

BETWEEN NEW ZEALAND RUGBY LEAGUE

Applicant

AND GREIG DEAN

Respondent

**DECISION OF TRIBUNAL ON APPLICATION FOR
PROVISIONAL SUSPENSION
Dated the 29TH day of October 2009**

Hearing Date: 28 October 2009

Tribunal: Alan Galbraith QC, Deputy Chairperson
 Dr Lynne Coleman
 Adrienne Greenwood

Registrar: Brent Ellis

Appearances: Kevin Bailey for Applicant
 Jayne Kernohan for Drug Free Sport New Zealand

**DECISION OF TRIBUNAL ON APPLICATION
FOR PROVISIONAL SUSPENSION**

1. The Applicant, New Zealand Rugby League, applies pursuant to Rule 12.1 of the Sports Anti-Doping Rules 2009 (“the Rules”) for provisional suspension of the Respondent Greig Dean. The application was received 15 October, a teleconference hearing initiated on Friday 23 October and adjourned to Wednesday 28 October 2009.
2. The teleconferences were attended by Kevin Bailey for New Zealand Rugby League and Jayne Kernohan for Drug Free Sport New Zealand.
3. Mr Dean underwent an in-competition test at a game between Auckland and Wellington on 13 September 2009. The application is based on an adverse analytical finding for the prohibited substance cannabis from the “A” sample taken.
4. Mr Dean has exercised his right to have the B sample analysed and the result of that test was awaiting at the time of the hearing.
5. Rule 12 governs provisional hearings and suspensions. The Tribunal is directed by Rule 12.4, wherever possible, to hold an urgent provisional hearing.
6. Mr Dean did not take part in either the teleconference on 23 or 28 October. We are satisfied that he was served with a copy of the application and supporting documents, had subsequent telephone discussions with the Registrar of the Tribunal and Jayne Kernohan of Drug Free Sport New Zealand, was notified by email and voice message of the dates, times and contact details of the teleconferences and also notified by courier delivery of the date, time and contact details for the 28 October teleconference. We are also satisfied that Mr Dean was advised of the availability of a list of pro bono lawyers prepared to assist in cases such as this.
7. Rule 12.8 empowers the Tribunal to impose a provisional suspension where there is a prima facie case that a violation has been committed, and it is considered appropriate to impose a provisional suspension.

8. There is a clear prima facie case here based on the certificate of analysis. There is no reason not to make the provisional order provided for in Rule 12.8.
9. The effect of a provisional suspension is to prohibit participation in any event or activity organised, sanctioned or authorised by NZ Rugby League or any member organisation or club, of NZ Rugby League or by any person in any way connected with NZ Rugby League. NZ Rugby League is directed by Rule 12.9 to take all necessary steps to have the provisional suspension recognised by other anti-doping organisations.
10. Under Rule 12.7 the provisional suspension is to remain confidential until publication of the final decision of the Anti-Doping Rule Violation unless the Tribunal considers that it is in the interests of NZ Rugby League and its members that the decision in relation to provisional suspension be publicly reported.
11. If it is thought to be in the interests of NZ Rugby League that the provisional suspension be published, then an application should be made to the Tribunal through the Registrar. Mr Dean would be entitled to be heard if such an application is made.

Decision

12. Greig Dean is provisionally suspended in accordance with the provisions of Rule 12 from 28 October 2009.

Dated this 29th day of October 2009



Alan Galbraith QC, Deputy Chairperson (for the Tribunal)
Dr Lynne Coleman
Adrienne Greenwood