BEFORE THE SPORTS TRIBUNAL OF NEW ZEALAND

ST 03/19

BETWEEN DRUG FREE SPORT NEW ZEALAND Applicant AND HINEWAI POUWHARE-ANDERSON Respondent

PROVISIONAL SUSPENSION ORDER DATED 5 JUNE 2019

Adam McDonald, counsel for Applicant
No appearance by the Respondent
Hayden Tapper, Drug Free Sport New Zealand

- Chairman Sir Bruce Robertson
- Registrar Mike Selwyn

- Drug Free Sport New Zealand (DFSNZ) filed anti-doping rule violation proceedings against the Respondent. I am advised that the Application for Provisional Suspension was served on her on 27 May 2019.
- 2. Since that time, the Respondent has spoken with the Registrar, admitted the violation and has expressed a reluctance to participate in the process in any way. The Respondent has been advised of the framework, the fact that consequences flow; and that there is an onus on her if these consequences are to be ameliorated in any way.
- 3. The available evidence is that a sample was taken on 13 April 2019, which on analysis contained clenbuterol. In accordance with the Rules, DFSNZ have filed an Application for Provisional Suspension. I am satisfied that the Respondent knows of this Application and has chosen not to participate in this teleconference. I can see no reason why a Provisional Suspension should not now be imposed.
- 4. A provisional suspension is therefore ordered on the Respondent with immediate effect from 5 June 2019. The Respondent may not take part in any way in any event or activity, organised, sanctioned or authorised by any sporting organisation which is a signatory to the Sports Anti-Doping Rules.
- 5. I make the following timetabling orders in relation to the substantive anti-doping rule violation proceedings:
 - (a) DFSNZ is to file and serve its Form 1 and any written material in support of it by
 14 June 2019;
 - (b) the Respondent is to file and serve his Form 2 together with any evidence and other written material in support by 28 June 2019;
 - (c) DFSNZ to file any statements in response and memorandum by 5 July 2019; and
 - (d) a pre-hearing teleconference is set for **9am on 9 July 2019**.

6. A copy of this Provisional Suspension Order will be sent to the parties but otherwise should remain confidential until publication of the final decision on the Anti-Doping Rule Violations. All other process steps under the SADR should similarly remain confidential.

Dated: 5 June 2019

Sir Bruce Robertson Chairman