

The story so far...

7 February 2013:

Minister for Scare, Jason Clare, Minister for Sport, Kate Lundy and CEO of the Australian Crime Commission, John Lawler, hold a staged, melodramatic media conference in Canberra about “drugs in sport” and alleged connections to organised crime. Lawler later admits the reason for the media conference was to “put the frighteners into them”.

"We are not going to declare who they are but this is a way of putting the frighteners into them, so they are aware authorities are aware of them."

Headlines around the world proclaim: ***Australian sport rife with drugs.***

... day 1, and no-one charged

11 February 2013:

Greg Stanton, barrister to Stephen Dank, the sports scientist and anti-ageing clinic owner, says:

Had he (Dank) been charged with any recognisable, indictable offence, he would know and anyone he retains to act on his behalf would know the specifics of that charge, the manner in which, the evidence rather which was available against him, and he would have a forum in which he could challenge and defend himself in respect of that allegation.

But as it now stands, he is in the court of public scrutiny – no charge, no allegation, no manner really to defend himself because there is no tribunal hearing any matter against him.

But daily he's bombarded, as are his co-directors and the group that they work with, bombarded with allegations which at this stage don't seem to take any form.

- AM, hosted by Tony Eastley, ABC Radio 11 Feb 2013 <http://tiny.cc/o36ptw>

... 4 days, and no-one yet charged

10 March 2013:

Danny Weidler (Ch 9 reporter) writing in Fairfax media:

He's been quiet for some time but Stephen Dank, the sports scientist at the centre of the drugs-in-sport investigation, is getting on the front foot. He says it's time for the Australian Sports Anti-Doping Authority to put up or shut up.

Dank's lawyer Greg Stanton says Dank wants the case resolved in a hurry. In a letter to ASADA, Stanton jumped into the drugs body.

"We cannot sensibly or significantly seek Mr Dank's consent to this process, when as a glaring omission from the matters addressed in your correspondence, no specific or general allegation appear to be available against him. We are left to conjecture as to the real purpose of this interview and the extent to which he is currently exposed, on the material available to ASADA, specifically as to his involvement in any breach that is said to have occurred. It is neither our client's intentions nor desire to frustrate or impede any valid and properly constituted inquiry."

Stanton added:

"The sole purpose in responding to the ASADA invitation was to seek an immediate and decisive resolution. We have called from the outset for the evidence, if any, of any violation for which it is said Dank is liable. Rather than alleging any wrongdoing, ASADA is encouraging and promoting a newly devised scheme of 'do it yourself' styled prosecution. So poorly and clumsily has this process been mishandled that any prosecution that may unfold from this point would be in serious peril of failing, poisoned as a monumental abuse of process."

– Danny Weidler, Ch 9 reporter, in *SMH*, 10 March 2013 <http://tiny.cc/q66ptw>

Danny Weidler also wrote:

The Sharks' early-evening news conference on Friday was an exercise in spin and self-protection, and nothing more. The news conference failed on every level. ... it was the smug performance from former deputy chairwoman of the Australian Sports Drug Agency Dr Tricia Kavanagh that did the Sharks the biggest disservice. The contempt she showed and the belittling nature of her answers should ensure that she is never put up to represent the Sharks again. The whole reason the news conference was held was to protect the board members.



– Danny Weidler, Ch 9 reporter, in *SMH*, 10 March 2013 <http://tiny.cc/q66ptw>

(Photo shows Trish Cavanagh, from an ABC screenshot – Ed.)

**32 days since the melodramatic media conference...and still no evidence,
no charges from the Australian Crime Commission (ACC)
or the Australian Sports Anti-Doping Authority**

12 March 2013:

‘Nothing like it in my life’

Former Caucus chairman Daryl Melham delivers a withering attack on Sports Minister Kate Lundy and she and Prime Minister Julie Gillard came under questioning in the Labor Caucus for appalling government mishandling of the ‘Drugs in Sport’ matter, and for abusing legal process. *Adelaide Now* reported:

SPORTS Minister Kate Lundy came under fire this morning from Labor colleagues over her handling of the drugs in sports scandal, with one Sydney Labor MP accusing the anti-doping agency of abandoning proper legal process in its pursuit of NRL players.

