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Sports Tribunal Suspends Rugby League Player for Anti-Doping Violation

The Sports Tribunal has suspended rugby league player, Taani Prestney, for 12 months for an anti-doping violation. Mr Prestney tested positive for the prohibited substance 1, 3 - dimethylpentylamine, also known as methylhexaneamine, after playing a match.

Mr Prestney admitted the violation and gave evidence he took a supplement before going to do weight lifting at a friend's place and that the supplement was the cause of the positive test. The supplement belonged to his brother, who took it as part of a weight training programme. His brother moved overseas and before he left he suggested Mr Prestney may as well use it up. Mr Prestney mentioned to some of his rugby league team mates at training that he had taken the supplement the day before and they told him it contained a banned substance, something he said he was unaware of at the time. He played the match the next day.

The mandatory penalty for this type of violation is two years' suspension. However, because methylhexaneamine is a "specified substance" under the Sports Anti-Doping Rules, the suspension period can be reduced if the athlete can establish certain things including that the taking of the substance was not intended to enhance his sports performance. Mr Prestney said he took the supplement to assist in his weight training.

The Tribunal had to decide whether taking the supplement to assist in weight training was an intention to enhance sports performance under the rules. The Tribunal decided "by a very fine margin" that Mr Prestney had not intended to enhance his sports performance. The Tribunal noted that athletes who take supplements, such as this one, for purposes relating to their physical wellbeing or improvement run a very high risk that they will be held to have taken them to enhance their sports performance.

The Tribunal considered there was a high degree of fault in this case. There was a total lack of enquiry by Mr Prestney about the supplement; he knew before he took the field that the supplement contained a prohibited substance, yet he took the field; and, despite some conflict in evidence, it is apparent he was warned of the dangers of that particular supplement in an anti-doping presentation by the team manager.

There are mitigating factors, namely Mr Prestney's youth and the fact that he was inexperienced. He is not an elite athlete and would not have had the same exposure to drug education as they do. The Tribunal is of the view that he was rather naïve in what he did but all athletes must be vigilant and where there is any doubt must remove themselves from participation. The fact that he may not have been aware of the consequences of taking the drug will not usually be relevant to the degree of fault.

The Tribunal considered that, in many respects, Mr Prestney's degree of fault is higher than that in another case involving this substance where the Tribunal suspended that athlete for 12 months. However, the mitigating factors in Mr Prestney's case were taken into account and a suspension of 12 months was appropriate.

The decision in this case is available for download from the website of the Sports Tribunal (www.sportstribunal.org.nz). See *Drug Free Sport New Zealand v Taani Prestney* (ST 09/11). 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).