

MEDIA RELEASE

7 April 2006

The following is a summary of the decision of the Sports Disputes Tribunal of New Zealand in the case of **Softball New Zealand v Aaron Neemia** (SDT/08/06). This is not the written decision of the Tribunal for the purposes of its rules.

Tribunal has warned and reprimanded softball player for cannabis violation

The Sports Disputes Tribunal has reprimanded and given a warning to New Zealand and Samoan representative softball player Aaron Neemia for committing an anti-doping violation involving cannabis.

Mr Neemia tested positive for cannabis after representing Wellington in the Men's National League Final in December 2005.

Circumstances of drug use

Mr. Neemia admitted the violation and stated:

- he had attended a "stag party" the night before where people were smoking cannabis
- he was so intoxicated at the party he could not remember whether he smoked cannabis or not, although he admitted to smoking cannabis on rare occasions in the past
- he may have not have smoked it at the party but rather it may have entered his system through passive exposure to others smoking it.

The Tribunal considered it likely that Mr Neemia had actually smoked cannabis at the party.

Principles applied

Based on previous Tribunal decisions, the appropriate penalty is likely to be a reprimand and warning for a first offence with cannabis where:

- it was not taken for performance enhancing purposes and
- the cannabis use represented no danger to others and
- there were no other aggravating circumstances.

The Tribunal found aggravating circumstances and imposed suspensions in three previous cases. In these cases:

- players had signed participation agreements not to take drugs and

- the relevant national sports organisation made submissions that there were aggravating circumstances and sought that the players be suspended, in support of its policy to keep its sport drug-free.

The Tribunal's conclusions in this case

The Tribunal accepted that Mr Neemia had not used cannabis for performance enhancing reasons.

The cannabis use did not present a danger to others in the circumstances of this case.

The Tribunal found it concerning that Mr Neemia most likely used cannabis the night before a final, given he had been a high level softball player for 5 years. He would have had greater knowledge of prohibited substances and the likelihood of drug testing than many players who are tested.

However, the Tribunal decided to give Mr Neemia the “benefit of the doubt” and that suspension was not appropriate in the circumstances. Unlike the cases where the Tribunal had suspended players:

- there was no evidence here of any participation agreement
- Softball NZ had not made submissions suggesting that there were aggravating circumstances
- the drug testing circumstances were unusual in that Mr Neemia provided two samples, one of which was positive and one was negative.

The Tribunal warned Mr Neemia that he faces an automatic 2 year suspension if he offends again.

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