

MEDIA RELEASE

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Sports Tribunal Suspends Basketball player for Cannabis Violation

The Sports Tribunal has suspended basketball player, XYZ, for three months as a result of a positive cannabis test while playing for a NBL team.

XYZ admitted the violation. XYZ is a professional basketballer based in the USA. He had not secured a contract for any team in the 2010/2011 season and had not expected he would be able to do so. He gave evidence that he used cannabis with friends at the end of March when he thought there was no prospect of him competing. His agent then secured him a contract with a New Zealand NBL team which XYZ accepted.

XYZ played his first game on April 16 and was drug tested after it. After the test he immediately told his coach there was a possibility he would fail the test because of his prior cannabis use in the USA. As a result of this voluntary statement, the NBL team terminated his contract and he returned to the USA. The Tribunal noted that if he had not have made this voluntary statement it was likely he would have played several more games, and earned income, before the positive test result was known.

Four months' suspension is now the starting point, in the Tribunal, for a penalty for a cannabis violation. This may be increased or reduced depending on aggravating and mitigating factors. An aggravating factor was that he took a risk in playing when he knew there could be problems due to his cannabis use a few weeks earlier. Mitigating factors included:

- That his cannabis use in March 2011 was not in breach of the WADA Code or the Sports Anti-Doping Rules as he was not contracted at that time (although he was in breach later when testing positive in competition).
- His honesty in voluntarily disclosing to the NBL team's coach that he might fail the drug test and his explanation of the reason why, and his subsequent openness and co-operation with Drug Free Sport New Zealand.
- The significant adverse impact on him of his voluntary disclosure which led to the immediate termination of his contract with the NBL team.

Other factors noted by the Tribunal were that a long suspension could result him losing the prospect of obtaining an international contract for the upcoming season and his honesty and openness during this matter. Given the mitigating factors (particularly the voluntary admission made immediately after the test and the consequences that followed), the Tribunal was prepared to take into account the effect of his voluntary admission and effective suspension from 17 April in deciding the appropriate penalty.

The Tribunal imposed a further four week period of suspension from the date of hearing (13 June 2011) to 11 July 2011, resulting effectively in a total period of suspension of 12 weeks.

The decision in this case will be made available for download from the website of the Sports Tribunal (www.sporttribunal.org.nz). See *Drug Free Sport New Zealand v XYZ* (ST 05/11). Copies can also be obtained directly from Brent Ellis, Registrar, Sports Tribunal of New Zealand (telephone: 0800 55 66 80; e-mail: info@sporttribunal.org.nz).