

## CHAPTER SEVEN

### TRACK AND FIELD AT THE AIS

#### INTRODUCTION

7.1 Track and field was one of the original sports included when the AIS was established in 1981. Mr Kelvin Giles was appointed as Head Coach and Mr Merv Kemp was appointed as one of the AIS coaches. Mr Craig Hilliard joined the AIS as a track and field coach in June 1982. Mr Tony Rice replaced Mr Giles as Head Coach in October 1984.

7.2 Table 7.1 summarises the data for Athletics from the Survey of Drug Abuse in Australian Sport to give some indication of the general level of drug usage in athletics.

TABLE 7.1  
USE OF DRUGS BY COMPETITORS IN ATHLETICS  
(Based on 281 respondents)

Drug	Percentage using it	Survey page
Vitamins	69.0	77
Anti-inflammatory drugs	36.7	86
Analgesics	16.7	96
Bronchodilating drugs	21.0	108
Diuretics	-	118
Anabolic steroids	1.4	128
Stimulants	5.3	138
Sedatives	8.2	148

7.3 The survey also recorded that 39.9 per cent of respondents from Athletics knew of other competitors who had taken drugs to improve performance.<sup>1</sup>

7.4 Given the evidence earlier in this report on the extent to which performance enhancing drugs are used, or perceived to be used, by track and field athletes internationally, it would be surprising if no AIS athlete had ever tried them. It would certainly appear that track and field athletes are aware of what is available, and are also aware of what is banned. For example, Mr Kelvin Giles, a former Head Coach in Track and Field at the AIS said that on the basis of his observations:

if you talk to track and field athletes about the drugs question, they can give you nearly a full list of what is on the banned list. They understand; it is part of their entire environment.<sup>2</sup>

7.5 Similarly, current AIS track and field coach, Mr Craig Hilliard commented:

some of those [AIS] athletes have talked to me about drugs ... It is part and parcel of your life, your everyday existence ... Talking about it is different from doing it.<sup>3</sup>

7.6 In a letter dated 19 August 1986 to the Australian Athletic Union Mr Merv Kemp, throwing coach at the AIS, wrote that:

During the recent Commonwealth Games tour it was again obvious that a substantial number of Australian athletes had used illegal drugs as part of their preparation for the competitions. While it may be a fact of life that very many successful athletes from all event groups make use of various drugs there is still a responsibility on the [Australian Athletic Union] to endeavour to ensure that their use in Australia is stamped out ... Several of the recent team members were not

prepared to compete because the meetings were drug tested and because at that stage, they may not have passed such a test.<sup>4</sup>

7.7 A definite association between track and field at the AIS and the use of performance enhancing drugs occurred in 1987 when Ms Sue Howland, who at that time had an associate scholarship allowing the use of AIS facilities, tested positive at a Belfast meeting leading up to the World Track and Field Championships in Rome.<sup>5</sup> Shortly following this, in November 1987, the ABC broadcast a Four Corners program in which Ms Howland and Mrs Gael Martin made various allegations, some of which related to Mr Merv Kemp, throwing coach at the AIS.<sup>6</sup> Then, in December 1988, after the Committee's inquiry had started, Mr David Smith, a former AIS athlete, made a number of allegations concerning drug use in track and field in an item on a Channel 10 newsbroadcast on 2 December 1988.<sup>7</sup>

#### MR MERV KEMP

#### Knowledge of and Attitude to Drugs

7.8 Mr Kemp told the Committee that he thought it was part of his job as a coach to be informed about steroids, and that he saw this as being necessary to allow him to provide advice to his athletes.<sup>8</sup>

7.9 Mr Kemp also said that he saw it as part of his job to seek out and provide alternatives to anabolic steroids.<sup>9</sup> He described how he went to the AIS doctors and said, 'Can we find some alternative for the athletes which does not infringe the rules?'<sup>10</sup> This led to the work carried out by the AIS on the use of amino acids to stimulate the body's production of growth hormone.

7.10 In discussing why some substances should be banned but others allowed, Mr Kemp said:

It does not seem to me to be terribly much different, really, from taking steroids or vitamins. The question is where do they draw the line.<sup>11</sup>

He indicated that in his view if a substance presented no health risk and was not precluded by the rules, it could be used.<sup>12</sup>

#### Knowledge of AIS Athletes Taking Drugs

7.11 In his original submission to the Committee Mr Kemp had written that:

Athletes ... are placed in a position where they are damned if they do use drugs but they are damned if they don't. Consequently some athletes resort to secretive drug usage.<sup>13</sup>

However, Mr Kemp said to the Committee:

I can assure you that in our area [track and field] there is no drug taking at the AIS.<sup>14</sup>

He later stated that he did not have any knowledge of any of his athletes taking drugs.<sup>15</sup>

7.12 When asked what it would cost an athlete a year for his drugs, Mr Kemp replied:

I have only two athletes who have ever shown me what they were doing. One showed me and told me that for 12 weeks he was outlaying \$1300.<sup>16</sup>

Mr Kemp told the Committee that while these drugs worked 'in terms of muscle mass' that:

in performance, you must come back to the skill factor ... You might become bigger and stronger but you still have to be able to

apply your physical abilities in terms of the competition itself.<sup>17</sup>

The Committee notes that at no time did Mr Kemp suggest that these athletes were either 'his athletes' or at the AIS.

7.13 The Committee also noted that Mr Kemp described how Mrs Gael Martin, while a scholarship holder at the AIS, had asked whether he could supply her with steroids.<sup>18</sup> He also recalled a weight training session in April 1985 when Mrs Martin remarked to him that 'that was the best work-out she had ever done without steroids'.<sup>19</sup>

7.14 Mr Kemp was able to remember this incident:

because it was just prior to going away with the Pacific Conference Games team. She did not perform particularly well there but later in the year her performances started to improve again, so I guess there is the problem that if anyone improves you assume steroids are there.<sup>20</sup>

7.15 It should be noted that Mr Brian Miller, formerly Sport Psychologist at the AIS, told the Committee that:

In August 1985, Gael Martin told me that she was taking steroids again. She was not overly alarmed about this, but she was very anxious that her then coach, Merv Kemp, must not find out. Her exact words were, 'He'd do his block if he found out!' I took this to mean that Merv did not know she was taking steroids, and that if he found out that she was, he would get her dismissed from the A.I.S. programme.<sup>21</sup>

