

## **MEDIA RELEASE**

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### **Athlete Penalised for Playing Sport while Suspended**

The Sports Tribunal has penalised power lifter Nigel Cordes for playing another sport, cricket, while he was suspended.

On 12 October 2012, the Tribunal suspended Mr Cordes for 18 months (commencing from 15 August 2012) for an anti-doping violation he committed while competing in power lifting.

Between 12 November 2012 and 9 March 2013, he competed in 12 club cricket games. His playing the cricket games was a violation of the Sports Anti-Doping Rules (the Rules). The Rules prohibit a suspended athlete from participating in any sport, that is a signatory to the WADA Code (which includes most sports), while that athlete is suspended.

Mr Cordes admitted the violation but gave evidence it was unintentional. He hadn't realised his suspension applied to any sport apart from powerlifting and that it stopped him playing cricket. He'd checked the Tribunal's decision and the Rules before playing cricket to see if there was anything that stopped him playing but hadn't understood that the Rules prevented him playing cricket while suspended.

The Tribunal thought Mr Cordes was at fault. If he'd checked with Drug Free Sport or taken advice on the Rules, he would have been aware that playing cricket while suspended was a violation. Although the Rules are in technical terms, they are clear that for a suspended athlete to participate in an activity authorised or organised by any signatory of the WADA Code, or a club which is a member of that signatory, is a further violation.

Under the Rules, the original period of suspension starts again at the date of the last breach of suspension unless the athlete can establish he or she has no significant fault. The Tribunal thought there were some factors that assisted Mr Cordes:

- The sport in which he participated (cricket) was different from the one he was competing in when he committed the anti-doping violation and was originally suspended.
- He did try to check whether he was prohibited from playing cricket.
- The Tribunal decision suspending him hadn't specifically drawn his attention to the fact the suspension applied across all sports. However, the Tribunal had made him aware of this in its earlier provisional suspension decision.
- The Tribunal noted an American case that decided an athlete who had unintentionally breached a suspension had a lack of significant fault in the circumstances of that case.

In the particular circumstances of this case, the Tribunal decided Mr Cordes was entitled to a reduction of penalty under the "no significant fault" rule.

The Tribunal imposed a suspension of 15 months (instead of 18 months) commencing from 9 March 2013.

The decision in this case is available for download from the website of the Sports Tribunal ([www.sporttribunal.org.nz](http://www.sporttribunal.org.nz)). See *Drug Free Sport New Zealand v Nigel Cordes* (ST 03/13). 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).