SPORTS TRIBUNAL of New Zealand

ANNUAL REPORT 2017/18

MISSION OF THE SPORTS TRIBUNAL OF NEW ZEALAND

The mission of the Sports Tribunal is to ensure that national sport organisations, athletes and other parties to a sports dispute have access to a fair, objective and just means of resolving sports disputes within the Tribunal's jurisdiction that is also affordable, timely and efficient.

PERIOD COVERED BY THIS ANNUAL REPORT

The 2017/18 Annual Report of the Sports Tribunal reports on activities and cases decided during the time period 1 July 2017 to 30 June 2018. Cases filed during this time but not decided as at 30 June 2018 will be reported on in the Annual Report for the following year.

ISBN 978-0-947502-79-9

CONTENTS

CHAIRMAN'S FOREWORD

We have had a busier year than last, but we have been able to maintain our standards with timely reaction to, and determination of, all work that comes our way. Where possible we are putting time and effort into the inclusive consensual resolution of problems in an environment which is intelligent, intelligible and inclusive for athletes.

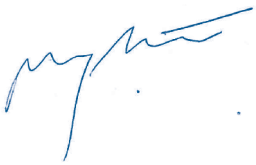
We constantly remind ourselves of the vision behind the creation of the Sports Tribunal. We seek to ensure that this is at the forefront of our operation and that we are not captured by approaches and attitudes which have a different focus.

Concerns which we have articulated for many years about the inter-relationship between our work and the province of CAS are still present to the serious detriment of athletes. There must be a sensible and fair appeal right from all our decisions. A total rehearing by a group of persons who would unlikely be appointed as members of the Tribunal (which the Government goes to serious pains in selecting), is hard to understand. When coupled with the cost of such intrusions, the length of time involved in the process and the fact that the eventual determinations are presented in a legalistic format which makes them virtually non-accessible to athletes and the majority of sporting organisations, means the framework is counterproductive. It is heartening that the structural arrangements, the ongoing conflicts of a handful of people, and some of the organisational anomalies are under consideration. We need to be confident that what we are doing is the best way to counter the scourge of drugs in any sport and real drug cheats are being held to account.

The Winter Olympics and the Gold Coast Commonwealth Games did not provide as many referrals as we had anticipated but there were matters which required urgent and careful attention. Because of the time and effort which has been expended by athletes, their families and supporters, non-selection is a hurtful and emotional experience and appeals about it demand sensitive and sensible responses.

An unanticipated potential addition to our workload were the DFSNZ allegations of Code violations arising from information provided by Medsafe. So far, we have dealt with only a handful of such cases. They have added complexities as they relate to alleged acts and omissions up to four years ago and where the base information has been with DFSNZ for well in excess of 12 months. As the WADA Code does not differentiate between offences and attempts in the stark way that occurs in New Zealand law, determining sensible and balanced responses which reflect true culpability is challenging. All determinations need to be reasonable, fair and proportionate.

The Tribunal has been ably supported throughout the year by Neela Clinton who is now the permanent Registrar. She has excellent support from Denise McElwain. Their role is critical as many potential participants are seriously perplexed and need a deal of guidance and support to ensure that they fully understand what is happening and appreciate potential consequences. Meaningful communication is essential in our operation as it is throughout the sporting world to minimise unnecessary detriment and distress.



Hon Sir Bruce Robertson KNZM, VGSM
Chairman

ABOUT THE SPORTS TRIBUNAL

The Sports Tribunal is an independent statutory body that determines certain types of disputes for the sports sector. It was established in 2003 by Sport and Recreation New Zealand (now known as Sport New Zealand) in response to recommendations of a 2001 Taskforce which identified a need to help National Sporting Organisations (NSOs) avoid lengthy and costly legal battles, and to provide athletes with an affordable forum where they could access high quality and consistent decision-making to resolve disputes.

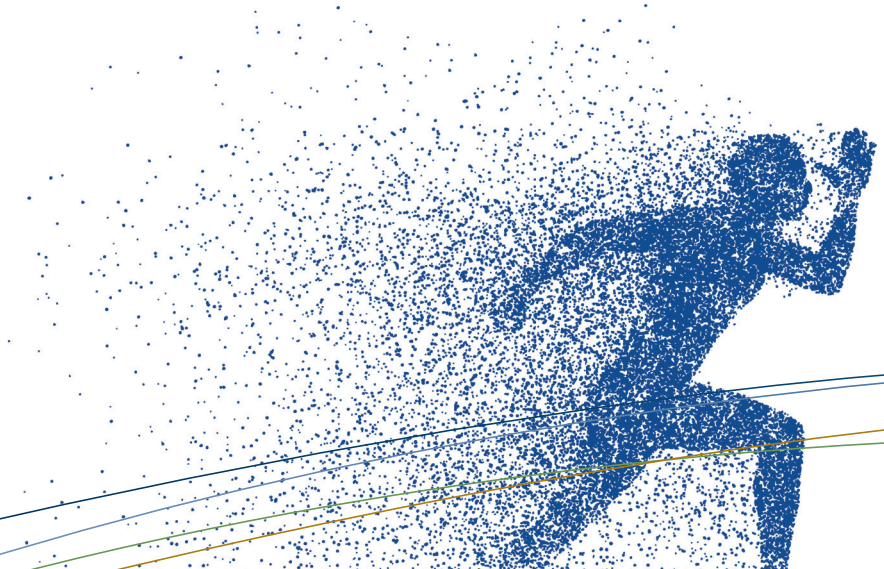
The Tribunal was continued under the name of the Sports Tribunal of New Zealand by the Sports Anti-Doping Act 2006 (the Act).

The Tribunal can hear and decide the matters set out in section 38 of the Act. These are:

- Anti-doping violations, including determining whether an anti-doping violation has been committed and imposing sanctions
- Appeals against decisions made by a NSO or the New Zealand Olympic Committee (NZOC) if the rules of the NSO or NZOC allow for an appeal to the Tribunal. Such appeals include:
    - appeals against not being selected or nominated for a New Zealand team or squad
    - appeals against disciplinary decisions
- Other "sports-related" disputes that all parties to the dispute agree to refer to the Tribunal and that the Tribunal agrees to hear
- Matters referred by the Board of Sport New Zealand.

The Act sets out the requirements for the appointment of Tribunal members including the Chairperson and Deputy Chairperson(s). These include both legal experience and substantial involvement in sport. Information about the current Tribunal membership is provided at the end of this report.

Further information about the Tribunal's procedures and decisions can be found on its website: www.sportstribunal.org.nz.



CASES DEALT WITH BY THE TRIBUNAL 2017/2018

A total of 41 cases were filed with the Tribunal during the year and the Tribunal issued 34 decisions. These are classified by proceeding type below.

	NUMBER OF PROCEEDINGS FILED	NUMBER OF DECISIONS ISSUED
Anti-Doping (Provisional Suspension)	17	16
Anti-Doping (Substantive)	17	14
Appeals against decisions of NSOs or NZOC	7	4
Sports-related disputes by agreement	0	0
Total	41	34

OVERVIEW

41 proceedings were filed with the Tribunal this year compared to 23 last year. The increase was the result of more anti-doping proceedings before the Tribunal (34 in 2017/18 compared to 18 in 2016/17).

While the "Medsafe" cases accounted for six cases filed there was a general increase in both the number of positive tests and non-analytical anti-doping cases. The Tribunal dealt with a wide range of anti-doping cases. Some were complex, some raised novel issues and others proved challenging to simply manage through the process, while others involved low levels of culpability. The last two years has seen 70-80% of all cases being anti-doping cases.

The number of appeals filed against decisions of NSOs and the NZOC (seven in 2017/18 as opposed to five in 2016/17). An expected increase in appeals due to the 2018 Winter Olympics and Gold Coast Commonwealth Games did not eventuate. This may reflect more effort going into communication at all levels and at all times within NSOs.

