

BETWEEN	SPORT INTEGRITY COMMISSION Applicant
AND	TAYDEN SMIT Respondent
AND	NEW ZEALAND CRICKET Interested party

DECISION
1 SEPTEMBER 2026

Hearing	On the papers
Parties	Wendy Pickering, Sport Integrity Commission Adam McDonald & Matthew Parker, counsel for Applicant Tayden Smit, Respondent Dayle Shackle & Marty Croy, New Zealand Cricket
Hearing Panel	John Macdonald (Chair) Sam Fellows Dr Bridget Leonard
Registrar	Luke Macris

Jurisdiction

1. Tayden Smit (Mr Smit) is a cricket player who was registered with New Zealand Cricket during the 2025/26 season, which ended on 28 March 2026. As New Zealand Cricket has adopted the 2025 Sports Anti-Doping Rules (SADR) promulgated by the Sport Integrity Commission (the Commission) as its anti-doping policy, it meant that Mr Smit was bound by the SADR.

Background & Anti-Doping Rule Violations

2. On 31 December 2025 the New Zealand Customs Service (NZ Customs) intercepted a parcel addressed to Mr Smit at Woolworths Howick, 35 Cook Street, 2014 Auckland. The parcel contained Methandienone, 1 sachet of 100 x 50 mg tablets.
3. Under the Prohibited List 2025, which is incorporated into the SADR, Methandienone (commonly known as Dianabol) is a non-specified substance and is prohibited at all times under S1 (Anabolic Agents).
4. The Commission alleges that Mr Smit committed Anti-Doping Rule Violations by breaching SADR:
 - (a) rule 2.6 (Possession of a Prohibited Substance); and
 - (b) rule 2.2 (Attempted Use of a Prohibited Substance).
5. In accordance with SADR 3.1 the Commission has the burden of establishing that the Anti-Doping Rule Violations have occurred, with the standard of proof being that of “comfortable satisfaction”.

Mr Smit’s engagement with the process

6. When making an order for Mr Smit’s provisional suspension on 26 May 2026, the Tribunal in its decision commented on his response to the application:
 7. Mr Smit was granted a series of extensions by the Tribunal Chair in terms of the timing of his response to the provisional suspension application. The extensions were granted to allow Mr Smit sufficient time to seek or obtain legal advice or representation given the challenges he faces in making contact while based, as he currently is, overseas in the United Kingdom. Mr Smit sought to engage two different lawyers but did not end up engaging either for the provisional suspension hearing.
7. Regrettably, in terms of Mr Smit’s engagement with the process, very little has changed.

8. On 11 June 2026, in advance of the hearing of the substantive Anti-Doping Rule Violation application, the Tribunal made several timetabling directions, one of which required Mr Smit to file and serve his notice of defence/participation (Form 2) and supporting material by 5pm on Friday, 26 June 2026.
9. Mr Smit failed to file that document as directed, but the time for filing was extended until Wednesday 1 July 2026 to give him a further opportunity. This was communicated to Mr Smit in an email dated 29 June 2026, which included the following paragraph:

Should no response be provided by Mr Smit before that timeframe, the Chair further indicates that he is minded to set this proceeding down for a hearing as soon as possible on the basis that Mr Smit has waived his right to participate under Tribunal Rule 37(d), having failed to meaningfully engage with the process.
10. A notice of defence/participation was still not filed, with the only communication from Mr Smit being to enquire about the Legal Support Fund and how to pay an earlier legal bill. After responding to his queries the Tribunal, in an email of 28 July 2026, said this:

The Chair reminds Mr Smit that should he wish to further participate in this process, then he will need to seek leave to participate and should do so as soon as possible.
11. Against that background, the Tribunal is now determining the Anti-Doping Rule Violation application on the papers without holding a hearing.

Consequences for failing to file a defence

12. With respect to such applications r.37(d) of the Tribunal Rules provides:

The respondent ... has the right to defend the application or to admit the violation but request the right to participate in the hearing to make submissions as to the appropriate sanction. If the respondent wishes to take either of these courses, he or she will file with the Tribunal, and serve on the applicant the Tribunal's current statement of defence or participation form (Form 2) within a period of seven days from the date of service of the notice of application. If a respondent does not file a notice of defence/participation within the seven day period, or such extended period as maybe ordered by the Tribunal, the athlete will be deemed to have waived his or her right to participate in a hearing, although the Tribunal may, in its discretion, subsequently give the athlete leave to participate.
13. In terms of that rule Mr Smit had two options. He could defend the application, or he could admit the violations but request the right to participate in the hearing to make submissions as to the appropriate sanction. If he fails to file a notice of defence/participation (Form 2), he will be deemed to have waived his right to participate in a hearing and, by implication, a sanction can be imposed in his absence.
14. The Tribunal concedes that its Form 2 appears to indicate a third option, which is to admit the violations, advise that he did not wish to participate in the hearing, and acknowledge that the Tribunal may impose a sanction without holding a hearing.

