

27 March 2015  
Ref : 2015/44

The Hon Sussan Ley MP  
Minister for Health  
Minister for Sport  
Parliament House  
CANBERRA ACT 2600

Dear Minister

I am writing to advise you of my intention to travel to Canada from 28 April to 4 May 2015 inclusive.

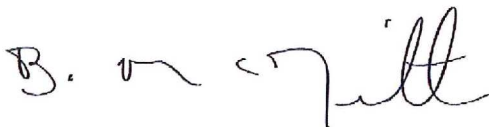
The purpose of the trip is to attend the inaugural meeting of the WADA NADO Ad-Hoc Working Group which I was invited to join earlier this year.

The NADO Group has been established to provide specialist advice, recommendation and guidance to WADA Management, particularly in the daily practice of anti-doping programs and further ensure NADO cooperation and initiatives are appropriately advanced globally.

The group comprises the CEOs of the following NADOs: UKAD, USADA, Netherlands, Denmark, Norway Japan and Saudi Arabia, and the meeting will provide a valuable opportunity to build on the foundations established at the recent WADA Symposium.

During my absence from the office from 28 April to 4 May 2015 inclusive, I propose that my duties as CEO under the PGPA Act and my duties as Head of Agency under the Public Service Act 1999 be delegated to Mr Trevor Burgess, National Manager Operations.

Yours faithfully

A handwritten signature in black ink, appearing to read 'B. McDevitt', written in a cursive style.

Ben McDevitt AM APM  
Chief Executive Officer



**THE HON SUSSAN LEY MP  
MINISTER FOR HEALTH  
MINISTER FOR SPORT**

Mr Trevor Burgess  
Australian Sports Anti-Doping Authority  
PO Box 1744  
FYSHWICK ACT 2609

Dear Mr Burgess

I am pleased to advise that I have appointed you as the acting Chief Executive Officer of the Australian Sports Anti-Doping Authority from the date of signing of the attached Instrument of Appointment to 4 May 2015 (inclusive).

A signed copy of your Instrument of Appointment is enclosed for your records.  
Thank you for your willingness to act as the Chief Executive Officer during this period.  
Yours sincerely

A handwritten signature in blue ink, appearing to read 'Sussan Ley', written in a cursive style.

**The Hon Sussan Ley MP**

Encl

**27 APR 2015**



**THE HON SUSSAN LEY MP  
MINISTER FOR HEALTH  
MINISTER FOR SPORT**

**COMMONWEALTH OF AUSTRALIA**

**AUSTRALIAN SPORTS ANTI-DOPING AUTHORITY**

*Australian Sports Anti-Doping Authority Act 2006*

Section 24C

**INSTRUMENT OF APPOINTMENT**

A/g Chief Executive Officer

I, Sussan Ley, Minister for Sport, under section 24C of the *Australian Sports Anti-Doping Authority Act 2006*, appoint:

Mr Trevor Burgess, as the Acting Chief Executive Officer of the Australian Sports Anti-Doping Authority, from the date of this Instrument to 4 May 2015 inclusive.

Dated this 28<sup>th</sup> day of April 2015

A handwritten signature in blue ink, appearing to read 'Sussan Ley'.

**SUSSAN LEY  
Minister for Sport**

27 APR 2015

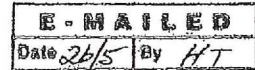


Australian Government

Australian Sports  
Anti-Doping Authority

Office of the Chief Executive Officer

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11 May 2015  
Ref 2013/140

The Hon Sussan Ley MP  
Minister for Health  
Minister for Sport  
Parliament House  
CANBERRA ACT 2600

Dear Minister

I am writing to seek your approval of long service leave for the period from 25 August to 25 September 2015 inclusive (32 days). I can confirm that I have enough leave credits to cover this period.

During my absence from the office I propose that my duties as CEO under the Public Governance and Performance and Accountability Act 2013 and my duties as Head of Agency under the Public Service Act 1999 be delegated to Mr Trevor Burgess, National Manager Operations.

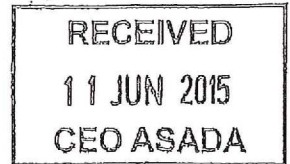
As always, I will be available on my mobile phone during this period.

