



## **INTRODUCTION**

1. Joseph Flint, an 18 year old Rugby League player, played for the Wellington Orcas in a Bartercard Cup match at the Basin Reserve, Wellington on 19 August 2007. A urine sample was taken that day by Drug Free Sport, which was tested by a WADA accredited laboratory in Sydney. The test returned an adverse analytical finding for the prohibited substance cannabis.
2. Drug Free Sport instituted this proceeding under the Sports Anti-Doping Rules (2007) (“the Rules”). Joseph admitted the violation and originally advised that he did not wish to participate in the hearing. Because of the possible consequences, Joseph was encouraged to participate in the hearing and participated in a telephone conference convened on 14 November 2007, at which Drug Free Sport and NZ Rugby League (as an interested party) also participated. By agreement of all participants, the conference was converted into a hearing to consider the sanction to be imposed.

## **JOSEPH’S POSITION**

3. At the time of the violation, Joseph was attending the Rugby League Academy in Wellington. He hopes to continue attendance there next year.
4. On 4 April 2007, Joseph completed the NZ Rugby League player registration form. That form included an acknowledgment that he had read and understood the NZRL “Banned Substances Policy”. This Policy makes it clear that cannabis is a prohibited substance and Joseph was aware of this.
5. Joseph gave evidence at the hearing and said that he smoked the cannabis on the Friday night before the Bartercard Cup game on the Sunday. He did so while at a friend’s house with a group of people who were drinking and playing poker. It was his evidence that he originally declined to smoke cannabis when it was offered to him but that later in the evening, when he was intoxicated, he agreed to smoke it.
6. Joseph’s position is that he did not smoke the cannabis to enhance his performance in the League match. He said that he did not see cannabis as being performance enhancing.
7. Subsequent to 19 August, Joseph played three matches for the Central Districts under 18 squad. He did so before he knew of the positive drug test.

8. Since learning of the test result, Joseph has told some of his friends of the result and has expressed his disappointment to them for his stupidity. He expressed his regret to the Tribunal. He also said that he is living with his family, who will give him appropriate advice in the future.

## **DISCUSSION**

9. The Tribunal accepts from the evidence that Joseph did not smoke cannabis for performance enhancing purposes. The lesser provisions contained in rule 14.3 of the Rules, therefore, apply.
10. The aggravating factors in this case are that Joseph did sign a participation agreement and was aware that cannabis was a banned substance. He smoked the drug two days before a Bartercard Cup match at a party where he admitted that he drank too much.
11. The mitigating factor is Joseph's age. The fact that he was a contender for both the New Zealand and the New Zealand Maori under 18 teams indicates his potential in the game.
12. Mr Bailey advised that Joseph had been in contention for selection in both the New Zealand and the New Zealand Maori under 18 teams. He was not considered for selection once the test result was received.
13. This is another case which falls within the range of sanctions which have been imposed on other Rugby League players in the last few months (Jacob Croot, ST13/07, Sonny Cavanagh, ST11/07 and Joe Vaifale, ST12/07 and Jason Morehu, ST17/07). Taking into account Joseph's age and that he may have missed selection in the under 18 New Zealand and New Zealand Maori teams because of this offence, it is the Tribunal's view that an appropriate penalty is a period of ineligibility of one month from club matches. This period is at the lower end of the range of sanctions for cannabis offending.
14. The Tribunal understands that the season commences on or about 1 March 2008. To give an effective period of suspension of one month, it is necessary to suspend for a period which does not expire until near the end of March. The view of the Tribunal is that the term of suspension should expire on 28 March 2008. There are four weekends in March prior to 28 March.

## **DECISION**

15. In accordance with rule 14.3 of the Rules, Joseph Flint will be ineligible to participate in rugby league for a period commencing on the date hereof and expiring on the 28th day of March 2008.
16. Joseph is warned that if he were to offend a second time, the minimum period of eligibility which this Tribunal could impose is a period of two years.

Dated the 20<sup>th</sup> day of November 2007



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**Hon B J Paterson QC**  
**Chairman**