

MEDIA RELEASE

21 December 2006

Sports Disputes Tribunal warns and reprimands the 2006 NZ women's amateur boxing champion for a cannabis violation and disqualifies her

The Sports Disputes Tribunal has warned and reprimanded 15 year old Kerry Nathan for committing an anti-doping violation involving cannabis.

Miss Nathan tested positive for cannabis after winning the senior 72 kg Female title at the New Zealand Amateur Boxing Championships on 30 August 2006. Cannabis is a prohibited substance under the Prohibited List of the World Anti-Doping Agency (WADA).

The Tribunal accepted that Miss Nathan did not use cannabis with the intention of enhancing her sports performance. She testified that she smoked cannabis while celebrating a cousin's birthday a fortnight before the tournament and had not at the time considered the consequences of her actions. She expressed remorse.

Principles applied

The Tribunal has recently reviewed its approach regarding penalties in cannabis cases and on 15 December 2006 distributed a Minute to national sports organisations advising of this. However, as Miss Nathan's infraction occurred before this Minute was made available to these organisations and their athletes, the Tribunal resolved the case using the principles set out in the case of *Softball NZ v Karaitiana* (SDT 12/06, 28 April 2006). These are that a warning and reprimand will normally be the appropriate penalty if the cannabis was not used for performance enhancing purposes, represented no danger to others and there were no other aggravating circumstances.

The Tribunal's conclusions

Applying these principles, the Tribunal concluded that there were no aggravating circumstances justifying a suspension. The Tribunal found some credibility in the claim of the 15 year old defendant that she was guilty of a momentary lapse of judgment which failed to take account of the consequences of her actions. A warning and reprimand was the appropriate penalty in the circumstances.

The Tribunal also ordered (in accordance with the WADA Code and the applicable boxing anti-doping rules) that Miss Nathan be disqualified from the 2006 Senior 72 kg Female national event and that she forfeits all results, titles, medals and prizes won at the event.

The full decision in this case is available for download from the website of the Sports Disputes Tribunal (www.sportstribunal.org.nz). See *Boxing NZ v Kerry Nathan* (SDT 21/06). 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).