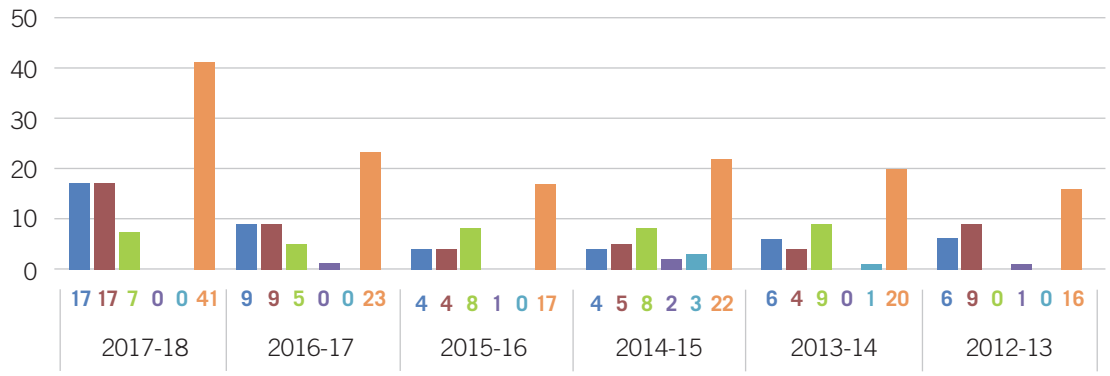
The number of decisions increased accordingly. One case relating to an anti-doping violation that was filed in the previous reporting period has now been determined but resulted in three separate decisions being issued. Another anti-doping case involved an athlete returning a second positive test before being advised of the first. While two proceedings were filed, two violations are treated as a single anti-doping rule violation and only one decision was issued.

The details relating to a number of cases remain confidential. Some involved proceedings that were filed but resolved prior to hearing, the Tribunal not having jurisdiction, an alleged anti-doping violation was not proven, another withdrawn, and a case involving a minor.

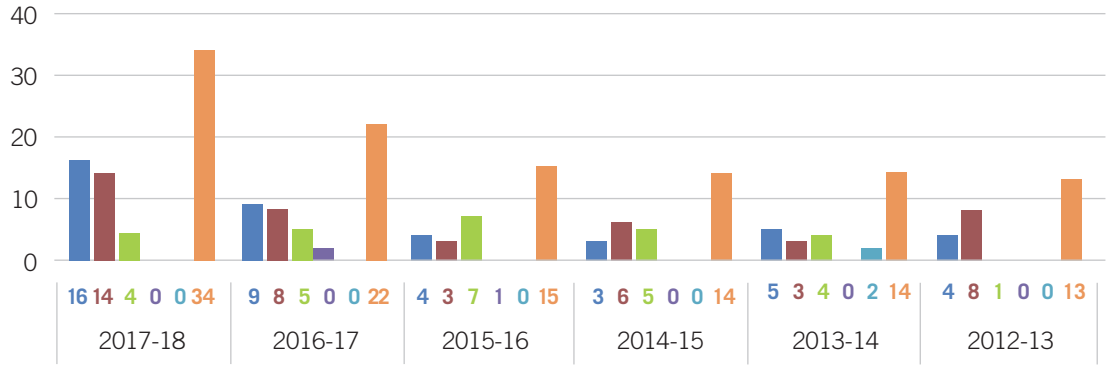
COMPARISON WITH PREVIOUS FIVE YEARS

The following tables show the number of proceedings filed with the Tribunal and decisions issued (classified by proceeding type) in 2017/18 compared to each of the previous five years.

Number and type of proceedings filed - yearly comparison



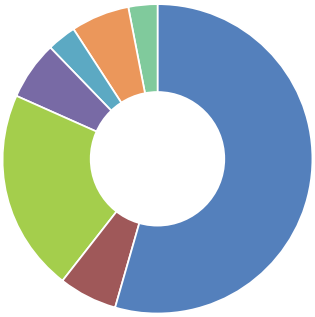
Number of decisions issued - yearly comparison



- Anti-Doping (provisional suspension)
- Anti-Doping (substantive)
- Appeals vs NSO and NZOC decisions
- Sports related disputes by agreement
- Other
- Total

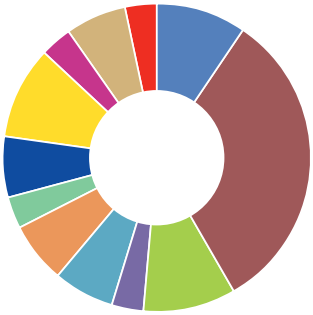
The charts below reflect the types of anti-doping cases and the sports involved for the previous five years.

Anti-Doping Rule Violation 2013-2018



- 18 Presence of prohibited substance (including multiple violations)
- 2 Evading, failure or refusal to provide sample
- 7 Use/ attempted use and possession of prohibited substance
- 2 Participating in sport while ineligible
- 1 Attempted trafficking and possession
- 2 Complicity
- 1 Whereabouts

Sports 2013-2018



- 3 Cricket
- 10 Rugby League
- 3 Basketball
- 1 Hockey
- 2 Ice Hockey
- 2 Weightlifting
- 1 Touch Rugby
- 2 Football
- 3 Cycling
- 1 Powerlifting
- 2 Softball
- 1 Triathlon

ANTI-DOPING CASES

The Tribunal hears provisional suspension applications and substantive proceedings for anti-doping rule violations filed by Drug Free Sport New Zealand (DFSNZ), New Zealand's National Anti-Doping Organisation (NADO). The Tribunal is empowered to determine whether a violation has occurred and impose the appropriate sanction under the Sports Anti-Doping Rules (SADR) promulgated by DFSNZ. The SADR mirror the World Anti-Doping (WADA) Code, the latest version of which came into effect on 1 January 2015. Most NSOs have adopted the SADR as their anti-doping policy.

In November 2017 WADA initiated a two-year Code Review process which has begun. The revised Code will take effect on 1 January 2021.

2017/2018

This year 14 substantive anti-doping proceedings were heard and decided by the Tribunal. These decisions are summarised in the table below. There are currently five cases in which provisional suspension orders have been made, but these cases have yet to be heard and substantive decisions issued.

The majority of proceedings arise from athletes testing positive to prohibited substances. However, this year also included the Medsafe cases (attempted use and possession by on-line purchase), reflecting the increased focus towards investigations of non-presence cases, and away from sole reliance on positive test cases. It also involved the application of Code provisions that have not been used before. The Tribunal heard cases involving officials alleged to have encouraged or assisted an athlete to play contrary to their ban. This reinforces the changing landscape of anti-doping in that intelligence led investigations outnumbered cases based on positive tests.

During the year, the Tribunal's workload increased in part due to the anti-doping cases uncovered during an investigation by New Zealand Medicines and Medical Devices Safety Authority (Medsafe) into the 2014-2015 activities of the website *NZ Clenbuterol*. These cases reflect the non-analytical violation investigations referred to above, and intelligence provided by other government agencies, in this case Medsafe. These cases are summarised below in a separate section.

There has been one proceeding involving three decisions in which a provisional suspension order was made in the last reporting year, with the substantive decisions issued this year. Following a two-day defended hearing the Tribunal found an anti-doping violation had been committed. Before considering the issue of sanction, a second decision was issued regarding the Tribunal's jurisdiction, and finally a third decision was issued imposing a sanction on the athlete.

A number of proceedings were filed that cannot be reported as they involved a retroactive TUE that was granted, and a case which the Tribunal decided an anti-doping violation had not been proven. These cases are reflected in the statistics above but are not discussed below as the Tribunal is unable to publicly report these decisions and all details remain confidential.

ANTI-DOPING VIOLATION	PENALTY	SPORT
Attempted use/possession of prohibited substance – Clenbuterol (Medsafe)	2 years' ineligibility	Ice Hockey
Attempted use/possession of prohibited substance – Clenbuterol (Medsafe)	2 years' ineligibility	Ice Hockey
Attempted use/possession of prohibited substance – Clenbuterol (Medsafe)	2 years' ineligibility	Cricket
Attempted use/possession of prohibited substance – Clenbuterol (Medsafe)	2 years' ineligibility	Rugby League
Presence of prohibited substance – Clenbuterol	8 years' ineligibility	Cycling
Presence of prohibited substances – Higenamine	4 years' ineligibility	Basketball
Presence of prohibited substance – Higenamine	18 months' ineligibility	Rugby League
Presence of prohibited substance – Terbutaline	12 months' ineligibility	Basketball
Presence of prohibited substance – Dimethylpentylamine	4 months' ineligibility	Other
Allowing player to play while ineligible	12 months' ineligibility	Rugby League
Participation while ineligible	4 months' ineligibility	Rugby League

The 11 cases are summarised below.

