

BETWEEN DRUG FREE SPORT NEW ZEALAND

Applicant

AND NICK RHIND

Respondent

**AND NEW ZEALAND POWERLIFTING
FEDERATION**

Interested Party

**DECISION
Dated 26 September 2011**

Tribunal: Barry Paterson QC (Chairman)
Dr Lynne Coleman
Chantal Brunner

Hearing: By Conference Call on 23 September 2011

Present: Graeme Steel for Drug Free Sport New Zealand

Registrar: Brent Ellis

Introduction

1. A urine sample was taken from Mr Rhind at the New Zealand Powerlifting South Island Championships on 11 June 2011. The sample led to an adverse analytical finding in that it contained the concentration of 11-nor-delta-9-tetrahydrocannabinol-9-carboxylic acid of 24 ng/mL (a metabolite of cannabis).
2. On the application of New Zealand Powerlifting Federation, Mr Rhind was provisionally suspended under the provisions of the Sports Anti-Doping Rule 3.1 on 26 July 2011.
3. Mr Rhind requested that the B sample be tested. It also disclosed the presence of the cannabis metabolite. Drug Free Sport New Zealand (the applicant) instituted anti-doping rule violation proceedings before this Tribunal.
4. Mr Rhind responded by filing a notice admitting the violation and advising he did not wish to participate in the hearing and acknowledged that the Tribunal may impose a penalty on him without holding a hearing.
5. Because of the consequences to Mr Rhind, the Tribunal forwarded a notice to him advising that if he took no action the Tribunal would be required to suspend him for two years. He was given an opportunity to review his notice.
6. The Tribunal's notice was emailed to Mr Rhind on 12 August. Mr Rhind did not respond and a copy of the notice was then posted to him on 25 August 2011. The letter of 25 August 2011 and the earlier memorandum were also emailed to Mr Rhind on 25 August.
7. The letter of 25 August was delivered by courier post to Mr Rhind's address on 30 August 2011.
8. On 16 September 2011, the Tribunal sent a letter to Mr Rhind advising him that the matter would be heard by telephone

conference at 9.30am on 23 September 2011. That letter referred to the memorandum of 12 August 2011 and the follow up letter of 25 August 2011. The letter of 16 September to Mr Rhind was delivered by courier post to his address on 19 September 2011.

9. On 22 September 2011, the Tribunal sent an e-mail to Mr Rhind reminding him of the hearing on 23 September 2011.
10. Mr Rhind did not participate in the telephone conference hearing on 23 September 2011. He admitted the violation in his notice of 10 August 2011 and there is clear evidence before the Tribunal of the violation in the form of the analysis from the Australian Sports Drug Testing Laboratory.
11. As Mr Rhind has not sought to rely upon the Specified Substances provisions of the Sports Anti-Doping Rules, the Tribunal has no alternative but to impose on Mr Rhind the sanction provided by Rule 14.2 of those rules. It is a two year period of ineligibility.

Decision

12. Mr Rhind is declared ineligible in accordance with Rule 14.2 of the Sports Anti-Doping Rules for a two year period commencing on 26 July 2011. During that period the provisions of Rule 14.10 apply and the suspension applies not only to power lifting but to any other sport organised, authorised or sanctioned by any signatory to the Sports Anti-Doping Rules.

Dated 26 September 2011



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B J Paterson QC
Chairman