

# SPORTS TRIBUNAL of New Zealand

## ANNUAL REPORT 2012/13



## 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 2012/13 Annual Report of the Sports Tribunal reports on activities and cases decided during the period 1 July 2012 to 30 June 2013. Cases heard during this time, but not decided as at 30 June 2013, will be reported on in the Annual Report for the following year.

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## CHAIRMAN'S FOREWORD

The year ended 30 June 2013 has again been quiet for the Sports Tribunal with only 13 decisions being delivered. Notwithstanding, the Tribunal has to be available to respond to matters in a timely manner especially with applications for provisional suspension.

A new factor has been two substantive requests by national sporting bodies to assist in facilitating the resolution of internal disputes. This is an area in which the expertise and experience of members can be made available in constructive ways.

As the details of individual cases demonstrate, there is still a need for a greater awareness of athletes' individual responsibility to ensure that any substance they use is not prohibited. We would have also expected that medical practitioners, particularly those who are held out as sports specialists, would be vigilant in providing counsel and accurate advice.

A new WADA Code will come into force on 1 January 2015 which should clarify and streamline processes but most of the allegations we continue to hear involve careless, unthinking and risky behaviours which will not alter in any significant manner.

Barry Paterson retired as Chairman of the Tribunal during the year having provided dedicated service for eight years. His constant attention to detail and good common sense have been greatly appreciated. I was appointed to replace him as Chairman and Dr Jim Farmer QC was appointed as a Deputy Chairman.

The Tribunal continues to be well served by members of the highest calibre who it is a great pleasure to work with. They bring an enormous breadth of experience which is critical in the adjudications required.

We are still most fortunate to have Brent Ellis as our Registrar. Brent has held this position for nine years and has amazing institutional knowledge and is always attentive to our needs.

A handwritten signature in blue ink, which appears to read 'Bruce Robertson'.

Hon Sir Bruce Robertson KNZM  
Chairman



# DISPUTES WHICH THE SPORTS TRIBUNAL HEARS AND DECIDES

The Tribunal can hear and decide matters set out in s38 of the Sports Anti-Doping Act 2006. These are:

- Anti-doping violations, including determining whether an anti-doping violation has been committed and imposing sanctions
- Appeals against decisions made by a National Sporting Organisation (NSO) or the New Zealand Olympic Committee (NZOC) if the rules of the NSO or NZOC allow for an appeal to the Tribunal in relation to that issue. Such appeals could include:
  - appeals against disciplinary decisions
  - appeals against not being selected or nominated for a New Zealand team or squad
- 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.



# STATISTICAL ANALYSIS OF CASES DEALT WITH BY THE TRIBUNAL IN 2012/13

## Cases decided by the Tribunal in 2012/2013

The Tribunal issued 13 decisions in 2012/13. These were made up of:

- 9 substantive decisions
- 4 provisional suspension decisions.

## Cases by application type

Of the nine substantive decisions issued by the Tribunal:

- 8 were anti-doping
- 1 was an appeal against a non-selection decision of the NZOC.

The Tribunal heard and decided four provisional suspension applications in 2012/13. The provisional suspension decisions all involved anti-doping cases. Provisional suspension was imposed in all four cases.

## Analysis of anti-doping cases

The eight anti-doping decisions involved:

- 2 cases of cannabis
- 2 cases of dimethylpentylamine (1-3), also known as methylhexanamine
- 1 case of methamphetamine
- 1 case of probenecid
- 2 cases of an athlete participating in sport while suspended.

## Anti-doping cases by substance and sport

There were seven anti-doping cases where the Tribunal found an anti-doping violation had been committed by an athlete. Below are the sports these athletes were involved in, arranged by the prohibited substance(s) or other anti-doping violation:

### CANNABIS

- Powerlifting 1 case
- Rugby League 1 case

### DIMETHYLPENTYLAMINE (1-3), ALSO KNOWN AS METHYLHEXANEAMINE

- Powerlifting 2 cases

### METHAMPHETAMINE AND AMPHETAMINE

- Softball 1 case

### PROBENECID

- Paralympics 1 case

### PARTICIPATING IN SPORT WHILE SUSPENDED

- Rugby League 1 case
- Powerlifting 1 case  
(participating in cricket)

## Sanctions in anti-doping cases

There were six anti-doping cases where the anti-doping violation involved the athlete testing positive to a prohibited substance. The Tribunal imposed sanctions of a reprimand in one case and suspension in five cases as follows:

- |             |  |
|-------------|--|
| • Reprimand | Probenecid                                     |
| • 12 weeks  | Cannabis                                       |
| • 4 months  | Cannabis                                       |
| • 18 months | Dimethylpentylamine (1-3), (Methylhexaneamine) |
| • 2 years   | Dimethylpentylamine (1-3), (Methylhexaneamine) |
| • 2 years   | Methamphetamine                                |

There were two anti-doping cases where the anti-doping violation involved the athlete participating in sport while suspended for an anti-doping violation. The usual penalty for such a violation is that the original suspension recommences at the date of the last breach of the suspension order (unless the Tribunal finds grounds to reduce the suspension period such as “no significant fault”). The outcomes were:

- In one case the Tribunal imposed the original suspension of 12 weeks recommencing from the date of the breach.
- In the other case the Tribunal imposed a reduced suspension of 15 months (instead of the original 18 months) recommencing from the date of the last breach.



## Appeals against decisions of National Sports Organisations (NSOs) or the New Zealand Olympic Committee (NZOC)

There was one appeal against a decision of the NZOC to not select an athlete for the Olympic Games. The Tribunal upheld the appeal.

## Mediation assistance

The Tribunal also provided mediation assistance to parties in two cases involving sports disputes. These cases were subsequently settled.

# REVIEW OF CASES DECIDED DURING THE YEAR

## Anti-doping cases

### PARALYMPIAN PRESCRIBED PROHIBITED SUBSTANCE PROBENECID AS MEDICAL TREATMENT

Shortly before the Paralympic Games, top New Zealand Paralympian Peter Martin tested positive to the banned substance probenecid which he had been prescribed, and was treated with, during a visit to an accident and emergency clinic. He was diagnosed with cellulitis which was viewed by the doctor as a serious medical emergency, with potential-life threatening consequences if he wasn't treated with probenecid. He advised the doctor and subsequent doctors that he was an elite athlete who couldn't take prohibited substances. However, neither Mr Martin, the emergency doctor nor subsequent doctors he saw on return visits for treatment with probenecid realised that it was a prohibited substance in sport. A therapeutic use exemption (TUE) could have been applied for to allow him to take probenecid but this was overlooked by all involved.

The responsibility rests on athletes for what substances they allow to enter their body and Mr Martin acknowledged he could have done more; such as checking the medication with the doctor and having his athlete's Drug Free Sport wallet card to show them. However, in the context of a critical medical emergency, the Tribunal decided his level of fault was low and that a warning and reprimand was a sufficient penalty. While this wasn't the determinative factor why he was reprimanded rather than suspended, if he had been suspended for any period of time he would not have been able to compete in the Games.