7.16 Mr Miller's conversation presumably took place after Mrs Martin had asked Mr Kemp to supply steroids, and after she had remarked to Mr Kemp that she had had her best work-out without steroids. Moreover Mrs Martin, in a letter to the Committee dated 14 March 1989, said that the expression 'He'd do his block' was used in the wrong context and she described how:

In Sept. 1985, Mr Kemp took myself and 3 other athletes to China for 2 competitions. The 1st competition, I competed as it was not a tested meet. The 2nd comp was, so I withdrew, advising Mr Kemp that I was afraid of being tested as I was currently on steroids, and he was aware of my situation even before leaving Australia. It was my decision to withdraw from the end competition and told Mr Kemp that if anyone made a fuss, I had injured my knee in the previous competition. Mr Kemp did not report me on our return, and neither should have as in Hong Kong we went together on a shopping spree through all the chemists to obtain testosterone and other anabolic substances.<sup>22</sup>

7.17 Mrs Martin was a full scholarship holder at the AIS between February 1985 and October 1986,<sup>23</sup> and admits to taking drugs over this period to cope with her training loads, to recover from training day-to-day, and to better her performance.<sup>24</sup>

7.18 Even though Mrs Martin was a scholarship holder at the time she asked him for steroids, Mr Kemp took no action, apart from telling her that 'it was not part of our coaching practice to distribute steroids'.<sup>25</sup> No action was taken because Mr Kemp said that he did 'not feel very comfortable with the role of being an informant'.<sup>26</sup>

7.19 The Committee believes that Mr Kemp's lack of action on this matter was not consistent with his responsibilities as an AIS coach and is inconsistent with his action in relation to an alleged urine substitution incident which is discussed later in this chapter.

#### Administration of Injections

7.20 Mr Kemp informed the Committee that he had, on occasions, administered various vitamin and Adenosine

Triphosphate (ATP) injections to his athletes. The vitamins were an attempt to assist recovery from training, while the ATP was to relieve joint pain resulting from extensive weight training sessions. Dr Fricker had:

expressed doubts that the vitamin injections would make any appreciable difference but felt that basically no harm would be done and that there may be some psychological benefits.<sup>27</sup>

7.21 Dr Fricker had instructed Mr Kemp about using vitamin injections and observed Mr Kemp 'undertaking the procedure'.<sup>28</sup> Injections administered by Mr Kemp at the Institute were:

made because the medical staff was not available when the weight training sessions finished late in the evening.<sup>29</sup>

7.22 Mr Kemp told the Committee that the syringes he used for these injections were provided by Dr Fricker.<sup>30</sup> According to the notes of a discussion between Dr Ross Smith and Dr Peter Fricker on 8 December 1987 contained in the Mallesons Stephen Jacques 'Report on Enquiry Conducted for the Institute From 27 November to 7 December, 1987', Dr Fricker allegedly told Dr Smith that he:

was unaware that syringes were being given to coaches Kemp, Wardle and Jones. [Fricker] stated that he was not directly aware that this was happening, but not surprised to know it occurred.

7.23 However, Dr Fricker subsequently informed the Committee that 'he may have given [Mr Jones] syringes on two or three occasions. Similarly, Merv Kemp got some syringes and needles'. (In Camera Evidence p. 736) Dr Fricker challenged the accuracy of the record of discussion drafted by Dr Smith.<sup>31</sup>

## Supply and Administration of Steroids

7.24 Ms Sue Howland alleged that she had been given 'a bottle of tablets' by Mr Kemp<sup>32</sup> while Mrs Gael Martin told the Committee that she and other athletes had received a steroid injection from Mr Kemp in Italy in 1984.<sup>33</sup> Mrs Martin said that she had witnessed Mr Kemp giving injections to the other athletes when she was in Italy and that she knew what they were being injected with because, 'It was the same stuff I was getting'.<sup>34</sup> Mrs Martin told the Committee that Mr Kemp 'seemed to know what volume to give the other throwers', but that she had told him the volume of the injections to give to her.<sup>35</sup>

7.25 Mr Kemp said to the Committee that he:

would like to make it perfectly clear that I have never supplied [Mrs Martin] with steroids at any time and the allegations that she saw me injecting these athletes with what she called the same stuff is completely and utterly untrue. I did not inject these athletes with testosterone at that time nor have I done so at any other time.<sup>36</sup>

7.26 The athletes present on the trip to Italy were Mr Phillip Spivey, Mr Phillip Nettle and Mr Paul Nandapi. The Committee sought information from each of these athletes on any injections they had received while associated with the AIS, who had administered them, who had witnessed their administration, and whether they had ever taken steroids.<sup>37</sup> These athletes all denied ever having taken anabolic steroids, but all could recollect Mr Kemp giving injections. Mr Spivey indicated that he had never himself received an injection from Mr Kemp, although he was aware that Parentrovite (a vitamin B/C complex) injections had been administered to other members of the squad.<sup>38</sup> Mr Nettle had received injections from Mr Kemp but did not specify the type,<sup>39</sup> while Mr Nandapi commented that:



Some vitamin injections were done by Merv Kemp ... after weight training sessions in 1984. I was also given Vitamin injections by Merv Kemp when we were in Italy and also some ATP.<sup>40</sup>

7.27 Mr Nettle was able to recall receiving injections with Mrs Martin and Ms Howland present.<sup>41</sup> Mr Nandapi remembered receiving injections with Ms Howland present,<sup>42</sup> while Mr Spivey could remember other people being present when he received one injection, but could not recollect who they were.<sup>43</sup> Moreover, this injection was not administered by Mr Kemp.