Yours sincerely

Ben McDevitt AM APM  
Chief Executive Officer



**THE HON SUSSAN LEY MP  
MINISTER FOR HEALTH  
MINISTER FOR SPORT**



*Original to  
ASDMMC Secretariat*

RefNo: MS15-001263

Mr Ben McDevitt AM APM  
Chief Executive Officer  
Australian Sports Anti-Doping Authority  
PO Box 1744  
FYSHWICK ACT 2609

Dear Mr McDevitt

*Ben*

I wish to advise you that I have appointed Dr Grace Bryant to act as Australian Sports Drug Medical Advisory Committee Chair during Dr Susan White's leave of absence from 23 June 2015 until 8 July 2015 (inclusive).

A signed copy of the Instrument of Appointment is enclosed for your records.

Yours sincerely

**The Hon Sussan Ley MP**

Encl

**3 JUN 2015**



**THE HON SUSSAN LEY MP  
MINISTER FOR HEALTH  
MINISTER FOR SPORT**

**AUSTRALIAN SPORTS DRUG MEDICAL ADVISORY COMMITTEE**

*Australian Sports Anti-Doping Authority Act 2006*

Subsection 56(1)

**INSTRUMENT OF APPOINTMENT**

CHAIR

I, Sussan Ley, Minister for Sport, under subsection 56(1) of the *Australian Sports Anti-Doping Authority Act 2006*, appoint:

Dr. Grace Bryant as acting Chair of the Australian Sports Drug Medical Advisory Committee from 23 June 2015 to 8 July 2015 (inclusive).

Dated this                      day of                      2015

A handwritten signature in black ink, appearing to read 'Sussan Ley', written in a cursive style.

**SUSSAN LEY  
Minister for Sport**

**3 JUN 2015**

For Official Use Only



**THE HON SUSSAN LEY MP  
MINISTER FOR HEALTH  
MINISTER FOR SPORT**

MS15-001374

Mr Ben McDevitt AM APM  
Chief Executive Officer  
Australian Sports Anti-Doping Authority  
PO Box 1744  
FYSHWICK ACT 2609

Dear Mr McDevitt

A handwritten signature in cursive that reads "Ben".

Thank you for your letter of 11 May 2015 advising of your intended long service leave for the period from 25 August 2015 to 25 September 2015 (inclusive).

I am pleased to advise that I have appointed Mr Trevor Burgess as Acting Chief Executive Officer during your absence. A signed copy of the Instrument of Appointment for Mr Burgess is attached for the Authority's records.

I note the importance of the ongoing matter in relation to the appeal by WADA of the AFL Anti-Doping Tribunal's decision set to be heard by the Court of Arbitration for Sport late this year.

Therefore, in approving leave, I note your offer to remain available during this period should the need arise, which is appreciated and if necessary, will be utilised.

I wish you well during your period of leave.

Yours sincerely

A large, handwritten signature in cursive that reads "Sussan Ley".

**The Hon Sussan Ley MP**  
Encl

21 JUL 2015

For Official Use Only



**THE HON SUSSAN LEY MP  
MINISTER FOR HEALTH  
MINISTER FOR SPORT**

MS15-001374

Mr Trevor Burgess  
National Manager, Operations  
Australian Sports Anti-Doping Authority  
PO Box 1744  
FYSHWICK ACT 2609

Dear Mr Burgess

*Trevor*

I am pleased to advise that I have appointed you as the acting Chief Executive Officer of the Australian Sports Anti-Doping Authority for the period from 25 August 2015 to 25 September 2015 (inclusive).

I appreciate that you have acted as the Chief Executive Officer on a number of occasions in the past. Nevertheless, it would be appreciated if you can ensure that you are familiar with your roles and obligations under the *Australian Sports Anti-Doping Authority Act 2006*, the *Public Governance and Performance and Accountability Act 2013* and the *Public Service Act 1999*.

A signed copy of your Instrument of Appointment is enclosed for your records.

Thank you for your willingness to act as the Chief Executive Officer during this period.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Sussan Ley'.

The Hon Sussan Ley MP

Encl

21 Sep 2015





**THE HON SUSSAN LEY MP  
MINISTER FOR HEALTH  
MINISTER FOR SPORT**

**COMMONWEALTH OF AUSTRALIA  
AUSTRALIAN SPORTS ANTI-DOPING AUTHORITY**

*Australian Sports Anti-Doping Authority Act 2006*

Section 24C

**INSTRUMENT OF APPOINTMENT**

Acting Chief Executive Officer

I, Sussan Ley, Minister for Sport, under section 24C of the *Australian Sports Anti-Doping Authority Act 2006*, appoint:

Mr Trevor Burgess, as the Acting Chief Executive Officer of the Australian Sports Anti-Doping Authority, for the period 25 August 2015 to 25 September 2015 inclusive.

