

1. This was an application for provisional suspension under Rule 12.1 of the Sports Anti-Doping Rules 2009 brought by NZ Powerlifting Federation (Inc) on the grounds of a refusal by Mr Slaimanrel to undertake an in competition test on 28 November 2009.
2. Mr Slaimanrel accepted that he had refused to undertake a test. He told the Tribunal that his real interest was body building in which he was competitive. He had been persuaded to enter a powerlifting competition but not on a serious basis and was not intending to continue with powerlifting. However, he was intending to continue to compete in bodybuilding and said that he understood that a provisional suspension order in respect to powerlifting would not prevent him doing so.
3. Ms Kernohan for Drug Free Sport indicated that while the New Zealand Federation of Body Builders (NZFBB) had not accepted the current Code it had been a signatory to the previous Code. Accordingly in Drug Free Sport's view the provisional suspension would apply to Mr Slaimanrel's bodybuilding activities through NZFBB. There is a question under Rule 12.9 of the 2009 Rules as to whether that is correct.
4. As Mr Slaimanrel's refusal to undertake a drug test happened in November 2009, then Rule 12.9 of the 2009 Rules applies. It appears to the Tribunal that on a strict interpretation of Rule 12.9 of the 2009 Rules, provisional suspension will only apply to the sport in which the athlete allegedly committed the violation (the rule essentially states that a person who is provisionally suspended may not take part in events or activities organised, sanctioned or authorised by "*the National Sporting Organisation*" or an organisation, club or person connected with the National Sporting Organisation). The Tribunal understands that Rule 12.9 was amended in the 2010 Rules for the

purpose of ensuring that provisional suspension will apply to other sports. But on our reading of the 2009 Rules, which are the ones that apply here, it seems it will not under those rules. This is the conclusion that the Tribunal previously drew in the provisional suspension decision of *New Zealand Rugby League v Greig Dean* (ST 12/09, 29 October 2009) where the Tribunal stated the effect of the provisional suspension in that case was to prohibit participation in events or activities associated with New Zealand Rugby League.

However, in any event, Mr Slaimanrel is advised to make further enquiries of NZFBB as to the impact of the provisional suspension order.

5. The Tribunal understands that an application for an anti-doping rule violation has now been served upon Mr Slaimanrel. If Mr Slaimanrel wishes to contest that application or to make submissions in respect to penalty he should file a Notice of Defence setting out full grounds. An order as to suspension in respect to that application would apply across all signatory sports. Accordingly Mr Slaimanrel should obtain advice as to the impact on his participation in NZFBB activities. If he wishes legal assistance then the Registrar can provide a list of pro bono counsel prepared to assist an athlete appearing before the Tribunal.
6. Mr Slaimanrel is provisionally suspended from 22 June 2010.

DATED this 22nd day of June 2010



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A R Galbraith QC
Deputy Chairman