Disappointingly, this is the third case the Tribunal has dealt with where an athlete has been prescribed probenecid by doctors who have been unaware of its prohibited status. While the prime responsibility is always on the athlete rather than the doctor to ensure prohibited substances aren't taken, it would be hoped that doctors, particularly sports medicine doctors, would be better informed of the anti-doping regime and the status of substances like probenecid and be able to advise athlete patients accordingly. This is especially so in the case of probenecid when its use as a medical treatment has led to anti-doping violations in two previous cases.



## METHYLHEXANEAMINE CASES

Despite the fact that the sale of supplements and products containing methylhexaneamine (dimethylpentylamine (1-3)) is banned in New Zealand, there still continues to be anti-doping violations involving this substance both in New Zealand and overseas.

As was the case last year, the Tribunal heard two cases involving athletes testing positive for methylhexaneamine. In both cases the athletes claimed the positive tests were due to them taking supplements that they didn't know contained methylhexaneamine. As this is a "specified substance", an athlete can be eligible for a lesser penalty than the otherwise mandatory two-year suspension if they can establish how it got in their system and it wasn't taken intending to enhance sports performance. In both cases, the athletes attempted to establish these conditions.

The conflict continues unresolved in international doping cases over whether an athlete who takes a *supplement* for performance enhancing reasons, but is unaware it contains a *prohibited substance*, is able to satisfy the test of not taking the *prohibited substance* for performance enhancing reasons. Some cases require the athlete to show the supplement itself wasn't used with the intention of enhancing performance and it is irrelevant whether the athlete knows it contains a prohibited substance. Other cases put the focus on the prohibited substance rather than the supplement. These cases allow an athlete to satisfy the test of not intending to use the prohibited substance for enhancing sports performance if they can show they didn't know the supplement contained a prohibited substance.

The Tribunal has previously applied this second approach (focus on prohibited substance rather than the supplement) in its cases and did so again this year. However, the Tribunal still has to be comfortably satisfied that the athlete didn't know the supplement contained a prohibited substance.

In one case a power lifter sipped on a caffeine-based supplement containing methylhexaneamine during a competition day to help him stay focussed over a lengthy day. The Tribunal was concerned about whether the athlete had established he didn't know of the presence of methylhexaneamine. However, he had disclosed the use of the supplement on the drug testing form and this and other evidence led the Tribunal to accept he didn't know of the presence of the prohibited substance and hadn't intended to enhance his sports performance. The Tribunal found him to be more at fault than athletes in previous cases as he hadn't taken any effective steps to check the supplement or identify its ingredients (unlike these other athletes who had made some inquiries). The Tribunal suspended him for 18 months (the longest suspension previously imposed by the Tribunal was 12 months).

In the other case, the athlete (also a power lifter) failed to show how the methylhexaneamine got into his system. He took a number of supplements on the day of the competition to give him an energy boost but claimed the positive test must have been due to him taking a different supplement the night before a competition to keep him awake while driving. The Tribunal concluded there were too many inconsistencies in his evidence to establish that the supplement was the source of the positive methylhexaneamine test.

## RECREATIONAL DRUG USE CASES

There were two cases of cannabis violations and one methamphetamine violation. In one cannabis case the athlete used the drug after he had withdrawn from his rugby league team but later filled in for the team when others were unavailable or injured. In the other case, a power lifter smoked a cigarette he was offered at a party, which he didn't know was laced with cannabis oil or hash. The Tribunal considered its usual starting point of a four month suspension for a cannabis offence was appropriate here. In the case of the rugby league player, the suspension was slightly longer, in order to make an effective penalty, which took into account the off season and prevented him taking part in pre-season matches and activity. In the methamphetamine case, the athlete admitted the violation but didn't provide any further information about the violation. The Tribunal had no choice but to impose the mandatory two-years suspension.

## FIRST CASES OF ATHLETES PARTICIPATING IN SPORT WHILE ALREADY SUSPENDED FOR ANTI-DOPING VIOLATIONS

The Tribunal heard two violations involving athletes, who were already suspended from taking part in sport for anti-doping violations, taking part in sport in breach of the suspension orders. This was the first time the Tribunal has heard cases of breaching suspension that didn't involve further anti-doping offending. In such cases the original period of suspension recommences at the date of the last breach of suspension unless the athlete can show no significant fault in breaching the suspension.

In both cases, the athletes claimed they unintentionally breached the suspensions. In one case, the athlete took part in a sport that was different to the one he had played in when committing the anti-doping violation. He hadn't understood he was prevented from playing that sport and had tried to check up on that first but had misunderstood the relevant rules. While the athlete was at fault, the Tribunal decided he was entitled to a slight reduction under the no significant fault rule. In the other case, the athlete competed in the sport he was suspended in and played in a pre-season match between two clubs. He mistakenly thought the suspension didn't apply as the match wasn't sanctioned by his regional sports body and on the basis of informal advice from a club president who thought it was okay to play for the same reason. He didn't check the advice, couldn't show "no significant fault" and wasn't entitled to any reduction.

The Tribunal went to some lengths in the latter decision to elaborate on what suspended players can and can't do while under suspension. Suspended athletes can't play or compete (even in "friendly" or pre-season games), train with a team, coach or otherwise participate in most sports (not just their own sport) while they are suspended. Despite having this drawn to their attention, both in decisions and during proceedings, some athletes do not seem to have taken this in. However, the position is clear in the Rules and they can check up with Drug Free Sport New Zealand if they are still unclear. Ignorance is no excuse.



## Appeal against Decision of New Zealand Olympic Committee

### TRIBUNAL UPHOLDS APPEAL OF SHOOTER AGAINST NON-SELECTION FOR OLYMPICS

There was considerable media interest in an appeal by shooter Ryan Taylor (T) against his non-selection for the Olympics. T was considered by the New Zealand Olympic Committee (NZOC) to not satisfy potential performance-based selection criteria for selection for the Olympics in his event. Another competitor (R) in a different event was selected to fill the one quota sport that was available. Taylor appealed to the Tribunal. In the interim the NZOC received corrections and further data from the New Zealand Shooting Federation in relation to T. The NZOC reconsidered, decided T had satisfied the selection criteria, terminated R's selection and selected T instead. This led to the unusual situation where the body whose decision was being appealed the NZOC now supported the appeal. R then challenged whether the NZOC could reconsider its decision and terminate her selection and select T instead. While having great sympathy for R, the Tribunal decided the NZOC had the power to do this. The appeal by T was allowed. This case is summarised in more detail later in this Annual Report.

### TRIBUNAL HEARING AND DECIDING OLYMPIC AND PARALYMPIC CASES UNDER URGENCY

The Sports Tribunal sometimes has to hear and decide cases under urgency in order to fit in with the needs of the parties. This sometimes means holding hearings at night and producing decisions soon after the hearing. In two cases this year, involving an appeal against non-selection for the Olympic Games and an anti-doping violation by an athlete who had been selected for the Paralympic Games, there was extreme urgency. This was due to the timing of the closing dates for finalising Olympic and Paralympic teams and the fact that the cases were filed close to these dates.

