

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

PROVISIONAL SUSPENSION ORDER
26 MAY 2026

Parties	Wendy Pickering & Hayden Tapper, Sport Integrity Commission Adam McDonald & Matthew Parker, counsel for Applicant Tayden Smit, Respondent
Tribunal	John Macdonald (Chair) Sam Fellows Harete Hipango-Brownlie
Registrar	Luke Macris

1. Tayden Smit is a New Zealand cricket player and was registered with New Zealand Cricket (NZ Cricket) for the 2025/2026 season. NZ Cricket adopted the 2025 Sports Anti-Doping Rules (SADR) promulgated by the Sport Integrity Commission (the Commission) as its anti-doping policy.
2. On 31 December 2025, NZ Customs intercepted a parcel addressed to Mr Smit at Woolworths Howick 35 Cook Street, 2014 Auckland. The parcel contained Dianabol, Methandienone, 1 Sachet of 100 x 50mg tablets. The description of the contents on the outside of the parcel was "Wired Mouse".
3. Under the Prohibited List 2025 which is incorporated into the SADR, Methandienone is prohibited at all times under S1 (Anabolic Agents) and is a non-specified substance.
4. This prompted Medsafe to contact the Commission on 8 January 2026 and an investigation was undertaken by Wendy Pickering (Investigator for the Commission).

Provisional suspension application

5. Following that investigation, on 17 April 2026, the Commission filed with the Tribunal and served on Mr Smit a provisional suspension application (Form 6) together with a substantive Anti-Doping Rule Violation (ADRV) application (Form 1) with material in support.
6. The Commission alleges that Mr Smit breached:
 - 6.1. SADR 2.2 (use or attempted use of a prohibited substance or a prohibited method); and
 - 6.2. SADR 2.6 (possession of a prohibited substance or a prohibited method).
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.

8. Ultimately, Mr Smit confirmed to the Tribunal by email dated 20 May 2026 that he wished to oppose the application for provisional suspension and that he would not be represented by counsel.
9. The Tribunal held a provisional suspension hearing by Microsoft Teams on 26 May 2026 to determine the issue of whether or not to impose a provisional suspension order.

Threshold for opposing a provisional suspension

10. The threshold for opposing a provisional suspension is set out at SADR 7.4.2.1:

7.4.2.1 Where there has been an *Adverse Analytical Finding* for a *Specified Substance* or notice has been given of another *Anti-Doping Rule Violation* under Rules 2.2 to 2.11, a *Provisional Suspension* shall be imposed except where the *Athlete* demonstrates that there is a real likelihood that no period of *Ineligibility* will be imposed.

11. Accordingly, to successfully oppose the imposition of a provisional suspension, Mr Smit has the onus of demonstrating that there is a “real likelihood that no period of Ineligibility will be imposed”.

Material filed, disclosure, and arguments of the parties

12. The material filed by the Commission in support of the provisional suspension application primarily relied upon the statement of Ms Pickering dated 17 April 2026. Ms Pickering’s statement contained nine (9) evidential attachments relating to the evidence of Mr Smit’s registration to NZ Cricket, photographs of the intercepted package, and relevant correspondence between the various government authorities and/or with Mr Smit.¹
13. The thrust of Mr Smit’s argument with respect to the provisional suspension was set out in an email to the Tribunal dated 15 May 2026:

Firstly I want to mention that I did make an order when I was young and still in school, back in 2022 I think. I was young, dumb, still in school and wanted to get bigger in the gym, it had nothing to do with cricket performance. I ordered dianabol. I purchased it from a Chinese supplied on WhatsApp. That package was seized by customs. I then told them to re ship it to a different address, being the Woolworths one. Which I waited and nothing ever got re shipped so I just left it. Then in 2025, the same order was seized again in my name. I had no idea that this was coming, any my only thought is it was reshipped years later.

Which turns out I was right. I contacted that place I ordered from in 2022 and asked them if they did only re ship it years later, to which they apologised to me and said they did. My

¹ Being the Commission, Medsafe, NZ Customs and also included a copy of the letter of Notification of Anti-Doping Rule Violation proceeding sent to Mr Smit dated 10 March 2026.

previous lawyer also got them to send an email to them confirming it which I will forward to you guys.

14. Mr Smit provided two types of documents in support of his position.

14.1. First, an email from Mr Smit to the Tribunal dated 15 May 2026, which includes a screenshot of two WhatsApp messages, each undated. The first message appears to be from Mr Smit, sent at 12:12, asking about a package of Dianabol that was shipped to him. The second message from someone named "Lulu", appears to respond, in detail, to the query in the same minute at 12:12. The messages read:

First message

Hi there. This is Tayden Smit. I ordered dianabol from you back in 2022. Which got seized, and then I reordered it to a different address, in Howick. After that and it never arrived. Although, last year, I got an email saying that a package of dianabol was seized in my name at that address I re sent it to. Why was it re shipped so late, years later? I do not wish for it to be sent again

Second message

Hi Tayden, yes you did order dianabol from us back in 2022. Which was seized at the boarder [sic] by your customs. I also see that you scheduled it to be re shipped to you, but at a different address, in Howick, Auckland, New Zealand, Woolworths. We are terribly sorry that we were only able to re-ship it in 2025. There must have been an issue with orders. I can also see that the package in 2025 was seized at your boarder [sic] as well, unfortunately that is out of our control.