MEDSAFE CASES – CLENBUTEROL AND OTHER SUBSTANCES

The following cases involve athletes who purchased clenbuterol and other anabolic steroids from an online website called *NZ Clenbuterol* in 2014 and 2015.

During 2015 Medsafe commenced an investigation into *NZ Clenbuterol*, a website operated by Joshua Townshend who was subsequently convicted and jailed for two years for selling steroids via the internet. Around September or October 2015 Medsafe contacted DFSNZ advising they had a significant number of emails which might be of relevance for DFSNZ. Medsafe passed information from the website's database to DFSNZ relating to athletes who had purchased prohibited drugs online.

DFSNZ reviewed the names provided by Medsafe and found approximately 107 athletes who were registered as members of New Zealand sports organisations. These athletes are subject to the SADR through their membership of sports clubs and hence the national New Zealand sports body. In early 2016 Medsafe provided DFSNZ with full details of athletes' internet purchases of various prohibited substances from *NZ Clenbuterol*.

DFSNZ has now filed seven cases with the Tribunal relating to purchases from NZ Clenbuterol. One of these cases was heard in 2016/17 (ST 19/16) and the remainder were filed this reporting year, four of which were heard.

The Tribunal has been concerned about the time which had elapsed between the matter initially coming to the attention of DFSNZ in 2015 and the subsequent lengthy investigation period before proceedings were filed against the athletes in late 2017 and early 2018. The athletes had made no attempt to avoid detection and were not at all responsible for the length of time it took DFSNZ to file proceedings. The Tribunal considered these athletes were entitled to allowance for the delays, and the commencement dates of ineligibility suspension periods have been backdated significantly to take account of the delays as well as timely admissions.

The Tribunal has also been concerned about the lack of information about the dangers of supplements and the obligations of all athletes to abide by the SADR. In the decision *DFSNZ v Ware* the Tribunal urged clubs and national sports organisations to initiate with DFSNZ a greater degree of drug education at all levels of competitive sport.

Similar cases have also come before the New Zealand Rugby Union Judicial Committee which hears anti-doping cases relating to rugby players only.

ATTEMPTED USE/POSSESSION OF PROHIBITED SUBSTANCE – CLENBUTEROL

Drug Free Sport New Zealand v Lachlan Frear

The Sports Tribunal suspended ice hockey player Lachlan Frear for two years for purchasing clenbuterol from *NZ Clenbuterol* in 2014 and 2015.

Mr Frear admitted ordering the clenbuterol on two occasions in November 2014 and February 2015 but denied receiving the products or using them. Mr Frear purchased the product because of its advertised "fat burning" properties as he had gained weight while studying. He stated he did not receive the product, did not seek to cheat or enhance his sport performance, and had never intentionally or otherwise taken a prohibited substance.

Mr Frear was provisionally suspended without opposition on 3 November 2017. He asked to address the Tribunal regarding the appropriate sanction and the commencement date of this sanction. The SADR provide that where proceedings involve multiple violations, the sanction imposed is based on the violation which carries the most severe sanction. The SADR were amended in 2015 in line with changes made to the WADA Code and the maximum penalty for intentional breaches was increased from a period of ineligibility of two years to four years. Therefore, while Mr Frear's conduct in 2014 was relevant, the determination of the sanction was based on the 2015 violations.

The Tribunal accepted Mr Frear's violation was not intentional based on his evidence, reasons for wanting to purchase clenbuterol, and his lack of knowledge about the substance. Mr Frear, a member of both the Southern Stampede Queenstown Ice Hockey Club and the NZ U20 Ice Hockey squad, was not a professional athlete and had never been subjected to drug testing. The Tribunal accepted it was probable Mr Frear did not receive either order and there was no evidence of his having used clenbuterol. The Tribunal was satisfied that Mr Frear's breach was not intentional and the presumptive two-year period of ineligibility applied.

The Tribunal was also asked to backdate the period of commencement to when the latest breach occurred on 29 January 2015. The Tribunal was concerned about the time which had elapsed between the matter initially coming to the attention of DFSNZ in 2015 and the subsequent lengthy period before proceedings were filed in September 2017. Mr Frear made no attempt to avoid detection and was not at fault for the length of time it took DFSNZ to file proceedings. The Tribunal considered Mr Frear was entitled to allowance for this delay.

Mr Frear's two-year suspension from participating in sport was backdated to 1 January 2017 given his timely admission and the significant delay in DFSNZ bringing the case before the Tribunal.

ATTEMPTED USE/POSSESSION OF PROHIBITED SUBSTANCE – CLENBUTEROL

Drug Free Sport New Zealand v Mitchell Frear

The Sports Tribunal suspended ice hockey player Mitchell Frear for two years for purchasing clenbuterol from *NZ Clenbuterol* in 2014.

Mr Frear admitted ordering the clenbuterol on 27 October 2014 but denied receiving the product or using it. Mr Frear purchased the product because of its advertised "fat burning" properties as he had gained weight while studying. He stated he did not seek to cheat or enhance his sport performance and had never intentionally or otherwise taken a prohibited substance.

Mr Frear was provisionally suspended without opposition on 3 November 2017. He admitted the violation but asked to be heard as to the appropriate sanction. In 2014 the presumptive period of ineligibility for the possession of an anabolic agent such as clenbuterol was two years but this period may be reduced if the athlete can show no significant fault or negligence in relation to the violation.

The Tribunal assessed the appropriate sanction having regard to Mr Frear's degree of fault and considered that a period of two years' ineligibility had to be imposed taking into account:

- Mr Frear exercised no caution in purchasing the product given the obligations on athletes under the Code;
- he did not undertake any research or obtain further information about the substance he was purchasing online;
- he did not check with a team member, coach, DFSNZ, or seek advice from a doctor or any medical personnel; and
- he was an experienced athlete, having played ice hockey at an international level since 2008.

All athletes must be aware of the strict obligations imposed under the SADR. Mr Frear purchased a substance online without any consideration of the risks and in breach of the high standards expected of all athletes. He exercised no caution in purchasing the product and took no action to uphold the high standards and clear obligations placed on all sport participants by the anti-doping regime.

The Tribunal was asked to backdate the period of commencement to when the breach occurred on 27 October 2014.

The Tribunal was concerned about the time which had elapsed and noted that Mr Frear made no attempt to avoid detection. Mr Frear was entitled to some allowance for these delays.

Mr Frear's two-year suspension from participating in sport was backdated to 1 January 2017 given his timely admission and the significant delay in DFSNZ bringing the case before the Tribunal.

ATTEMPTED USE/POSSESSION OF PROHIBITED SUBSTANCE – CLENBUTEROL

Drug Free Sport New Zealand v Christopher Ware

The Sports Tribunal suspended club cricket player Christopher Ware for a period of two years for purchasing a prohibited substance, clenbuterol, from online website *NZ Clenbuterol* in 2014 and 2015.

Mr Ware, who is now based in the United Kingdom, purchased the product because he thought it was a weight-loss product as he had gained weight when unable to play cricket or attend the gym because of recurring injuries. Mr Ware had never played first-class cricket, never been part of a high performance or drug education programme, nor previously been drug-tested for sport. He did not seek to cheat or enhance his sport performance and had never intentionally or otherwise taken a prohibited substance.

Mr Ware was provisionally suspended without opposition on 3 November 2017. He admitted the violations but asked to be heard as to the appropriate sanction. Under the sports anti-doping rules, multiple violations are treated as a single violation and the sanction imposed is based on the violation that carries the most severe sanction. For the 2015 violation, attempted use of an anabolic agent such as clenbuterol, the presumptive period of ineligibility is four years, but this period may be reduced to two years if the athlete can show the violation was not intentional.