7.28 Mr Kemp recalled giving injections of vitamins such as Parentrovite to his athletes. In relation to giving injections in Italy he said:

I can remember I was going to inject one athlete and he was so terrified of needles that it was impossible to do it ... I have no special recollection of injecting the other boys but I could well have done it. They would be able to testify better than I could.<sup>44</sup>

7.29 In a letter to the Committee dated 24 January 1989 Mr Kemp had informed the Committee that:

While in Italy in 1984 I injected two athletes, Paul Nandapi and Phil Nettle, with vitamin preparations. On that occasion I had with me Parentrovite and hypodermics supplied by Dr Peter Fricker. Parentrovite is a large volume injection and painful for the recipient so while in Italy I purchased some vitamin B12 which is available in much smaller but highly concentrated doses. I used the preparation on one occasion with the athletes mentioned above in the hope that the smaller volume would be less painful.<sup>45</sup>

7.30 Mr Kemp also pointed out that:

Gael Martin in Italy claimed that she had been injected with steroids; a few weeks later she went to the Olympic Games in Los Angeles,

winning a bronze medal, which would have required a mandatory drug test, and she passed that test then. I know that there are other athletes over there who got caught on steroids ... I went from Genoa to London with the three boys and we competed in the British 3A's Championships. That is a major drug-tested meet. I am not likely to be giving them steroids just before a competition of that nature; plus that, there were other meets which we went to in Italy, which could well have been drug tested as well.<sup>46</sup>

7.31 Mrs Martin explained that the injections had been of a water based testosterone that could be taken up to two weeks before a competition. She had continued to receive injections in the USA and had received the same kind of injection the day before breaking the Commonwealth Record in a competition at Berkeley that was exactly two weeks before the day she competed in the Olympics.<sup>47</sup>

7.32 Mrs Martin admitted to the self-administration of several anabolic steroids while at the AIS, and said that her use of drugs 'was also encouraged by the coach at the time at the AIS, and encouraged by other people in the AIS'.<sup>48</sup> When asked if the coach referred to was the throwing coach, she replied 'My coach'.<sup>49</sup> When subsequently asked about the injection she had allegedly been administered by Mr Kemp, Mrs Martin replied 'He was not my coach'.<sup>50</sup> Further, 'it was not anyone associated with the Australian Institute of Sport' who gave her the drugs.<sup>51</sup> Dr Jean Roberts advised the Committee that she was 'Gael Martin's technique coach or throwing coach, as distinct from her strength coach who was her husband [Mr Nigel Martin]'.<sup>52</sup> Mr Kemp informed the Committee that Dr Roberts replaced him as Mrs Martin's coach after October 1985.<sup>53</sup>

### Purchase of Steroids

7.33 Mrs Gael Martin told the Committee that she had bought drugs in Italy in 1984<sup>54</sup> as had other AIS athletes present on the

same trip.<sup>55</sup> She alleged that Mr Kemp had advised her which drugs to buy in Italy<sup>56</sup> and that he had missed training sessions in order to go and purchase steroids.<sup>57</sup> Mrs Martin claimed that these steroids were subsequently imported into Australia in Mr Kemp's personal baggage.<sup>58</sup>

7.34 Mr Kemp agreed that anabolic steroids are available over-the-counter at Italian pharmacies, saying that 'If you have the lire, they have the steroids'.<sup>59</sup> He said that anabolic steroids were available without a prescription, although, 'If you have a prescription, you can get them cheaper again'.<sup>60</sup> He said however, that:

there was no attempt by me at that stage to try to smuggle any form of illicit drugs into Australia.<sup>61</sup>

He emphasised later that he 'did not bring anything back into Australia that I should not have'.<sup>62</sup>

7.35 Mr Kemp explained that he felt that it was part of his job to find out 'what Australian athletes were being confronted with'.<sup>63</sup> Mr Kemp asked the Italian throwing coach Mr Jimmy Pedemonte 'what sorts of things were being taken by Italian throwers, or what sort of things might have been available to them'.<sup>64</sup> Mr Pedemonte provided a list of steroidal and non-hormonal products.<sup>65</sup> Mr Kemp told the Committee that:

If there was something that this Italian coach ... suggested might be of some use, I went and got a sample of it.<sup>66</sup>

These purchases were made at various times, some during the ten days Mrs Martin was with the party while others could have been picked up 'in other places we visited while in Italy'.<sup>67</sup>

7.36 Mr Kemp was unable to remember the total cost of the pharmaceutical preparations that he purchased in Italy, but

thought that it may have been in the order of \$100 or \$200.<sup>68</sup> When asked what volume of material he had brought back into Australia, Mr Kemp replied 'I brought back samples of things' and then added 'I had what we call a crew bag or a sports bag, and these products were in this bag'.<sup>69</sup>

7.37 According to the evidence given by Mrs Martin, Mr Kemp took off the original labels from the substances he bought from the Italian pharmacies and replaced them by labels that he had typed up previously at the AIS.<sup>70</sup> Mr Kemp told the Committee that he 'did not repackage or relabel any items of any nature whatsoever'.<sup>71</sup> He expanded on this later by saying:

I did not repackage or relabel any items whatsoever when I was over there. I did have labels. I had some labels typed up at the Institute which had my name on them ... I point out that the Commonwealth Games team followed the same sort of practice in 1986 of using sets of labels to put on passports, tickets, and so on.<sup>72</sup>

7.38 Soon after his return to Australia, Mr Kemp showed the substances he had purchased in Italy to Dr Peter Fricker of the AIS.<sup>73</sup> Dr Fricker:

looked at a lot of these items, particularly some of the injectable vitamins, and said that they had already passed their expiry date, so they were thrown into the bin.<sup>74</sup>

A range of items had been purchased in Italy but, 'As it turned out, quite a lot of these things were available in Australia anyway'.<sup>75</sup> Some of the products not thrown away had been stored under Mr Kemp's house in boxes, and he was able to show some of them when he appeared before the Committee.<sup>76</sup>

MR CRAIG HILLIARD

Supply of steroids

7.39 A number of allegations had been made on the public record by Mr David Smith, concerning his coach Mr Craig Hilliard. In accordance with the principles outlined in the preface to this report, Mr Smith was invited to give evidence to the Committee on the matters he had raised, and Mr Hilliard was given an equal opportunity to respond.

