

BEFORE THE NEW ZEALAND RUGBY UNION INCORPORATED ANTI-DOPING JUDICIAL COMMITTEE

BETWEEN

SPORT INTEGRITY COMMISSION
Applicant

AND

ARCHIE
SCHLUTER
Respondent

DECISION ON ANTI-DOPING VIOLATION

Judicial Committee: Helen Morgan (Chair)
Dr Deborah Robinson
Henry Moore

Registrar: Fiona Martin

Introduction

1. The Applicant has brought Anti-Doping Rule Violation (**ADRV**) proceedings against the Respondent alleging breach of the Sports Anti-Doping Rules 2024 (**SADR**).
2. This breach relates to a parcel addressed to the Respondent that was intercepted by New Zealand Customs Service on or about 28 March 2024 which contained three 2mg vials of BP-C157 (**Prohibited Substance**), which substance is on the Prohibited List 2024 (**List**) and incorporated into SADR. BPC157 is prohibited at all times and is a specified substance under S0(Non-Approved Substances) of the List.
3. The Respondent was at the time of the intercept registered as a player with New Zealand Rugby, making him bound by the New Zealand Rugby Anti-Doping Regulation dated 22 February 2024.
4. The Respondent has admitted the ADRV.
5. The Committee has received the following key documents:
 - a. Statement of Hayden Tapper dated 22 May 2024; and
 - b. Joint memorandum of Counsel dated 5 July 2024.

Background

1. The background of this matter is as follows:
 - a. The Respondent accepts he imported the Prohibited Substance and accepts that the Applicant has jurisdiction.
 - b. The Respondent admitted the ADRV, stating that it was not intentional because he:
 - i. Did not know he was bound by SADR at the relevant time;
 - ii. Did not know BPC-157 was a prohibited substance; and
 - iii. He was using it to recover from an injury not to assist him in sport.
 - c. The Respondent position that the ADRV was not intentional is agreed to by the Applicant.
 - d. The Respondent accepted the provisional suspension in writing as at 14 June 2024.
 - e. As a result of his injury, the Respondent did not re-register with New Zealand Rugby for the 2024 season and has not engaged in sport since May 2024.

Findings

1. The Committee acknowledges the Respondent's admission and as such the findings of the Committee relate to sanction only. The Committee has been greatly assisted by the joint memoranda between the Applicant and the Respondent and commends them for their efforts in this.
2. The Committee accepts the ADRV by the Respondent was not intentional as the actions of the Respondent do not meet the definition of "intentional" in SADR Rule 10.2.3.
3. There are no aggravating factors in this case and as such the Committee does not need to consider SADR Rule 10.4.

Sanction

1. As a result of the findings, the Respondent's ADRV falls under SADR rule 10.2, being:

10.2 *Ineligibility for Presence, Use or Attempted Use, or Possession of a Prohibited Substances or Prohibited Methods*

The period of Ineligibility imposed for a violation of Rules 2.1, 2.2 or 2.6 shall be as follows, subject to potential elimination, reduction or suspension pursuant to Rules 10.5, 10.6 or 10.7:

10.2.1 The period of Ineligibility, subject to Rule 10.2.4 shall be four years where:

10.2.1.1 The anti-doping rule violation does not involve a Specified Substance or a Specified Method, unless the Athlete or other Person can establish that the anti-doping rule violation was not intentional.

10.2.1.2 The anti-doping rule violation involves a Specified Substance or a Specified Method and DFSNZ can establish that the anti-doping rule violation was intentional.

10.2.2 If Rule 10.2.1 does not apply, subject to Rule 10.2.4.1, the period of Ineligibility shall be two years.

2. With the finding of no intent, Rule 10.2.2 applies meaning a two-year period of Ineligibility is the sanction to be imposed on the Respondent.


3. In terms of when the period shall commence, SADR rule 10.13.2 provides:

10.13.2.2 If an Athlete or other Person voluntarily accepts a Provisional Suspension in writing from [the Commission] and thereafter respects the Provisional Suspension, the Athlete or Other Person shall receive a credit for such period of voluntary Provisional Suspension against any period of Ineligibility which may ultimately be imposed.

4. Such rule is able to be applied in this case and, as such, the period of Ineligibility shall commence on 14 June 2024 and terminate at 11.59pm on 13 June 2026.

5. During the Period of Ineligibility, the Respondent 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 sporting activity funded by a government agency.

Dated 19 August 2024



Helen Morgan (Chair)
Dr Deborah Robinson
Henry Moore

