

BEFORE THE SPORTS TRIBUNAL OF NEW ZEALAND

ST 13/07

Anti Doping Rule violation proceedings

BETWEEN **NEW ZEALAND RUGBY LEAGUE INCORPORATED**

Applicant

A N D **JACOB CROOT**

Defendant

TRIBUNAL Tim Castle (Presiding Member)
Adrienne Greenwood
Carol Quirk

Hearing: 14 September 2007 at Wellington

In Attendance: Kevin Bailey on behalf of New Zealand Rugby League Inc
Jacob Croot; and David Croot
Counsel: Gary Turkington representing the defendant

Registrar: Brent Ellis

DECISION OF TRIBUNAL

Dated: 14 September 2007

The decision of the Tribunal is that Jacob Croot, having committed an anti-doping rule violation in relation to cannabis on 30 June 2007, shall be ineligible to play rugby league for a period of 31 days, the period to run from 28 August 2007 up until and including 27 September 2007.

1. This is an application against the defendant, a young rugby league player, which has been heard at the request of the defendant under circumstances of urgency.
2. On 10 September 2007, the Tribunal received an application under its Rules from the New Zealand Rugby League Incorporated (NZRL) alleging that the

Board of Drug Free Sport New Zealand (DFS) had determined that on 30 June 2007, the defendant returned a urine sample which tested positive for cannabis, a banned substance under the Anti-Doping Rules of NZRL. Because the alleged violation in this case occurred prior to 1 July 2007, the application requires to be dealt with under the May 2003 Rules of the Tribunal.

3. The defendant is a member of the Central Falcons rugby league team which played against the Auckland Lions at the Mt Smart Stadium in Auckland on 30 June 2007. On 3 September 2007, the defendant was notified of the determination of DFS and, under the Rules of NZRL, was notified that he was provisionally suspended until the Tribunal made its determination in respect of the application.
4. The defendant sought that the Tribunal urgently determine the application by NZRL in the hope that he may have the opportunity to play for the Central Zone Under 18 rugby league representative team against the Northern Zone in Taupo on Sunday, 16 September 2007. It was said that that match will form a basis for trialling for the New Zealand Under 18 rugby league team.
5. Mr Kevin Bailey, for NZRL, the defendant and his father, David Croot, together with Mr Gary Turkington, counsel representing the defendant, participated in a pre-hearing telephone conference conducted at 1pm today. A preliminary issue arose at the pre-hearing teleconference which was the subject of a Minute from the Presiding Member earlier in the day. After hearing from the parties, and in particular acknowledging the defendant's request that the Tribunal proceed to deal with the substantive application under urgency and in particular today, the Tribunal invited the parties to agree to dispense with the formalities under the Tribunal's Rules and consider agreeing that the matter be heard immediately. All parties agreed that the application could proceed to be substantively determined at a hearing by teleconference.
6. At the hearing (as indeed in preliminary documentation filed by the defendant), he admitted the determination that he had committed a doping

infraction; and that the prohibited substance was cannabis; and that cannabis is a prohibited substance by the World Anti-Doping Code (WADA). The defendant accepted the jurisdiction of the Tribunal to determine penalty.

7. The full reasons for the Tribunal's decision will be released as soon as possible. In the interests of informing the defendant of the Tribunal's decision as soon as possible, the Tribunal's decision on the application is released without reasons at this stage. Although the matter has been dealt with urgently the Tribunal has listened carefully to the submissions on behalf of the defendant and given full consideration to the matters placed before the Tribunal.
8. The Tribunal is satisfied that the defendant did not use the cannabis for the purposes of enhancing his performance. The Tribunal considers, however, that a period of ineligibility is appropriate in all the circumstances. The Tribunal is mindful that this will have severe consequences for the defendant. He will not be able to participate in the Central Zone v. Northern Zone representative match in Taupo on 16 September (assuming he would have been selected). He has already missed one important match during the period of his temporary suspension. He will not be able to participate in the final trial on 23 September 2007 for a New Zealand representative side to participate in international test matches on 29 September and 6 October 2007. And the Tribunal understands and intends that he will not be able to participate in an NZRL camp which is to take place between 23 September and 29 September 2007 for players either selected or prospectively to be selected for those international matches. The Tribunal considers this to be a significant penalty; and an appropriate one called for by the circumstances.
9. The defendant participates with considerable success in a number of sports, including athletics as well as rugby league. The Tribunal's decision that the defendant shall be ineligible to play rugby league for the period of 31 days from 28 August 2007 up to and including 27 September 2007 also means that under Article 10.9 of the WADA Code he may not participate in any capacity in any sport which is governed by the WADA Code, including acting as an official or coach or participating in training. This will extend to rugby

league of course, but also, among other sports, the sport of athletics which is governed by the WADA Code.

10. Full reasons for this decision will be issued as soon as possible.

DATED at Wellington this 14th day of September 2007.

A handwritten signature in black ink, appearing to read 'T J Castle', written over a horizontal dotted line.

T J Castle
Presiding Member
New Zealand Sports Tribunal