

MEDIA RELEASE

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Sports Tribunal suspends Touch player for cannabis violation

The Sports Tribunal has suspended Touch player, Bruce Kake, from participating in sport because of an anti-doping violation relating to cannabis.

Mr Kake tested positive to cannabis after the final of the 2010 New Zealand Touch National Championships.

Mr Kake admitted the violation. He gave evidence that he left the championships the day before the match to be with family upon learning his grandmother had passed away and that he smoked cannabis that night for comfort purposes. He had intended to go to the tangi but changed his mind, upon talking to family, and decided to return to the tournament the next day as he thought that was what his grandmother would have wanted and he also stated that he was captain of the team, they were down on numbers and he wanted to help out. The Tribunal accepted he did not use the cannabis for sports performance enhancing purposes.

The Tribunal took into account the bereavement and that when he smoked the cannabis he had intended to go to his grandmother's tangi and did not intend to return to the tournament.

However, there were aggravating circumstances including that he was a very experienced international player who admitted he was well aware of the anti-doping rules, including those concerning cannabis, and who made a deliberate decision to return to participate fully in the competition knowing the night before he had smoked cannabis and hoped he would not get caught. His team didn't win but would have been disqualified if it had as a result of his violation. The Tribunal considered a deterrent and meaningful suspension was called for.

The Touch season had finished and Mr Kake has been suspended from competition by Touch New Zealand on a different disciplinary matter from 1 November until 31 December 2010 in the new season. Touch New Zealand therefore requested that the suspension imposed by the Tribunal commence from 1 January 2011 in order to be effective. However, the Tribunal does not have any power under the Sports Anti-Doping Rules to impose a suspension commencing on a future date.

The Tribunal considered it must have the power to impose a meaningful and effective sanction. The appropriate sanction in every case depends on the circumstances of that particular case. In the circumstances of this particular case, the Tribunal decided a meaningful and effective suspension would be one that does not expire until after the next Touch season has finished. In imposing the penalty, the Tribunal took into account that he was already suspended by Touch NZ from competing from 1 November to 31 December due to a different matter. The Tribunal therefore suspended Mr Kake from the date of the hearing on 29 June 2010 until 16 March 2011, when the next touch season is due to finish.

The decision in this case will be made available for download from the website of the Sports Tribunal (www.sportstribunal.org.nz). See *Drug Free Sport New Zealand v Bruce Kake* (ST 05/10). Copies can also be obtained directly from Brent Ellis, Registrar, Sports Tribunal of New Zealand (telephone: 0800 55 66 80; e-mail: info@sportstribunal.org.nz).