

BETWEEN **DRUG FREE SPORT NEW ZEALAND**

 Applicant

AND **PARA MURRAY**

 Respondent

AND **NEW ZEALAND RUGBY LEAGUE**

 Interested Party

**DECISION OF TRIBUNAL DATED
7 MARCH 2011**

Attendances: Paul David (Counsel) for Applicant
 Graeme Steel and Jayne Kernohan for Applicant
 Para Murray and Sharon Bird (Assisting)
 Kevin Bailey (Interested Party)

Before: Alan Galbraith (Deputy Chairman)
 Ron Cheatley
 Chantal Brunner

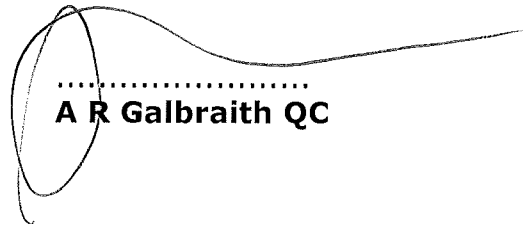
Registrar: Brent Ellis

1. This was an application for the imposition of a period of ineligibility under Rule 3.1 of the Sports Anti-Doping Rules brought by Drug Free Sport New Zealand, in respect to a positive test to D-Amphetamine and D-Methamphetamine arising from an in-competition test of Mr Murray on 26 September 2010. Mr Murray was a member of the Northern Zone rugby league team playing the Upper Central zone on that date.
2. A provisional suspension order was made on 18 November 2010. In his Notice of Defence to the subsequent Drug Free Sport application Mr Murray admitted the violation and explained that the positive test was a consequence of his taking recreational drugs and without any intention to enhance his performance in the match. He explained, and it was subsequently confirmed by Mr Bailey of NZ Rugby League, that he had been absent from the first camp where a full briefing in relation to the drug free obligations had been explained. He accepted that he had received the handout material subsequently from Drug Free Sport and on 15 August 2010 had signed both the Acknowledgement Form and the Player Registration Form from NZ Rugby League which refers to him having read and understood the Sports Anti-Doping Rules.
3. In his Notice he said that he was regretful for his mistake and for the impact which it had caused on his family, friends, the club with which he had been associated with for some time and his future in playing rugby league.
4. Mr Murray was assisted in respect of this matter by Ms Sharon Bird who, it is apparent, has provided considerable assistance to Mr Murray in respect to the issues which lie behind his committing this breach and who also provides a great deal of positive input into the club and those who are engaged in rugby league in the north.
5. Ms Bird submitted to the Tribunal a letter which detailed the background to Mr Murray's breach, emphasizing the importance to him of his involvement with rugby league, and made suggestions as to some ways in which she hoped that the Tribunal might be able to modify the normal sanction in order to enable Mr Murray to continue to participate actively.

6. At the hearing on 3 March 2011 Ms Bird repeated her concerns about the need for drug education in sports, particularly rugby league, in the north. Graeme Steel for Drug Free Sport and Kevin Bailey for NZ Rugby League indicated that their organisations were aware of the problem and sympathetic to Ms Bird's concerns and that steps were being taken in the current season.
7. The Tribunal is also sympathetic to the issues which Ms Bird raised both in her correspondence and in the hearing.
8. The Tribunal's role is only to adjudicate on the Rules. Accordingly that leaves the Tribunal with no discretion in a case such as this, where prohibited substances are involved and no defence available under the Sports Anti-Doping Rules has been established (such as no significant fault or negligence), other than to impose the mandatory period of ineligibility of two years.
9. Having said that, the Tribunal is sympathetic to the concerns which Ms Bird expressed, as indeed are Drug Free Sport and NZ Rugby League. The Tribunal can only express the hope that co-operation between the organisations with Ms Bird and others playing a similar role in the north will have a positive effect in getting the educative message out and avoiding the unfortunate consequences that have fallen upon Mr Murray.
10. In respect to Mr Murray's personal position, we understand the impact on him in preventing his active involvement in playing or otherwise participating in rugby league during his period of suspension. However, as Mr Cheatley and Ms Brunner said in the course of the hearing, there is an opportunity for Mr Murray who, it is evident from references that were provided, has mana in his area, to take an active role in those educative programmes spreading the message. Obviously it is up to Mr Murray whether he wishes to take up that challenge but it would be a very important way of achieving a positive result out of what is otherwise an obviously bad experience.
11. As indicated therefore the Tribunal imposes a period of ineligibility for a period of two years commencing on 18 November 2010. It should be

noted that this suspension has a cross sport effect and will prevent Mr Murray from participating in other sports that are bound under the Sports Anti-Doping Rules as signatories to the World Anti-Doping Code.

Dated: 7 March 2011



.....
A R Galbraith QC