The Tribunal held an urgent hearing at night of an appeal by shooter Ryan Taylor against his non-selection for the Olympic Games. The appeal was held at night because of urgent timeframes due to the closing date for competitors in the London Olympics being imminent. The Tribunal issued its decision, upholding the appeal the next day.

In the anti-doping case, the Tribunal heard and decided the case on the day it was filed. An urgent hearing and decision was required as the outcome would affect whether the athlete would maintain his place in the New Zealand team. The team had to be finalised and advised by Paralympics New Zealand in the morning of the day after the application was filed. The Tribunal held an urgent hearing at night and gave its decision shortly after the hearing that night.



# SUMMARIES OF CASES DECIDED BY THE SPORTS TRIBUNAL IN 2012/13

## Anti-doping cases

### CANNABIS

#### **Drug Free Sport New Zealand v Jared Neho**

*(ST 05/12) Decision 25 January 2013; Provisional Suspension Decision 11 December 2012*

The Tribunal suspended rugby league player, Jared Neho, for testing positive for cannabis after competing in a Pirtek National Premiership match.

Mr Neho admitted smoking cannabis and that he knew it was prohibited in competition. He said he knew his anti-doping obligations and gave up smoking cannabis before the rugby league competition started. He withdrew from the team for family and work commitments. After he withdrew, he occasionally smoked cannabis again. However, due to injuries and the unavailability of other players, he filled in. He said he had no intention of enhancing his sports performance when he smoked cannabis.

The Tribunal accepted he didn't intend to enhance his sports performance. An aggravating factor was that he knew he shouldn't take cannabis and he played knowing the risk. A mitigating factor was his late call up into the team.

The appropriate starting point for the penalty was a four month suspension. However, under the Sports Anti-Doping Rules, he had to receive credit for the period he had been provisionally suspended commencing from 11 December 2012 when the Tribunal suspended him. Because the time he had been provisionally suspended was in the rugby league off season when he wasn't playing, a credit for this period against a four month period of suspension would result in an effective suspension of less than four months. Taking all the circumstances into account, the Tribunal decided the appropriate penalty was a 12 week suspension starting on 25 January 2013, which prevented him from taking part in pre-season matches and activity.



## **Drug Free Sport New Zealand v Scott Parsons**

*(ST 06/12) Decision 19 December 2012; Provisional Suspension Decision 5 December 2012*

The Tribunal suspended power lifter, Scott Parsons, for four months for testing positive for cannabis after competing in the New Zealand Bench Press Championships.

Mr Parsons admitted the violation and said it was due to him smoking a cigarette he was offered while celebrating at his birthday party. He was later told by the person who gave it to him that it was laced with cannabis oil/hash. His evidence was backed up by a witness. A New Zealand Powerlifting Federation representative stated he had known Mr Parsons for 15 years and that these actions were out of character.

The Tribunal accepted there was no intent to enhance his sports performance. In such cases, the Tribunal has adopted a four month suspension as the starting point when imposing a penalty for a cannabis anti-doping violation. This can be increased or decreased depending on any aggravating or mitigating factors.

There were both aggravating and mitigating circumstances in this case. Mr Parsons wasn't exercising appropriate control and care when offered the cigarette. He was an experienced power lifter who had represented New Zealand and was well aware of the anti-doping regime. On the other hand he didn't know the cigarette was laced with cannabis oil/hash as a result of an action of a third person.

The Tribunal thought that the aggravating and mitigating factors balanced themselves out and that in the circumstances a four month suspension (starting from the date of his provisional suspension on 4 December 2012) was appropriate.

## DIMETHYLPENTYLAMINE (1-3), AKA METHYLHEXANEAMINE

### **Drug Free Sport New Zealand v Damon Tafatu**

*(ST 07/12) Decision 30 April 2013; Provisional Suspension Decision 5 December 2012*

The Tribunal suspended power lifter, Damon Tafatu, for two years for testing positive for dimethylpentylamine (1-3), also known as methylhexaneamine, while competing in the New Zealand Powerlifting Championships.

The mandatory penalty for this violation is a two year suspension. However the suspension period can be less than two years if the athlete can establish:

- How the prohibited substance got in his or her system; and
- That the taking of the prohibited substance was not intended to enhance his or her sports performance.

Mr Tafatu admitted the violation and said he took two supplements on the day of the competition to provide him with an energy boost. He also said he took another supplement the night before the competition to help stay awake while driving several hours to where the competition was held. He didn't carry out any research or make inquiries about the three supplements before consuming them. He believed they were "legal supplements" that he was allowed to consume in the competition.

After the positive test result, he did some Internet research on these supplements and claimed that the positive test must have been due to taking the particular supplement he consumed the night before the competition, which lists the prohibited substance in its ingredients.

At the competition, he declared on the doping form that he had taken the other two supplements but didn't declare the particular supplement taken the day before. He said he thought it was only necessary to list supplements consumed on the competition day. However, the form states "List any prescription or non-prescription, medications and supplements taken over the past three days". In an earlier communication to the Tribunal, he said this supplement was taken "four days before competition" and didn't mention that he had taken this substance the night before competition.

The Tribunal concluded there were too many inconsistencies in his evidence to accept on the balance of probabilities that this supplement was the source of the positive test. These inconsistencies meant his evidence couldn't be relied upon to satisfy how the prohibited substance entered his body and therefore he wasn't eligible for a penalty less than the mandatory two years.

The Tribunal suspended Mr Tafatu for two years commencing from the date of his provisional suspension on 5 December 2012. His competition results were also disqualified.

## **Drug Free Sport New Zealand v Nigel Cordes**

*(ST 04/12) Decision 12 October 2012; Provisional Suspension Decision 15 August 2012*

The Tribunal has suspended power lifter, Nigel Cordes, for 18 months for testing positive for the dimethylpentylamine (1-3) also known as methylhexaneamine, after competing in the North Island Powerlifting Championships.

Mr Cordes admitted the violation and said it was due to a caffeine based supplement he bought from his local sports nutrition store on their recommendation. He gave evidence that, at the time he bought it and later used it, he didn't know that it contained methylhexaneamine. He didn't check on or make inquiries about whether the supplement contained any prohibited substance. He sipped on the supplement during the competition day to help him stay focussed through a long day. He listed on the drug testing form that he had been taking that particular supplement.

The mandatory penalty for this violation is a two year suspension but this can be reduced if the athlete establishes that taking the prohibited substance wasn't intended to enhance sports performance.

The Tribunal noted the conflict in international doping cases over whether an athlete who takes a *product* for performance enhancing reasons, but doesn't know the product contains a prohibited substance, is able to satisfy the test of not taking the *prohibited substance* for performance enhancing reasons. In order to satisfy the test of not taking the *prohibited substance* for sports performance enhancing reasons, some cases have required the athlete to show they didn't take the *product* (even if they didn't know it contained a prohibited substance) to enhance their sports performance. Other cases accepted that if the athlete can show that they didn't know the product contained a *prohibited substance*, they would be able to satisfy the test.

