

## MEDIA RELEASE

The following is a summary of the decision of the Sports Dispute Tribunal of New Zealand in the case of **Touch New Zealand v Jade Koro** (SDT/04/05), an anti-doping violation application. This is not the written decision of the Tribunal for the purposes of its rules.

Jade Koro has been reprimanded and given a warning in the fourth case involving cannabis to come before the Sports Disputes Tribunal.

Mr Koro tested positive for the presence of cannabis while competing in the central regional Touch tournament in January 2005. He smoked cannabis at a party approximately two weeks before the tournament. The Tribunal accepted that Mr Koro did not smoke the cannabis with the intention of enhancing his performance at the tournament and was unaware that cannabis was a banned substance.

In *Boxing New Zealand Inc v Mene* (SDT/13/04), the Tribunal reviewed the conflicting penalties imposed on sportspeople testing positive for cannabis in Australia, Canada and the UK. In the present case, the Tribunal also had evidence of the practice in the USA where a first offender is usually reprimanded and warned. This is similar to the Canadian approach.

The Tribunal adopted the same test as it applied in the *Mene* case. Unless there are aggravating circumstances, a warning and reprimand is the appropriate penalty for a first offender who prior to a tournament smoked cannabis "recreationally", rather than for performance enhancing purposes, where that cannabis use did not represent a danger to other competitors, administrators or spectators.

The Tribunal made observations on situations which might amount to aggravating circumstances. However, in Mr Koro's case there were no such aggravating circumstances. The Tribunal noted that should Mr Koro re-offend he would face a mandatory two year suspension.

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