7.40 Mr David Smith, a full time scholarship holder at the AIS from December 1983 until March 1988<sup>77</sup> alleged that his former coach, Mr Craig Hilliard, supplied him with the anabolic steroid Lonavar in April 1985.<sup>78</sup> He also alleged that a hurdler, Mr John Caliguri, had been given substances by Mr Hilliard.<sup>79</sup>

7.41 Mr Smith described how he was going through an extremely heavy training period and that Lonavar was given to him by Mr Hilliard:

in the sense that it would aid in recovery from each training session I was doing.<sup>80</sup>

7.42 According to Mr Smith he was handed a white plastic bottle marked 'Lonavar'. Within 10 seconds, Mr Hilliard had taken back the bottle in order to scratch out the name 'Lonavar'. Mr Smith alleges that Mr Hilliard told him to take the tablets in a series of four, three, two, one, two, three, four on consecutive days, for a total period of 10 days.<sup>81</sup> The fluctuating levels were apparently to alleviate the problem of the body developing a tolerance.<sup>82</sup>

7.43 Mr Smith said that the offer of drugs to help him recover from the hard training schedule was unsolicited,<sup>83</sup> and that it was only a couple of days after the matter was first

discussed that Mr Hilliard supplied the drugs.<sup>84</sup> The drugs were provided free.<sup>85</sup>

7.44 The allegations by Mr Smith were 'emphatically' denied by Mr Hilliard who stressed that, since joining the AIS in 1982, he had 'never condoned, encouraged or distributed performance enhancing drugs to athletes'.<sup>86</sup>

7.45 Dr Brian Miller, former AIS psychologist, stated in a letter to the Committee in February 1989:

In March 1988, David Smith told me that no matter what it cost him personally he would see that Craig Hilliard 'would get his' ... I now believe that David saw the media attention associated with the Senate inquiry into drugs, as his opportunity to carry out his vendetta against Craig. As far as I know Craig has never given drugs to any athletes, and I was shocked and saddened by David's allegations.<sup>87</sup>

7.46 With regard to Mr Smith's allegation of drugs being given by Mr Hilliard to Mr John Caliguri, Mr Caliguri has provided a statutory declaration<sup>88</sup> not only denying his taking of performance enhancing drugs but also denying that any conversations about this matter had taken place with Mr Smith.

#### Knowledge of Steroid Use

7.47 Mr Hilliard told the Committee that:

Mr Smith offered performance enhancing drugs to athletes between 1980 and 1982. He also admitted in front of an athlete that he wanted to get his hands on any drugs he could - in particular, testosterone ... and attempted to coerce that athlete into taking it. ... He admitted to me in 1983 when he started on a scholarship at the Institute of Sport that he had taken testosterone and other performance-enhancing drugs [including Catavit]. In 1986

he told another AIS athlete, 'You know what your options are; the only way you will improve is by taking steroids'. ... In July 1987, in the presence of junior walkers and the manager-coach for a State team competing in Hobart, following his performance Mr Smith said, 'You should get hold of some of this stuff I was on'. I was not coaching him at that time.<sup>89</sup>

7.48 It seems quite clear that Mr Hilliard had ample ground for believing that Mr Smith had been taking testosterone and Catavit before joining the AIS.<sup>90</sup> Although Mr Hilliard counselled Mr Smith and told him that drugs were not part of his weaponry or the policy of the Institute, he did not report the fact to anyone at the AIS because he felt he could handle the matter himself.<sup>91</sup> Mr Hilliard said that he would not be surprised if Mr Smith had continued to take drugs while at the AIS, but said:

Unfortunately, I cannot prove that, I never saw him actually physically take drugs.<sup>92</sup>

7.49 The Committee believes that in not acting on his suspicions Mr Hilliard was ignoring his responsibilities and obligations as a coach at the AIS. As discussed in Chapter Eleven, the AIS had a discretionary drug testing program that could be used to test athletes about whom suspicions of drug use might be held, and the situation described by Mr Hilliard is, in the Committee's view, the situation in which the discretionary testing power should have been used.

#### Relationship with Athlete

7.50 Mr Smith first raised his allegation of drug administration by Mr Hilliard with Mr Ron Harvey, AIS Deputy Chairman, on 4 December 1987 shortly after the Four Corners story was broadcast. A subsequent inquiry by the AIS's solicitors found no information to support Mr Smith's claims.<sup>93</sup>

7.51 Mr Smith repeated the allegations on 2 December 1988 on a Canberra news program. This was within a few days of the allegations of steroid administration in track and field having been made before the Committee by Mrs Gael Martin and Ms Sue Howland on 30 November 1988.

7.52 Mr Hilliard said that he saw Mr Smith's allegations as being motivated by 'personal recrimination and public persecution'.<sup>94</sup> He added:

For three years ... I have lived in fear of reprisals against me, my girlfriend and my personal property. My coaching has suffered and my lifestyle has been severely affected.<sup>95</sup>

He has had the opportunity to come in and actually slash me apart and all I can come in and do is deny the allegations and hopefully clear my name.<sup>96</sup>

7.53 The Committee notes Mr Hilliard's claim that its inquiry provided an opportunity for Mr Smith to slur Mr Hilliard's reputation. In camera, he was asked why he had not earlier sought to respond to Mr Smith's televised comments by publicly expressing his innocence, or by pursuing a defamation action.<sup>97</sup> Mr Hilliard indicated to the Committee that he had chosen not to pursue either of these options, although the Institute had advised him that it was examining the filing of an action against Mr Smith in which he would be involved.<sup>98</sup>

## KNOWLEDGE OF AN ALLEGEDLY RIGGED DRUG TEST

### Introduction

7.54 Ms Jane Flemming gave in camera evidence to the Committee about her involvement in a urine substitution incident in Belfast on 30 June 1986, at a meeting in the lead-up to the



Commonwealth Games in Edinburgh.<sup>99</sup> Mr Kemp also requested that he be allowed to give in camera evidence to the Committee about this matter.

7.55 The Committee informed both witnesses at the commencement of their in camera hearings that the Committee was unable to give an absolute assurance under Senate procedures that evidence taken in camera would not subsequently be released. Both Ms Flemming and Mr Kemp acknowledged their understanding of this advice.

7.56 The evidence given to the Committee in camera, together with information already available to the Committee, made it clear that knowledge of this incident was widespread. After hearing all the relevant evidence and seeking additional information, the Committee learnt that the widely held view of what had happened in relation to this incident was incorrect, and that the reputation of an Australian athlete had been unfairly tainted.

7.57 The Committee received advice from Ms Sue Howland that Mr Kelvin Giles had sought to contact her on the day a witness was scheduled to appear before the Committee to discuss the details of the allegations which were to be made.<sup>100</sup> Mr Giles' role and interest in this matter is unclear. What is certain, however, is that one of the witnesses before the Committee sought in camera status for evidence they were prepared to discuss in advance with a third party.

