

**BEFORE THE SPORTS TRIBUNAL OF NEW ZEALAND**

ST 06/09

Anti Doping Rule violation proceedings

**BETWEEN**                      **DRUG FREE SPORT NEW ZEALAND**  
Applicant

**A N D**                              **GEORGE PLAYLE**  
Respondent

**TRIBUNAL**                      Nicholas Davidson QC (Deputy Chairperson)  
Carol Quirk  
Tim Castle

**Hearing:**                        (By way of teleconference)  
Thursday, 25 June 2009

**In Attendance:**              George Playle, (athlete)  
Polly Peri, spouse of George Playle  
Jayne Kernohan for Drug Free Sport New Zealand  
Peter Walters, National Coaching/Elite Development  
Manager, Touch New Zealand

**Registrar:**                      Brent Ellis

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**DECISION OF TRIBUNAL**

Dated: 22 July 2009

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**The decision of the Tribunal is that George Playle is suspended for 6 weeks from the date of this decision (i.e. suspended up to and including 2 September 2009) from participation in any sport which is a signatory to the World Anti-Doping Code (WADA Code).**

**Introduction**

1. The respondent, George Playle, was the subject of an application for an anti-doping violation proceeding by Drug Free Sport New Zealand after he was tested at the 2009 New Zealand Open Touch Nationals on 7 March 2009 in which he was participating.

2. A breach of rule 3.1 of the Sports Anti-Doping Rules (2009) was alleged based on the presence of a Prohibited Substance, cannabis, in his system.
3. Mr Playle did not contest the application. Both the A and the B samples were tested at an accredited sports drug testing laboratory and both returned an adverse analytical finding for the prohibited substance cannabis.

#### **Plea**

4. Mr Playle admitted the violation.

#### **The hearing**

5. The hearing proceeded on the basis of a violation being admitted for the presence of cannabis at a level of 35 ng/ml plus or minus 4 ng/ml.
6. Mr Playle presented to the Tribunal a letter dated 11 May 2009 in which he said:

*"I am disappointed to hear that I have tested positive for cannabis.*

*It was never my intention to take cannabis to enhance my performance whilst playing touch or any other type of sport. If anything, I think that cannabis has more of a negative effect on a sportsman's performance. I have never taken performance enhancing drugs and never will. I am not a regular drug user, I was not fully aware of the consequences of having cannabis in your system during a national tournament as I have never been to a national touch tournament and I have never been drug tested. I found out that I was to represent the Bay of Plenty at the 2009 National Touch Tournament in Petone two weeks prior to the tournament, which is not enough time to clear the system of cannabis.*

*I admit I was at fault. I had a social smoke with friends at a 21st birthday party two weeks prior to the time I was registered and three weeks before the tournament. I do not excuse my actions but if I had known at the time that I was to participate at a national tournament, my decision would have been to decline the 'social smoke'. I hope that I can have the opportunity to play next year at the 2010 National Touch Tournament as I will be and am drug free."*

7. Mr Playle told us that he had never seen any information about the anti-doping policy for Touch New Zealand and that having been called in very late to participate in the tournament in a representative capacity he was happy to

sign “a piece of paper” that was put before him by team management which related to his participation in the tournament. He says he was given no information about the documentation he signed.

8. On behalf of Touch New Zealand, Mr Walters acknowledged that given his age and that he was called into the representative team very late probably meant Mr Playle did not get the information he should have received around anti-doping.
9. On behalf of Drug Free Sport New Zealand, Ms Kernohan acknowledged that it was very hard for athletes who were called into teams at the last moment to have any real opportunity to learn about or otherwise be informed about anti-doping obligations. She told the Tribunal that this was particularly so in relation to informing athletes that social drug use was prohibited in certain circumstances under the Anti-Doping Code. Drug Free Sport New Zealand had given considerable thought to whether it could (and might yet) produce a handbook or a booklet for managers of athletes particularly in advance of representative tournaments of the kind in this case. Ms Kernohan anticipated that Drug Free Sport New Zealand will do some work with Touch New Zealand on a code of conduct for players and managers to be available in addition to the standard anti-doping policy material which is available on the Drug Free Sport New Zealand website and elsewhere.
10. The Tribunal also heard from Polly Peri, the athlete’s spouse, who gave corroborating evidence that she was with him at the time the athlete partook in a social marijuana smoke with his cousins and a friend. She confirmed that at that time he was not part of the Bay of Plenty representative Touch team and that it was only after that time that he was contacted by the team manager to let him know that he was in the team to represent Bay of Plenty at the nationals.
11. Ms Peri strongly endorsed Mr Playle’s likely resistance to any drug taking if he had known he was to go to the nationals and that he would not have done anything to jeopardise his chances of playing in that tournament. This

evidence was fully supportive of the additional information Mr Playle gave us in his letter to Drug Free Sport New Zealand as follows:

