

**Senate Community Affairs Committee**

**ANSWERS TO ESTIMATES QUESTIONS ON NOTICE**

**HEALTH PORTFOLIO**

**Additional Estimates 2016 – 17, 1 March 2017**

**Ref No:** SQ17-000396

**OUTCOME:** 3 – Sport and Recreation

**Topic:** ASADA / Essendon

**Type of Question:** Written Question on Notice

**Senator:** Di Natale, Richard

**Question:**

Why did ASADA issue an interim report on 2 August 2013 (which was subsequently used by the AFL to ban Essendon from the 2013 AFL finals series) when at that stage there was no determination of the use of the banned substance TB4?

**Answer:**

The reasons for the Australian Sports Anti-Doping Authority (ASADA) issuing an interim report to the AFL were comprehensively outlined in the published Federal Court judgment in *Essendon Football Club v Chief Executive Officer of the Australian Sports Anti-Doping Authority* [2014] FCA 1019 (*‘the decision’*).

Paragraph 206 of the judgment reproduces the letter that ASADA forwarded to the AFL accompanying the provision of the interim report.

Amongst other things, the letter made a number of things clear, including:

- that there was material uncovered during the course of the investigation that suggested Essendon players were injected with Thymosin Beta 4 and that ASADA’s investigation was continuing;
- that new material may come to light that may influence the ultimate findings or outcome of the investigation;
- the interim report was the culmination of ASADA’s investigation (with the AFL’s co-operation) and the starting point for further investigation; and
- the AFL’s comments were expressly sought on the interim report, including the AFL’s views on the necessity for the ASADA Chief Executive Officer to use her new legislative powers to gain further information about specific substances provided to the Essendon players and their contents.