



## **INTRODUCTION**

1. This is the first case coming before the Tribunal since the Sports Anti-Doping Act 2006 (“the Act”) came into force. In accordance with the provisions of the Act and the Sports Anti-Doping Rules (2007) (“the Rules”), Drug Free Sport New Zealand is the applicant.
2. NZ Rugby League was invited to have a representative for two reasons: first, Jason Morehu was tested after a match in the Bartercard League, and secondly, because a national sporting organisation is likely to have information relevant to the matter which will be of interest to the Tribunal. It is anticipated that in all applications by Drug Free Sport, the National Sports Organisation will be invited to attend as an interested party.
3. Jason Morehu plays rugby league for the Manurewa Marlins. He was selected for and played for County Manukau Jets in a Bartercard Cup League match at Mt Smart Stadium on 11 August 2007. In accordance with the provisions of the Act and the Rules a sample was taken from Jason Morehu after the match on 11 August 2007. That sample was tested by the Australian Government National Measurement Institute (“NMI”) which issued a report of its analysis on 31 August 2007 and returned a positive test for cannabis. On the basis of this analysis, Drug Free Sport instituted these proceedings alleging an anti-doping violation against Jason Morehu.
4. A telephone conference was convened for 26 October 2007 and by the consent of all parties that conference was converted into the hearing. Jason Morehu admitted the violation and the hearing proceeded to consider the sanction.

## **JASON’S POSITION**

5. Jason had not played in the Bartercard Cup competition before the match on 11 August 2007. He signed on 10 August 2007, a participation agreement with NZ Rugby League.
6. Jason Morehu acknowledged that he knew that cannabis was a banned substance. He accepted that he smokes cannabis but says that he is not a regular user; he uses it for recreational purposes.

7. His evidence was that the cannabis which caused the positive test was smoked on a social occasion and was not taken for performance enhancing purposes.
8. Jason Morehu has a broken arm and there is uncertainty as to when he will be fit to play again.

## **DISCUSSION**

9. It is probable that Jason Morehu did not receive the same education on prohibited drugs, as had most of his team mates on 11 August 2007. This is because the NZ Rugby League Education Programme only extends down to the Bartercard Cup players and Jason Morehu did not become such a player until his first match of the 11 August 2007. It is possible that he had smoked the cannabis, which caused the violation, before he signed his participation agreement.
10. On the other hand this is not a case of a player being ignorant that cannabis was on the prohibited substance list. By his own admission he was aware that this was the case.
11. The Tribunal accepts pursuant to rule 14.3 of the Rules, that the smoking of the cannabis was not intended to enhance sports performance.
12. The Tribunal sees no reason to depart from the range of sentences which have been imposed on other rugby league players in the last few months (they range from one month in the case of Jacob Croot (ST 13/07) to six weeks in the case of Sonny Cavanagh & Joe Vaifale ST 11/07 and ST 12/07)). Taking into account the circumstances of this case and in particular that the drug may have been smoked before the participation agreement was signed, it is the Tribunal's view that the period of ineligibility should be at the lower end of the range, namely one month.
13. In this case Jason Morehu's season has ended; the new season commences on about the 1 March 2008. There will be trial matches and practices before that date. Under rule 14.8 of the Rules, the period of ineligibility will need to commence from the date of this decision. To be effective, the period will have to prevent Jason participating for a period of one month. If it were not for his broken arm, Jason would probably participate in some pre-season games, but the Tribunal understands this is unlikely because of his injury. To be effective, the period should not expire before 31 March 2008.

## DECISION

14. In accordance with rule 14.3 of the Rules, Jason Morehu will be ineligible to participate in rugby league for a period commencing on the date hereof and expiring on the 31 March 2008.
15. Mr Morehu is advised that under the provisions of rule 14.9 of the Rules, he may not participate in any capacity in any competition, event or activity whether local or national (other than authorised anti-doping education rehabilitation programs), organised, authorised or sanctioned by, NZ Rugby League and any other signatory member organisation or national sporting organisation in New Zealand. This means that Jason Morehu will not be entitled to participate in pre-season matches.
16. Jason Morehu is also warned that if he were to offend a second time the minimum period of ineligibility which this Tribunal could impose, is a period of two years.

Dated the 13<sup>th</sup> day of November 2007



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**Hon B J Paterson QC**  
**Chairman**