*“Playing for the Bay of Plenty open mixed was an awesome experience and winning the competition playing for the Bay was an ultimate bonus. I am willing to undergo other drug tests during any future tournaments. I anticipate the opportunity to contend for the chance to play for New Zealand at the next World Cup in Scotland drug free and fit. I have the talent and now with the experience of playing at this level my dreams seem more realistic and with the right attitude I think that it is possible. I apologise for my actions and I ask for the opportunity to play what I love, Touch.”*

### **Discussion**

12. Touch New Zealand did not apply to the Tribunal for consideration of whether Mr Playle should be provisionally suspended, as it was entitled to do under the Sports Anti-Doping Rules (2009), on receiving notification that Mr Playle had tested positive for cannabis. Therefore, there has been no provisional suspension imposed in this case.
13. The Tribunal accepts that Mr Playle did not smoke cannabis for performance enhancing purposes and the lesser sanctions under rule 14.4 of the Sports Anti-Doping Rules (2009) are available in principle. It refers to its decision in *New Zealand Rugby League Inc v. Timoti Broughton* (ST 14/07, decision 20 December 2007), which addressed earlier decisions and referred to a period of ineligibility of between one and two months being appropriate for a cannabis violation. Since then, the Tribunal has given a decision in the case of *Drug Free Sport New Zealand v. Ted Hunia* (ST 03/08, decision 21 May 2008) which also involved a Touch player. In the *Hunia* decision, the Tribunal applied the principles emerging from the earlier decisions and imposed a period of six weeks' suspension for use of cannabis the night before a national championship.
14. The Tribunal has recently imposed sanctions of two months' suspension for cannabis violations in *Drug Free Sport New Zealand v. Steven Manson* (ST 04/09, decision 21 May 2009) and *Drug Free Sport New Zealand v. Thomas Cameron* (ST 03/09, decision 20 April 2009). In both these cases, the

Tribunal found that there were aggravating factors but no mitigating factors surrounding the circumstances of the cannabis use.

15. We find there are no aggravating circumstances in this case. Whilst it is correct that Mr Playle in this case used cannabis close to a competition game, at the time he used the cannabis he had not been selected and had no anticipation that he would be going to the tournament.
16. It is a mitigating circumstance that Mr Playle, having been called into the team late, would not have (as we accept) had the “social smoke” of cannabis had he earlier been named in the tournament side.
17. We also accept that, in the hurried circumstances of his call up into the team, Mr Playle received no information on the anti-doping policy of Touch New Zealand and received no or limited explanation or information as to his obligations ahead of or even at the tournament in which he was to participate. This is an unsatisfactory situation and we endorse the proposition put forward by Drug Free Sport New Zealand – which we consider should also be acted upon by Touch New Zealand – namely the development of a handbook or booklet inclusive of a code of conduct for players and managers for tournament participation.
18. However, the use of cannabis is banned in and around competitive sport and athletes have an obligation to be aware of, and comply with, the anti-Doping Rules. It is on the prohibited WADA list. A penalty must be imposed and the sooner athletes recognise this the better.

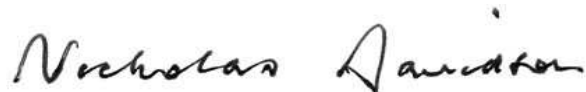
### **Disposition**

19. In the circumstances and in accordance with the principles of the cases we have referred to, we have determined that a period of six weeks’ suspension is the appropriate penalty to be imposed in this case. Mr Playle will be suspended from participation in any sport, which is a signatory to the WADA Code, up to and including 2 September 2009.
20. The Tribunal’s decision is to have cross-code effect. The Tribunal is aware that Mr Playle is presently actively involved in playing rugby and this decision

will prevent him from doing so for the next six weeks, as well as preventing him participating in Touch.

21. The Tribunal further advises Mr Playle that if he further infringes the anti-doping code in any sport, by using cannabis, the minimum period of ineligibility for him, under the WADA Code and the Sports Anti-Doping Rules 2009, will be a minimum of one (1) year's suspension and may be as high as a maximum of four (4) years' suspension.

**DATED** this 22nd day of July 2009.

A handwritten signature in black ink that reads "Nicholas Davidson". The signature is written in a cursive style with a small dot above the 'i' in "Davidson".

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**Nicholas Davidson QC**  
**Deputy Chairperson (for the Sports Tribunal)**