However, while it does not strictly align with r.37(d) it is of no consequence here as Mr Smit has not admitted the violations.

15. The Commission submits that as Mr Smit has not filed a notice of defence (Form 2) the sole issue for the Tribunal is to determine the appropriate sanction. That is because having waived his right to participate in a hearing, the alleged Anti-Doping Rule Violations are deemed to have been admitted.
16. The Tribunal, however, does not accept that submission, at least in respect of r.37(d), because while Mr Smit's failure to file a notice of defence will be deemed as a waiver of his right to participate in a hearing, it does not go beyond that. It is not an admission that he committed the violations.
17. Article 7 of the International Standard for Results Management (ISRM) states:

7.0 Charge

7.1 If, after receipt of the Athlete or other Person's explanation or expiry of the deadline to provide such explanation, the Results Management Authority is (still) satisfied that the Athlete or other Person has committed (an) anti-doping rule violation(s), the Results Management Authority shall promptly charge the Athlete or other Person with the anti-doping rule violation(s) they are asserted to have breached. In this letter of charge, the Results Management Authority:

....

- (f) Shall indicate that if the Athlete or other Person does not challenge the Results Management Authority's assertion of an anti-doping rule violation or proposed Consequences nor request a hearing within the prescribed deadline, the Results Management Authority shall be entitled to deem that the Athlete or other Person has waived their right to a hearing and admitted the anti-doping rule violation as well as accepted the Consequences set out by the Results Management Authority in the letter of charge;

18. Although the Tribunal acknowledges that in terms of ISRM 7.1(f) it is "entitled to deem" Mr Smit's failure to file a notice of defence as an admission of the violations, it does not consider that to be the appropriate course in this case. While Mr Smit, as a cricket player registered with NZ Cricket, is deemed to know the provisions of the SADR, the Tribunal considers that a specific warning of that potential consequence (his failure to file a notice of defence could be deemed as an admission of the violations) should have been provided to him, especially given the lengthy sanction he now faces. Yet the Commission's letter of charge to Mr Smit makes no mention of that potential consequence, and the Tribunal Rules make no mention of it either.

19. Furthermore, while Mr Smit failed to file a notice of defence (Form 2), he did appear at the hearing of the Commission's application for his provisional suspension (held via Microsoft Teams) which he opposed, and all the other communications from him made it clear that he did not admit the violations.
20. As an aside, the Tribunal does wonder whether deeming a failure to file a notice of defence to be an admission of the violations, sits comfortably with SADR 3.1 (the burden and standard of proof). After all, being able to treat the failure to file a notice of defence as an admission of the violations means the Tribunal is not obliged to consider the evidence at all, let alone determine whether the Commission has discharged its burden of establishing the violations to the requisite standard of proof.
21. Accordingly, the Tribunal takes the view in this case that the Commission must formally prove the violations.
22. In that regard, the Commission, in any event, submits that the Tribunal can be comfortably satisfied on the uncontested evidence before it, that the ADRVs have been made out.

Mr Smit's position on the Anti-Doping Rule Violations

23. The significance of the prior communications with Mr Smit and the material he provided to the Tribunal were fully canvassed in the context of the application for his provisional suspension and need not be repeated in detail.
24. In summary, Mr Smit's position is that he ordered Dianabol from China in 2022 when he was still at school. He wanted to get bigger in the gym, but it had nothing to do with cricket performance. When the first package was seized by NZ Customs in August 2022, he contacted the supplier in China and asked for it to be re-shipped to a different address (Woolworths Howick). According to emails purportedly from the supplier, it was not re-despatched until 2025 "due to an internal administrative issue and an error in our order management process".
25. Although there was no evidence of Mr Smit cancelling the purchase or attempting to renounce possession, he appeared to be saying that the delay in delivery was such that he no longer wanted the Dianabol and it came as a surprise when it arrived.
26. At the request of the Commission, and to provide the full context of the communications Mr Smit relied upon, the Tribunal directed Mr Smit to provide further documents. This included all text, WhatsApp and other electronic messages with the supplier and

records of any transactions he relied upon (including, but not limited to, cryptocurrency transaction records and/or bank statements).

27. Mr Smit responded that he had no additional documents to provide and, although in 2022 he paid in bitcoin, he said he no longer had a bitcoin account.
28. The Commission argued that the assertion that there were no further documents was implausible.

