

MEDIA RELEASE

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Sports Tribunal suspends power lifter for anti-doping violation

The Sports Tribunal has suspended power lifter Rodney Newman, from participating in sport for two years because of an anti-doping violation relating to Boldenone and Testosterone.

Mr Newman tested positive to these substances at the North Island Powerlifting Championships. He admitted the violation which he indicated must have been the result of a variety of supplements he had been taking. Mr Newman voluntarily withdrew from further competition upon being notified of the positive test. Mr Newman accepted that the mandatory penalty for his violation was a two year period of ineligibility (suspension).

Mr Newman submitted that the suspension should not commence from the date of the Tribunal hearing but should start earlier, from the date he was notified of the positive test as he had voluntarily not competed since then. Drug Free Sport submitted that the suspension could not be backdated, before the date of the Tribunal hearing under the relevant rules, as Mr Newman had not been provisionally suspended by his sport and he had merely voluntarily withdrawn from competition.

The Tribunal concluded that suspensions can be backdated earlier than the hearing date, despite the athlete not being formally provisionally suspended, on its interpretation of the relevant rules and also following the approach of the Tribunal in previous cases. In those cases, the Tribunal accepted that in certain situations, voluntarily withdrawal from competition may be akin to a voluntarily accepted provisional suspension and may justify starting the suspension earlier than the Tribunal hearing date. However, the Tribunal emphasised that voluntarily withdrawal from competition does not require the Tribunal to backdate the suspension and whether it is appropriate to do so will depend on the circumstances of the particular case.

The Tribunal decided in the circumstances of this case that it was appropriate that the 2 year suspension start from the date of notification of the positive test. The Tribunal particularly referred to evidence of the President of New Zealand Powerlifting who had advised Mr Newman, upon the positive test notification, to withdraw from future competition. Mr Newman explicitly accepted this advice during their conversation, and subsequently did not compete. It could be inferred that therefore Powerlifting had considered it unnecessary to formally apply to have Mr Newman provisionally suspended as he had explicitly accepted their advice not to compete.

The decision in this case will be made available for download from the website of the Sports Tribunal (www.sporttribunal.org.nz). See *Drug Free Sport New Zealand v Rodney Newman* (ST 13/08). Copies can also be obtained directly from Brent Ellis, Registrar, Sports Tribunal of New Zealand (telephone: 0800 55 66 80; e-mail: info@sporttribunal.org.nz).