



MEDIA SUMMARY

**THE SPORTS DISPUTES TRIBUNAL
OF NEW ZEALAND**

SDT 07/05

Anti-doping violation applications

BETWEEN **TOUCH NEW ZEALAND INC**
Applicant

AND **MATIU SOLOMAN**
Respondent

BETWEEN **TOUCH NEW ZEALAND INC**
Applicant

AND **WILLIE MORUNGA**
Respondent

MEDIA SUMMARY OF TRIBUNAL DECISIONS

ISSUED **AUGUST 2, 2005**

Tribunal: Tim Castle (Presiding Member)
Farah Palmer
Adrienne Greenwood

TRIBUNAL ANNOUNCES TWO DECISIONS

The Sports Disputes Tribunal of New Zealand has suspended two athletes after positive tests for a prohibited substance, namely cannabis.

The first of the cases involved Touch New Zealand athlete Matiu Soloman and a positive test from a sample taken in Christchurch on 2 March 2005.

The second case involved Touch New Zealand athlete Willie Morunga and a positive test from a sample taken on 5 March 2005 in Christchurch.

Both cases were determined by the same Tribunal panel – Tim Castle (Presiding Member), Farah Palmer (Captain of the Black Ferns) and Adrienne Greenwood (former CEO of Yachting New Zealand). The jurisdiction of the Tribunal is limited to the imposition of penalty.

Athletes Soloman and Morunga were competing in the Touch National Tournament at Queen Elizabeth Park, Christchurch.

In the case of Matiu Soloman, the Tribunal announced that he would be suspended from all participation in the sport of Touch for a period of one calendar month from 1 November 2005 in addition to receiving a severe warning and a strong reprimand.

In the case of Willie Morunga, the Tribunal announced that he would be suspended from all participation in the sport of Touch for a period of two calendar months beginning 1 October 2005 and ending 30 November 2005 in addition to receiving a severe warning and a strong reprimand.

Previously, other instances involving cannabis infractions resulted in the NZSDT issuing a stern warning and reprimand to the athletes involved.

In announcing the suspensions the Tribunal noted that there were strong mitigating factors in Solomon's case; but an aggravating factor in both of the current cases was the fact the athletes had only very recently signed Player Participation Agreements with Touch NZ. In these agreements the athletes undertook to abide by all drug/doping rules and regulations, including those provided by the International Federation, WADA, the International Olympic Committee and the New Zealand Sports Drug Agency.

In the case of Willie Morunga, the Tribunal said an additional aggravating factor was the past history of his Counties-Manukau team with drugs.

Willie Morunga was a member of the side when its members twice transgressed seriously on drug offences in 2004. The Tribunal considered that he clearly understood the protocols and rules but simply elected to ignore them. He therefore received a longer suspension and consequently will not be eligible for a New Zealand side due to compete in October.

In releasing its decisions, the Tribunal noted that although it was fashionable in some circles to debate whether cannabis should be a prohibited substance, this did not form part of the Tribunal's decision making.

“The position is that cannabis is on the WADA banned substance list which applies to this country, the applicant sport and the respondent athlete. It is incumbent upon the Tribunal to proceed on that basis to deal with an admitted doping infraction against that list.

Cannabis is not regarded by WADA as a performance enhancing drug but was placed on its banned list in 2003, on the grounds of being injurious to health and contrary to the spirit of sport. “

In both Touch NZ cases, the NZSDT noted that all those participating in the sport should understand very clearly that a second individual offence for use of cannabis would result in a two year ban.

Separate decisions were issued for both athletes and are available upon request.

For further information, contact Vanessa Tingey, Sports Disputes Tribunal of New Zealand (telephone: 0800 55 66 80; e-mail: info@sportstribunal.org.nz).

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