

**BEFORE THE SPORTS TRIBUNAL
OF NEW ZEALAND**

ST 21/10

BETWEEN **NZ RUGBY LEAGUE INC**

Appellant

AND **JOSHUA POASA**

Respondent

DECISION OF TRIBUNAL AS TO PROVISIONAL SUSPENSION

Dated **18 NOVEMBER 2010**

Tribunal: Nicholas Davidson QC
Anna Richards
Lynne Coleman

Hearing: By telephone conference on 17 November 2010

Present: Kevin Bailey, NZ Rugby League Inc
Sharon Bird, Northern Rugby League as representative
for Joshua Poasa in attendance, supported by Mr and
Mrs Poasa (parents)
Paul David, Counsel for Drug Free Sport
Jayne Kernohan, Drug Free Sport
Joshua Poasa

Registrar: Brent Ellis

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

Application and disposition

1. The applicant New Zealand Rugby League Inc applies under Rule 12.1 of the Sports Anti-Doping Rules 2010 ("the Rules") for provisional suspension of Joshua Poasa.
2. Mr (Joshua) Poasa was tested in-competition on 26 September 2010. A Certificate of Analysis indicates an adverse analytical finding for the presence of the prohibited substance cannabis.
3. The athlete has waived his right to have the "B" sample analysed.
4. Sports Anti-Doping Rule 12 applies. Rule 12.8 empowers the Tribunal to impose provisional suspension where there is a prima facie case as there is here unless there are good reasons not to do so where a Specified Substance is involved. Cannabis is a Specified Substance. There are no such reasons and an order is made below.

Effect of provisional suspension

5. A provisional suspension prohibits participation in any event or activity authorised by NZ Rugby League, or any member, organisation, or Club within NZ Rugby League. It applies to other sports as a result of a 2010 amendment to Rule 12.9.
6. A provisional suspension remains confidential until publication of the final decision on the alleged Anti-Doping Rule violation, unless the Tribunal orders otherwise.

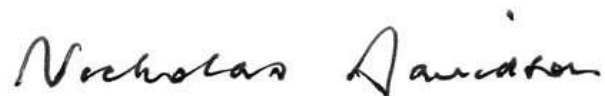
Order

7. Joshua Poasa is provisionally suspended under Rule 12 with immediate effect, from the date of this Decision.

Additional

8. Ms Bird speaking on behalf of the athlete has given an indication of the stance that may be taken by him on a substantive hearing. She has identified matters which she seeks to put before the Tribunal at a hearing in person. The Tribunal is sympathetic to this application given the athlete's age, sensitivity regarding the process, and potential outcomes for him. The venue of any such hearing in person will also be considered.

Dated this 18th day of November 2010



Nicholas Davidson QC
Chairperson (for the Tribunal)

Anna Richards

Lynne Coleman