Dated this 21<sup>st</sup> day of July 2015

A handwritten signature in black ink, appearing to read 'Sussan Ley', written in a cursive style.

**SUSSAN LEY**  
Minister for Sport



Australian Government  
Department of Health

Information Briefing  
For Information  
ASADA Ref BDOC15-26251  
<PDR Number>  
Version: (0)

To: Minister for Sport


cc:

Subject: AFP evaluation of potential contravention of ASADA Act by ASADA CEO

Purpose: To provide the Minister with the Australian Federal Police evaluation of the matter.

Urgency: Routine

Clearance:

Contact Officer:	<i>Ben McDevitt AM APM</i>	<i>CEO Australian Sports Anti-Doping Authority</i>	Ph: (02) 6222 4206
Clearance Officer:	<i>Ben McDevitt AM APM</i>	<i>CEO Australian Sports Anti-Doping Authority</i>	 Clearance Officer Signature 17/8/2015

Key Issues:

1. Mr [REDACTED] alleged to the Australian Federal Police (AFP) that ASADA CEO Ben McDevitt had disclosed National Anti-Doping Scheme (NADS) personal information of [REDACTED] without authorisation.
2. The AFP evaluated the allegation.
3. The AFP's evaluation of the allegation concludes that there is insufficient evidence to warrant proceeding to investigation.

Background:

On 24 August 2014, in an interview between ABC Offsiders' [REDACTED] and Ben McDevitt, Mr McDevitt said that [REDACTED] had been placed onto the Register of Findings. He also stated that ASADA had written to the AFL and NRL recommending a lifetime ban for [REDACTED] and requested that infraction notices be issued by the sports in relation to [REDACTED] matters.

[REDACTED], acting for [REDACTED], made an allegation to the AFP that Mr McDevitt had disclosed National Anti-Doping Scheme (NADS) personal information of [REDACTED] without authorisation – in contravention of section 71 of the *Australian Sports Anti-Doping Authority (ASADA) Act 2006*.

[SECURITY]  
DLM

During the period December 2014 to August 2015, the AFP reviewed the allegations made by [REDACTED], and on 7 August 2015 Leanne Close, Deputy Commissioner Operations wrote to Mr McDevitt advising that the AFP had completed an evaluation of the referral from [REDACTED]. The AFP concluded that there are reasonable grounds for finding that [REDACTED] conduct and public statements are indicative of a refusal to recognise the jurisdiction of a sporting tribunal to conduct a hearing process. The evaluation also considered that Mr McDevitt considered the disclosure of such information to be in the public interest.

The AFP concluded that there was insufficient evidence to warrant proceeding to investigation.

**Attachments:**

**Letter from AFP Deputy Commissioner Leanne Close to Ben McDevitt.**

DLM  
[SECURITY]

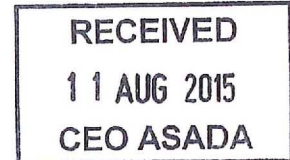


DEPUTY COMMISSIONER OPERATIONS

GPO Box 401 Canberra City ACT 2601  
Telephone +61 2 6131 5612  
www.afp.gov.au  
ABN 17 854 931 143

Our reference: 5701910

7<sup>th</sup> August 2015



Mr Ben McDevitt  
Chief Executive Officer  
Australian Sports Anti-Doping Authority  
PO Box 1744  
Fyshwick ACT 2609

Dear Ben,

The Australian Federal Police (AFP) has completed the evaluation of the referral from [REDACTED] alleging you disclosed National Anti-Doping Scheme (NADS) personal information of [REDACTED] without authorisation – in contravention of section 71 of the *Australian Sports Anti-Doping Authority (ASADA) Act 2006*.

The evaluation has concluded there are reasonable grounds for finding that [REDACTED] conduct and public statements are indicative of a refusal to recognise the jurisdiction of a sporting tribunal to conduct a hearing process. The evaluation also considered that you, as the Chief Executive Officer of the Australian Sports Anti-Doping Authority, considered the disclosure to be in the public interest and the Administrative Appeals Tribunal review process initiated by [REDACTED] was finalised. Consequently, the AFP has concluded that you acted in a manner consistent with Clause 4.22 of the NADS and there is insufficient evidence to warrant proceeding to investigation.

I would like to take this opportunity to thank you for the cooperation provided by your agency in support of the evaluation of this allegation.

Should you have any questions please contact Assistant Commissioner Ian McCartney on [REDACTED] or email at [ian.mccartney@afp.gov.au](mailto:ian.mccartney@afp.gov.au).

Yours sincerely

Leanne Close APM  
Deputy Commissioner Operations