The Tribunal has applied the second approach in its cases and considered it appropriate to continue doing so until the position is clarified by WADA. However, the Tribunal still has to be comfortably satisfied that the athlete didn't know of the presence of the prohibited substance in the supplement. While this question has concerned the Tribunal on the facts of this case, it accepted that on the evidence (particularly that Mr Cordes disclosed use of the supplement on the drug testing form), he wasn't aware of the presence of methylhexaneamine in the supplement. He had established he hadn't taken the prohibited substance for the purpose of improving his performance and was eligible for a penalty of less than two years' suspension.

The Tribunal took into account that Mr Cordes had only been registered as a competitive power lifter for a few months (although he had an association with powerlifting activities for several years) and had no prior direct experience of the Sports Anti-Doping Rules. However, the Tribunal considered he did not exercise reasonable care and was more at fault than other athletes in recent methylhexaneamine Tribunal cases who had received suspensions of 12 months. Unlike those athletes, who had made some inquiries about the supplements or had extenuating circumstances, Mr Cordes failed to take any effective steps to identify the ingredients of the product. The Tribunal suspended him for 18 months and disqualified his second placing in the championships.

## METHAMPHETAMINE AND AMPHETAMINE

### **Drug Free Sport New Zealand v Kurt Allan**

*(ST 08/12) Decision 16 April 2013; Provisional Suspension Decision 10 January 2013*

The Tribunal suspended softball player, Kurt Allan, for two years for testing positive to D-methamphetamine and D-amphetamine at the Men's Final of the National Fastpitch Softball Championships on 9 December 2012.

Mr Allan admitted the violation and advised he did not wish to present any further information about the violation and would abide by the decision of the Tribunal.

The Tribunal therefore suspended him for two years, which is the mandatory penalty for this violation under the Sports Anti-Doping Rules. The two-year period runs from 10 January 2013 when he was provisionally suspended by the Tribunal.

## PROBENECID

### **Drug Free Sport New Zealand v Peter Martin**

*(ST 03/12) Decision 6 August 2012; Reasons for Decision 9 August 2012*

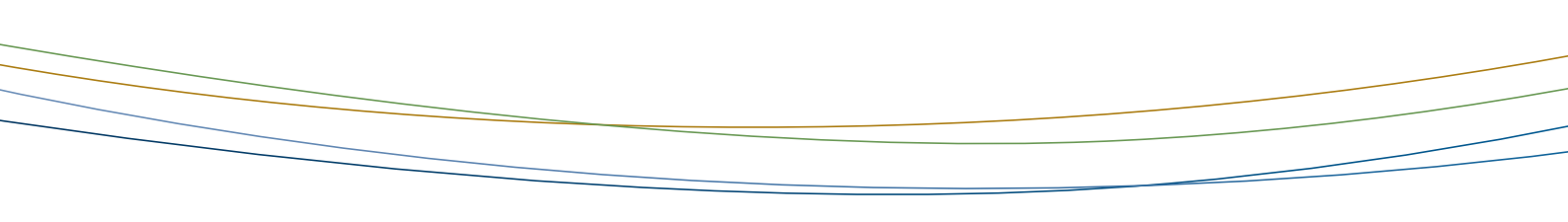
The Tribunal imposed the minimum penalty of a reprimand on Peter Martin for an anti-doping violation involving probenecid.

Peter Martin tested positive for probenecid in an out of competition drug test. Drug Free Sport New Zealand filed anti-doping violation proceedings on 6 August 2012 and requested an expedited hearing. Mr Martin had been selected to represent New Zealand in the Paralympic Games in London, commencing later in August, in shot put and javelin. An urgent hearing and decision was required as the outcome would potentially affect whether Mr Martin would maintain his place in the New Zealand team which had to be finalised and advised by Paralympics New Zealand on the morning of the next day, 7 August.

The Tribunal held an urgent hearing on the night of 6 August and gave its decision shortly after the hearing that night. The Tribunal issued its reasons for its decision on 9 August.

Mr Martin admitted the anti-doping violation but gave evidence it occurred inadvertently as a result of medical treatment. He developed a serious arm infection and attended a 24 hour accident and emergency clinic. A clinic doctor diagnosed him as having cellulitis requiring immediate treatment. The doctor prescribed and administered probenecid as part of the treatment. The doctor gave evidence there was a serious medical emergency, with potentially life-threatening consequences if untreated, and probenecid was seen as an essential treatment option.

Mr Martin gave evidence that he advised the treating doctor, and subsequent medical personnel he saw on return visits for further treatment with probenecid, that he had been selected for the Paralympic Games, was subject to drug testing and couldn't take anything that was prohibited. However, Mr Martin and the doctors didn't realise that probenecid was prohibited in sport. A therapeutic use exemption (TUE) could have been applied for to allow him to take probenecid but in the situation that developed this was overlooked.



The prime responsibility is on athletes to be vigilant in respect of any substance they take. The Tribunal noted that if athletes always have their Drug Free Sport Athlete Guide wallet cards to show medical practitioners, the risk can be eliminated. Mr Martin acknowledged he could have done more but submitted his level of fault was very low in the circumstances. He compared his level of fault to another Tribunal case where an athlete, who received a reprimand only, failed to ask the doctor to refer to the New Ethical's Catalogue to check that probenecid was not prohibited and did not ensure TUE requirements were met but had advised he was subject to drug testing.

The Tribunal was satisfied that Mr Martin was prescribed probenecid for a clear therapeutic reason and that performance enhancement or masking was not an issue in any way. The breach in this case arose out of a critical medical emergency where insufficient attention was given to him being subject to the Drug Free Sport regime. The case is about inadvertence and oversight by a very sick man. The Tribunal was satisfied that in these circumstances issuing a reprimand (and no suspension) sufficiently reflected the actual culpability in the breach.

The Tribunal also stated:

*We would hope that doctors (especially those who hold themselves out to be sports medicine practitioners) will also be mindful of the strict regime which applies to all athletes and counsel and advise patients to ensure that there are not breaches which could be avoided.*

## PARTICIPATING IN SPORT WHILE SUSPENDED

### **Drug Free Sport New Zealand v Nigel Cordes (No.2)**

*(ST 03/13) Decision 7 June 2013*

The Tribunal penalised power lifter Nigel Cordes for playing another sport, cricket, while he was suspended.

On 12 October 2012, the Tribunal suspended Mr Cordes for 18 months (commencing from 15 August 2012) for an anti-doping violation he committed while competing in power lifting.

Between 12 November 2012 and 9 March 2013, he competed in 12 club cricket games. His playing the cricket games was a violation of the Sports Anti-Doping Rules (the Rules). The Rules prohibit a suspended athlete from participating in any sport that is a signatory to the WADA Code (which includes most sports) while that athlete is suspended.

