

1. Taane Samuel is a member of the Wellington Saints NBL basketball team. Basketball New Zealand has adopted the 2022 Sports Anti-Doping Rules (SADR) promulgated by Drug Free Sport New Zealand (DFSNZ) as its anti-doping policy.
2. A sample was collected from Mr Samuel following testing at the National Basketball League on 17 May 2022 which on analysis was found to contain the prohibited substance methylenedioxymethamphetamine (MDMA) which is a specified substance prohibited in competition.
3. On 5 August 2022, DFSNZ filed an Application for the Provisional Suspension of Mr Samuel alleging breaches of 2022 SADR 2.1 and 2.2. On 10 August 2022, DFSNZ confirmed service on Mr Samuel.
4. On 19 August 2022, Counsel for the Respondent filed a memorandum advising the respondent voluntarily accepts a provisional suspension and does not require his B sample to be tested.
5. Accordingly, and being satisfied that there was no substantive reason presently advanced why provisional suspension should not be imposed, the Tribunal Chairman ordered the provisional suspension of Mr Samuel with effect from 19 August 2022. Mr Samuel may not take part in any way in any event or activity, organised, sanctioned or authorised by Basketball New Zealand or by any other sporting organisation which is a signatory to the SADR.
6. Counsel for the Respondent has also indicated that the breach will be admitted and the sole issue for determination is the sanction to be imposed. Further, that the Respondent will invoke SADR 10.2.4.1 which provides for a reduced sanction if an athlete completes an approved “substance of abuse” treatment programme. DFSNZ has not yet had an opportunity to respond to the matters outlined in the memorandum or proposed course of action.
7. The following timetabling orders are made in relation to the substantive anti-doping rule violation proceedings:
 - (a) DFSNZ is to file and serve its Form 1 and written material in support by Friday 26 August 2022;
 - (b) the Respondent is to file and serve his Form 2 together with any evidence and other written material in support, including medical practitioner’s advice for a drug education assessment and/or DFSNZ approved drug treatment programme by Friday 2 September 2022;

- (c) DFSNZ is to file and serve any written material, in response by Friday 9 September 2022; and
- (d) A further teleconference is set for Monday 12 September 2022 at 9.00am.
8. Leave is reserved for the parties to request a teleconference regarding pre-hearing matters if required. The matter maybe adjourned to allow the parties to discuss if the athlete can engage in a programme which DFSNZ approves, and the matter dealt with on the papers if a joint memorandum is filed by the parties for the Tribunal's consideration. Otherwise, the Registrar will confer with counsel regarding a hearing date.
9. A copy of this Provisional Suspension Order will be sent to the parties but otherwise should remain confidential until publication of the final decision on the Anti-Doping Rule Violations. All other process steps under the SADR should similarly remain confidential.

Dated: 19 August 2022



Sir Bruce Robertson
Chairman