

**BEFORE THE SPORTS TRIBUNAL  
OF NEW ZEALAND**

**ST 08/12**

**BETWEEN                      DRUG FREE SPORT NEW ZEALAND**

**Applicant**

**AND                             KURT ALLAN**

**Respondent**

**AND                             SOFTBALL NEW ZEALAND**

**Interested Party**

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**REASONS FOR DECISION GIVEN ON 10 JANUARY 2013**

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**Hearing:**                      10 January 2013  
by telephone conference

**Tribunal:**                     Barry Paterson QC (Chairman)

**Present:**                     Kurt Allan (Athlete)  
Graeme Steel (Drug Free Sport New Zealand)  
Dane Dougan (Softball New Zealand)  
Duncan Enoka (Athlete's Coach)

**Tribunal Officer:**         Aneta Valcheva

1. Drug Free Sport New Zealand (Drug Free Sport) filed an application on 21 December 2012 seeking provisional suspension of Kurt Allan under the provisions of the Sports Anti-Doping Rules (2012) (the Rules). Because of Mr Allan's absence on holiday it was not possible to arrange a hearing until 10 January 2013.
2. The application alleges that Kurt Allan committed an anti-doping violation by playing in the Men's Final of the Softball National Fast Pitch Championship played on 9 December 2012 with D-methamphetamine and D-amphetamine in his system.
3. Under the provisions of r12.8 of the Rules, a provisional suspension is to be promptly imposed on an athlete where there has been an A Sample Adverse Analytical Finding other than for a Specified Substance. The two substances for which Kurt Allan has tested positive are not Specified Substances.
4. In the circumstances, as r12.8 is expressed in mandatory terms, Kurt Allan was advised on 10 January 2013 that he had been provisionally suspended pursuant to r12.8 of the Rules and notice of the suspension was given to him on that day. As such, he may not take part in any way in any event or activity organised, sanctioned or authorised by Softball New Zealand or any member organisation or club of Softball New Zealand.
5. Kurt Allan has requested that his B sample be tested and this matter will be further progressed once the result of the B sample has been received.

Dated 15 January 2013



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**B J Paterson QC**  
**Chairman**