The Tribunal accepted Mr Ware's violation was not intentional based on his evidence, reasons for wanting to purchase clenbuterol, and his lack of knowledge about the substance. As the Tribunal found Mr Ware's breach was not intentional, the presumptive two-year period of ineligibility applied. Mr Ware accepted responsibility for significant fault and did not seek to further reduce the period of ineligibility.

The Tribunal was also asked to backdate the period of commencement to one year prior to the provisional suspension order, namely 3 November 2016. The Tribunal agreed with the analysis of facts from the earlier cases, namely the time which had elapsed between the matter initially coming to the attention of DFSNZ in 2015 and before proceedings were filed against Mr Ware in September 2017. Mr Ware was entitled to allowance for the delay, and given his timely admission, the commencement of his two-year period of suspension was backdated to 1 January 2017.

DFSNZ indicated at the commencement of the hearing that it was reviewing the initial set of decisions that had been given by the Tribunal on the clenbuterol situation and by the New Zealand Rugby Union Judicial Committee, and for that reason it reserved its position in relation to Mr Ware and would not be presenting its full submissions to the Tribunal. The Tribunal indicated that this was not acceptable and required counsel for DFSNZ to present its full submissions which he then did. In a comment in the decision, the Tribunal set out the implications of a party on appeal to the Court of Arbitration for Sport expanding its evidence and arguments beyond that presented to the Tribunal. In particular, the Tribunal expressed its concern at the effect on its processes on an athlete if presentation of a party's real case is deferred until the appeal stage.

The Tribunal also commented on the fact that it appears that because amateur or club athletes do not receive the same level of education regarding anti-doping drug regime as elite professional athletes, they may more readily establish that they do not have the intention to break anti-doping rules and could be treated more favourably than professional athletes. The Tribunal urged clubs and national sports organisations to initiate with DFSNZ a greater degree of drug education at all levels of competitive sport.

ATTEMPTED USE/POSSESSION OF PROHIBITED SUBSTANCE – CLENBUTEROL

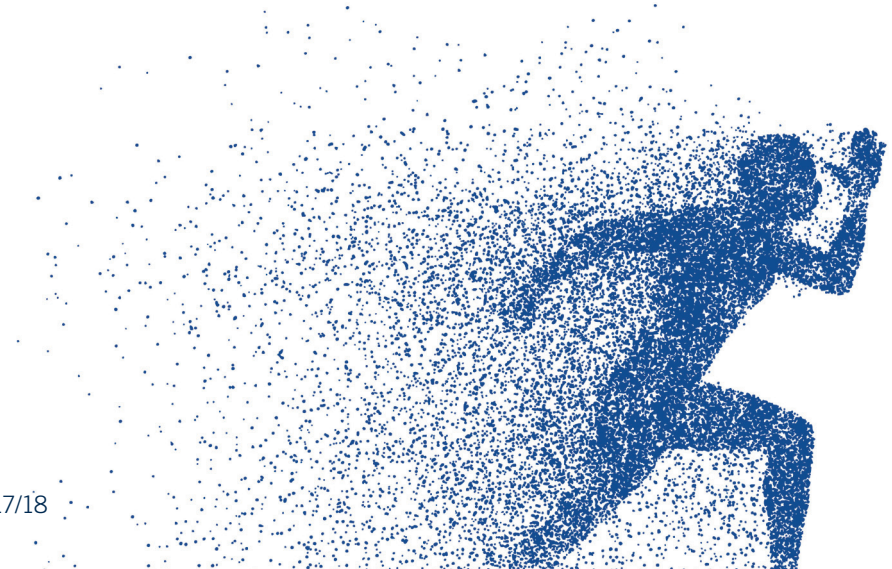
Drug Free Sport New Zealand v Michael Gregory Strickland

The Sports Tribunal suspended rugby league player Michael Strickland for a period of two years for purchasing a prohibited substance, clenbuterol, from online website *NZ Clenbuterol* in 2015.

Similar to the above cases, Mr Strickland purchased the product because he thought it was a weight-loss product but said he did not use it and was unaware it was prohibited. He was provisionally suspended without opposition on 27 March 2018. Mr Strickland promptly admitted the violation but asked to be heard as to the appropriate sanction.

Counsel for the parties filed a joint memorandum proposing a sanction similar to previous cases determined by the Tribunal. It was accepted that Mr Strickland's violation was not intentional, and the two-year period of ineligibility should be backdated by 10 months given Mr Strickland's timely admission and some allowance for the investigation delays.

The Tribunal having considered all available material accepted the proposed sanction was appropriate and made the orders proposed without the need for a hearing. A sanction of two years was imposed backdated to commence from 27 May 2017.



OTHER ANTI-DOPING CASES

PRESENCE OF PROHIBITED SUBSTANCE – CLENBUTEROL

Drug Free Sport New Zealand v Karl Murray

The Sports Tribunal found that cyclist Karl Murray committed an anti-doping violation after testing positive for clenbuterol on 18 March 2017 while competing in the Tour of Northland. Clenbuterol is a non-specified substance prohibited at all times.

Mr Murray was provisionally suspended without opposition on 11 May 2017. He defended the anti-doping violation raising two issues. Mr Murray first alleged that he was wrongly deprived of his right to have a representative during the testing process. Second, he maintained that he was not given a choice of sample collection beakers but was provided with an unsealed beaker chosen by the Doping Control Officer.

At the hearing, there was conflicting evidence about what took place during the sample collection process. The Tribunal was satisfied that the appropriate process was followed, and the anti-doping violation was proven.

The issue of sanction was adjourned pending the outcome of DFSNZ's appeal to the Court of Arbitration for Sport (CAS) against an earlier Tribunal decision involving Mr Murray, as it may have affected the sanction to be imposed in the current case. CAS released its decision in December 2017 finding in favour of DFSNZ (see below). However, CAS's finding in favour of DFSNZ meant Mr Murray's breach of participation during ineligibility did not count as another violation for the purposes of sanction under SADR 10.7 for multiple violations.

Following the release of the CAS decision, a hearing was convened to determine the issue of sanction arising from Mr Murray's Tour of Northland violation. Just prior to the hearing Mr Murray raised an issue concerning the Tribunal's jurisdiction to determine the matter. Mr Murray argued he was not bound by the anti-doping rules at the time of the Tour of Northland as he was not a licensed cyclist. The matter was adjourned to allow counsel to file submissions on the issue. Following submissions, the Tribunal determined Mr Murray was a member of Cycling NZ at the relevant time and therefore subject to the sports anti-doping rules at the time he returned a positive test.

A sanction hearing was rescheduled and following submissions from parties, the issue focussed on whether the Tour of Northland event was Mr Murray's first or second violation pursuant to Rule 10.7.

In 2014 Mr Murray had been banned for two years for a positive test while competing in New Caledonia. The Commission was a regional anti-doping authority, but not a Signatory to the Code. That ban was later recognised by the Union Cycliste Internationale (UCI) which enabled it to be recognised in New Zealand. As mentioned, CAS found that Mr Murray while subject to this ban had coached cyclists, a prohibited activity, and restarted the two year ban.

The Tour of Northland event on its own would incur a four year ban. The sanction for a second violation is "twice the period of ineligibility", therefore Mr Murray would be subject to an eight year ban. It was accepted that coaching while banned did not count in determining the applicable sanction. Mr Murray challenged the New Caledonia ban being counted as a first violation, as New Caledonia was a non-Signatory to the Code, and recognition by UCI related to the ban only and not the violation. Mr Murray's position was the Tour of Northland event was his first violation and therefore he was subject to a maximum period of ineligibility of four years.

The Tribunal determined Mr Murray's New Caledonia violation should be recognised. It noted the UCI's position which had not been challenged, nor the subsequent recognition by the French and New Zealand authorities. The Tribunal held that recognition of the violation and sanction were consistent with the interpretation of the Rules and the purpose of the Code. As the Tour of Northland event constituted Mr Murray's second violation, the Tribunal imposed the mandatory sanction of an eight year period of ineligibility.