The evidence relied upon by the Commission

29. The uncontested evidence presented by the Commission includes the following:
 - (a) The parcel addressed to Mr Smit and intercepted by NZ Customs on 31 December 2025, contained the prohibited substance, Methandienone.
 - (b) At the date of interception Mr Smit was a registered member of NZ Cricket and as such was subject to the SADR.
 - (c) The delivery address on the parcel was a collection service offered by Woolworths, in conjunction with New Zealand Post (NZ Post), called “Collect My Parcel”.
 - (d) The intercepted parcel had a unique reference number, with Mr Smit’s name and contact details, including his mobile phone number and email address, which he had provided to allow his use of the collection service.
 - (e) Those details matched the details held by NZ Cricket.
 - (f) In August 2022, NZ Customs had intercepted a parcel addressed to Mr Smit at a different Auckland address, which contained the same substance, Methandienone.

Possession defined

30. “Possession” is defined in the SADR as meaning:

The actual, physical Possession, or the constructive Possession (which shall be found only if the Person has exclusive control or intends to exercise control over the Prohibited Substance ...).

... the purchase (including by any electronic or other means) of a Prohibited Substance ... constitutes Possession by the Person who makes the purchase.

Have the Anti-Doping Rule Violations been proved?

Possession of the Prohibited Substance

31. The Tribunal is comfortably satisfied that Mr Smit was the intended recipient of the parcel containing the prohibited substance, Methandienone, which was intercepted by NZ Customs on 31 December 2025. Mr Smit has never disputed that.
32. The only issue for the Tribunal appears to be whether Mr Smit was registered with NZ Cricket, and therefore subject to the SADR, when he asked for the re-shipment. He appeared to indicate that it was soon after the first shipment was intercepted by NZ Customs in August 2022.
33. As to the re-shipment, as Mr Smit called it, the Tribunal is not convinced that is an appropriate description. He appeared to be suggesting that the supplier in China had simply re-sent him his original order at no additional cost, after it had been seized by NZ Customs. However, there is no evidence to confirm that was the case and the quantities involved in the shipments are different. There were 100 x 20mg tablets in the first parcel seized in August 2022, but 100 x 50mg tablets in the second parcel, which presumably would have cost more. In those circumstances the parcel intercepted on 31 December 2025 could not properly be described as a re-shipment; this was a new purchase or new order.
34. The Tribunal finds the evidence in relation to the collection service to be compelling. While there is no evidence as to the exact date of the new purchase or new order, the fact that the details Mr Smit provided to be able to use the collection service matched the details held by NZ Cricket, means that he must have been registered with NZ Cricket when he made the new purchase. There is no other plausible explanation.
35. Given that conclusion, and the fact that Mr Smit was the intended recipient, the Tribunal is comfortably satisfied that his possession of the prohibited substance has been established.

Attempted use of the prohibited substance

36. The Tribunal is comfortably satisfied that Mr Smit intended to use the prohibited substance. In the absence of any evidence to the contrary that is the only reasonable inference to draw, especially as he had unsuccessfully attempted to obtain the same substance in 2022.

37. Mr Smit's attempted use of the prohibited substance has therefore also been established.

Appropriate sanction

38. As to the appropriate sanction, the Tribunal accepts that in accordance with r. 10.2.1 the period of ineligibility for violation of rr. 2.2 and 2.6, in cases involving a non-specified substance, is a four-year period of ineligibility.
39. Mr Smit is entitled to credit for his provisional suspension, which began on 26 May 2026.
40. The Tribunal further accepts that there is no basis for elimination, reduction or suspension of the sanction under r. 10.5 (No Fault or Negligence), r.10.6 (No Significant Fault or Negligence), or r.10.7 (Substantial assistance/Admissions).

Orders

41. The Tribunal **orders** as follows:
- (i) A period of ineligibility from participation in any capacity in a competition or activity organised, sanctioned, or authorised by any sporting organisation that is a signatory to the SADR, of four (4) years is imposed on Mr Smit pursuant to SADR 10.2.1, backdated to commence on 26 May 2026, being the date of the provisional suspension order.
 - (ii) This means Mr Smit is ineligible to participate in competitive sports until 26 May 2030.
 - (iii) This determination should be the final determination by the Tribunal in this matter, and it may be published in the usual way.

Right of Appeal

42. Mr Smit, as a Recreational Athlete, has a right of appeal against this decision of the Sports Tribunal, as set out at SADR 13.2. The appeal, in accordance with SADR 13.2.3.5, is to the Court of Arbitration of Sport (CAS) and must be filed within twenty-one (21) days from the date of receipt of this decision.

43. The address to which any appeal should be sent is:

Anti-Doping Division:

Palais de Beaulieu

Avenue Bergières 10

CH-1004 Lausanne, Switzerland

Email address: antidoping@tas-cas.org

Dated: 1 September 2026



John Macdonald
Chair



Sam Fellows
Panel Member



Dr Bridget Leonard
Panel Member