

MEDIA RELEASE

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Sports Disputes Tribunal suspends Touch player for 2 years for his second cannabis violation

The Sports Disputes Tribunal has suspended Touch player William Morunga for 2 years for committing an anti-doping violation involving cannabis. Mr. Morunga is also a rugby league player and the 2 year suspension applies to that sport as well.

Mr. Morunga tested positive for cannabis while competing at the National Touch Championships in Lower Hutt on 4 March 2006. Cannabis is a prohibited substance under the Prohibited List of the World Anti-Doping Agency (WADA).

This was Mr Morunga's second cannabis anti-doping violation. He also tested positive for cannabis during the National Touch Tournament in May 2005, as a result of which he was suspended by the Sports Disputes Tribunal for 2 months.

The Tribunal accepted that Mr. Morunga smoked cannabis in a social setting and not for sports performance enhancing reasons.

Principles applied

Under the WADA Code, the penalty for a second anti-doping violation involving cannabis is a lifetime ban from sports. However, this can be reduced to a two year suspension if the athlete can establish that the cannabis was not used to enhance sports performance. Any suspension imposed under the WADA Code applies also prevents a person participating in all sports who are signatories to the WADA code.

The Tribunal's conclusions

Applying these principles, the Tribunal concluded:

- this was a second offence
- Mr. Morunga did not smoke cannabis for performance-enhancing purposes.

Therefore, the Tribunal was required to suspend Mr Morunga for 2 years. If he had not established that the drug taking was not to enhance his sports performance, the Tribunal would have been required to ban him for life.

The Tribunal emphasised that any ban imposed as a result of a doping infraction applies to all sports that come under the WADA code and not just to the sport the player was competing in when he or she returned a positive drug test. Mr. Morunga was also a rugby league player who gave evidence that an opportunity had potentially arisen for him to play for a major Australian rugby league team. As rugby league came under the WADA code, he would also be prevented from participating in rugby league for 2 years.

The Tribunal considered whether the commencement of the 2 year suspension should be backdated to the time of the offending. However, the Tribunal was not prepared to do this because of Mr. Morunga's previous offending, the warning given to him at that time and his knowledge of the consequences of a further offence.

If it had been prepared to consider backdating, the Tribunal would have called for submissions from New Zealand Rugby League as to the effect of such backdating on the results of the rugby league matches he had played in since 4 March 2006.

The full decision in this case is available for download from the website of the Sports Disputes Tribunal (www.sportstribunal.org.nz). See *Touch NZ v William Morunga* (SDT 13/06). Copies of the decision can also be obtained directly from Brent Ellis, Registrar, Sports Disputes Tribunal of New Zealand (telephone: 0800 55 66 80; e-mail: info@sportstribunal.org.nz).