Court of Arbitration for Sport - Drug Free Sport New Zealand v Karl Murray (CAS 2017 A/4937)

In a decision of 15 December 2017, the Court of Arbitration for Sport (CAS) allowed an appeal by DFSNZ against a Sports Tribunal Decision of 20 December 2016. The Tribunal found an allegation that Karl Murray had breached his ban had not been established on the facts. Mr Murray, who was banned for a previous anti-doping rule violation, was alleged to have coached cyclists contrary to his ban. DFSNZ appealed the Tribunal's decision to CAS which upheld the appeal that Mr Murray had coached cyclists in breach of his ban and, as a result, Mr Murray's two-year ban was restarted on 15 December 2017. CAS found Mr Murray had not committed the further violation of tampering with the doping control process. The appeal to CAS was is in fact a rehearing and included new and different evidence than what was presented to the Tribunal.

PRESENCE OF PROHIBITED SUBSTANCE – HIGENAMINE

Drug Free Sport New Zealand v Gareth Dawson

The Sports Tribunal suspended basketball player Gareth Dawson for four years for the presence of a prohibited substance higenamine, a type of Beta-2 Agonist, prohibited at all times in and out of competition. It was included on the Prohibited List 2017 for the first time, but prior to that while not specifically listed, it had always been prohibited under S3 Beta-2 Agonists. It is used within food supplements developed for weight control.

Mr Dawson played basketball for the Canterbury Rams in the New Zealand National Basketball League (NBL). He tested positive for higenamine in a sample he provided following a NBL game on 27 May 2017. Mr Dawson was provisionally suspended without opposition on 4 September 2017. This was Mr Dawson's second anti-doping rule violation. He was suspended for 12 months in 2014.

Mr Dawson admitted the anti-doping violation and requested to be heard on the appropriate sanction to be imposed. A teleconference hearing was set down for 27 November 2017 as Mr Dawson was resident in Australia at the time. Mr Dawson confirmed his availability for that date. However, shortly before the teleconference was due to start Mr Dawson emailed to advise that he was unable to attend because of work commitments. He indicated that as he had already made a submission he was comfortable for the matter to be decided based on that material and without his presence.

The Tribunal adjourned the matter to enable Mr Dawson to be advised of his current position regarding the mandatory sanction of four years' suspension should he not be available for cross-examination. On 6 December 2017 Mr Dawson again declined the offer to participate in a hearing. The Tribunal convened for a teleconference hearing on 14 December 2017 to deal with the matter based on the material filed and without Mr Dawson's direct participation.

The presumptive period of ineligibility for the unintentional presence of a specified substance (such as higenamine) is two years but this period may be reduced if the athlete can show no significant fault or negligence in relation to the violation. DFSNZ did not contend that the violation was intentional.

It was established that the source of higenamine in Mr Dawson's sample was due to his consumption of "Oxyshred", a thermogenic fat burner product. DFSNZ advised that on some sites advertising Oxyshred, the labels specifically list higenamine as an ingredient, but on others it is not specifically disclosed in the advertised labelling.

On 21 November 2017 Mr Dawson filed a statement claiming he had been using Oxyshred for several years and had passed several drug tests during that time. This was the first time he had been aware that higenamine was present in Oxyshred and that it was a banned substance. He also commented that Basketball NZ and DFSNZ had not provided adequate education about the Prohibited List or about the changes to the list.

Both Basketball NZ and DFSNZ confirmed a range of drug education materials are available to athletes on their websites, and Mr Dawson completed DFSNZ's level 1 and level 2 programmes online in March 2017 as required for him to be eligible to play in the NBL. DFSNZ also confirmed that Mr Dawson's records showed prior to May 2017 he had not been tested since 2014.

The Tribunal was satisfied in the absence of any evidence from Mr Dawson there was no alternative but to impose on Mr Dawson the sanction provided by SADR 10.7.1.3 which is a four-year period of ineligibility. An allowance was made for Mr Dawson's timely admission and the disqualification was backdated to commence from 31 July 2017.

PRESENCE OF PROHIBITED SUBSTANCE – HIGENAMINE

Drug Free Sport New Zealand v Siliga Kepaoa

The Sports Tribunal suspended amateur rugby league player Siliga Kepaoa for 18 months for the presence of the prohibited substance higenamine, classified as an S3 Beta-2 agonist, a specified substance prohibited at all times in and out of competition.

Mr Kepaoa played rugby league for the Point Chevalier Pirates and Akarana Falcons. He twice tested positive for higenamine in samples he provided following a rugby league training session on 19 September 2017 and following the National Premiership final on 7 October 2017. Mr Kepaoa had not been notified of the first positive test before the second sample was collected. For the purposes of sanction, the two violations are treated as a single anti-doping rule violation. Mr Kepaoa was provisionally suspended without opposition on 13 November 2017. Mr Kepaoa promptly admitted both violations.

On 9 January 2018 a joint memorandum was provided to the Tribunal on behalf of DFSNZ and Mr Kepaoa. In the memorandum the parties proposed an appropriate sanction. The presumptive period of ineligibility for the unintentional presence of a specified substance (such as higenamine) is two years, but this period may be reduced if the athlete can show no significant fault or negligence on their part in relation to the violation. DFSNZ did not contend that the violation was intentional and accepted that Mr Kepaoa's conduct involved careless mistakes.

The source of higenamine in Mr Kepaoa's samples was due to his consumption of "Oxyshred" advertised as a "super potent thermogenic fat burner". Mr Kepaoa disclosed the use of the product on his doping control form which lists higenamine on the label.

The assessment as to whether an athlete has no significant fault in relation to a violation is a fact-specific exercise. Having considered all the evidence and the detailed memorandum jointly filed, the Tribunal was satisfied that Mr Kepaoa had shown there had been no significant fault in testing positive for higenamine but there was a degree of fault falling within the "high end of the range of the defence".

In light of his immediate acknowledgment of the breach, the commencement of Mr Kepaoa's period of suspension from participating in sport was backdated to 19 September 2017.

The Tribunal commended the parties for the responsible way in which they worked this proceeding through to an agreed position that the Tribunal was able to accept without the need for a hearing. The Tribunal acknowledged that while the evidence in this case was not tested by cross-examination, DFSNZ would not have entered into this agreement without satisfying itself that the facts were clear. The Tribunal indicated its support for similar approaches in cases where there are not strong differences between the parties in relation to the facts and the issues arising from them.

PRESENCE OF PROHIBITED SUBSTANCE – TERBUTALINE

Drug Free Sport New Zealand v Jordan Mills

The Sports Tribunal suspended basketball player Jordan Mills for 12 months for the use and possession of a prohibited substance, terbutaline, in 2017. Terbutaline is a specified substance which is prohibited at all times under class S3 Beta-2 Agonists on the 2017 Prohibited List. Terbutaline is used to treat asthma and other pulmonary illnesses, but it could also enhance an athlete's sports performance. The use of terbutaline requires a therapeutic use exemption (TUE) before it can be used by athletes. Mr Mills did not have a TUE.

Mr Mills tested positive for terbutaline after a NBL match on 19 May 2017. Mr Mills was provisionally suspended without opposition on 24 August 2017. He admitted the violation but asked to be heard as to the appropriate sanction. The presumptive period of ineligibility for the unintentional presence of a specified substance (such as terbutaline) is two years but this period may be reduced if the athlete can show no significant fault or negligence in relation to the violation. DFSNZ did not contend that the violation was intentional.

To show no significant fault, Mr Mills first needed to establish how the prohibited substance entered his system. It was accepted that Mr Mills used his inhaler to treat asthma symptoms during the week prior to the NBL game. Mr Mills has used an inhaler since childhood and it was accepted that its use was for therapeutic reasons. On balance, having considered all the evidence, the Tribunal was satisfied Mr Mills had shown no significant fault in testing positive for terbutaline.

