee that Ms Kruhse was 'perplexed' as to why she tested positive for the Dianabol and added:

If what she is saying is true she may have been given tablets and not known correctly what they were. Anything could have happened. You have to go by the results, that is the objective factor. (Evidence, p. 3833)

8.117 There was some disagreement as to what action was taken as a result of this positive test result. On 14 September 1989 Mr Haynes told the Committee that the Australian Sports Drug Agency had contacted Mr Wilks, 'who has not responded to that test on the grounds that that organisation [AAPLF] no longer exists'. (Evidence, p. 2529) Mr Rigby was aware that Ms Kruhse had been found positive but remarked that:

The problem that arises is that the Federation completely disbanded at that competition. (Evidence, p. 3511)

He later remarked:

I think the girl has actually been suspended though. (Evidence, p. 3512)

8.118 In a submission to the Committee dated 6 November 1989, Mr Wilks claimed that the comment that he had not responded to the Kruhse positive was not true. He wrote:

I have on a number of occasions spoken, by telephone, with ... Mr Haynes' office and indicated ... that despite severe financial problems within powerlifting it was the wish of the governing body, at that time Australian Powerlifting, to pursue this matter. (Evidence, p. 3701)

The Committee was provided by Mr Wilks with a memo from him to the 'Australian Powerlifting (to be incorporated)' interim committee. Dated 1 September 1989 it stated:

2. Drug Test Result, Adelaide

See attached - what do we do? I feel that it is untenable to drop this matter, perhaps Jack [Pappas] can advise on the legalities involved. (Evidence, p. 3785)

8.119 Subsequent to this memo the Australian Powerlifting Federation Inc was formed, and held a general meeting in Sydney on 9 November. At this meeting a motion was passed to impose a suspension on Rosita Kruhse for testing positive at the 1989 Nationals. (Evidence, p. 3823) A letter was sent by Mr Wilks to Ms Kruhse on 7 December 1989 informing her that under no circumstance would she be eligible for competition (and records) in the Australian Powerlifting Federation Inc until 5 August 1992. In speaking to Mr Wilks in November 1989 Ms Kruhse had said that as she admitted taking the Lonavar, she would accept her suspension from competition and hoped to return at the end of the three years. (Evidence pp. 3832-3)

The Action Taken

8.120 The action taken following the positive test for Ms Kruhse has been outlined. A number of claims were made, however, that the AAPLF had not acted properly once it became clear that certain members had been detected in the use of doping substances. Mr Chris Turner of the Drug Free Powerlifting Federation said that the AAPLF allowed:

known drug-users such as Gael Mulhall (now Martin) to lift and having lifters such as Mason Jardine, Scott Boyd, and Charlie Coleiro return positive samples at international events, and yet taking no disciplinary action. The same people were then receiving Federal Government grants under what was then known as the Elite Athlete Award Scheme. (Evidence, p. 2313)

Other Positives

Mrs Gael Martin

8.121 Mr Glenn Jones, then the Secretary of the ACTAPLF, told the Committee how Mrs Gael Martin tested positive at the 1988 Women's World Championships but:

she was not banned until the men's worlds this year, some five or six months afterwards because the whole thing was kept a secret. We have documentary evidence that the ban actually dated from 6 May [1988], but we - her home association were not even informed until October that this actually occurred. (Evidence, p. 741)

8.122 Subsequent to the positive test, Mrs Martin was elected as patron of the ACTAPLF, despite the knowledge of the President, Mr Jack Pappas and also of the Vice President, Mr Gabby Bujna, that Mrs Martin had tested positive. (Evidence, pp. 754-5)

8.123 Mr Robert Wilks suggested that Mrs Martin might still have legal action pending on the result of her May 1988 positive test. He agreed that, despite her three year suspension from the

IPF she was allowed to compete in August 1988 at the Nationals, but explained that this was:

because she had an appeal pending to the IPF, which was heard in November 1988. After she lost that appeal we sent a letter of suspension, I might add. (Evidence, p. 3834)

8.124 A meeting of the Australian Powerlifting Federation Inc on 9 November 1989 passed a motion reinstating the suspension on Mrs Martin. (Evidence, p. 3823)

Messrs Jardine, Coleiro and Boyd

8.125 Mr Wilks agreed that a number of AAPLF lifters had been tested positive at international competitions but were not suspended by the AAPLF.

