

## Anti-Doping Agencies Around The World Support ASADA Chief

Messages of support have been pouring in for Ben McDevitt, chief of the [Australian Sports Anti-Doping Authority](#) (ASADA), after the precedent set by the not-guilty verdict for the Essendon doping scandal where all 34 former and current players of the club were held not guilty.

The heads of anti-doping agencies in the UK, US, France, and Germany contacted McDevitt with messages of support, which may raise the possibility of appeal. McDevitt also received support from the current federal sports minister, Sussan Ley, and her predecessor, Peter Dutton.

McDevitt has just over two weeks to appeal the judgment. ASADA is expected to release its findings on Dank after the Easter break. The World Anti-Doping Agency has a further 21 days to appeal after the deadline of ASADA expires and is expected to take its appeal to the Court of Arbitration for Sport, a body chaired by IOC vice-president and AOC president, John Coates.

The AFL Anti-Doping Tribunal found it was not comfortably satisfied that former and current Essendon players committed the anti-doping rule violation of use of the prohibited substance, [Thymosin Beta 4](#), during the 2012 season. The Tribunal was however "*comfortably satisfied*" under rule 16.1 of the anti-doping code that Shane Charter, a self-styled anti-ageing consultant who arranged for the importation of peptides supplied to Essendon in December 2011, sourced what he believed to be Thymosin beta 4 from China. The tribunal refused to be satisfied that that pharmacist Nima Alavi compounded what he believed to be the drug and gave 26 vials of what he believed to be the same drug to [Stephen Dank](#).

Lawyer Natalie Hickey, who has followed the case closely, remarked it is impossible and unfair even to attempt answering this without access to the detailed reasons. Natalie added the better question is whether the AFL appeals board would bring fresh eyes, and different life experiences, to the evidence, with the prospect of a different point of view. Natalie also remarked that the Bombers were charged under clause 11.2 of the old code but this is now clause 10.2 under the revised code and added that the new code changes the approach the appeals board will take to an appeal, depending on the nature of the charges laid. Hickey also commented that the amendment of another clause may mean that "*the task for ASADA on appeal would be easier.*"

Hickey also said those new provisions enable the appeals board essentially to consider matters afresh, in what is called a 'de novo' hearing and said the appeals board need not defer to the discretion of the AFL tribunal. Natalie also said the prior proceedings also do not limit the

evidence or carry weight in the hearing before the appeals board and added the standard of proof the appeals board must apply is also *'comfortable satisfaction'*."

Meanwhile, AFL chief Gillon McLachlan and Essendon chairman Paul Little have already expressed their hope that ASADA does not appeal so that the Australian Football League can be free of the controversy that has clouded it for more than two years.