7.58 The Committee has determined in these circumstances that release of the in camera evidence is in the public interest and is necessary in order to rectify the incorrect account that has commonly been accepted. The evidence demonstrates the irresponsible attitudes displayed by some Australian coaches and sporting officials in dealing with a significant incident involving drug testing.

### Who was in Belfast

7.59 The Australian track and field team at the Ulster Games consisted of ten athletes. These included Ms Flemming and Ms Sue Howland. Mr Tony Rice, head coach of Track and Field at the AIS, was coach to this contingent.

7.60 Neither of Ms Flemming's AIS coaches, Mr Merv Kemp and Mr Craig Hilliard, were in Belfast. They were elsewhere in Britain and Europe preparing other Australian athletes for the Commonwealth Games. Ms Flemming could not recall Mr Rice being in Belfast.<sup>101</sup>

7.61 Mr Maurie Plant, an official of the Australian Athletic Union, was in Belfast as Assistant Team manager of the Track and Field Team for the Edinburgh Commonwealth Games. Ms Flemming described Mr Plant as a friend of hers<sup>102</sup> although his status in Belfast was not clear to her.<sup>103</sup>

### The Incident

7.62 Ms Flemming said that Mr Maurie Plant approached her to provide a urine specimen which could be substituted for Ms Sue Howland's, who had been picked for random testing.

[Mr Plant] came up to me [at the javelin throwing area] and asked me if I would urinate in a bottle for Sue Howland because she had been picked for testing ... He gave me a drink bottle ... I went and weed in a bottle and apparently it got passed off as Sue's urine sample.<sup>104</sup>

7.63 Mr Plant recalled:

After Sue [Howland] had finished her event, she advised me that she would be required for doping control testing. (It is normal practice

for any athlete to advise management that they had been chosen.) It was my responsibility as the management personnel there to accompany the athlete to the drug testing area and ensure that I.A.A.F. [International Amateur Athletic Federation] procedures were followed. As I had not had much experience with this situation (my expertise was programming), I became rather panicky. I had heard rumours surrounding Sue Howland and drugs and I was not sure how to cope with the situation.

As a knee jerk reaction and worried about a member of the Australian Team, I made a grave error of judgement. I approached the heptathlete, Jane Flemming, and asked her to produce for me a urine sample. This was whilst Howland was awaiting her prize money. Flemming, who was rather naive and very shocked at the suggestion, nevertheless produced a sample for me in a small drink container. My plan was that if there was a problem, then maybe somehow I could switch the samples.

As I walked across the Mary Peters Stadium to meet with Sue and the I.A.A.F. delegate ..., I began to think about my actions. Here I was, a person with ambitions and responsibilities in the sport carrying a receptacle containing someone's urine. The more I thought, the more stupid I felt. Before I joined the athlete and the delegate, I got rid of the urine and the receptacle in a public toilet behind the main straight seating and at that point I totally abandoned any thoughts of interfering in the testing procedure.<sup>105</sup>

Mr Plant then described in detail how he had accompanied Ms Howland to provide the requisite urine sample.

7.64 The Committee finds it remarkable that the first response of an Australian official on being asked to accompany an athlete to a drug test was to seek a substitute urine sample. The Committee finds it all the more remarkable given that he would have had to consider an attempt to corrupt the IAAF delegate and that the whole system would have had to have been corrupt if his attempt were to have succeeded.

7.65 Mr Kemp was informed of the incident by Ms Flemming on her return to Canberra, when she was visiting her boyfriend who was living in Mr Kemp's house at the time.<sup>106</sup> On 19 August 1986, Mr Kemp described his knowledge of the incident to the Australian Athletics Union in the following terms:

Sue Howland did not want to compete because the meet was drug tested but did so after receiving assurances that she would be exempted. An IAAF official, however, stepped in and insisted that the women's javelin be tested and Sue Howland was required to undergo a test. In the panic that followed an AAU team management official pressured Jane Flemming to take the test on Howland's behalf.<sup>107</sup>

7.66 In evidence, Mr Kemp admitted 'I do not know the details of what actually took place and I do not know whether there was a test done in the end'.<sup>108</sup> He added 'It may be that Howland actual took the test and passed it okay'.<sup>109</sup>

7.67 Mr Rice, was not informed of the incident by Ms Flemming at the time it took place. He recalled that when leaving the ground at the conclusion of the meeting, he was informed by an Australian athlete 'that Sue Howland had been selected for random drug control testing and had departed to produce the required sample'.<sup>110</sup>

7.68 Mr Rice outlined his understanding of the substitution incident, obtained once he had returned to the AIS from Europe in September 1986. He remembered being told by Ms Flemming:

that she had been approached by Sue Howland to provide a substitute urine sample but had refused to do so inspite of encouragement from other, unnamed athletes. She [Ms Flemming] was not aware whether any other athletes had also been asked to substitute at that test.<sup>111</sup>

7.69 Mr Craig Hilliard was informed by Ms Flemming on her return to the Australian team camp in Belgium from Belfast 'that she had been harassed into providing a urine sample for ... Sue Howland who had been unexpectedly summoned for a drug test'.<sup>112</sup>

7.70 Ms Howland has advised the Committee that:

I provided my own sample (contrary to popular belief) for the dope test [in Belfast] ... at that particular test it would have been impossible to substitute urine as I was watched ... while providing the urine and the doctor in charge is very well known for his 'strictly by the rules approach'.<sup>113</sup>

7.71 Ms Howland subsequently provided to the Committee a copy of the Drug Control Test form which demonstrated that she attended the Drug Control Station at 8.50pm and passed a urine sample of 80ml.<sup>114</sup>

#### Subsequent events

7.72 The Committee has sought to clarify the chronology of significant events that occurred after 30 June 1986, on which date the incident in Belfast took place. These subsequent events are then described in detail.

