

**BEFORE THE SPORTS TRIBUNAL OF NEW ZEALAND**

**ST 11/07  
ST 12/07**

**Anti-doping rule violation proceedings**

**BETWEEN                      NEW ZEALAND RUGBY LEAGUE INCORPORATED**

Applicant

**A N D                              SONNY CAVANAGH & JOE VAIFALE**

Defendants

Tribunal:                      Kit Toogood QC (presiding member)  
Adrienne Greenwood  
Carol Quirk

Hearing:                      8 September 2007 at Auckland

In attendance:              Kevin Bailey on behalf of New Zealand Rugby League Incorporated  
Sonny Cavanagh & Joe Vaifale  
Taite Raniera, representing the defendants

Registrar:                    Brent Ellis

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**DECISION OF TRIBUNAL  
Dated 8 September 2007**

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**The decision of the Tribunal is that Sonny Cavanagh and Joe Vaifale, having committed anti-doping rule violations in relation to cannabis on 30 June 2007, shall be ineligible to play rugby league for a period of six weeks, the period to run from 28 August 2007.**

[1]     These are applications against two defendants, rugby league players, which have been heard under circumstances of extreme urgency.

[2]     Yesterday, Friday 7 September 2007, the Tribunal received two applications under its Rules from the New Zealand Rugby League Incorporated (**NZRL**) alleging that the Board of

Drug Free Sport New Zealand (**DFS**) had determined that, on 30 June 2007, each of the defendants returned a urine sample which tested positive for cannabis, a banned substance under the anti-doping rules of NZRL. Because the alleged violations in this case occurred prior to 1 July 2007, the applications are being dealt with under the May 2003 Rules of the Tribunal.

[3] The defendants, Sonny Cavanagh and Joe Vaifale, are members of the Harbour League rugby league team. On 28 August 2007, the defendants were notified of the determination of DFS and, under the Rules of NZRL, were notified that they were provisionally suspended until the Tribunal made its determination in respect of the application. Thus, the players each missed the major semi-final of the Bartercard Cup which is the premier domestic rugby league competition in New Zealand. They sought an urgent disposition of the application by the Tribunal in the hope that they might be allowed to play in the Bartercard Cup final which is scheduled to take place at Mt Smart Stadium, Auckland tomorrow, Sunday 9 September 2007.

[4] Mr Kevin Bailey, for NZRL, and Mr Taite Raniera, the representative of the defendants, participated with the defendants in a pre-hearing conference conducted yesterday morning. After hearing from the parties, the Tribunal directed by consent that the application be accorded extreme urgency. The parties agreed to dispense with the formalities under the Tribunal's rules and agreed that the applications should be heard together. A hastily convened Tribunal heard the application in Auckland this morning, with Ms Quirk participating by telephone.

[5] At the hearing, each of the defendants admitted the violation alleged against him and accepted the jurisdiction of the Tribunal to determine penalty.

[6] The full reasons for the Tribunal's decision will be released towards the end of next week but, in the interests of informing the defendants and their team of the decision as soon as possible, the decision on these applications is released without reasons at this stage. Although this matter is being dealt with urgently, the Tribunal has listened carefully to the evidence and submissions on behalf of the defendants and given their views full consideration.

[7] The Tribunal is satisfied that neither of the defendants used cannabis for the purposes of enhancing their performance, but the Tribunal is also of the opinion that a period of ineligibility is appropriate in all of the circumstances. We are mindful that this has a severe consequence in that the defendants will not be able to participate in the most important game of the season.

**Decision**

[8] The decision of the Tribunal is that Sonny Cavanagh and Joe Vaifale, having committed anti-doping rule violations in relation to cannabis on 30 June 2007, shall be ineligible to play rugby league for a period of six weeks, the period to run from 28 August 2007 which is the date of their suspension. Under Article 10.9 of the WADA Code, they may not participate in any capacity in any sport which is governed by the WADA Code, including acting as an official or coach or participating in training.

[9] Full reasons for the decisions will be issued within 10 days.

A handwritten signature in blue ink, appearing to read 'C. Angel', is positioned above the title of the Deputy Chairperson.

Deputy Chairperson, for the Tribunal