However, all athletes must be aware of the strict obligations imposed under the SADR. Mr Mills should have checked the status of his inhaler, but having used it throughout his life, he did not turn his mind to the use of an inhaler in compliance with anti-doping rules. Mr Mills was not a drug cheat but was still in breach of the high standards and clear obligations placed on all sport participants by the anti-doping regime.

A majority of the Tribunal assessed the appropriate sanction having regard to Mr Mills' degree of fault and considered that a period of 12 months' ineligibility was the minimum which had to be imposed. Mr Mills' suspension from participating in sport was backdated to the date of testing, 19 May 2017, given his timely admission of the violation and his co-operation throughout.

PRESENCE OF PROHIBITED SUBSTANCE – DIMETHYLPENTYLAMINE

Drug Free Sport New Zealand v A Minor

As this matter involved a young athlete, all details which may disclose his identity remain confidential.

The athlete aged 16 years, a representative player for various sports at a national age group level, was at the time of his positive test playing for a regional senior team in a New Zealand championship tournament held in February 2018. He tested positive for a specified stimulant, dimethylpentylamine, prohibited under class S6b of the Prohibited List 2018. It was accepted that a drink containing "Kick Pre-workout" was the source of the prohibited substance. The athlete drank a team member's drink assuming it was Powerade; once he learnt of its contents he did not consume any more.

The athlete was provisionally suspended without opposition and had the product re-tested which confirmed the presence of the prohibited substance. The athlete admitted the violation therefore the sole issue for determination was the penalty to be imposed. Counsel filed a joint memorandum in relation to the appropriate sanction to be imposed.

It was based on an agreement that there was no intentional use of a specified substance to enhance sports performance, and to reduce the presumptive two year sanction based on no significant fault by the athlete in relation to the violation. It was agreed that the athlete's degree of fault was not significant based on his youth, inexperience for a careless "one-off" mistake and fell at the lower end of the range of the defence.

The Tribunal having considered all available material was satisfied it was able to accept the proposed sanction without the need for a hearing and made an order as proposed.

A four month period of suspension was imposed on the athlete which was backdated for timely admission and following credit for the period of provisional suspension served would end on 26 June 2018.

As the athlete was a minor, it was agreed to remove all details that would identify him and to publish a decision relating only to the circumstances that led to the violation.

ALLOWING ATHLETE TO PLAY WHILE INELIGIBLE

Drug Free Sport New Zealand v Nohorua Parata

The Sports Tribunal suspended Taranaki rugby league coach Nohorua Parata for 12 months for assisting Travell Ngatoko to play a game of rugby league in 2017 knowing Mr Ngatoko was serving a ban for a previous anti-doping violation.

In February 2017 Mr Ngatoko was suspended from all involvement in the sport for six months effective until 3 May 2017. On 18 March 2017 Mr Ngatoko played a pre-season game for the Coastal Cobras at Okato in Taranaki. Mr Parata was the coach of the Cobras team and, despite knowing Mr Ngatoko was still banned, he allowed him to play and entered Mr Ngatoko on the team card under another name.

Assisting, encouraging or helping a player participate in a sport while they are banned is in breach of Rule 2.9 under the Sports Anti-Doping Rules (SADR). Mr Parata admitted the violation but asked to be heard as to the appropriate sanction, which under the SADR 10.3.4 is a period of ineligibility of between two and four years, subject to the person's degree of fault.

The mandatory minimum period of two years was adopted as the starting point and then reduced to 12 months for timely admission commencing from 28 February 2018. Mr Parata was also entitled to credit for the three months' period of provisional suspension. Mr Parata was declared ineligible until 30 November 2018.

The Tribunal noted that while Mr Parata may have only been trying to pull together a side to play a visiting team in a pre-season game, he was still in breach of the high obligation placed on all sports participants and officials not to in any way encourage or facilitate the breaching of a period of ineligibility by allowing a banned player to take part in competitive sport.

PARTICIPATION WHILE INELIGIBLE

Drug Free Sport New Zealand v Travell Ngatoko

The Sports Tribunal suspended rugby league player Travell Ngatoko for a further four months for playing in a rugby league game in 2017 while serving a ban for a previous anti-doping violation. In February 2017 Mr Ngatoko was suspended from all involvement in the sport until 3 May 2017. On 18 March 2017 he took part in a pre-season game for the Coastal Cobras at Okato in Taranaki. Playing while banned is an offence under the Sports Anti-Doping Rules (SADR) 10.12.1.

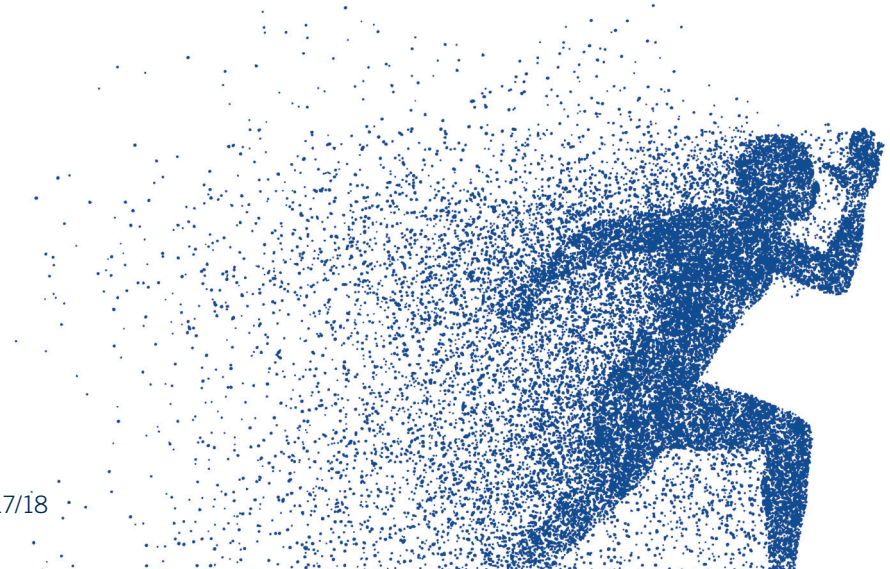
Mr Ngatoko admitted the violation but asked to be heard as to the appropriate sanction, which under the SADR is a further suspension equal in length to the one imposed earlier. This may be adjusted based on the player's degree of fault and other circumstances of the case.

Mr Ngatoko said he knew he was banned at the time, but he was encouraged to play the match by his coach, and he was assured by a Taranaki Rugby League Board member on the day that it would be fine to play. Mr Ngatoko said he had never been advised what he could and could not do while banned. He stated that had he known he could not play in a pre-season game he would not have done so.

Athletes have "personal responsibilities to make themselves aware of their obligations in relation to the anti-drug regime, particularly where (as in Mr Ngatoko's case) he has already been found to have infringed the rules". The Tribunal held Mr Ngatoko should have taken steps and requested information to ensure he understood the effect of the ban. After taking account of the evidence presented at the hearing the Tribunal decided that the mandatory period of ineligibility of six months prescribed by Rule 10.12.3 would be reduced to four months operative from 28 February 2018. Mr Ngatoko was credited for his early admission of fault and co-operation.

Further, the Tribunal considered the fact the season comprised of two halves, the second of which are representative games with selection based on performance in the first half of the season; that it would be "disproportionate and unfair" if because of the timing of the proceedings Mr Ngatoko missed the opportunity to obtain representative selection.

The Tribunal concluded that the four month period of ineligibility, together with credit given for having already served three months' provisional suspension from 29 November 2017, would mean Mr Ngatoko could begin playing again in April 2018.



APPEALS AGAINST DECISIONS OF NSOs OR NZOC

Seven appeal proceedings were filed with the Tribunal. The Tribunal heard and decided four appeals against decisions of NSOs this year. One case related to non-selection for the 2018 Commonwealth Games which was dismissed. The Tribunal heard three other cases involving disputes between NSOs and athletes. The remaining three applications were resolved without the need for a formal hearing.

The appeal decisions issued by the Tribunal are summarised below.

