

BETWEEN ATHLETICS New Zealand
Applicant

AND LIZA HUNTER-GALVAN
Respondent

**DECISION OF TRIBUNAL ON APPLICATION FOR PROVISIONAL
SUSPENSION DATED 29 MAY 2009**

Tribunal: Barry Paterson, QC (Chairperson)
 Nicholas Davidson, QC
 Adrienne Greenwood

Hearing: By Telephone Conference 29 May 2009

Present: Scott Newman for Applicant
 Liza Hunter-Galvan in person
 Paul David representing Drug Free Sport
 Graeme Steel and Jayne Kernohan of Drug Free
 Sport

Registrar: Brent Ellis

1. The applicant, Athletics New Zealand, applies pursuant to r.12.1 of the Sports Anti-Doping Rules 2009 (the rules) for provisional suspension of the respondent (Ms Hunter-Galvan). The application was received on 26 May 2009 and a telephone conference hearing was held today.
2. Ms Hunter-Galvan underwent an out-of-competition test in San Antonio on 23 March 2009. Drug Free Sport, by letter of 22 May 2009, advised Athletics New Zealand of the finding of the UCLA Olympic Analytical Laboratory of Los Angeles dated 21 May 2009. The finding was:

"The urine specimen contains recombinant human erythropoietin."
3. Ms Hunter-Galvan has not exercised her right to have the B sample analysed but has until 3 June 2009 to do so.
4. Rule 12.8 of the rules provides that where an "*A Sample Adverse Analytical Finding*" of a prohibited substance which is not a specified substance has been made "*a Provisional Suspension* shall be promptly imposed provided the *Athlete* is given a provisional hearing or an expedited hearing". The Tribunal is of the view that there is no reason in this case not to make the provisional order provided for in r.12.8.
5. Under r.12.7 of the rules, it is to remain confidential until publication of the final decision on the *Anti-Doping Rule Violation*, unless this Tribunal considers that it is in the interests of Athletics New Zealand and its members that the decision in relation to the provisional suspension be publicly reported.
6. Athletics New Zealand is about to announce its team for the world championships and Ms Hunter-Galvan has been selected for that team. She has, however, indicated that she is likely to make herself unavailable for selection and if she does take that course, there may be no need nor reason for this Tribunal to publicly report the provisional suspension.

7. This decision will remain confidential in accordance with the provisions of r.12.7 of the rules but the Tribunal will review that position if Athletics New Zealand advises that it believes that it is in its interests and those of its members that this decision be publicly reported.

Decision

8. Liza Hunter-Galvan is provisionally suspended in accordance with the provisions of r.12 of the rules.

Dated 29 May 2009



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Barry Paterson QC
Chairman