

## **MEDIA RELEASE**

**21 OCTOBER 2004**

The following is a summary of the decision of the Sports Disputes Tribunal of New Zealand in the case of Wrestling New Zealand against Timothy John Stewart (STD/11/04), an anti-doping violation application, dated 21 August 2004. It is not the written decision of the Tribunal for the purposes of rule 24.3 of the Tribunal's Rules, which deals with the right of appeal.

The Sports Disputes Tribunal has reprimanded and fined Timothy Stewart of Dunedin, who tested positive for the presence of cannabis while competing in the Australian National Wrestling Championships in June of this year.

This was the first case coming before the Tribunal in which an athlete was found guilty of a doping offence involving a recreational drug. The Tribunal said it was satisfied that the use of the banned substance in this case was not intended to enhance sport performance.

It noted that the seriousness with which the use of illegal recreational drugs in sport should be viewed will depend on the circumstances of each case. In some sports, the use of cannabis or other illegal substances may not only have a beneficial effect in relaxing the athlete, but may also present a danger for officials and other competitors. The Tribunal said it was to be expected that heavier penalties would be applied where such factors were present.

The Tribunal took account of the provisions of the World Anti-Doping Code, and the way in which similar cases have been treated overseas, in concluding that a period of ineligibility from participating in the sport was not called for in this case. It warned Mr Stewart, however, that a further doping offence would result in a substantial period of ineligibility.

The Tribunal considered that it was important to impose a sanction which involved a punitive element, so as to mark the disapproval by sport generally of the use of illegal drugs and so as to serve as a deterrent to others.

The Tribunal reprimanded Mr Stewart and fined him \$250. Mr Stewart was ordered to pay costs of \$250 to Wrestling New Zealand.