Mr Cordes admitted the violation but gave evidence it was unintentional. He hadn't realised his suspension applied to sports apart from power lifting and prevented him playing cricket. He'd checked the Tribunal's decision and the Rules before playing cricket to see if anything stopped him playing but hadn't understood that the Rules prevented him playing it while suspended.

The Tribunal thought Mr Cordes was at fault. If he'd checked with Drug Free Sport or taken advice on the Rules, he would have been aware that playing cricket while suspended was a violation. Although the Rules are in technical terms, they are clear that for a suspended athlete to participate in an activity authorised or organised by any signatory of the WADA Code, or a club which is a member of that signatory, is a further violation.

Under the Rules, the original period of suspension starts again at the date of the last breach of suspension unless the athlete can establish he or she has "no significant fault". The Tribunal thought some factors assisted Mr Cordes:

- The sport in which he participated (cricket) was different from the one he was competing in when he committed the anti-doping violation and was originally suspended
- He did try to check whether he was prohibited from playing cricket
- The Tribunal decision suspending him hadn't specifically drawn his attention to the fact the suspension applied across all sports, but the Tribunal had made him aware of this in its earlier provisional suspension decision
- The Tribunal noted an American case that decided an athlete who had unintentionally breached a suspension had a lack of significant fault in the circumstances of that case.

In the particular circumstances of this case, the Tribunal decided Mr Cordes was entitled to a reduction of penalty under the "no significant fault" rule. The Tribunal imposed a suspension of 15 months (instead of 18 months) commencing from 9 March 2013.

## **Drug Free Sport New Zealand v Jared Noho (No.2)**

*(ST 01/13) Decision 16 April 2013*

The Tribunal penalised Jared Noho for playing rugby league while suspended.

On 25 January 2013, the Tribunal suspended Mr Noho for 12 weeks for an anti-doping violation. On 17 February, he competed in a pre-season trial match organised by two rugby league clubs.

His playing was in breach of the suspension order. The Tribunal's decision, in January, stated that under the Sports Anti-Doping Rules (the Rules) Mr Noho:

*... may not during the period of ineligibility participate in any capacity in a competition or activity authorised or organised by New Zealand Rugby League or a rugby league club or in any similar activities in any other sport which is a signatory to the Rules.*

Mr Noho admitted the violation. He mistakenly thought the suspension didn't apply to this club match as it wasn't sanctioned by his regional rugby league body. He also received informal advice from a club president who thought it was okay for him to play for the same reason.

The Tribunal accepted that Mr Noho genuinely made a mistake in believing he could participate in the game, reinforced by advice he received, and that he didn't intend to breach the suspension.

However, that didn't mean he had "no significant fault", required under the Rules to get a reduced penalty. There is a high level of personal responsibility imposed on athletes by the Rules. Receiving informal advice from someone in the club president's position, without directly checking the correctness of that advice, won't in normal circumstances be sufficient for an athlete to establish "no significant fault". For example, Mr Noho could have checked first with Drug Free Sport New Zealand whether his suspension prevented him playing in this game.

As Mr Noho couldn't establish "no significant fault" for his breach, there was no basis to reduce any further required suspension penalty. As required under the Rules, Mr Noho was suspended for 12 weeks commencing from the date of the breach on 17 February 2013.

The Tribunal commented on what suspended players can and can't do. The phrase "participating in any capacity" in the Rules prevents a suspended athlete taking part in various activities, not just "playing" sport. Prohibited activities include activities organised by sports clubs and not just national or regional sports bodies.

The Tribunal noted that a suspension order made under the Rules:

*... generally means that a suspended athlete will not be permitted to play or compete (whether in a competition, a "friendly" game between clubs or a pre-season trial), train with a team, coach others or otherwise participate in most sports (not just their own sport) during the time they are suspended.*

## Appeals against decisions of NSOs

### NOMINATION/SELECTION APPEALS

#### **Ryan Taylor v New Zealand Olympic Committee**

*(ST 02/12) Decision 6 July 2012; Reasons for Decision 20 July 2012*

On the night of 5 July 2012, the Tribunal held an urgent hearing of an appeal by 50m prone rifle shooter Ryan Taylor (T) against his non-selection for the London Olympic Games. The appeal was held at night because of urgent timeframes due to the closing date for competitors in the London Olympics being imminent. The Tribunal issued its decision, upholding the appeal the next day.

A quota place had been won for the Olympics in women's air rifle but no shooters in that category achieved qualifying standards. The NZ Shooting Federation (NZSF) requested that the NZOC agree to reallocation of the quota to Men's 50m Prone Rifle and nominated T for Olympic selection in that event.

The NZOC decided T did not satisfy the selection criteria (capability of top 16 in world in Olympic context and prospect of top 8 finish at the Games) and did not agree to the quota reallocation. The quota was reallocated to the Women's Trap by the International Federation and shooter Natalie Rooney (R) was selected.

After T's appeal was filed with the Tribunal, the NZOC received corrections to some data it had been supplied with from the NZSF and further information concerning T and competitors.

The NZOC subsequently reconsidered and revoked its original decision by a further decision deciding T had satisfied the selection criteria for the Olympics. The NZOC terminated R's selection and selected T instead. The NZOC therefore supported T's position on appeal that he should be selected.

R as an interested party challenged whether the Tribunal had the jurisdiction to hear the appeal, whether the NZOC could reconsider its decision in relation to T and if the Tribunal had the jurisdiction to hear the appeal, she submitted the Tribunal should exercise a discretion not to determine the appeal.

The Tribunal held it had jurisdiction to determine the appeal and that the original decision of the NZOC was also a selection decision as well as a reallocation decision. T's appeal was a selection appeal under the NZOC/NZSF agreement and he had a right of appeal. The Tribunal rejected arguments that because T failed to comply with some procedural aspects under the agreement this meant the Tribunal did not have jurisdiction.

The Tribunal held that NZOC selectors were acting within their powers when making their decision to select T and terminate R's selection. Clause 7.6 of the NZOC/NZSF agreement allows selectors to terminate the selection of an athlete and select another athlete in that athlete's place. The Tribunal also noted that if the positions of T and R were to be considered together on the basis that both satisfied the selection criteria, T had precedence under the quota reallocation in that he was in Priority 2 (quota to remain within discipline) and R was in Priority 3 (quota to stay within sport). The NZOC's decision could not be impugned. The Tribunal expressed sympathy for R but said it was required to determine the appeal in accordance with the provisions of the agreement. The Tribunal had doubts that it had a discretion to not hear and decide the appeal; but even if it had such a discretion this was not an appropriate case to exercise it. The appeal was upheld.



# CASES DEALT WITH BY THE TRIBUNAL FROM 2003 TO 2013

The Tribunal was established in 2003 and dealt with only one case in that year. Over time, the Tribunal has dealt with an increasing number of cases and there have been no appeals against any of its decisions since 2004.

## Statistical analysis of cases dealt with by the Tribunal from 2003 to 2013

As at 30 June 2013, there were 141 decisions (or records of settled cases) on the Sports Tribunal website.

It should be noted that the Tribunal has been involved in more disputes than this, which were subsequently withdrawn or otherwise settled by parties (sometimes with the Tribunal's assistance).

