

MEDIA RELEASE

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Sports Tribunal Suspends Rugby League Player for Refusing to Provide a Sample

The Sports Tribunal has suspended rugby league player Kyle Reuben from participating in sport for two years for refusing or failing to provide a sample for drug testing.

The testing occurred after Mr Reuben played for Southern against Counties Manukau in the national rugby league competition. He initially provided an insufficient sample. He had a conversation with the drug testing chaperone and asked about possible repercussions for cannabis use. He subsequently told the chaperone that he was not prepared to wait to pass a further sample and would accept the consequences. He walked off without completing the test. The chaperone reported that he advised Mr Reuben of the consequences of leaving but Mr Reuben declined to stay and complete the test.

Mr Reuben admitted the violation. He stated that he had put family commitments first and had wanted to do the test as quickly as possible in order to get a ride with his brother and make sure he got home in time to collect his child from a babysitter. He also stated that he had openly told the chaperone of social cannabis use and while he knew that first time offenders with cannabis may get suspended for a few months, he did not realise that he could get suspended for two years for refusing or failing to provide a sample.

The Sports Anti-Doping Rules state that the penalty for refusing or failing to provide a sample without compelling justification is a suspension of two years, unless there is no fault or negligence or no significant fault or negligence on the part of the athlete, which normally requires truly exceptional circumstances.

This was not a case of no significant fault or negligence in the Tribunal's view. Mr Reuben chose to walk away from the chaperone and not complete the test. His justification for doing this falls well short of the "exceptional circumstances" test.

The Tribunal also found that the chaperone had warned Mr Reuben that he would face a two year suspension if he walked away. It may be that Mr Reuben was confused about this and thought if he acknowledged taking cannabis he would get a similar penalty as athletes who test positive for cannabis. However, if he thought this, he was mistaken. The fact that an athlete may have smoked cannabis has no relevance to the penalty applied when the athlete refuses to complete a test.

The Sports Tribunal therefore suspended Kyle Reuben from participating in sport for two years, to commence from the date of his provisional suspension on 8 October 2010.

The decision in this case will be made available for download from the website of the Sports Tribunal (www.sportstribunal.org.nz). See *Drug Free Sport New Zealand v Kyle Reuben* (ST 20/10). 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).