

MEDIA RELEASE

28 April 2006

The following is a summary of the decision of the Sports Disputes Tribunal of New Zealand in the case of **Softball New Zealand v Justin Karaitiana** (SDT/12/06). This is not the written decision of the Tribunal for the purposes of its rules.

Tribunal has warned and reprimanded softball player for cannabis violation

The Sports Disputes Tribunal has reprimanded and warned softball player Justin Karaitiana for committing an anti-doping violation involving cannabis.

Mr. Karaitiana tested positive for cannabis after representing Hutt Valley in the Men's Provincial Cup in Palmerston North on 7 January 2006.

Circumstances of drug use

Mr. Karaitiana admitted the violation and in a letter to the Tribunal stated that he:

- smoked cannabis after having a "little too much to drink" at a New Year's Eve party approximately a week before the tournament
- was not attempting to enhance his softball performance
- does not normally smoke marijuana or take other illegal drugs on a regular basis
- apologised and requested that he be allowed to continue playing softball.

Tribunal reviews principles to be applied in cannabis cases

This was an important case as the Tribunal reviewed earlier cases and set out the approach that it will take in the future in determining the appropriate penalties to be applied in cannabis cases.

The penalty for a cannabis anti-doping violation is a mandatory 2 year ban unless the athlete establishes that there was no intention to enhance sports performance by using cannabis.

If the athlete satisfies the Tribunal that there was no intention to enhance sporting performance, the likely penalty will be a reprimand and warning provided the Tribunal is also satisfied that:

- the cannabis use was unrelated to the sport
- the cannabis use by the athlete did not represent any danger to other competitors, officials or members of the public and

- there are no other “aggravating” circumstances indicating that a reprimand and warning would not be sufficient.

The Tribunal is likely to find that aggravating circumstances exist, and to suspend the athlete, when:

- the athlete’s attention had been drawn specifically to the need to adhere to the World Anti-Doping Code (WADA Code) and
- despite this warning, the athlete offended.

Such a warning may appear in participation and competition agreements or may have been specifically drawn to the athlete’s attention by his or her sport by other means.

Where the Tribunal finds that suspension is appropriate, the Tribunal will take into account any period of actual suspension from competition imposed on an interim basis by a sporting organisation, or self-imposed by the athlete.

The Tribunal’s conclusions in this case

Applying these principles, the Tribunal concluded:

- this was a first offence
- Mr. Karaitiana did not smoke cannabis for performance-enhancing purposes
- the use of cannabis was unrelated to the sport
- there was no danger to other competitors, officials or spectators
- there were no aggravating circumstances, such as signing a participation agreement, to render a reprimand and warning inappropriate.

The Tribunal also commented:

- Athletes should be aware that cannabis may remain detectable in the system for weeks or even months and those that use it, even some time before a competition, run the risk of committing an anti-doping violation.
- Athletes who break the anti-doping rules a second time risk being banned from competitive sport for two years to life, depending on the nature of the second violation.
- Although it is the responsibility of athletes to comply with the WADA Code, sports organisations also have a responsibility to educate athletes about the Code and its serious implications. Any sport wishing to mark its disapproval of cannabis doping violations should do so by giving its athletes fair warning of its anti-doping requirements.

For further information, contact Brent Ellis, Registrar, Sports Disputes Tribunal of New Zealand (telephone: 0800 55 66 80; e-mail: info@sportstribunal.org.nz).