It should also be noted that this figure does not include provisional suspension decisions. Since the Sports Anti-Doping Act 2006, the Tribunal is usually the body that decides provisional suspension applications which are usually referred by National Sports Organisations. In most substantive anti-doping cases since this time, the Tribunal has had to decide provisional suspension applications which have required a separate hearing and the issuing of a separate decision. In 2012/13, the Tribunal heard and decided four provisional suspension applications.

Anti-doping cases make up approximately two-thirds of the Tribunal's cases. Of the 141 substantive decisions on the website, 93 (approximately 66%) are anti-doping cases.

The remaining cases are appeals against decisions of national sports organisations (NSOs), and, on occasion, the New Zealand Olympic Committee (NZOC). Although some appeals against a decision by an NSO have been referred to the Tribunal by agreement between the parties when no jurisdiction has been provided in the relevant NSO's constitution or rules, the Tribunal has yet to receive any other "sports-related" disputes referred by agreement that are not essentially appeals against decisions of NSOs or the NZOC.

### ANTI-DOPING CASES HEARD BY THE TRIBUNAL

As at 30 June 2013, the Tribunal has issued 95 substantive decisions in 93 anti-doping cases. The 95 substantive decisions include:

- A 2003 case that appears on the website, for which the Tribunal released a decision ruling it had no jurisdiction
- Two other anti-doping cases where the Tribunal ruled it did not have jurisdiction but the Tribunal did not publicly release the rulings in these cases; and
- Three decisions relating to one case.

## ANALYSIS OF ANTI-DOPING CASES HEARD BY THE TRIBUNAL

Of the 95 anti-doping substantive decisions by the Tribunal, there were:

- 44 cases of Cannabis, when not used in conjunction with another prohibited substance
- 7 cases of a failure or refusal to provide a sample
- 6 cases of Dimethylpentylamine (1-3), also known as Methylhexanamine
- 3 cases of Methamphetamine/Amphetamine
- 3 cases of Probenecid
- 2 cases of BZP (Benzylpiperazine)
- 2 cases of Ephedrine
- 2 cases of Terbutaline
- 2 cases of Clenbuterol
- 2 cases of Furosemide
- 2 cases of Morphine
- 2 cases of athletes participating in sport while suspended
- 1 case of Methamphetamine/Amphetamine/cannabis
- 1 case of synthetic Cannabis (JWH-08)
- 1 case of Canrenone
- 1 case of Nandrolone
- 1 case of EPO (erythropoietin)
- 1 case of Stanozolol/Hydrochlorothiazide/Amiloride
- 1 case of Stanozolol/Nandrolone/Furosemide
- 1 case of Boldenone and Testosterone
- 1 case of the following numerous violations (T/E ratio > 4:1; Oxymesterone; Metabolites of Methandienone; Metabolites of Methyltestosterone; Metabolites of Oxymetholone; 19-norandrosterone)
- 1 case of attempted use and possession of prohibited substances (EPO, hCG and pregnyl solvent)
- 1 case of numerous violations involving: possession, use and attempted use of various prohibited substances, failure or refusal to provide a sample, and participating in sporting activity while suspended
- 1 decision concerning jurisdiction (relating to the attempted use and possession case)
- 1 decision disqualifying results (this also related to the attempted use and possession case)
- 2 cases where the Tribunal found there had been no anti-doping violation (details of both cases are confidential)
- 3 cases where the Tribunal ruled it had no jurisdiction to hear the case.



## CANNABIS CASES BY SPORT

The sports that the athletes were playing when tested in each of the 45 cases involving cannabis (either by itself or with other substances) were:

- Rugby League 15 cases
- Basketball 10 cases
- Touch 8 cases
- Softball 7 cases
- Boxing 2 cases
- Powerlifting 2 cases
- Wrestling 1 case.

## SANCTIONS IN CANNABIS CASES

Sanctions imposed in the 45 cases involving cannabis were:

- Suspension 32 cases
- Warning and reprimand 9 cases
- Deferred suspension (education programme) 1 case
- Fine and warning 2 cases.

In one case, the Tribunal found the athlete was not at fault and did not impose a penalty.

### **FIRST CANNABIS VIOLATIONS:**

Suspensions imposed for first cannabis violations have generally been in the range of 1 to 2 months for first violations. However, in 2010 the Tribunal adopted an increased starting point of 4 months for first cannabis violations.

### **SECOND CANNABIS VIOLATIONS:**

There have been 3 cases of athletes committing their second anti-doping violation involving cannabis:

- Two received the then mandatory suspension of 2 years for a second offence
- In the third case, a suspension of 18 months was imposed.

### **THIRD CANNABIS VIOLATIONS:**

There has been one case (in 2010) of an athlete who committed his third cannabis violation:

- A 10-year suspension was imposed on this athlete.

## APPEAL CASES HEARD BY THE TRIBUNAL

### APPEAL CASES BY APPLICATION TYPE

There are 46 decisions listed on the Tribunal website as at 30 June 2013 involving appeals against decisions of NSOs and/or the NZOC. This includes two costs decisions. These appeal cases can be categorised as follows:

- 22 Tribunal decisions relating to athletes or other members of NSOs appealing disciplinary decisions (includes separate costs decisions in two cases)
- 16 Tribunal decisions relating to athletes appealing their non-nomination or non-selection for a New Zealand team or squad
- 8 Tribunal decisions relating to appeals of other decisions (that is, cases that were not appeals against non-nomination/non-selection or were not appeals against disciplinary decisions).

These are broken down into more detail in the next sections.

### DISCIPLINARY APPEALS

In relation to disciplinary appeals there have been 22 decisions or records of settlement (relating to 21 cases):

- 15 appeals by athletes or officials against being suspended by the NSO for misconduct
- 3 appeals against being disqualified from a race
- 1 appeal against finding of breaching rules during a race and being fined
- 1 appeal against final results in a race
- 2 decisions relating to costs in disciplinary appeals.

### APPEALS AGAINST NON-SELECTION/NON-NOMINATION FOR A NEW ZEALAND TEAM OR SQUAD

There have been 16 cases relating to athletes or coaches appealing their non-nomination or non-selection for a New Zealand team or squad:

- 7 appeals against non-nomination or non-selection for the Olympic Games
- 1 appeal against non-nomination or non-selection for the Commonwealth Games
- 2 appeals by a coach against non-nomination or non-selection for the Youth Olympic Games
- 6 appeals against not being selected for a New Zealand team.

## OTHER APPEALS

There have been eight cases relating to appeals of “other” decisions (that is, appeals other than non-nomination/non-selection or disciplinary appeals):

- 3 appeals against not being nominated for an academic scholarship
- 1 appeal by a referee against not being nominated for an international referees’ clinic
- 1 appeal against a decision not to grant approval for a roll bar on a racing car
- 1 appeal by an NSO against a decision of the NZOC to suspend its membership
- 1 appeal against a decision not to allow a kart racer to compete in a race class due to restrictions on the type of fuel that can be used (and whether there was jurisdiction to hear the appeal)
- 1 appeal against a decision that a bowler had exhausted his appeal rights against a decision not upholding his protest about a match official (and whether there was jurisdiction to hear the appeal).

