

JOINT SELECT COMMITTEE ON GAMBLING REFORM

Advertising and promotion of gambling services in sport

Senator Xenophon asked the following question at the hearing on 19 March 2013:

Senator XENOPHON: Can I put this question on notice for the commission to get back to me. On page 8 of your February report you say at the bottom of page:

... there is evidence that some professional athletes are exploiting loopholes in illicit drug testing programs.

On notice, can you identify for us what these loopholes are and exactly how they were exploited, and do you have any statistics available to demonstrate the extent of suspected loopholes being exploited?

Mr Lawler: The answer to your question is yes, I think we can identify some of those loopholes. They will not be all the loopholes, I suspect. We would have had a window on those, but I do not know that there will be any statistics.

Senator XENOPHON: Right, but could you give us some more details on that?

Mr Lawler: Certainly we will.

Senator XENOPHON: Thank you.

The answer to the honourable senator's question is as follows:

Australian Crime Commission

During Project Aperio, the ACC has gathered information that indicates that some professional athletes are aware of exploitable loopholes in doping testing arrangements.

The body of information collected was mostly relevant to the testing for illicit substances under the Illicit Drugs Policy (often referred to as the 'three-strikes' policy) administered by the Australian Football League (AFL).

The AFL has two drug policies: the Anti-Doping Code, which operates in line with WADA standards and is administered by ASADA; and the AFL's Illicit Drugs Policy, which is a voluntary policy created by the AFL in conjunction with the AFL Player's Association. Under this policy, players voluntarily undertake out-of-competition illicit drug testing.¹ The testing for illicit drug use during the competition season is compulsory for all players.

Under the AFL's current drug policy, a player who records a first strike for positive results for illicit drugs is required to appear before the AFL Medical Commissioner; undertake appropriate counselling, education and treatment; and will incur a suspended sanction of A\$5,000. The player's club medical officer is also informed. After a second strike, a player is referred for more intensive education, counselling and treatment; the player's club medical officer is advised; and the player incurs a suspended sanction of six matches. Following a third strike, a player must appear before the

¹Evans, H 2012, 'Fact Sheet: WADA and Illicit Drug Policy (IDP)', AFL Players Association, 01 May 2012, <[http://_www.aflpa.com.au/news/post/fact_sheet_wada_and_illicit_drug_policy_idp/](http://www.aflpa.com.au/news/post/fact_sheet_wada_and_illicit_drug_policy_idp/)>.

AFL Tribunal and faces suspension for up to 12 matches, in addition to the suspended six match suspension from the second strike and the A\$5,000 suspended sanction from the first strike.²

AFL players are reported to exploit loopholes in the current AFL drug testing program under the Illicit Drugs Policy. When faced with a drug test, a player may pre-emptively declare that they suspect they could have inadvertently consumed illicit drugs, for example through drink-spiking. This would exempt the player from a drug test. Further, a player who is undertaking rehabilitation and treatment for drug use is also exempt from testing. A player may still be consuming illicit drugs while in rehabilitation but this use would not be identified as they will not be tested throughout their treatment phase.

The AFL is aware of these exploitable loopholes in the AFL's Illicit Drug Policy and this was reported to be a prominent topic of discussion at the summit of AFL Club Executives in January 2013.

The ACC also gathered some anecdotal information that suggests that some players in the AFL and NRL are aware of the length of time that an illicit drug remains detectable in a player's system. This particularly related to the use of cocaine.

Players are reported to be aware that cocaine would not be detectable beyond 2-3 days and, therefore, will consciously time their use of this illicit drug during a competition season to ensure that their drug use is not detected in testing.

As well, NRL players are reported to be conscious that some growth hormone-releasing peptides are difficult to detect in testing. Because these peptides will stimulate the release of natural hormones produced in the body, some NRL players have the belief that this makes these peptides 'undetectable' rather than difficult to identify in testing. Hence, players have risked using these substances.

The ACC does not have statistics on the number of times these loopholes have been exploited.

² Evans, H 2012, 'Fact Sheet: WADA and Illicit Drug Policy (IDP)', AFL Players Association, 01 May 2012, <http://_www.aflpa.com.au/news/post/fact_sheet_wada_and_illicit_drug_policy_idp/>.