

1. A provisional suspension order was made by this Tribunal commencing from 4 December 2012 as a result of an adverse analytical finding for a metabolite of cannabis arising out of an in-competition drug test on 27 October 2012 at the New Zealand Bench Press Championships.
2. The hearing of the substantive Application for Anti-Doping Rule Violation Proceedings by Drug Free Sport New Zealand was heard by telephone conference on Tuesday 18 December 2012.
3. Scott Parsons attended on the conference call together with another person as his corroborating witness.

Background

4. Prior to the conference Scott provided a letter detailing the circumstances under which he had come to smoke a cigarette laced with cannabis oil/hash. The incident occurred at his birthday party on 20 October 2012 when he was offered a cigarette which he was later informed had been laced with cannabis oil/hash.
5. His evidence was that he had been celebrating rather too vigorously that evening and had not been cautious enough when offered the cigarette. The witness confirmed the essential facts including that it was not until after Scott had smoked some of the cigarette that the other person revealed that it had been laced.
6. Steve Lousich for New Zealand Powerlifting Federation confirmed that he had known Scott since he was a junior athlete some 15 years or so ago and that, to the best of his knowledge, these actions were out of character.
7. The Tribunal accepts that Scott is serious about his sport, understands that he is on his way back after a period of injury, and that this incident was unfortunate and isolated. The Tribunal also accepts that there was no intention to enhance sports performance.
8. In those circumstances the question for the Tribunal is whether it should depart from the starting point of four months ineligibility which the Tribunal adopted in

2010. The Tribunal must and will always consider any aggravating or mitigating factors to either extend or reduce the period of ineligibility.

9. On the facts there are both mitigating and aggravating circumstances. Obviously, as Scott accepted, he was not exercising appropriate control and care on this occasion. He is also an experienced power lifter who has represented New Zealand in the past and who is well aware of the anti-doping regime. On the other hand he did not know that the cigarette had been laced with cannabis oil/hash as a result of an action of a third person.
10. In the Tribunal's view these factors balance themselves out and accordingly the Tribunal is satisfied that a period of four months suspension, which commences from the date of the provisional suspension of 4 December 2012, is appropriate.

Dated: 19 December 2012



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A R Galbraith QC
(Deputy) Chairperson