

BEFORE THE NEW ZEALAND RUGBY UNION JUDICIAL COMMITTEE

No. 01/19

BETWEEN

DRUG FREE SPORT NEW ZEALAND

Applicant

AND

MATHEW JEFFREYS

Respondent

DECISION ON ANTI-DOPING VIOLATION

Judicial Committee: Barry Paterson QC, Chair
Dr Ian Murphy
Ben Castle

Registrar: Stuart Doig


1. The applicant (DFSNZ) has brought Anti-Doping Rule Violation proceedings against Mr Jeffreys alleging breaches of the Sports Anti-Doping Rules 2014 (SADR).
2. The breaches alleged are:
 - (a) Use or Attempted Use of Prohibited Substances – Rule 3.2 SADR.
 - (b) Possession of a Prohibited Substance – Rule 3.6 SADR.
3. The application alleges that on or about 2 August 2014, Mr Jeffreys purchased Clenbuterol from a website trading as NZ Clenbuterol. Mr Jeffreys has acknowledged that he purchased 20 millilitres of Clenbuterol for a price of \$60 from NZ Clenbuterol in August 2014.
4. Mr Jeffreys filed a notice of defence admitting the violation but wishing to participate in this proceeding by making submissions on any sanction or penalty which might be imposed.
5. Mr Jeffreys provided a statement in support of his defence acknowledging the purchase for the purposes of losing weight but states that after purchasing the Clenbuterol, he changed his mind and did not use it.
6. DFSNZ and Mr Jeffreys have filed a joint memorandum in which they both waive the right to a hearing and make joint submissions as to what an appropriate sanction may be.
7. Mr Jeffreys has acknowledged that he is bound by the provisions of the SADR and has acknowledged that in the circumstances there is no evidence that warrants reducing the Period of Ineligibility under Rule 14.5 (the no significant fault provision) and DFSNZ has acknowledged there is no evidence of aggravating circumstances warranting increasing the Period of Ineligibility under the provisions of Rule 14.6. That Period of Ineligibility is 2 years.

The Sanction

8. Mr Jeffreys was provisionally suspended on 21 February 2019. Under the SADR the starting date of the sanction is to be backdated to that date.

9. Both parties accept that this Committee has a discretion under Rules 14.9.1 and 14.9.2 of the SADR to further backdate the commencement date of the Period of Ineligibility.
10. Under Rule 14.9.1 there can be a backdating for “substantial delays in the hearing process ... not attributable to the athlete”. In accordance with previous decisions of this Committee, Mr Jeffreys is entitled to a period of six months backdating under this rule.
11. DFSNZ also acknowledges that Mr Jeffreys admitted the violations shortly after being advised of them by DFSNZ and that it would be appropriate in the circumstances to further backdate the starting date under the provisions of Rule 14.9.2 which allow for such backdating if the athlete promptly admits the violation after being confronted with it. This Committee agrees that a further period of backdating totalling six months is appropriate in the circumstances.
12. The sanction therefore is a Period of Ineligibility of 2 years commencing on 21 February 2018 which allows for a total of backdating of 12 months under the provisions of Rules 14.9.1 and 14.9.2.
13. During the Period of Ineligibility, Mr Jeffreys is prohibited from participating in any capacity in a *Competition* or activity (other than authorised anti-doping education or rehabilitation programs) authorised or organised by any *Signatory* or *Signatory's* member organisation, or other member organisation of a *Signatory's* member organisation, or in *Competition* authorised or organised by any professional league or any *International* or *National-level Event Organisation* or any elite or national-level sporting activity funded by a governmental agency.
14. Under the provisions of Rule 5.2.3 of the New Zealand Rugby Union Anti-Doping Regulations (26 July 2012), Mr Jeffreys is entitled to have the finding and/or sanction referred to a Post-Hearing Review Body.

Dated 30 March 2019


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Barry Paterson QC
Chairman, Judicial Committee