#### Chronology

30 June 1986 -	Ulster Games, Belfast
1 July 1986 -	Ms Flemming informed Mr Hilliard about the incident
24 July 1986 -	Commonwealth Games in Edinburgh
2 August 1986 -	Ms Flemming returned to Australia and informed Mr Kemp of the incident
19 August 1986 -	Mr Kemp wrote to inform the AAU about the incident
4 September 1986 -	Mr Rice returned to Australia

9 September 1986 - Mr Rice contacted by the AAU about Mr Kemp's letter  
Mid September 1986 - Mr Rice interviewed Ms Flemming and Mr Hilliard  
6 October 1986 - Meeting between Mr Rice, Mr Kemp and the AAU  
23 January 1987 - AAU wrote to Ms Flemming and Ms Howland

**Mr Merv Kemp's letter**

7.73 The matter would have apparently gone no further, had not Mr Kemp seen fit to formally inform the Australian Athletics Union (AAU) about the incident. His letter to the AAU dated 19 August 1986, written after he was informed of the incident by Ms Flemming, explained that:

an appalling incident occurred involving Australian athletes and team officials ... Besides being an illegal practice it was totally unfair for Jane to be subjected to this kind of action and brings the AAU's credibility into question.<sup>115</sup>

7.74 Mr Kemp told the Committee that he wrote to the AAU some time after the Commonwealth Games and 'drew their attention to the fact that some irregularity had occurred'.<sup>116</sup> His motive for writing was because 'I do not think it is the right thing for people to go around and try to use other athletes to subvert themselves on drug tests' and 'where I started objecting is when an athlete with whom I was involved in coaching is being used to try to get someone else off the hook'.<sup>117</sup>

7.75 Mr Kemp recalled telling the other AIS track and field coaches, but not Ms Flemming, that he had written the letter, but was uncertain whether he had informed Mr Rice.<sup>118</sup> Ms Flemming simply stated 'that Merv sent a letter to the AAU telling it about the incident'.<sup>119</sup>

7.76 Mr Hilliard noted that 'Mr Kemp who was an official team coach wrote to the AAU expressing his concern'.<sup>120</sup> In his evidence, Mr Hilliard indicated that he had discussed the matter with Mr Kemp before Mr Kemp wrote the letter to the Australian Athletic Union.<sup>121</sup>

7.77 Mr Rice had no knowledge of the letter from Merv Kemp before being contacted about it by the Australian Athletic Union.<sup>122</sup>

#### Australian Athletic Union Action - August to December 1986

7.78 Mr Kemp's letter to Mr Rick Pannell, General Manager of the Australian Athletic Union, was received on 22 August 1986.<sup>123</sup>

7.79 Mr Kemp recalled that the Australian Athletic Union Board apparently resolved to send a delegation to Canberra to discuss the letter personally with him and with Mr Tony Rice. The delegation consisted of Mr Rick Pannell, Australian Athletic Union General Manager, and Mr Fletcher McEwen, National Coaching Co-ordinator.<sup>124</sup> Mr Kemp believed the meeting 'may still have been in 1986'.<sup>125</sup>

7.80 At this meeting Mr Kemp recalled Mr Pannell saying:

it is a problem for [the AAU], but this is the sort of thing we have been encouraging people to say and provide the evidence about.<sup>126</sup>

Mr Merv Kemp believed that the AAU contacted Ms Flemming and Ms Howland after these discussions.<sup>127</sup>

7.81 Mr Rice recalled that on 9 September 1986, having just returned to Australia, he received a phone call from Mr Fletcher McEwen, Australian Athletic Union National Coaching Director, about Mr Kemp's letter. He noted: 'Mr McEwen informed me that the letter had been considered by the Board of Management ... and

they were conducting an enquiry into the allegations'. Mr Rice then recounted a meeting with Mr Pannell and Mr Kemp on 6 October 1986. 'At the conclusion of the meeting Mr Pannell informed us that he would be reporting back to the Board ... who were extremely interested in pursuing the subject'.<sup>128</sup>

#### Meeting at the AIS - September 1986

7.82 Mr Rice informed the Committee that, about mid-September 1986, he 'conducted an interview with Jane Flemming, and her coach Craig Hilliard in [his] office'.<sup>129</sup>

7.83 Ms Flemming (incorrectly) recalled that 'about six months [after the incident] I got called in to see Tony Rice'.<sup>130</sup> She later qualified this to 'in about November 1986, so it was about five months after the incident'.<sup>131</sup> She added 'He called me in - he had Craig in there and then they called me in'.<sup>132</sup>

7.84 Mr Hilliard could 'not recall a formal meeting with [Mr Rice] to discuss any form of action. I believe Ms Flemming did talk with Mr Rice regarding the incident'.<sup>133</sup>

#### What happened at the meeting at the AIS

7.85 Mr Rice referred to the meeting as 'an interview with Jane Flemming ... regarding the particular incident'.<sup>134</sup>

7.86 Ms Flemming recalled telling Mr Rice all that had happened.<sup>135</sup> She thought that at this meeting she had discussed with Mr Rice a letter from the Australian Athletic Union (AAU) because 'we discussed what I would do ... and I decided that I would not write back'.<sup>136</sup> The letter from the AAU was not sent to Ms Flemming until four months later, as discussed below.



7.87 Ms Flemming recalled '[Mr Rice] had no idea at all. He was really shocked, I think, and especially because ... he knows that kind of character that I have and I do not think he would have expected it to come from me'. Further: '[Mr Rice] did not really tell me to do anything, he just wanted to hear what the full story was'.<sup>137</sup>

#### Australian Athletic Union Action - 1987

7.88 The Australian Athletic Union formally sought comment from Ms Flemming on 23 January 1987. Its letter informed her that a letter had been received:

indicating that there may have been some irregularities in drug testing of Australian athletes at the meeting in Belfast ... Your name has been mentioned ... as being involved and if you could throw any light on the situation it would be very much appreciated.<sup>138</sup>

7.89 Ms Flemming did not reply to this letter. She said that:

I did not know what to do and I decided that I would not write back and I would see what happened and [the AAU] have never, ever, contacted me again about it.<sup>139</sup>

7.90 Mr Hilliard wrote that Ms Flemming:

received correspondence from the AAU asking her if she wanted the matter taken further (the exact content of the letter I cannot recall). I understand and know that Ms Flemming was reluctant to pursue any course of action ... and she certainly did not wish to tarnish her excellent reputation or become an informer ...<sup>140</sup>

7.91 Ms Howland recalled returning to Australia from New Zealand early in 1987 and her mother [who lives in Mackay] had read to her over the telephone a letter received from the Australian Athletic Union. She stated:

I can't remember what the letter said as I never sighted it and so never bothered to answer it as it didn't mean anything to me.<sup>141</sup>

7.92 Mr Rice was not aware of any further action being taken on this allegation by the AAU subsequent to his 6 October 1986 meeting with Mr Pannell.<sup>142</sup>