Sydney MP Daryl Melham stood up in a caucus meeting and singled out Senator Lundy, calling on her to get the Australian Sports Anti-Doping Authority (ASADA) to "put up or shut up".

Mr Melham, a lawyer, said he was appalled at the handling of the drugs in sport scandal claiming he had seen nothing like it in his life. Mr Melham raised concerns over due legal process with allegations being made against players without evidence being put to them. He also criticised the offer of "discount" suspensions to players who self-incriminate, claiming they hadn't even been told of the allegations against them.

Mr Melham would not comment publicly about the concerns he raised in caucus. But colleagues said he had delivered an "almighty spray" against Ms Lundy, calling for the anti-doping agency to speed up its investigation and either charge people or drop it.

Mr Melham, the former chair of the caucus, said he had serious reservations about the investigation.

...34 days and no-one charged yet. Sports scientist Stephen Dank continues to be vilified in the media, with no facts and no evidence produced against him

18 March 2013

Hopes of escaping dope ban near zero (Fairfax)



Roy Masters

Rugby League Columnist



ASADA chief executive Aurora Andruska. *Photo: Ken Irwin*

CLA says that the beat-up continues, as columnists and sports writers continue to ignore 'innocent until proven guilty' ...or even, 'innocent because no-one has even been charged'.

Now, the bullies – in this case ASADA's Aurora Andruska (pictured muscling up in a threatening pose), is warning Stalinesque techniques will be used against footballers, who will be forced to dob in their mates to get a reduced 'sentence' (which may be an illegal process, and ultra vires as far as ASADA is concerned). She makes a claim against Cronulla players, and produces no proof, admitting that ASADA cannot test for the drugs allegedly in question. Roy Masters, who should know a lot better than to flog rubbish like this as if acting as a PR flack for ASADA, writes...

EXCLUSIVE

NRL and AFL players guilty of doping infractions have almost no chance of escaping without sanction and will be required to inform on a teammate or a member of a club's football department to receive a reduced penalty. In an exclusive interview with Fairfax Media, Australian Sports Anti-Doping Authority chief executive Aurora Andruska...

...

Andruska also dismissed reports the drugs allegedly taken by Cronulla players were not on the banned list. "The substances were prohibited in 2011," she said in

reference to the period sports scientist Stephen Dank allegedly injected players with peptides.

There appears to be confusion between a drug for which there is no known test and its inclusion on the banned list. Growth hormone-releasing peptides were banned by the World Anti-Doping Agency in 2004 but one, GHRP-6, was not detectable in 2011 when it was allegedly used by Sharks players.

Even now, Andruska said: "It can only be detectable within an hour of use. It can be applied in cream form as well. We froze urine samples but without a test available it was up to our intelligence to gather the information."

One-third of sanctions now come from investigation, rather than testing. "Testing will pick up the dopey dooper who takes cannabis or steroids, but some of the things people were using had not been tested for human use," Andruska said, a reference to the equine substance mentioned in the Australian Crime Commission report. "Not even tested on humans! By working with the ACC, we got ahead of the curve."

Andruska revealed ASADA began gathering information 18 months ago, and shared it with the ACC a year ago.

Read more: <http://www.watoday.com.au/sport/hopes-of-escaping-dope-ban-near-zero-20130317-2g996.html#ixzz2NtLpFDJQ>

The bullies masquerading as Commonwealth Public Servants continue to operate by threats and over-egged claims in the media, as gullible journalists swallow the bait. CLA will be asking if ASADA is following the government's formal Legal Services Directions in how it is prosecuting this issue.

Now 40 days, and still no-one has been charged.

TO BE CONTINUED

CLA Civil Liberties Australia
Box 7438 Fisher ACT Australia
Email: [secretary \[at\] cla.asn.au](mailto:secretary[at]cla.asn.au)
Web: www.cla.asn.au