NOMINATION / SELECTION APPEALS

Jason Christie v Cycling New Zealand

The Sports Tribunal dismissed an appeal by Jason Christie against a decision of Cycling New Zealand (CNZ) not to select him to be part of the 2018 Gold Coast Commonwealth Games team. Mr Christie sought to replace a member selected for the New Zealand men's road race cycling team.

Mr Christie appealed on the grounds that CNZ's nomination criteria had not been properly implemented or followed, he was not afforded a reasonable opportunity to satisfy the applicable criteria, and there was no material on which the nomination decision could reasonably be based.

Based on results and his performance, Mr Christie believed he should have been selected ahead of five other riders. Given the overall likely athlete quota available for cycling, the selectors considered only five riders from the men's road discipline would be able to be selected. The Tribunal considered that CNZ's selectors undertook a careful, comprehensive and exhaustive analysis of each rider's performances and results. It found that the selectors were expert in the field with extensive knowledge and experience; there was detailed consideration of the relevant selection criteria, and the strengths and weaknesses of all the cyclists were identified and evaluated. Also, of note, during the course of the proceedings an additional potential place for a cyclist emerged, allowing CNZ to reassess Mr Christie's material filed in support of his appeal, but he was still not recommended ahead of those riders already selected.

The Tribunal concluded that:

> Ultimately, while acknowledging Mr Christie is undoubtedly a talented cyclist who deserved and received serious consideration, the Tribunal cannot conclude that his omission was irrational or beyond the properly available discretion of the Discipline Panel. There is no material to suggest that regard was had to matters which were not relevant or that all his history and experience were not properly assessed.

The appeal was accordingly dismissed.

Mitsuko Nam v New Zealand Federation of Roller Sports (Skate NZ)

The Tribunal heard and allowed the appeal made by Mitsuko Nam.

Ms Nam appealed against a decision by Skate NZ not to select her for the 2018 World Artistic Skating Championships. There was a two skater quota for the Junior Solo Dance position, but only one athlete was selected. Ms Nam contended she satisfied the selection criteria and qualified to be selected for the second position. Skate NZ accepted that Ms Nam had the necessary qualifications but had not been chosen pursuant to the World Team Selection Policy.

Skate NZ accepted it had not complied with its rules by following its selection policy and procedures and therefore the decisions were non-effective so that Ms Nam's non-selection had to be set aside, and her selection needed to be reconsidered.

Accordingly, the appeal was allowed.

OTHER APPEALS

Laurel Hubbard v Olympic Weightlifting New Zealand

The Sports Tribunal dismissed an appeal by Laurel Hubbard which challenged the decision of Olympic Weightlifting New Zealand (OWNZ) not to allow New Zealand athletes to compete at the Pacific Cup International (PCI) weightlifting competition.

In late 2016 OWNZ created nomination criteria that it would follow in respect of selecting athletes for events such as the Commonwealth Games. The nomination criteria specified certain events that athletes could participate in throughout the year to obtain points on the national and international ranking systems. These points and rankings would be used by OWNZ to help select athletes to represent New Zealand at certain events. The nomination criteria were developed to ensure a level playing field was created between all New Zealand weightlifters.

The PCI was originally scheduled to be held in December 2017 which was outside the contemplation of the nomination criteria and therefore not included as an approved event for New Zealand athletes to attend.

On 9 July 2017 Ms Hubbard learnt that the PCI had been moved forward to 4 August 2017. Ms Hubbard wrote to OWNZ to seek approval for her to attend and compete at the PCI. The OWNZ Executive Group (EG) decided in a 5-1 vote that to keep the authenticity of the nomination process New Zealand athletes should not be permitted to compete at the PCI. The EG considered that the late notice of the approval might adversely affect those athletes who did not have sufficient time to prepare mentally, financially and/or physically for an event that was unplanned for and unanticipated.

Ms Hubbard challenged whether any NSO could lawfully ban its athletes from competing at an international event to which they had been invited. She contended this was unique in the history of OWNZ and not known to have occurred otherwise in Oceania. She said such restraint had occurred without proper consultation and without any affected athletes and coaches even knowing that the PCI had been rescheduled.

While the Tribunal appreciated that the decision by OWNZ might be seen as rather restrictive, it accepted that OWNZ must have the ability to create and implement strategies and processes that it believes are best suited to identifying and selecting New Zealand's best weightlifters. The Tribunal concluded that there was no basis to interfere with a rational and properly available decision by OWNZ.

The appeal was accordingly dismissed.

Sloan Frost v Motorcycling New Zealand

The Sports Tribunal dismissed an appeal by a motorcycle competitor, Sloan Frost, regarding decisions of the Motorcycling New Zealand Judiciary Committee (on appeal by two competitors, Tony and Mitchell Rees) which changed the results as corrected by the Chief Steward of Round Three (held at Taupo) and the results as declared by the Stewards of Round Four (held at Hampton Downs) of the NZ Superbike Championship. The Judiciary Committee's decision resulted in Mr Frost losing his title as the NZ Superbike Champion for 2016-17.

The grounds of Mr Frost's appeal were that he had been denied natural justice by the Committee which he said had been constituted in a way and had conducted itself in a manner that exhibited apparent bias, and he had therefore been deprived of a fair hearing. He also argued that the original decisions of the Stewards had been correct in accordance with the relevant race rules.

The Tribunal upheld Mr Frost's natural justice appeal in part and declared the Judiciary Committee's decision to be invalid and set it aside.

At the request of the parties the Tribunal considered the merits of the original decisions of the Stewards. It found that the corrected results declared by the Chief Steward at the Taupo race were incorrect and that Mr Frost should not have been awarded any points from the relevant race. This had been run in two parts as a result of Mr Frost crashing before the race had been stopped. He therefore did not qualify for points for that part and did not qualify for points in the resumed second part of the race because he did not compete.

The Tribunal found that the points awarded in Round Four at Hampton Downs were incorrectly calculated. The Tribunal made an affirmative finding that the Stewards who had been involved in correcting the results of the relevant Taupo race had acted in good faith though incorrectly.

The Tribunal left Motorcycling New Zealand to determine the overall results of the Championship after taking into account the amended results.

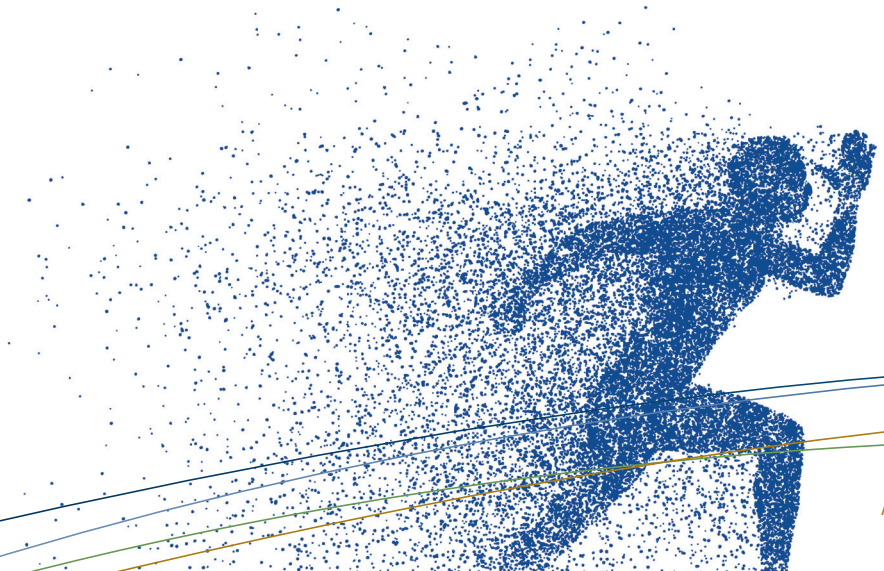
MEDIATION ASSISTANCE AND OTHER SUPPORT

In appropriate cases, the Tribunal can offer mediation assistance to parties to help settle their disputes by agreement without the Tribunal needing to adjudicate. The Tribunal can conduct mediation at the request of the parties or, in appropriate cases, it can order parties to undertake mediation.