8.126 Mr Mason Jardine and Mr Charles Coleiro tested positive at the 1984 World Juniors, and Mr Scott Boyd tested positive at the 1985 World Junior Championships. They were suspended from international competition for a period of three years by the IPF but did not receive suspensions from the AAPLF. This was because:

They were early days and there was nothing in our constitution at that stage specifically on drug testing. The climate of opinion was not what it is now and no further action was taken, given that it was felt that they had had the appropriate standard penalty imposed by an international body, which is three years' suspension from international competition. (Evidence, p. 3826)

8.127 Mr Toci had told the Committee that Mr Jardine had contemplated an appeal against his IPF suspension, but did not proceed because of the cost. Mr Toci commented that Mr Jardine 'should not have tested positive, because he was not taking anything'. (Evidence, p. 2442)

8.128 Mr Wilks told the Committee that despite the assertions made by Mr Turner, (Evidence, p. 2313) none of the people

suspended by the IPF were in receipt of Government funding. He explained that:

In the case of Scott Boyd, this lifter was awarded a grant virtually simultaneously with his positive result being returned - I personally informed the [Australian Sports Commission] of this and the grant was withheld. (Evidence, p. 3692)

Messrs Wallen and Waszkiel

8.129 As discussed earlier, Mr Larry Wallen and Mr Glen Waszkiel failed drug tests administered to them at the 1988 World Powerlifting Championships in Perth. As a result, they were suspended from international competition for three years by the IPF. Following the IPF suspension, the AAPLF Executive, excluding Mr Wallen, his wife and Mr Waszkiel, acted to suspend the two lifters from Australian competition for three years. (Evidence, p. 3699)

8.130 On 14 March 1989 the AAPLF Executive received a letter from Mr Jack Pappas, acting on behalf of Mr Wallen, arguing that Mr Wallen's suspension from the AAPLF was invalid. (Evidence, p. 3480) The letter stated that:

we see nothing in the International Powerlifting Federation Constitution or by-laws which requires the AAPLF to automatically suspend members who are suspended by the International Powerlifting Federation. (Evidence, p. 3482)

8.131 At the AAPLF general meeting in Sydney on 5 May 1989 'vigorous debate' took place on Mr Wallen's suspension from the AAPLF, the main issue being the validity of an executive vote to impose a suspension. No decision was taken then but at the general meeting on 4 August 1989 it was determined by a majority of those present that Mr Wallen was not under suspension from the AAPLF. As a result, Mr Wallen lifted at the Australian Masters Games in October 1989. (Evidence, p. 3700)

8.132 However, at the general meeting of the Australian Powerlifting Federation Inc held in Sydney on 9 November 1989, it was agreed that Mr Glen Waszkiel and Mr Larry Wallen would be suspended for three years from November 1988, because of the IPF positive tests. (Extract from Minutes provided by Mr Wilks)

8.133 It should be noted that Mr Jack Pappas and Mr Yuris Sterns, who were both instrumental in assisting Mr Wallen to have his AAPLF suspension overturned, are both senior office holders in Australian Powerlifting (to be Incorporated). Moreover, Mr Sterns was once suspended from the AAPLF for assaulting a female powerlifter at an event in South Australia. As a result of that incident Mr Sterns was suspended for two years from international events with the AAPLF converting this to a life ban from AAPLF membership at its next full meeting. This was subsequently overturned following legal action by Mr Sterns and the original three year ban restored as the penalty. (Evidence, p. 3824)

Australian Drug Free Powerlifting

Prior Use of Drugs

8.134 Mr Turner, on being asked whether any members of the Drug Free Federation had previously taken drugs, replied:

We have one fellow in our masters ranks ... who is about to turn 50 this year ... who once previously took a course of steroids for a couple of weeks about seven, eight or 10 years ago. Other than him, to my knowledge, we do not have any in my State body and I do not think we have any in our federal body. (Evidence, p. 2333)

8.135 All prospective members of the Federation are required to sign a statutory declaration (Submission No 37, p. 2) which not only states that performance enhancing drugs will not be used in the future and declares a willingness to be subject to any form of drug testing at any time, but also declares:

that, with the exception of amphetamines and diuretics, I have not ingested any of the above substances for a period of at least two years prior to my joining [the federation or associated State body]. (Submission No. 37, Attachment 1)

Approach to Testing

8.136 Mr Turner explained that the testing which had been carried out by the Federation was not random, but selective. He said:

Our first two tests were random ... They both turned out to be two of our best known bulk and power exponents who were by all physical appearances not likely to be taking steroids anyway. We decided that at that time with the cost of the testing ... it was not an efficient method to pursue so we began selective testing. (Evidence, p. 2333)

8.137 While practised for the best of intentions, it is apparent to the Committee that this kind of selective testing, when carried out by a sporting organisation itself, can be open to abuse. However, testing for powerlifting is now being carried out by the Australian Sports Drug Agency, and is no longer subject to this potential criticism.

