



MEDIA RELEASE

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The following is a summary of the decision of the Sports Disputes Tribunal of New Zealand in the case of **New Zealand Federation of Body Builders Inc v Tony Ligaliga** (SDT/11/05), an anti-doping violation application. This is not the written decision of the Tribunal for the purposes of its rules.

Body builder, Tony Ligaliga, who took the party drug BZP (Benzylpiperazine), has been suspended for a period of two years by the Sports Disputes Tribunal. Mr Ligaliga tested positive for BZP while competing in the Auckland Body Building Championships on 21 May 2005.

BZP is not specifically named as a prohibited substance under the World Anti-Doping Code 2005 Prohibited List. It is, however, a stimulant and is a prohibited substance because it is a substance "with a similar chemical structure or similar biological effect(s)" to others named in S6 of the Prohibited List (stimulants). The New Zealand Sports Drug Agency ("Agency") determined that there had been a doping infraction and as a result, the Tribunal was required to decide the appropriate penalty.

Unless a determination of the Agency is challenged in the District Court, the Tribunal is bound to accept it as valid. Mr Ligaliga did not make such a challenge in the District Court. Therefore his argument before the Tribunal that there had not been an anti-doping violation failed.

The World Anti-Doping Code (WADA Code) provides for a mandatory two year suspension, for a first violation involving substances like BZP, unless the athlete can show "no fault" or "no significant fault". However, athletes will only be able to demonstrate this in truly exceptional circumstances and not in the vast majority of the cases. Mr Ligaliga had not taken the drug for performance enhancing purposes and had actually entered the competition so he would obtain a clear drug free test. However, the Tribunal determined he had been careless in taking a prohibited substance and that there was significant fault in this case. The WADA Code places the onus on the Athlete to ensure that no prohibited substances enter the athlete's body and the Code is one of strict liability.

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