

## **MEDIA RELEASE**

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### **Sports Tribunal suspends boxer for 2 years**

The Sports Tribunal has suspended boxer Mark Robertson for 2 years for committing an anti-doping violation.

Mr Robertson refused to supply a sample for drug testing when approached at his home for an out of competition test. Mr Robertson admitted the anti-doping violation to the Tribunal.

### **Principles applied**

Unless a defendant can establish the defences of “no fault or negligence” or “no significant fault or negligence”, the mandatory penalty for a first anti-doping violation involving a refusal to provide a sample is a 2 year suspension.

### **Tribunal’s Conclusions**

Mr Robertson admitted the anti-doping violation but stated he refused to provide a sample because he had not been boxing for over a year and therefore thought he would not have to provide a sample.

However, the Tribunal concluded he was wrong. Although Mr Robertson said he was not boxing at the time of the refusal, he had never formally retired from the sport and in fact gave evidence to the Tribunal that “he was taking a break” and thought he may at some stage return to boxing. As he had not advised Boxing NZ he was retired, nor gone through the formal processes required to retire, he remained a national level athlete who was clearly eligible for out of competition testing and was properly required to provide a sample.

The Tribunal concluded Mr Robertson had made no attempt to determine what his obligations were and could not show he had no significant fault in wrongly refusing to provide a sample. The Tribunal therefore suspended him for the mandatory two year period.

The Tribunal emphasised it was not enough for an athlete to plead ignorance of the rules relating to their sport. The Tribunal noted it was important that sporting bodies and athletes were clearly aware of what the formal processes were to retire in their sports and that an athlete continued to have obligations if they did not formally retire. The Tribunal observed that a standard retirement form setting out what retirement entails is clearly of advantage.

The full decision in this case is available for download from the website of the Sports Tribunal ([www.sporttribunal.org.nz](http://www.sporttribunal.org.nz)). See *Boxing New Zealand Inc v Mark Robertson* (ST 07/07). Copies of the decision can also be obtained directly from Brent Ellis, Registrar, Sports Tribunal of New Zealand (telephone: 0800 55 66 80; e-mail: [info@sporttribunal.org.nz](mailto:info@sporttribunal.org.nz)).