

MEDIA RELEASE

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The following is a summary of the decision of the Sports Disputes Tribunal of New Zealand in the case of **Touch New Zealand v Nui Bartlett** (SDT/15/05), an anti-doping violation application. This is not the written decision of the Tribunal for the purposes of its rules.

The Sports Disputes Tribunal has suspended Nui Bartlett, a New Zealand Touch representative and NPC Rugby player, for three weeks for committing an anti-doping violation involving cannabis.

Mr Bartlett tested positive for cannabis after playing in an All Nations Touch Tournament. Mr Bartlett admitted the violation. He stated that the night before the Touch tournament he was celebrating being part of the Rugby team that won the NPC second division final and became so intoxicated that he could not recollect what happened, but accepted that he must have used cannabis. He expressed remorse and apologised for his actions.

The Tribunal found that there were aggravating circumstances justifying a suspension in accordance with principles laid down in other decisions. These included: Mr Bartlett had previously signed participation agreements and contracts not to use prohibited substances; the cannabis taking occurred just before the Touch tournament; and that he was an experienced player aware of Touch NZ's strong drug free stance. The Tribunal noted that Touch NZ has had several cases involving cannabis violations and has been making commendable efforts to combat use of drugs in its sport, of which Mr Bartlett would be aware. The fact that the cannabis use occurred while Mr Bartlett was intoxicated during a night of celebration was not a mitigating factor.

In these circumstances, a suspension of one month would normally be justified. However, the Tribunal took into account that Mr Bartlett had been subject to interim suspension by Touch NZ and, consequently, the NZ Rugby Union for approximately eight weeks since the violation and had not been able to compete in Touch or Rugby during this time. He had missed several tournaments and this potentially affected his chances for selection in the NZ Rugby Sevens team, the NZ Touch team and might also impact on his income as a semi-professional Rugby player.

The "cross code" effects of the interim suspension had impacted on Mr Bartlett. The Tribunal also took into account that Mr Bartlett voluntarily undertook not to participate in the upcoming Touch National Championships. As a result the Tribunal considered a one week reduction to the otherwise appropriate one month suspension was warranted.

The Tribunal warned that future drug violations by players in the sport of Touch may well be met with more severe penalties.

For further information, contact Brent Ellis, Registrar, Sports Disputes Tribunal of New Zealand
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