

## **MEDIA RELEASE**

17 August 2004

The following is a summary of the decision of the Sports Disputes Tribunal of New Zealand in the case of *Cycling New Zealand v Stephen Collins* (SDT/7/04), an anti-doping violation application, dated 17 August 2004. It is not the written decision of the Tribunal for the purposes of rule 24.3 of the Tribunal's Rules, which deals with the right of appeal.

The Sports Disputes Tribunal has banned former elite road cyclist Stephen Collins, of Hamilton, for the mandatory period of two years from 11 June 2004. The ban follows a finding by the New Zealand Sports Drug Agency that Mr Collins had failed, without reasonable cause, to provide a urine sample for drug analysis.

Describing the case as "unfortunate", the Tribunal said that, on about 22 April 2004, Mr Collins returned to New Zealand from a riding engagement in Europe, disillusioned with his sport. In late April, he sent an email message to Cycling New Zealand indicating that he no longer wished to compete, but Cycling New Zealand did not take this as resignation of his membership and Mr Collins remained eligible for out of competition drug testing by the Sports Drug Agency.

On 23 May 2004, Mr Collins was visited at his home by drug testing officials and required to provide a urine sample, under section 10 of the New Zealand Sports Drug Agency Act 1994, for analysis to determine the presence or otherwise of prohibited drugs or doping methods. He refused to supply the sample. On 11 June 2004, the Board of the Sports Drug Agency determined that the refusal was unreasonable and entered his name on the Sports Drug Register as having being guilty of a doping infraction under the Act.

In accordance with its Anti-Doping Policy, Cycling New Zealand referred the case to the Tribunal for the imposition of a penalty. Mr Collins attempted to defend the application by saying in effect that, having regard to his decision to retire from the sport, his refusal to provide the sample was reasonable. Cycling New Zealand expressed some sympathy with his position and noted that it was not aware of any circumstances that would lead to the belief that Mr Collins had previously taken prohibited substances or committed a doping infraction.

The Tribunal noted, however, that the New Zealand Sports Drug Agency Act gave the Tribunal no option but to accept the finding of the Sports Drug Agency that the refusal was without reasonable excuse, and that the Tribunal's powers were limited to imposing the appropriate penalty. Mr Collins had had an opportunity to argue that his refusal to provide the sample was reasonable before the Board of the Agency before it made its determination, and he also had had a right of appeal to the District Court, on that point, after the determination was made.

The Tribunal declared that, for the mandatory period of two years commencing on 11 June 2004, Mr Collins was:

- [a] ineligible for membership of, or selection by Cycling New Zealand Federation Incorporated in, any New Zealand representative team;
- [b] banned from competing in any events and competitions conducted by or under the auspices of Cycling New Zealand Federation Incorporated;
- [c] ineligible to receive, directly or indirectly, funding or assistance from Cycling New Zealand Federation Incorporated; and
- [d] ineligible to hold any position with Cycling New Zealand Federation Incorporated.

The Tribunal commented that, in view of the circumstances of the case, it may be helpful for it to make some observations which might encourage national sports organisations and athletes who are covered by the Anti-Doping Rules to look closely at, and adhere to, their respective responsibilities under the anti-doping rules. This will be particularly important when the new World Anti-Doping Code is adopted by sports in New Zealand. It said:

- It hoped the case would remind national sports organisations that it should be a primary function to ensure that all athletes subject to the anti-doping rules are fully informed of their obligations, and their rights, under the anti-doping rules. This obligation should include providing up to date information on changes to the Prohibited List and any changes to policies and procedures.
- The decision highlighted the fact that national sports organisations should comply strictly, and promptly, with their obligations under the anti-doping rules.
- Athletes and their coaches will need to accept personal responsibility for keeping themselves fully informed of their obligations, and their rights under the anti-doping rules. It is important that, where athletes wish to exercise their rights under the Act to challenge doping procedures and findings, they should do so promptly, as it will generally be too late to attempt to make such

a challenge when the case is sent to the Tribunal for the imposition of a penalty.

- Given the serious consequences for an athlete of being found guilty of a doping violation, the Tribunal encouraged the major sports agencies and national sports organisations to consider establishing and maintaining a free and prompt advisory service for athletes (which should include access to free or inexpensive legal advice) when doping issues arise.

The written decision of the Tribunal dated 17 August 2004 has been released. Copies may be obtained from the Registrar of the Tribunal. A copy will be placed on the Tribunal's website: <http://www.sportstribunal.org.nz/decisions.html>

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