

## **MEDIA RELEASE**

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### **Sports Tribunal suspends rugby league player for 10 years for third cannabis violation**

The Sports Tribunal has suspended Canterbury representative rugby league player, Vince Whare, from participating in sport for 10 years due to his third anti-doping violation involving cannabis. This was the first case before the Tribunal of any third time doping violation, in this case each time involving cannabis.

Mr Whare tested positive to cannabis after playing for Canterbury against Taranaki on 13 September 2009. Upon receiving an application for provisional suspension from New Zealand Rugby League, the Tribunal provisionally suspended Mr Whare on 20 October 2009.

In 2005, Mr Whare was warned and fined by the Tribunal for testing positive to cannabis after a match. In 2006, Mr Whare appeared before the Tribunal on a similar violation involving cannabis and the Tribunal suspended him from sport for two years. That suspension ended in 2008. On each occasion, the Tribunal warned him of the likely penalty if he offended again.

Cannabis is a prohibited substance under the World Anti-Doping Code (WADA Code) and the Sports Anti-Doping Rules (the SADR), which are based on the WADA Code. The SADR rules apply in this case.

The SADR state that the penalty for a third violation is a lifetime ban.

However, in the case of "specified substances", such as cannabis, the SADR allow a lesser penalty if the athlete can establish how the substance entered into their system and that they did not take it to enhance sports performance. If this is established, the Tribunal has the discretion to impose a suspension from a minimum of 8 years to a maximum lifetime ban.

Mr Whare admitted the third violation. Mr Whare and a witness provided evidence which satisfied the Tribunal that he smoked cannabis socially, and not with the intention of enhancing his sports performance.

The Tribunal assessed Mr Whare's degree of fault. The breach was inexcusable but the Tribunal took into account all the circumstances of the case (including his deliberate breaching of the rules despite previous warnings, his personal circumstances including the effect of suspension, and the nature of cannabis and its social use). The Tribunal decided that a penalty greater than the minimum of 8 years' suspension but less than the maximum lifetime ban met the intent of the Rules.

The Tribunal therefore suspended Mr Whare from participation in sport for 10 years (commencing from the date of the provisional suspension).

The decision in this case will be made available for download from the website of the Sports Tribunal ([www.sporttribunal.org.nz](http://www.sporttribunal.org.nz)). See *Drug Free Sport New Zealand v Vince Whare* (ST 11/09). Copies 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)).