

**BETWEEN**

**DRUG FREE SPORT NEW ZEALAND**

**Applicant**

**AND**

**CHRIS KENNEDY**

**Respondent**

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**PROVISIONAL SUSPENSION ORDER  
22 November 2023**

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**Tribunal Panel**

John Macdonald (Chair)  
Pippa Hayward

**Parties**

Hayden Tapper, Drug Free Sport New Zealand  
Kate Hursthouse, counsel for Applicant  
Chris Kennedy, Respondent

**Interested Party**

David Jones, New Zealand Powerlifting Federation

**Registrar**

Helen Gould

1. Chris Kennedy (Mr Kennedy) is a New Zealand power lifter and member of the New Zealand Powerlifting Federation (NZPF). The NZPF has adopted the 2023 Sports Anti-Doping Rules (SADR) promulgated by Drug Free Sport New Zealand (DFSNZ) as its anti-doping policy.
2. A sample was collected from Mr Kennedy in competition at the NZPF Nationals on 9 September 2023. Analysis of the sample showed the presence of Methylphenidate metabolite Ritalinic Acid which is a specified substance prohibited in competition.
3. On 7 November 2023, DFSNZ filed an Application for Provisional Suspension alleging breaches of 2023 SADR 2.1 and 2.2.
4. The Tribunal Registry contacted Mr Kennedy on 7 November 2023 and provided him with the Legal Assistance Panel list. Mr Kennedy indicated that he was not able to engage a lawyer and following an explanation of the process requested to be heard on the matter of the provisional suspension.
5. It was explained to Mr Kennedy that, as provided for in the SADR (Rule 7.4.2), a provisional suspension for a specified substance shall be imposed except where the athlete demonstrates that there is a real likelihood that no period of ineligibility will be imposed.
6. A provisional suspension hearing was held on 21 November 2023. Mr Kennedy was unable to satisfy the Panel that there was a real likelihood that no period of ineligibility will be imposed, and during the hearing (and in written material received just prior to the hearing) Mr Kennedy indicated he would accept a Provisional Suspension Order.
7. Accordingly, the Panel decided to impose a Provisional Suspension Order.
8. Mr Kennedy has now engaged Mr Patterson to assist him in the proceedings going forward. The Registrar has had a conversation with Mr Patterson who suggested that counsel for the parties prepare a joint memorandum on timetabling for the Tribunal to consider, this was passed on to the Tribunal Chair who agrees this is a good approach.

### **Orders and Directions**

9. The Tribunal **orders that** provisional suspension of Mr Kennedy will have effect from 22 November 2023, prohibiting his participation of any kind in any event or activity organised, sanctioned or authorised by any sporting organisation that is a signatory to the SADR.

10. The Tribunal **directs** counsel to prepare a joint memorandum regarding timetabling and other procedural matters relating to the substantive hearing by Friday 8 December 2023.
11. A copy of this Provisional Suspension Order will be sent to the parties but otherwise will remain confidential until publication of the final decision on the alleged Anti-Doping Rule Violations. All other process steps under the SADR should similarly remain confidential.

Dated: 22 November 2023



**John Macdonald**  
Chair



**Pippa Hayward**