The Tribunal provided formal mediation services and other assistance in three cases. Two related to non-nomination disputes between athletes and NSOs. One related to the 2018 Commonwealth Games and following mediation the appeal was withdrawn. The second case related to the 2018 Youth Olympic Games and following mediation the appellant did not wish to pursue the appeal any further.

In relation to the third case a dispute between a member and an NSO, although the Tribunal did not have jurisdiction to hear the appeal, following assistance and support from the Tribunal the parties involved understood the application of natural justice which facilitated using the NSO's internal appeal process to resolve the dispute.

These three cases were able to be resolved without the need for a formal hearing and decision. Specific details of these cases are confidential.



OTHER MATTERS INVOLVING THE TRIBUNAL IN 2017/2018

CONFERENCES

Three members of the Tribunal attended the 2017 Australia and New Zealand Sports Law Association Conference in Sydney, Australia covering a range of issues relevant to the work of the Tribunal.

The Tribunal Chairman was invited to present to the Asian International Arbitration Centre in Kuala Lumpur, Malaysia and to the Olympic Forum in Auckland at the request of the NZOC.

The Chairman also attended the Sport New Zealand sector conference in Wellington.

SPORTS RESOLUTION SERVICES

The Sport New Zealand Board approved the establishment of a Sports Mediation Service for the wider sports sector at a national level. It was proposed an education campaign would be developed alongside launch of the proposed service. The campaign would focus on the steps available to finding resolution rather than going directly to the Sports Tribunal.

Given concern about the cost of bringing cases before the Tribunal, it is anticipated that the mediation service would provide a more cost-effective and efficient method for finding resolution for all parties involved. To date, no steps have been taken towards establishing such a service.

LEGAL ASSISTANCE PANEL

A number of parties to proceedings benefitted from access to free or low cost legal services through the Tribunal's Legal Assistance Panel. Legal representatives from the list assisted in approximately nine cases during the year. The majority of requests for legal assistance came from athletes.

EXPENDITURE

Under the Memorandum of Understanding between the Minister for Sport and Recreation, Sport NZ and the Tribunal, Sport NZ employs the Registrar of the Tribunal, provides accommodation for the Tribunal office and funds support and information technology costs.

Sport NZ also funds the other operating costs of the Tribunal, which include those associated with hearing and deciding cases (such as the remuneration paid to Tribunal members, travel, hiring of hearing venues and teleconferencing costs) and producing information resources.

In 2017/18 the other operating costs were $180,057. These costs were higher than in previous years primarily due to the Tribunal dealing with an increased workload, almost double the number of cases than in 2016/17. Also, the costs reflect the complex nature of some of the cases dealt with by the Tribunal.

SPORTS TRIBUNAL BIOGRAPHIES

CURRENT MEMBERS OF THE SPORTS TRIBUNAL

CHAIRMAN: HON SIR BRUCE ROBERTSON KNZM, VGSM

Sir Bruce became a High Court Judge in 1987, later was President of the Law Commission and retired as a Court of Appeal Judge in 2010. He was Chair of the Rugby World Cup Authority in 2010-11 and is a member of the Judicial Control Authority for Racing. Sir Bruce sits on some Pacific Courts of Appeal and the Qatar International and Civil Court in Doha. He was a member of the Public Administrative Law Reform Committee which became the Legislation Advisory Committee, for 20 years and sits on various public legal and community boards.

DEPUTY CHAIRMAN: ALAN GALBRAITH QC

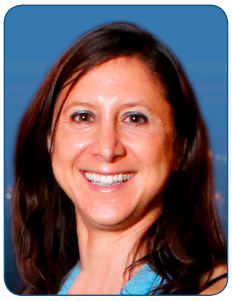
Alan Galbraith QC is a senior barrister and former Rhodes Scholar who was appointed Queen's Counsel in 1987. He has been a member of the Public and Administrative Law Reform Committee (1985-87), the Legislation Advisory Committee (1987-96), the Broadcasting Commission (1989-93) and the New Zealand Racing Industry Board (1992-96). Alan has a long career in athletics, winning several New Zealand and Australian age-group track titles and won World Masters age-group titles in the 1500 metres (2001) and the 10 kilometre road race (2004).

DEPUTY CHAIRMAN: DR JAMES FARMER QC

Jim Farmer QC is a barrister and former lecturer in law at Auckland and Cambridge Universities, with a PhD from Cambridge, and Blues awarded by both universities in track and cross country running. He was a one-time holder of the New Zealand Universities three mile record and winner of the Auckland six mile track title. In recent years, he has steered his "Georgia keelboats" to New Zealand Championships and in 2012 was the outright winner of the Geelong Race Week in Australia. He was previously a director of Team Zealand. He took part in the Targa Motor Rally in October 2013 and remains an active runner.

DR LYNNE COLEMAN MNZM

Lynne is a general practitioner and sports doctor who has been involved with elite sport for almost twenty years. Initially with North Harbour Rugby and Netball teams, she has also served as Medical Director for Basketball NZ, Athletics NZ and is currently Medical Director of Swimming NZ. Lynne has been travelling doctor for NZ BlackFerns and NZ U20s rugby teams. She started her work as an Olympic and Commonwealth Games doctor in Athens in 2004, co-led the NZOC Health Team from the Melbourne Commonwealth Games in 2006 and has led the NZOC Health Team since 2008 through to 2012 London Olympics. She attended Glasgow 2014 and Rio 2016 games as team doctor. Lynne has also served as an elected member of the Waitemata District Health Board 2001-10.



CHANTAL BRUNNER

Chantal has more than 25 years of sporting experience. She represented New Zealand in the long jump at two Olympic Games, four World Championships and four Commonwealth Games. She is the Chair of the New Zealand Olympic Committee Olympians' Commission and is on the Executive Board of the World Olympians' Association. She works as senior legal counsel for Les Mills International in Auckland.

ROB HART

Rob played cricket for Northern Districts from 1992-04 and for the Black Caps from 2002-04, and is now a director at Ellice Tanner Hart Lawyers in Hamilton. He has been a board member of both the New Zealand Cricket Players Association and New Zealand Cricket. Rob is currently on the boards of General Finance Limited, The Balloons Over Waikato Charitable Trust, Te Puke Cricket Charitable Trust and the Children's Osteopathic Foundation Charitable Trust.

GEORGINA EARL ONZM (FORMERLY GEORGINA EVERS-SWINDELL)

Georgina is a former New Zealand rower. She competed in the double sculls with her sister Caroline Meyer. Among her many achievements, Georgina is a double Olympic gold medalist, having won at Athens in 2004 and Beijing in 2008. In 2016 she and Caroline were awarded the prestigious FISA Thomas Keller Medal.

PAULA TESORIERO MNZM

Paula was a New Zealand Paralympics racing cyclist. Among her many achievements, her world record-breaking time in the women's 500m time trial secured New Zealand's first gold medal at the 2008 Summer Paralympics and she then went on to win bronze in both the individual pursuit and the women's individual road time trial. Paula has held senior management positions in the public service. Paula is a former Board member of the Halberg Disability Sport Foundation, and the New Zealand Artificial Limb Service, and currently serves on the Boards of Sport Wellington and Paralympics New Zealand. Paula took up the role of Disability Rights Commissioner in July 2017.

RUTH AITKEN ONZM

Ruth represented New Zealand at netball in 1979 and was the Silver Ferns coach from 2002-11, leading the team to two Commonwealth Gold Medals (2006 and 2010) and the 2003 World Netball Championship title. Named Halberg Coach of the Year in 2003 and awarded the ONZM in 2011 for services to netball, she retired as the most capped international netball coach in the world with 112 test matches to her credit. After her Silver Ferns retirement, Ruth spent three years in Singapore helping the national team to Asian Champs and Southeast Asian Games success. At the end of 2016 Ruth returned to her home town of Paeroa and is currently Performance Manager with Netball Waikato Bay of Plenty.

CONTACT INFORMATION

The Sports Tribunal's office is in Wellington.
Enquiries should be directed to the Registrar of the Sports Tribunal.

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