### Motives for the Substitution

7.93 Ms Flemming's understanding of the rationale for Mr Plant's request was confused. She guessed that Mr Plant had not wanted Ms Howland to test positive because he was an Australian official and because he might have told Ms Howland that there was to be no drug-testing undertaken at that meet.<sup>143</sup> But Ms Flemming also believed that Mr Plant worked for Mr Andy Norman, the meet promoter, who allegedly had wanted to get Ms Sue Howland tested positive to eliminate her from the Commonwealth Games, thus leaving his friend Ms Fatima Whitbread without major competition.<sup>144</sup>

7.94 Mr Plant commented 'that my original motivation in regarding the sample was to save embarrassment to the Australian Athletic Union, together with a sense of loyalty to an Australian athlete'.<sup>145</sup>

7.95 Ms Sue Howland said:

there is no way Jane Flemming would provide me with a sample in a dope test as she dislikes me immensely and always has. Also, if I was

going to do it I definitely would not use a sample from her, I'd make sure it was from someone who I knew would be able to provide a clean sample'.<sup>146</sup>

### Knowledge of the Incident

7.96 While Ms Flemming had chosen not to report the incident to either the AIS or the AAU she discussed the matter informally with a wide range of athletes and personal contacts, including AIS employees Mr Merv Kemp, Mr Craig Hilliard, Mr Brian Miller, Mr Tony Rice and Dr Peter Fricker.<sup>147</sup>

7.97 The Committee notes that Ms Flemming had discussed the incident in an informal, social setting with Mr Kemp yet he had notified the Australian Athletics Union,<sup>148</sup> the other coaches at the AIS,<sup>149</sup> and Mr Peter Bowman.<sup>150</sup>

7.98 In view of Mr Bowman's current position as Co-ordinator, Track and Field at the AIS, the Committee sought details of his knowledge about the matter. Mr Bowman responded that, at the time he heard about the incident, he held the position of Assistant Director, Sports Administration, which is not directly associated with track and field. In other words he said that he did not hear of the matter in an official capacity. He wrote 'I took no action as it was a rumour and had no official source ... In addition, as the AIS athlete was representing Australia, if I had received a complaint, I would have forwarded it to the Australian Athletic Union'. He added: 'I understand quite a number of people know about the incident'.<sup>151</sup>

7.99 The Committee notes that Mr Giles appeared in camera the day after seeking to contact Ms Howland to discuss Ms Flemming's evidence but did not volunteer his knowledge of the incident to the Committee. As a result of Committee questioning, Mr Giles said only that he had heard of 'shenanigans going on' involving the British thrower Ms Fatima Whitbread, but he did not make any

comment suggestive of his knowledge of Ms Howland's implication.<sup>152</sup> At the least, the Committee is forced to conclude that Mr Giles has been less than frank in the evidence he presented.

7.100 Mr Ron Harvey, current Deputy Chairman and Chief Executive of the AIS who commenced after the incident had taken place had no knowledge of it.<sup>153</sup> He expressed the view that an AIS athlete involved in the provision of a urine sample for the purpose of substitution should be sacked.<sup>154</sup>

### Conclusions

7.101 Ms Howland clearly provided a urine sample which was not tested positive, since she went on to compete at the Edinburgh Commonwealth Games in July 1986, winning a bronze medal. She seemed genuinely unaware of the attempted substitution of urine in her name at Belfast. Mr Plant confirmed that Ms Howland was not involved in the attempted substitution in any way.

7.102 The Committee finds it unacceptable that although Ms Flemming held an AIS scholarship and discussed the incident with Messrs Kemp, Hilliard and Rice, all AIS coaches, no formal report was made to the AIS, in the first instance by Kemp, although he wrote to the AAU, and in the second instance by the other two. The Committee rejects Mr Bowman's suggestion that because Ms Flemming was representing Australia and not the AIS, the substitution incident was a matter for the Australian Athletic Union and not the AIS. Under the Code of Ethics which AIS scholarship holders are required to sign, the athletes agree, inter alia, to 'abide by both the rules and the spirit of my sport'.<sup>155</sup> In the Committee's view, Ms Flemming is liable for disciplinary action by both the Australian Institute of Sport and the Australian Athletic Union.

7.103 The Committee notes that although Ms Flemming regards him as a friend, Mr Plant had never sought to assure Ms Flemming that her urine sample was never used, despite over two years having elapsed since the incident occurred.

7.104 The Committee notes that Mr Rice gave an account of the incident which was different from that given by all other witnesses, when he suggested that Ms Howland had approached Ms Flemming to provide a urine sample which had been refused. His letter was otherwise detailed and accurate. By comparison, the other respondents were vague about such matters as the timing and the nature and extent of discussions, but were at least consistent in their general theme. The Committee expresses its concern about whether Mr Rice's recollections failed him in this instance or whether he had sought to provide a different version of events to explain his subsequent lack of action. The Committee concludes that because they did not inform the AIS management about the involvement of an AIS scholarship holder in a clear breach of sporting ethics and AIS guidelines, all three AIS track and field coaches failed to properly discharge their responsibilities. On this matter, as on others discussed in this Chapter, AIS coaches have shown an unsatisfactory attitude towards meeting their obligations to the AIS.

7.105 The reasons for the eventual lack of action by the Australian Athletic Union (now called Athletics Australia) are yet to be explained despite it having been asked on 21 February 1989 to provide advice to the Committee. The only response so far received included copies of correspondence relating to this matter, but gave no detailed information about the AAU's handling of its investigation into the incident. The AAU explained that:

the slight delay is due to the fact that we have our Australian Championships from 11- 19 March [1989] and our office resources are slightly stretched at the moment.<sup>156</sup>

The Committee intends to continue its investigations into this matter in the course of its continuing inquiry.

7.106 The Committee notes that had the AAU itself conducted a satisfactory investigation into this matter it may not have been necessary to publish this account of the event.

