

BETWEEN **BASKETBALL NEW ZEALAND INCORPORATED**

 Applicant

AND **XYZ**

 Respondent

**PROVISIONAL SUSPENSION DECISION
DATED 8 JUNE 2011**

Hearing: 31 May 2011 by telephone conference

Tribunal: Alan Galbraith QC (Deputy Chairperson)
 Anna Richards
 Chantal Brunner

Present: XYZ, athlete
 Michael Smyth, counsel for XYZ
 Tim Hamilton, Basketball New Zealand
 Jayne Kernohan, Drug Free Sport New Zealand

Registrar: Brent Ellis

1. Basketball New Zealand Incorporated has brought an application for provisional suspension arising out of an adverse analytical finding for a metabolite of cannabis arising out of an in-competition drug test on 16 April 2011.
2. The result of the adverse analytical finding was accepted by XYZ. On that basis there is a prima facie case that a violation has been committed. It was accepted that there were no reasons in the present circumstances that the Tribunal should not determine to apply a provisional suspension.
3. Accordingly a provisional suspension order is made commencing from 31 May 2011.
4. The Tribunal was sympathetic to XYZ's request for an early hearing and accordingly the substantive application by Drug Free Sport New Zealand will be heard by telephone conference at 8.30am on Monday 13 June 2011.

Dated: 8 June 2011



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A R Galbraith QC
(Deputy) Chairperson