

BEFORE THE NEW ZEALAND RUGBY UNION JUDICIAL COMMITTEE

No. 12/18

BETWEEN **DRUG FREE SPORT NEW ZEALAND**

Applicant

AND **GLEN BEADLE**

Respondent

DECISION ON APPLICATION

Dated 27 February 2019

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

Registrar: Stuart Doig

1. The applicant (DFSNZ) filed an application in September 2018 alleging that the respondent Mr Beadle committed violations under the provisions of the Sports Anti-Doping Rules 2014 (SADR 2014).
2. The allegations are that Mr Beadle committed the following infringements:
 - (a) Breached Rule 3.2 SADR 2014 by the Use or Attempted Use of a Prohibited Substance.
 - (b) Breached Rule 3.6 SADR 2014 by being in Possession of a Prohibited Substance.
3. The allegations arise from the purchase by Mr Beadle of 20 millilitres of Clenbuterol from a website trading under the name NZ Clenbuterol in July 2014 and the purchase of a further 10 millilitres of Clenbuterol from the same source in November 2014.
4. Mr Beadle initially admitted the two allegations of possession but did not admit the use or attempted use of the Clenbuterol. In a joint memorandum signed by counsel for both parties and dated 5 February 2019, Mr Beadle vacated his denial of the use or attempted use and has admitted all four violations.
5. In the joint memorandum the parties have stated their position on the potential sanction under SADR 2014 and have waived their right to a hearing.
6. Mr Beadle was provisionally suspended by this Committee on 26 October 2018.
7. Mr Beadle having admitted the violations the issue is the appropriate sanction.
8. Under the provisions of Rule 14.2 of SADR 2014, the Period of Ineligibility for the violations admitted is two years.
9. Mr Beadle does not seek to have this period reduced under any of the provisions of SADR 2014 and in particular under Rule 14.5 which provides for a reduction if the athlete establishes no fault or negligence or no significant fault or negligence. Thus the sanction is a Period of Ineligibility of 2 years.

10. Under SADR 2014, the Period of Ineligibility commences from the date that Mr Beadle was provisionally suspended unless he is entitled to have the starting point backdated under other provisions of SADR 2014.
11. DFSNZ accepts that Mr Beadle is entitled to backdating for a period of six months under Rule 14.9.1 which provides for backdating where there has been "substantial delays in the hearing process not attributable to the athlete". Several decisions of this Committee and the Sports Tribunal of New Zealand have established that the appropriate period of backdating for violations which were committed at the time of Mr Beadle's violations is six months.
12. Under Rule 14.11.2 SADR 2014, the Period of Ineligibility may be further backdated where the athlete promptly admits the violations after being confronted by DFSNZ. Mr Beadle promptly admitted the possession of the Clenbuterol when notified of the allegations by DFSNZ and has since admitted the use of the substance.. Both counsel submit, and this Committee accepts, that Mr Beadle is entitled to a backdating for the prompt admission. The Committee accepts that it would be appropriate to further backdate the Period of Ineligibility by another six months making a total backdating of 12 months.

Sanction

13. The violations having been admitted, the sanction imposed on Mr Beadle is a Period of Ineligibility of 2 years backdated to commence on 26 October 2017.
14. During the Period of Ineligibility, Mr Beadle 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.
15. Under the provisions of Rule 5.2.3 of the New Zealand Rugby Union Anti-Doping Regulations (26 July 2012), Mr Beadle is entitled to have the finding and/or sanction referred to a Post-Hearing Review Body.

Dated 27 February 2019



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Barry Paterson QC
Chairman, Judicial Committee