## APPEAL CASES UPHELD

The Tribunal has upheld, or partially upheld, approximately 35% of the appeals it has heard (if costs decisions and appeals settled with mediation or other assistance from the Tribunal are discounted).

The Tribunal has upheld, or partially upheld, appeals in 15 cases:

- 5 disciplinary appeals were upheld
- 2 disciplinary appeals were partially upheld
- 3 appeals relating to non-nomination/non-selection for the Olympic Games
- 2 appeals by coaches relating to non-nomination/non-selection for the Youth Olympic Games
- 1 appeal against not being selected for a New Zealand team to compete in a world championship
- 1 appeal relating to non-approval of a roll bar on a car
- 1 appeal against a decision that a bowler had exhausted his appeal rights against a decision not upholding his protest about a match official.

## CASES SETTLED WITH MEDIATION OR OTHER ASSISTANCE BY TRIBUNAL

Eight cases have been settled with assistance from the Tribunal:

- 5 disciplinary appeals have been settled as a result of formal mediation proceedings conducted by the Tribunal
- 1 other disciplinary appeal was settled with assistance from the Tribunal but did not involve formal mediation
- 2 other non-disciplinary sports disputes were settled with mediation assistance from the Tribunal.

## COSTS DECISIONS

There have been two decisions specifically devoted to deciding costs applications. In both these cases, costs were sought by an NSO:

- One related to a disciplinary appeal that was struck out for lack of jurisdiction
- The other related to a disciplinary appeal partially upheld.

The costs application was dismissed in both cases and costs were not awarded.



## MEDIATION – NEW DIRECTION THIS YEAR

In appropriate cases, the Tribunal can offer mediation assistance to parties to help them 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.

A new direction this year has been that in two cases, national sporting organisations requested the Sports Tribunal to mediate and facilitate the resolution of internal disputes. The Chairman of the Tribunal provided mediation assistance to the parties and facilitated solutions in both instances. This helped the parties subsequently resolve their disputes.

## SEMINARS ON THE SPORTS TRIBUNAL

The Registrar and various Sports Tribunal Members (past and present) participated as key speakers in a series of regional seminars on the Sports Tribunal. These seminars were organised by ANZSLA (the Australian and New Zealand Sports Law Association) and were held in Auckland, Wellington and Christchurch.

Brent Ellis, Registrar of the Tribunal, took part in all the seminars and presented an introduction to the Sports Tribunal, its procedures and associated law.

Chantal Brunner, Tim Castle and Nick Davidson QC presented on the perspective of Sports Tribunal Members and particularly on what they are looking for from advocates who appear before the Tribunal.

Well-known sports lawyers – Ian Hunt, Paul David and His Honour Judge Peter Hobbs – also presented on their experiences as an advocate appearing before the Sports Tribunal and offered tips and advice to lawyers in the audiences.

The seminars were very successful and well received. They helped raise the profile of the Sports Tribunal and provided high quality, useful and educational information about the Tribunal. Several sports lawyers applied to join, and were accepted into, the Sports Tribunal's Legal Assistance Panel as a direct result of the seminars.

# NEW SPORTS TRIBUNAL WEBSITE LAUNCHED

The new Sports Tribunal website was launched this year. The new website is:

- more modern and contemporary in design
- more accessible and user friendly
- easier to search and find information
- contains new options for displaying recent decisions and recent news
- contains information specifically written for various groups such as athletes, NSOs and the media.

The screenshot shows the homepage of the Sports Tribunal of New Zealand website. At the top, there is a navigation bar with links for HOME, CONTACT US, FAQs, and ABOUT THE SPORTS TRIBUNAL. Below this is a search bar with the text "Enter Keyword" and a "SEARCH" button. The main navigation menu includes links for HOW WE WORK, DECISIONS, NEWS, RULES & FORMS, PUBLICATIONS & RESOURCES, and a "SHOW ALL" dropdown. The central banner features a cyclist in action with the text "Welcome to the Sports Tribunal of New Zealand" and a description: "The Sports Tribunal is an independent body that determines certain types of disputes for the sports sector." Below the banner are buttons for "RECENT DECISIONS" and "HOW WE WORK". To the right, there is a "QUICK LINKS" section with a "QUICK LINKS" heading, a "QUICK LINKS" image, and two "Information for:" and "I want to:" dropdown menus with "GO" buttons. Below the banner, there are three main content areas: "WHAT'S NEW!" with three news items, "PUBLICATIONS & RESOURCES" with a list of publications, and "DOWNLOAD" with a link to the Information Guide. At the bottom, there are four small images with text overlays: "POSITIVE DRUG TEST?", "HOW DO I APPEAL A DECISION OF MY NSO OR THE NZOC?", "WHAT IS THE PROCESS?", and "NEED LEGAL ASSISTANCE?".

**SPORTS TRIBUNAL of New Zealand**

HOME | CONTACT US | FAQs | ABOUT THE SPORTS TRIBUNAL

Enter Keyword

**HOW WE WORK** **DECISIONS** **NEWS** **RULES & FORMS** **PUBLICATIONS & RESOURCES** **SHOW ALL**

**Welcome to the Sports Tribunal of New Zealand**

The Sports Tribunal is an independent body that determines certain types of disputes for the sports sector.

**QUICK LINKS**

Information for: Please select

I want to: Please select

**WHAT'S NEW!**

[Appointments and reappointments to the Sports Tribunal announced.](#)  
4 JULY, 2013  
Appointments and reappointments to the Sports Tribunal announced. See media release of Minister for Sports and Recreation 4 July 2013.

[Athlete penalised for playing sport while suspended](#)  
18 JUNE, 2013  
The Sports Tribunal has penalised power lifter Nigel Cordes for playing sport (cricket) while under suspension for an anti-doping violation. The Tribunal has suspended Nigel Cordes for 15 months...

[Powerlifter suspended for two years for methylhexaneamine anti-doping violation](#)  
3 MAY, 2013  
The Sports Tribunal has suspended powerlifter Damon Tafatu for two years for a methylhexaneamine anti-doping violation. Read decision, media release and summary.

[Rugby league player penalised for playing while suspended](#)  
22 APRIL, 2013  
The Sports Tribunal has penalised Jared Noho for playing rugby league while under suspension for an anti-doping violation. The Tribunal has suspended Jared Noho for 12 weeks commencing from the date...

**PUBLICATIONS & RESOURCES**

Read and download Annual Reports and other publications and resources for the Sports Tribunal.

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**DOWNLOAD**

[The Information Guide to the Sports Tribunal](#)

The Information Guide contains easy to follow step by step guides on the process for each type of dispute the Tribunal hears, including what to do to take a dispute to the Tribunal. It also outlines what to do if anti-doping or other proceedings are brought against you.