1. Survey of Drug Abuse in Australian Sport, Australian Sports Medicine Federation, December 1982, p. 164
2. Evidence p. 1118
3. Evidence p. 1218
4. Letter Mr Merv Kemp to Mr Rick Pannell, Australian Athletic Union, 19 August 1986
5. Submission No. 16 p. 93
6. Submission No. 16 p. 78
7. Letter Dr R G Smith, Acting Director, AIS, to Chairman, 13 December 1988
8. Evidence p. 1182
9. Evidence p. 26k
10. Evidence p. 32k
11. Evidence p. 32-3k
12. Evidence p. 33k
13. Evidence p. 5k
14. Evidence p. 35k
15. Evidence p. 1130
16. Evidence p. 42k
17. Evidence p. 42k
18. Evidence p. 1139
19. Evidence p. 1178
20. Evidence p. 1178
21. Evidence p. 1160
22. Letter Mrs Gael Martin to Chairman, 14 March 1989
23. Evidence p. 526
24. Evidence p. 427
25. Evidence p. 1139
26. Evidence p. 1139
27. Letter Mr Merv Kemp to Secretary, 29 January 1989
28. Letter Mr Merv Kempo to Secretary, 24 January 1989
29. Letter Mr Merv Kemp to Secretary, 24 January 1989
30. Evidence p. 1159
31. In Camera Evidence p. 738
32. Evidence p. 556
33. Evidence pp. 531 and 567
34. Evidence p. 567
35. Evidence p. 568
36. Evidence p. 1140
37. Evidence pp. 1165-75
38. Evidence p. 1169
39. Evidence p. 1174
40. Evidence p. 1175
41. Evidence p. 1174
42. Evidence p. 1175
43. Evidence p. 1170
44. Evidence p. 1141
45. Letter Mr Merv Kemp to Secretary, 24 January 1989
46. Evidence pp. 1140-1
47. Telephone conversation with Secretary, 10 May 1989
48. Evidence p. 527
49. Evidence pp. 527-8
50. Evidence p. 548
51. Evidence p. 528
52. Evidence p. 1922
53. In Camera Evidence p. 382
54. Evidence p. 528
55. Evidence p. 567

56. Evidence p.532
57. Evidence p. 566
58. Evidence p. 567
59. Evidence p. 1177
60. Evidence p. 1177
61. Evidence p. 1130
62. Evidence p. 1176
63. Evidence p. 1131
64. Evidence p. 1131
65. Evidence pp. 1131-2
66. Evidence p. 1144
67. Evidence p. 1177
68. Evidence p. 1134
69. Evidence p. 1144
70. Evidence p. 571
71. Evidence p. 1130
72. Evidence p. 1176
73. Evidence p. 1132
74. Evidence p. 1132
75. Evidence p. 1144
76. Evidence p. 1132
77. Evidence pp. 938-9
78. Evidence p. 939
79. Evidence p. 942
80. Evidence p. 940
81. Evidence pp. 939-40
82. Evidence p. 940
83. Evidence p. 945
84. Evidence p. 948
85. Evidence p. 948
86. Evidence p. 1189
87. Evidence p. 1160
88. Evidence p. 1225
89. Evidence p. 1193-4
90. Evidence p. 1194
91. Evidence p. 1194
92. Evidence p. 1196
93. Mallesons Stephen Jacques Report on Enquiry Conducted for the Institute from 27 November to 7 December 1987
94. Evidence pp. 1189-90
95. Evidence p. 1190
96. Evidence p. 1192
97. In Camera Evidence pp. 426-9
98. In Camera Evidence p. 428
99. In Camera Evidence pp. 273-99
100. Letter Ms Sue Howland to Secretary, 1 March 1989
101. In Camera Evidence p. 282
102. In Camera Evidence p. 275
103. In Camera Evidence p. 280
104. In Camera Evidence p. 275
105. Letter Mr Maurice S Plant to Secretary, 3 April 1989
106. In Camera Evidence pp. 376-7 and 383
107. Attachment to letter, Mr Rick Pannell, General Manager, Australian Athletic Union to Secretary, 9 March 1989
108. In Camera Evidence p. 397
109. In Camera Evidence p. 398
110. Letter Mr A L Rice to Secretary, 8 March 1989
111. Letter Mr A L Rice to Secretary, 8 March 1989



112. Letter Mr Craig Hilliard to Secretary, 23 March 1989
113. Letter Ms Sue Howland to Secretary, 1 March 1989
114. Note Ms Sue Howland to Secretary, received 23 March 1989
115. Attachment to letter, Mr Rick Pannell, General Manager, Australian Athletic Union to Secretary, 9 March 1989
116. In Camera Evidence p. 376
117. In Camera Evidence p. 392
118. In Camera Evidence p. 377
119. In Camera Evidence p. 281
120. Letter Mr Craig Hilliard to Secretary, 23 March 1989
121. In Camera Evidence p. 416
122. Letter Mr A L Rice to Secretary, 8 March 1989
123. Attachment to letter, Mr Rick Pannell, General Manager, Australian Athletic Union, to Secretary, 9 March 1989
124. In Camera Evidence p. 379
125. In Camera Evidence p. 381
126. In Camera Evidence pp. 387-8
127. In Camera Evidence p. 384
128. Letter A L Rice to Secretary, 8 March 1989
129. Letter Mr A L Rice to Secretary, 8 March 1989
130. In Camera Evidence p. 282
131. In Camera Evidence p. 284
132. In Camera Evidence p. 297
133. Letter Mr Craig Hilliard to Secretary, 23 March 1989
134. Letter Mr A L Rice to Secretary 8 March 1989
135. In Camera Evidence p. 283
136. In Camera Evidence p. 283
137. In Camera Evidence p. 296
138. Attachment to letter Mr Rick Pannell, General Manager, Australian Athletic Union to Secretary, 9 March 1989
139. In Camera Evidence p. 283
140. Letter Mr Criag Hilliard to Secretary, 23 March 1989
141. Letter Ms Sue Howland to Secretary, 1 March 1989
142. Letter Mr A L Rice to Secretary, 8 March 1989
143. In Camera Evidence pp. 278-9
144. In Camera Evidence p. 277
145. Letter Mr Maurice S Plant to Secretary, 3 April 1989
146. Letter Ms Howland to Secretary, 1 March 1989
147. In Camera Evidence pp. 276, 280, 283 and 289
148. In Camera Evidence p. 376
149. In Camera Evidence p. 377
150. In Camera Evidence pp. 395-6
151. Evidence p. 2075
152. In Camera Evidence pp. 372-3
153. Evidence p. 2072
154. Evidence p. 2072
155. Evidence p. 1777
156. Letter Mr Rick Pannell, General Manager, Australian Athletic Union to Secretary, 9 March 1989