Positive Tests

8.138 Since its establishment, the Drug Free Powerlifting Federation has had two positive tests for banned drugs among its members. The first of these was at a competition held on 21 June 1986 at BJ's gym, Mt Gravatt, Brisbane. A lifter, Mr Mitch Leaney, tested positive for Lonavar and Deca-Durabolin. He was subsequently banned from the Drug Free Federation 'for the term of his natural life'. (Evidence, p. 2330)

8.139 The second positive dope test for a member of the Australian Drug Free Powerlifting Federation came from the National Championships held on 23-24 September 1989. Mr James Skinner (competing in the junior master and senior open in the

100 kg men's division) was selected for drug testing conducted by ASDA. At the time of testing he declared that he had been taking beta-blockers and a diuretic. The A sample tested positive for diuretics and the B sample is to be tested. If positive, the matter will be referred to the national executive. Mr Skinner has been asked to prepare a written submission to the executive and has been informed that it is incumbent on him to explain the use of any prohibited substance. (Evidence, p. 2813) Mr Skinner has indicated that he was using the drugs to control blood pressure, (Evidence, p. 2814) and it has already been noted that beta-blockers are not banned by the mainstream powerlifting groups because they are not seen to be capable of enhancing powerlifting performance. However, Mr Jones said that when Mr Skinner declared the use of these drugs to the ASDA representative, he had indicated that a secondary benefit of the drugs was that of making weight using the diuretics. (Evidence, p. 2815)

THE CURRENT POLITICS OF POWERLIFTING

8.140 The Committee has been advised by Mr Wilks, Secretary of the Australian Powerlifting Federation (APF) Inc, that Australian Powerlifting (to be incorporated) does not enjoy recognition by the International Powerlifting Federation. In effect, Mr Wilks has claimed that the Australian Powerlifting Federation Inc is the only viable organisation representing powerlifters in Australia:

At the 1989 IPF Congress held last November the vote was 19-0 to recognise the Australian Powerlifting Federation Inc as the governing body of powerlifting in Australia, rather than 'Australian Powerlifting' or any such organisation. If 'Australian Powerlifting' still exists its membership would not even reach triple figures. (Letter to Committee Secretary, 12 December 1989)

And Mr Dino Toci, who is a former president of the Queensland Amateur Powerlifting Association, has confirmed that if the Australian Powerlifting Federation Inc is the recognised IPF

organisation, then he would join it. This is because the IPF is the World Games recognised body. (Telephone call to Secretariat, 4 December 1989)

8.141 Further, Mr Wilks circulated APF Inc State Associations on 2 January 1990 that:

States may be interested to know that Yuris Sterns, Alan Colquhoun & Craig Learner of South Australia have resigned as office-bearers of "Australian Powerlifting" and that the South Australian Amateur Powerlifting Association will be joining the A.P.F. Inc. for 1990. I have also been informed that the secretary of "Australian Powerlifting", Jack Pappas, is no longer involved with that organization. It would thus seem unlikely that "Australian Powerlifting" will continue as an organization. (Attachment to letter to Committee Secretary, 27 December 1989)

Given the recent history of powerlifting in Australia it is unlikely that APF Inc would become (or continue indefinitely) as the sole representative of powerlifting. Nevertheless, that it is the IPF recognised body simplifies the present question about the allocation of public funding; currently the most feasible bodies to fund are either the APF Inc or the Drug Free Powerlifting Federation.

8.142 On 12 December 1989, Mr Wilks made a submission to the Committee that discussed this point. He argued that:

- (i) APF Inc is the main organisation in Australian powerlifting with 1,000-1,200 seniors and 7,000-9,000 juniors. The drug free associations "would be likely to total 150-200 members in 3 states".
- (ii) Drug Free organisations have arbitrary membership requirements.
- (iii) APF Inc aims to restore to its membership those who have associated with the Drug Free organisations.
- (iv) Criticism of AAPLF or APF Inc has been related to drug-testing, yet:

(a) AAPLF was one of the first sporting bodies in Australia to carry out drug-testing; AAPLF/APF Inc has undertaken testing and imposed suspensions.

