

**BEFORE THE SPORTS TRIBUNAL  
OF NEW ZEALAND**

**ST 01/11**

**BETWEEN**                      **Triathlon New Zealand Inc**

Applicant

**AND**                              **Graham O'Grady**

Respondent

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**DECISION OF TRIBUNAL AS TO PROVISIONAL SUSPENSION**

**Dated 18 February 2011**

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**Tribunal:**                      Alan Galbraith QC (Deputy Chairperson)  
   Anna Richards  
   Dr Lynne Coleman

**Hearing:**                      By telephone conference on 18 February 2011

**Present:**                      Dave Beeche, Triathlon NZ Inc  
   Mark Hammond, counsel for Graham O'Grady  
   Graham O'Grady  
   Ross O'Grady in support  
   Paul David, Counsel for Drug Free Sport  
   Graeme Steel, Drug Free Sport  
   Jayne Kernohan, Drug Free Sport

**Registrar:**                      Brent Ellis

**DECISION OF TRIBUNAL ON APPLICATION  
FOR PROVISIONAL SUSPENSION**

**Application**

1. Triathlon New Zealand Inc applies under Rule 12.1 of the Sports Anti-Doping Rules 2011 ("the Rules") for provisional suspension of Graham O'Grady.
2. Graham O'Grady was tested in-competition on 8 January 2011. A Certificate of Analysis reports an adverse analytical finding for the presence of the prohibited substance morphine.
3. Mr O'Grady has exercised his right to have the B sample analysed and the results of that are expected early next week.
4. Mr O'Grady opposes the application for provisional suspension and seeks to have the Tribunal defer its decision on the provisional suspension application until the results of the B sample are known next week.

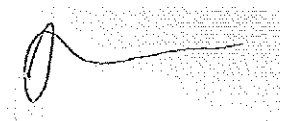
**Decision**

5. The Tribunal has now considered the matter and has determined that it will issue its decision on the provisional suspension application today. The Tribunal has decided that Mr O'Grady shall be provisionally suspended from today's date.
6. Reasons for this decision will be issued next week.

**Order**

7. Graham O'Grady is provisionally suspended under Rule 12 of the Rules with immediate effect from the date of this Decision.

Dated this 18<sup>th</sup> day of February 2011

A handwritten signature in black ink, appearing to read 'Alan Galbraith', is written over a rectangular area of grey stippling or noise.

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**Alan Galbraith QC**  
**Deputy Chairperson**

**Anna Richards**

**Dr Lynne Coleman**