**POSITIVE DRUG TEST?**

**HOW DO I APPEAL A DECISION OF MY NSO OR THE NZOC?**

**WHAT IS THE PROCESS?**

**NEED LEGAL ASSISTANCE?**

# 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 for 2011/12 and 2012/13 were as follows:

2011/12 Year			2012/13 Year		
Other operating costs	Number of cases decided	Average cost per case	Other operating costs	Number of cases decided	Average cost per case
\$71,704	10	\$7,170	\$40,231	9	\$4,470

The above figures show the average other operating costs per case for the Tribunal for 2011/12 and 2012/13. These figures comprise costs associated with the Tribunal hearing and deciding cases, such as the aggregate fees paid to Tribunal members, and costs of travel and hiring of hearing venues.

Although the total number of cases decided decreased only slightly compared to the previous year, the total other operating costs decreased significantly as did the average cost per case. The average cost per case fell from \$7,170 in 2011/12 to \$4,470 in 2012/13. This is a pleasing result and shows the Tribunal is operating very efficiently.

The figures above do not include provisional suspension cases, which generally require a separate hearing and decision. There were four of these cases decided in 2012/13. If provisional suspension cases are factored in, then the average cost per case in 2012/13 drops to \$3,102. See below.

2011/12 Year			2012/13 Year		
Other operating costs	Number of cases decided including provisional suspensions	Average cost per case	Other operating costs	Number of cases decided including provisional suspensions	Average cost per case
\$71,704	16	\$4,482	\$40,231	13	\$3,102

# SPORTS TRIBUNAL BIOGRAPHIES

## Current Members of the Sports Tribunal



### **CHAIR: HON SIR BRUCE ROBERTSON KNZM**

Sir Bruce was appointed a High Court Judge in 1987 and a Court of Appeal Judge in 2005. He retired in 2010. He is President of the Court of Appeal in Vanuatu and of the Court of Appeal in Pitcairn Island. He has also sat on the Court of Appeal in Samoa. Sir Bruce was Chair of the Rugby World Cup Authority. He holds and has held several other appointments in legal and judicial circles, many of them of an international nature, and in community affairs.



### **DEPUTY CHAIR: ALAN GALBRAITH QC**

Alan Galbraith QC is an eminent barrister and former Rhodes Scholar, who was appointed a Queen's Counsel in 1987 and has also acted as 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 Racing Industry Board (1992–96). Alan has a long career in athletics, winning several New Zealand and Australian age-group track titles and, more recently, winning World Masters age-group titles in the 1500 metre (2001) and 10 kilometre road race (2004).



### **DEPUTY CHAIR: DR JIM FARMER QC**

Jim Farmer QC is a barrister and former lecturer in law at Auckland and Cambridge Universities, with a PhD from Cambridge, with Blues awarded by both universities in track and cross country running. He was at one time holder of the New Zealand Universities 3 mile record and winner of the Auckland 6 mile track title. In recent years, he has steered his "Georgia keelboats" to New Zealand Championships and last year was the outright winner of the Geelong Race Week in Australia. He was, until recently, a director of Team New Zealand. He took part in the Targa Motor Rally in October 2013 and remains an active runner.



### 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 a member of the New Zealand Olympic Committee and is the convenor of the New Zealand Olympic Committee Athletes' Commission. She works as legal counsel for Les Mills in Auckland.



### RON CHEATLEY MBE

A company managing director, Ron is well known for his many years' experience in sport administration and particularly for his involvement with cycling as a competitor, coach and administrator. He has been a cycling coach for four Olympic Games, four Commonwealth Games, seven World Championships and five Oceania Championships, and his cyclists have won a total of 48 international medals for New Zealand. His achievements have been recognised with the Halberg Awards "Sportsman of the Year" Coach Award in 1989/90 and 1998, and his naming as a Life Member of Cycling New Zealand.



### DR LYNNE COLEMAN

Lynne is a general practitioner and sports doctor who has been involved with elite sport for more than a decade. Initially with North Harbour rugby and netball teams, Lynne is now Medical Director for Basketball NZ, Swimming NZ and the New Zealand women's rugby team (Black Ferns). She also travels as a doctor for the Tall Ferns and Black Ferns teams. Lynne was a doctor for the New Zealand Olympic Health Team at Athens in 2004, co-led the Health Team for the Melbourne Commonwealth Games in 2006 and led the Health Team at the 2008 Beijing Olympics. She is a supervisory "doping" doctor to the international basketball organisation FIBA for Oceania events. Lynne has also been an elected member of the Waitemata District Health Board since 2001.



### ROB HART

Rob played cricket for Northern Districts from 1992 to 2004 and for the Black Caps from 2002 to 2004. Until recently he was a Board member of the New Zealand Cricket Players Association and is now currently a Board member of New Zealand Cricket. Rob is also on the Board of The Balloons Over Waikato Charitable Trust. He works as a lawyer at Ellice Tanner in Hamilton.



### ANNA RICHARDS MNZM

Anna Richards is New Zealand's most capped female rugby player, having played in the Black Ferns since 1990. Anna has also represented New Zealand in Touch and played netball and tennis at provincial levels. She has a legal background and has worked as a tax consultant for KPMG Peat Marwick, and is currently Programme Manager for the Alan Duff Charitable Foundation (Books in Homes). Anna was made a Member of the New Zealand Order of Merit in 2005 for services to rugby.

## Recently Retired Member of the Sports Tribunal



### CHAIR: HON BARRY PATERSON CNZM, OBE, QC

Barry Paterson is a retired High Court Judge who, prior to his appointment to the Bench, practised as a solicitor and then as a barrister in Hamilton. He currently undertakes arbitrations and mediations. In addition to chairing the Sports Tribunal, Barry chairs the New Zealand Press Council, the Independent Oversight Group supervising Telecom's separation, and Paymark Limited. He is a Fellow (both arbitration and mediation) of the Arbitrators' and Mediators' Institute of New Zealand (AMINZ) and sits on Courts of Appeal in several Pacific Islands. He is also a member of the Court of Arbitration for Sport. He served as a Board member of New Zealand Cricket for 25 years and has had lengthy involvement in administration and legal matters in several sports.

## Registrar of Sports Tribunal



### BRENT ELLIS

Brent has degrees in anthropology, psychology and law, and is enrolled as a barrister and solicitor of the High Court of New Zealand. He previously worked for a number of years at the Office of Film and Literature Classification. He also spent several years as a legal advisor and Judges' Clerk at the Court of Appeal and the Employment Court. Brent has published in employment law and sports law, including the chapter "Legal Liability in Sport and Recreation" in the sports law book *Winning the Red Tape Game*. He was appointed Registrar of the Sports Tribunal in November 2004.

## CONTACT INFORMATION

The Sports Tribunal's office is in Wellington. Inquiries should be directed to Brent Ellis, Registrar of the Sports Tribunal.

### CONTACT DETAILS:

Brent Ellis

Registrar

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Fax: 0800 55 66 81

Email: [info@sportstribunal.org.nz](mailto:info@sportstribunal.org.nz)

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