(b) APF Inc will co-operate with Government programs. (Submission 79(c), 12 December 1989)

8.143 The Committee understands, however, that the situation may not be quite as represented by Mr Wilks. Dr Jill Walker has advised that there is no NSW branch of the Australian Powerlifting Federation:

NSW disaffiliated from all national power lifting organisations at its AGM in August, being dissatisfied with their performance on a number of fronts, among them drug testing. (Letter to Committee Secretary, 28 January 1990)

Whatever the status of the NSW branch of the APF Inc, this demonstrates the Committee's concern, already expressed, that APF Inc is unlikely to persevere without challenge as the major credible organisation for powerlifters despite its IPF recognition.

8.144 In her advice to the Committee Dr Walker went on to articulate a particular concern already outlined in the Interim Report. Dr Walker stated:

In the preface to its Interim Report, the Committee commented that "old feuds and grievances have been reflected in some of the evidence presented" (pp. xxi-xxii). Unfortunately, amateur sport has always been rife with such activities. There is now a danger that the drug free banner (and indeed drug testing) could be used to settle these scores by preventing legitimate athletes from competing in their sport. As a senior public servant, I am acutely aware of the importance of applying the principles of natural justice in decision making by public bodies. I strongly believe that the application of these principles should be a condition of any organisation receiving public funding. If tax

payers are funding a body, they should be entitled to receive natural justice when dealing with it. These principles have not been applied in my dealings with the Drug Free Power Lifting Association; I have yet to be officially informed of the case against me and have therefore been unable to comment on the allegations. This of course is the traditional mode of operation of sporting bodies in Australia, but I do not think it should be the future way of organisations which are committed to "fair play". (Letter to Committee Secretary, 28 January 1990)

The Committee remains aware that whichever powerlifting organisation receives Government funding it will need to be careful not to offend the rights of its members (and applicants for membership) in the ways described by Dr Walker.

CONCLUSION

8.145 The Committee has closely examined the activities of the AAPLF (and its subsequent forms) and the Drug Free Powerlifting Association. And the record of AAPLF in drug testing is unacceptable in the Committee's view for an organisation receiving public funds. The major grounds for the judgement are:

- . Officials of the AAPLF have not presented an unambiguous opposition to drug use until quite recently.
- . Some AAPLF officials do not seem to understand the proprieties to be observed for drug testing in sport. Mr Robert Orr, for example, is a competing powerlifter, but as an official Mr Orr submitted an application to be an IPF approved drug control officer. The Chief Executive of ASDA has advised:

This does not meet with the approval of ASDA and could only be seen as a clear conflict of interest. (Letter to Committee Secretary, 12 January 1990)

- . Drug testing under the AAPLF has not always been credible. The Committee has indicated its conviction

that drug testing for the 1988 National Championships was expected to be 'fixed'. In the event, the 'fix' did not eventuate and six powerlifters including the official who sent out the notice that drug testing would be conducted, were found positive.

- . The Committee is not convinced that the APPLF has demonstrated its bona fides in reacting to positive drug tests. Gael Martin, for example, was permitted to compete after testing positive at the 1988 Women's World Championships. Mr Glenn Jones told the Committee that Mrs Martin's test result was kept a secret and she was not actually banned for some six months.

RECOMMENDATIONS

Recommendation Twenty

8.146 That the Australian Drug Free Powerlifting Federation Inc. (ADFPF) be recognised as the national sporting organisation for official recognition and public funding.

Recommendation Twenty-One

8.147 That the ADFPF process applications for membership in an impartial manner, within the rules of the Association and that the Australian Sports Drug Tribunal review the membership practices of the Drug Free Powerlifting Federation in 1991, to ensure that they are suitable for a national sporting organisation.

Recommendation Twenty-Two

8.148 That, in the interim period, persons seeking membership of the ADFPF have any related appeals arbitrated by the Australian Sports Drug Tribunal. Any persons admitted through an appeal and subsequently testing positive would not count as ADFPF positives for the purposes of Recommendation Four of this Report.

Recommendation Twenty-Three

8.149 That, in the event that any penalties resulting from positive drug tests are not automatically and promptly applied by the ADFPF, all public funding be withdrawn until such penalties are applied.