



MOTORSPORT NEW ZEALAND (INC)

NOTICE OF DECISION OF A MOTORSPORT NEW ZEALAND ANTI-DOPING TRIBUNAL APPOINTED BY THE EXECUTIVE COMMITTEE PURSUANT TO THE POWERS SET OUT IN THE NATIONAL SPORTING CODE, NAMELY:

- Mr Martin Fine (Chair)
- Mr Campbell Robertson
- Mr Graeme Robertson

Respondent

Mr Dale Lambert – Licence Number 16847

MOTORSPORT NEW ZEALAND (INC) under the powers set out in Articles 118 and 119 of the National Sporting Code, having considered matters brought to its attention, determined that a hearing be held before an Anti Doping Tribunal set up for the purpose by the Executive.

Background

The Sub-Committee was referred to a letter from Drug Free Sport of test results for the above competitor.

HEARING PROCEDURE

The Hearing was conducted in accordance with National Sporting Code (NSC) Article 120.

DATE AND TIME OF HEARING.

Thursday 10th April at 6.30 pm

PLACE OF HEARING

Map and Associates Ltd , 5 King Street, Hamilton

APPEARANCES

Nil

DECISION OF THE TRIBUNAL

The Tribunal convened at the appointed time. In evidence the Tribunal received the Report from Drug Free Sport New Zealand Limited and a letter from the competitor. An email was also received from Drug Free Sport.

Jurisdiction

1. The jurisdiction of the Tribunal is found in Art 38(1) of the National Sporting Code and in Schedule D of that Code. Schedule D confirms that all competitors are bound by the international rules covering the use of Drugs in Sport, the identity of which are established by the World Anti-Doping Authority and administered in New Zealand by Drug Free Sport.
2. Every competitor is bound to ensure that he or she does not contravene the list of banned substances prior to entering into competition.
3. Drug Testing is undertaken by the sport and the test procedures are managed and administered by Drug Free Sport.
4. The particular competition from which this matter arises is governed by Schedule CH of the Sports competition rules. Art 14 of Schedule CH deals with Drug Testing. Art 37 details penalties for offences.
5. The adjudication of Doping issues may be undertaken either by the Sports Tribunal set up for the purpose or by any National Sporting Organisation Anti-Doping Tribunal set up for the purpose.
6. MotorSport New Zealand Inc has the jurisdiction to set up such a Tribunal under its rules and has specific rules dealing with Anti-Doping matters.
7. For the reasons set out above it is determined that this Tribunal has jurisdiction to hear and determine the matter.

Findings

8. The Respondent was required to undertake a Drug Test at Manfeild on 17 February 2007.
9. The testing procedure was undertaken in accordance with the procedures set out in the National Sporting Code by Drug Free New Zealand.
10. The sample was duly screened and a positive result was obtained for cannabis.
11. Cannabis is a banned substance.
12. The Respondent was advised of the result and the matter was referred to MotorSport New Zealand for adjudication.
13. The Respondent did not appear but a letter was received from him in which he acknowledged taking the substance albeit some considerable time prior to the test.

14. The Tribunal finds that the respondent has returned a positive drug test result.
15. Schedule CH 37.1 applies.

Ruling

16. The allegation is proved.
17. The Respondent is excluded from the New Zealand V8 Championship for 2007/2008.
18. The Respondents competition licence is suspended until 1 May 2010.

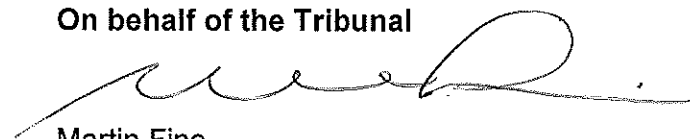
Recommendations

19. As a matter of policy it is suggested that the Executive formally establish an Anti-Doping Tribunal and that its policies and procedures are separately prescribed for the information of all competitors.
20. The test result should include an assessment of the approximate date of the taking of the substance and some degree of latitude should be included in the penalties prescribed to allow for this.
21. The Sport needs to provide for the imposition of a temporary suspension of its competitors in the case of doping offences. This power should be exercisable by an Event Director or Clerk of the Course pending the hearing of an offence by the Tribunal.
22. The right to the publication of the details of these proceedings should be determined as a matter of policy by the Executive.

Right of Appeal

The parties are reminded of the right of appeal to the National Court of Appeal in accordance with Part XI of the National Sporting Code.

On behalf of the Tribunal



Martin Fine
Chairman