

MEDIA RELEASE

8 May 2006

The following is a summary of the decision of the Sports Disputes Tribunal of New Zealand in the case of **Softball New Zealand v Lance Abbot** (SDT/11/06). This is not the written decision of the Tribunal for the purposes of its rules.

Tribunal has warned and reprimanded softball player for cannabis violation

The Sports Disputes Tribunal has reprimanded and warned softball player Lance Abbot for committing an anti-doping violation involving cannabis.

Mr. Abbot tested positive for cannabis after participating in the Men's Provincial Cup in Palmerston North on 7 January 2006.

Circumstances of drug use

Mr. Abbot admitted the violation and in a letter to the Tribunal stated that:

- he smoked cannabis on 28 December 2005 prior to the tournament
- the cannabis use took place during his stag night where he had “too much to drink”
- he does not take cannabis or any other drugs on a regular basis
- the positive result was a “huge shock” as he has previously been drug tested on four occasions, which were all negative
- the cannabis use was not to enhance his softball performance
- he was embarrassed considering he had been a New Zealand representative but took full responsibility for his actions
- he apologised and would “hate to think that one night of stupidity would impact in such a way that I may not be able to play softball, or any sport for that matter, for up to two years”.

Principles applied

The Tribunal applied the principles it had outlined in the recent case of *Softball New Zealand v Justin Karaitiana* (SDT 12/06, 28 April 2006). These apply to an athlete committing a first anti-doping violation involving cannabis.

If the athlete satisfies the Tribunal that there was no intention to enhance sporting performance, the likely penalty will be a reprimand and warning provided the Tribunal is also satisfied that:

- the cannabis use was unrelated to the sport
- the cannabis use by the athlete did not represent any danger to other competitors, officials or members of the public and

- there are no other “aggravating” circumstances indicating that a reprimand and warning would not be sufficient.

The Tribunal’s conclusions in this case

Applying these principles, the Tribunal concluded:

- this was a first offence
- Mr. Abbot did not smoke cannabis for performance-enhancing purposes
- the use of cannabis was unrelated to the sport and
- there was no danger to other competitors, officials or spectators.

In relation to whether there were any aggravating circumstances, the Tribunal noted:

- Mr. Abbot had represented New Zealand in softball in 2001 and was well informed by Softball New Zealand of its adherence to an anti-doping policy.
- However, cannabis was not on the World Anti-Doping Code (WADA Code) Prohibited List in 2001 and was only added in 2004.

The Tribunal concluded that there were no aggravating circumstances:

“With considerable reservations, therefore, we are prepared to accept that the player in this case was not fully informed, in early 2006, that he was at serious risk of breaching the anti-doping policy by the use of cannabis in December 2005, and that there are no aggravating circumstances. We remind Mr Abbot – and others – that the duty to adhere to the strict requirements of the WADA Code is primarily that of the athlete and that liability is strict. It is no excuse to say that the athlete’s sports organisation did not warn the athlete of his or her obligations to ensure that no breach of the sport’s anti-doping policy occurs.”

The Tribunal also made the following observations about Mr. Abbot’s initial reluctance to participate in the proceedings:

“Mr Abbot displayed an almost cavalier disregard for the seriousness of his situation when notified of the Drug Free Sport NZ’s determination in this case and the application to the Tribunal by Softball New Zealand for the imposition of a sanction. It was only through the persistent efforts of Mr Eagar, on behalf of Softball New Zealand, and the Registrar of the Tribunal, Brent Ellis, to encourage Mr Abbot to take part in the process that Mr Abbot filed his defence and explanation. To his credit, he has apologised to the Tribunal and his sport for not having done so much earlier in accordance with the Tribunal’s Rules.

Without having engaged in the process in this way, Mr Abbot would have had no basis for satisfying the Tribunal that he did not intend to enhance his sporting performance through the use of cannabis and the Tribunal would have been obliged to impose a period of two years’ ineligibility to participate in all competitive sport.”

For further information, contact Brent Ellis, Registrar, Sports Disputes Tribunal of New Zealand (telephone: 0800 55 66 80; e-mail: info@sportstribunal.org.nz).