

BETWEEN DRUG FREE SPORT NEW ZEALAND

Applicant

AND GARETH DAWSON

Respondent

AND BASKETBALL NEW ZEALAND

Interested Party

**PROVISIONAL SUSPENSION DECISION
DATED 15 MAY 2014**

Hearing 15 May 2014 by telephone conference

Tribunal Sir Bruce Robertson (Chair)
Chantal Brunner
Dr Lynne Coleman

Present Paul David, counsel for Drug Free Sport New Zealand
Graeme Steel, Drug Free Sport New Zealand
Jude Ellis, Drug Free Sport New Zealand
Gareth Dawson, Respondent
Gareth Davis, counsel for Gareth Dawson
Jill Bolger, team manager, Southland Sharks
Sam Rossiter-Stead, Chair NBL Ltd, for Basketball New Zealand

Registrar Brent Ellis

1. Drug Free Sport New Zealand (DFS) filed an application for the provisional suspension of Gareth Dawson who plays for the Southland Sharks NBL basketball team.
2. DFS alleges that analysis of a sample collected from Mr Dawson, during a pre-season NBL tournament on 22 March 2014, confirmed the presence of the prohibited substance 3-Hydroxy-4-Methoxy-Tamoxifen (a metabolite of Tamoxifen).
3. A hearing by teleconference was convened today to hear the provisional suspension application. Yesterday afternoon Mr Davis, counsel for Mr Dawson, applied for adjournment of the hearing which was considered at the teleconference today. After discussion, Mr Davis abandoned the adjournment application and the provisional suspension application was heard.
4. Mr David for DFS submitted that, given the positive test result, the Tribunal should order provisional suspension under Rule 12.8 of the Sports Anti-Doping Rules 2014 (SADR). Mr Davis did not oppose Mr David's position.

Decision

5. The Tribunal is satisfied there is no substantive reason why provisional suspension should not be imposed under Rule 12.8 and orders that Mr Dawson is provisionally suspended from today's date.

Further matters

6. The Tribunal draws Mr Dawson's attention to Rules 12.9 and 14.10.1 of the SADR. Under Rule 12.9, while provisionally suspended, Mr Dawson may not take part in any way in any event or activity organised, sanctioned or authorised by Basketball New Zealand (BBNZ) or any member organisation or club of BBNZ or by any person in any way connected with BBNZ. Rule 12.9 further states that "a person subject to provisional suspension shall be *Ineligible* as set out in Rule 14.10.1". Rule 14.10.1 adds further qualifications including prohibiting participation in

competitions organised by any professional league or any international or national level event organisation.

7. In accordance with Rule 12.7 of the SADR, this provisional decision is to remain confidential until the Tribunal makes a final decision in relation to the alleged violation.
8. Mr Dawson has requested that his B sample be tested. The Tribunal understands this will occur on 21 May.
9. The matter is adjourned until 9 am on 4 June 2014, when there will be a further teleconference between the Tribunal and the parties. In the meantime it is anticipated that relevant material will be filed and served by both parties so a timely fixture can be scheduled for the substantive hearing.

Dated 15 May 2014



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Sir Bruce Robertson (Chair)