14.2. Second, an email chain forwarded to the Tribunal on 15 May 2026 including correspondence between Mr Smit's former lawyer and someone who has signed off as "Lulu", of Qingdao Xinli Technology Co., Ltd. This correspondence appears to be in response to earlier communication, but no earlier communication was provided. That email reads:

To Whom It May Concern,

I can confirm that Mr Tayden placed an order with our company in 2022 for Dianabol, in which the total cost was \$100usd. This shipment was dispatched to the delivery address provided at the time: 71 Glenvar Road, Torbay, Auckland, New Zealand; however, we were later informed that the parcel had been seized by New Zealand Customs upon arrival in New Zealand.

Following this, a request was made for the order to be re-shipped. I can confirm that the reshipment was arranged to a different nominated delivery address: 35 Cook street, Woolworths, Howick, Auckland, New Zealand.

Due to an internal administrative issue and an error in our order management process, the replacement parcel was regrettably not re-dispatched until late 2025. We acknowledge and apologise for the substantial delay in processing this re-shipment.

We also saw that the replacement parcel dispatched in 2025 was also seized by New Zealand Customs upon entry into the country. As the sender, once the parcel has been dispatched internationally, any inspection, detention, or seizure undertaken by customs authorities is entirely outside of our control.

This statement is made to confirm the timeline of the original 2022 order, the subsequent reshipment request, and the delayed dispatch of the replacement parcel in 2025. All payments are done via bitcoin, so unfortunately we don't have a record of the payment made.

Sincerely, Lulu

Qingdao Xinli Technology Co., Ltd.

15. In response, the Commission in a memorandum dated 19 May 2026 argued that the documents relied upon were not sufficiently probative to support a decision to order a provisional suspension. The Commission sought, pursuant to SADR 7.9.3 or Tribunal Rule 15(b)(ii)-(iii), disclosure of further documents and information from Mr Smit so that the full context and content of the communications relied upon by Mr Smit could be considered.
16. The Tribunal Chair granted the Commission's disclosure request that same day and directed Mr Smit to provide:
 - 16.1. All text, Whatsapp, and any other electronic messages between the Respondent and Qingdao Xinli Technology Co., Ltd or its representatives;
 - 16.2. All email communications between the respondent or his advisors and Qingdao Xinli Technology Co., Ltd or its representatives; and
 - 16.3. Records of any transactions relied on by the respondent (including, but not limited to, cryptocurrency transaction records and/or bank statements).
17. On 21 May 2026, Mr Smit replied by email confirming that he opposed the provisional suspension and indicating the following regarding further disclosure:

The only contact I have saved with the place I ordered from was that screenshot I sent you. I had deleted the conversations we had years ago and only reached out to them to ask them if they re shipped it recently. Which I showed you guys. And then that email they sent to my previous lawyer I sent to you as well. Also, the payment I made back in 2022 was in bitcoin. I don't have that bitcoin account anymore so can't give you any records of that.
18. The Commission argues that it is not plausible that there are no further documents and invites the Tribunal to draw an adverse inference.
19. At the provisional suspension hearing, Mr McDonald, counsel for the Commission, indicated that they were unaware of any particular authorities in relation to the legal

test of “real likelihood”. He submitted that the threshold must be significantly above *prima facie* evidence but lower than “more likely than not”. He argued that there was no cogent narrative statement from Mr Smit that could be relied upon to support meeting the threshold, suggesting that Mr Smit would have work to do at any substantive hearing to convince the Tribunal that no period of ineligibility could be imposed.

20. To summarise Mr Smit’s position in respect of the provisional suspension, we have taken his argument to be that because he never intended to order the Dianabol that was intercepted by NZ Customs in December 2025 he should not be subject to a provisional suspension. Mr Smit’s claim is that when he ordered the Dianabol back in 2022, it was with the intention to build bulk body mass and not for the purpose of enhancing his schoolboy cricket performance.

Decision

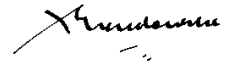
21. The Tribunal’s view accords with that of the Commission – the evidence currently before the Tribunal does not contain sufficient probative value to demonstrate or support a finding that Mr Smit has met the threshold that there is a “real likelihood that no period of Ineligibility will be imposed” as required under SADR 7.4.2.1.
22. Accordingly, the Tribunal grants the application and imposes a provisional suspension on Mr Smit.

Orders

23. The Tribunal **orders** that provisional suspension of Mr Smit will have effect from 26 May 2026, prohibiting his participation of any kind in any event or activity organised, sanctioned or authorised by NZ Cricket or any other sporting organisation that is a signatory to the SADR or WADA Code.
24. As Mr Smit is currently based overseas and presently unrepresented by counsel, the Tribunal wishes to make clear to him the effect of this provisional suspension order. Under SADR rr. 15.1.1 and 15.1.1.1, Mr Smit is prohibited from participation in all sports within the authority of any Signatory under the WADA Code during this provisional suspension.
25. 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: 26 May 2026



John Macdonald
Chair



Sam Fellows



Harete Hipango-Brownlie