

**BEFORE THE NEW ZEALAND RUGBY UNION JUDICIAL COMMITTEE**

**No. 8/18**

**BETWEEN**                      **DRUG FREE SPORT NEW ZEALAND**  
**Applicant**

**AND**                              **SHANE BARRY LAURENCE**  
**Respondent**

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**DECISION ON ANTI-DOPING VIOLATION APPLICATION**

**Dated**                      **November 2018**

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**Hearing:**                      By telephone on 15 November 2018

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

**Present:**                      Paul David QC counsel for Applicant  
Shane Laurence the Respondent in person  
Hayden Tapper, employee of Applicant

**Registrar:**                      Stuart Doig

1. The applicant (**DFSNZ**) alleges that Mr Laurence committed anti-doping rule violations by twice in July 2014 purchasing anabolic steroids from NZ Clenbuterol and using or attempting to use those substances.
2. Mr Laurence does not dispute that on or about 18 July 2014, he purchased 200ml of Clenbuterol and that on 31 July 2014, he purchased Testosterone Enanthate (250mg/ml), as well as Nolvadex (Tamoxifen).
3. On the basis of these purchases, the allegations are that he breached:
  - (a) Rule 3.2 of the Sports Anti-Doping Rules 2014 (**SADR 2014**) – Use or Attempted Use by an athlete of a Prohibited Substance.
  - (b) Rule 3.6 of SADR 2014 – Possession of Prohibited Substances.
4. When advised of these allegations by DFSNZ, Mr Laurence provided DFSNZ with two affidavits. The first affidavit dated 13 August 2013 was in respect of allegations that he played rugby league during the relevant period. It is not directly relevant to the current allegations except that when considered with his second affidavit, supports the allegation made by DFSNZ that Mr Lawrence was an experienced player in two codes of football.
5. The second affidavit dated 13 August 2018 is directly relevant to this application and in that affidavit Mr Laurence stated:
  - (a) He was a registered and active player with the Waimea Old Boys Rugby Football Club during the 2016 season and various seasons between 2007 and 2012.
  - (b) He did not play for the Club nor any other sporting organisation during the period in question, namely the 2014 and 2015 calendar years.
  - (c) The reason for him not playing was a significant concussion sustained while playing rugby league during May 2013, which the Committee accepts did occur.
  - (d) The birth of twins on 18 March 2014 and his partner being unsupportive of his sporting participation.

- (e) He did not register with the Waimea Old Boys Rugby Football Club nor did he give any approval implied or otherwise for this to be done by any other party during the relevant period.
  - (f) After speaking with Club Management, he confirmed that he did not play nor register for Waimea Old Boys Rugby Football Club. In support, he provided a letter from the President of the Board of Directors of that Club which stated that Mr Laurence did not play for the Club during the 2014 season and that he was registered by the Club's Senior B coach at the time, and not by Mr Laurence himself, "in case he was available, which is a practice often employed at the start of each season by coaches".
6. In response to these statements, DFSNZ provided a further written statement from Mr Tapper, an employee of DFSNZ, which annexed a photograph of Mr Laurence playing a rugby match for the Waimea Rugby Club's Senior B team on 30 May 2014.
  7. A procedural direction issued by this Committee on 9 October 2018 advised Mr Laurence that if the Committee had not heard from him within 14 days of the date of the minute, it would set the matter down for a substantive hearing. It issued a Provisional Suspension order on 26 October 2018.
  8. The matter was set down for hearing on 15 November 2018 and Mr Laurence appeared by telephone. At that hearing he acknowledged that he had played for the Senior B team on 30 May 2014. Mr Tapper's statement attaching the photograph of him playing in that match had been provided to Mr Laurence in early September 2018 but he did not acknowledge that he had so played until the hearing. It is noted that he was registered with the NZ Rugby Union on 14 May 2014 and as such was at the time of playing as a registered member and subject to the NZ Rugby Union Anti-Doping Regulations 2012. His evidence at the hearing was that he was registered to play for one game only and in the period during which he took the substances, he had no intention to play sport. He played in this game two months before bought the Prohibited Substances.

**Violations**

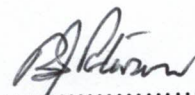
9. The Committee is comfortably satisfied that Mr Laurence committed the violations alleged. He was a senior player who for several years alternated between rugby league and rugby union football. His emails indicate that he had some knowledge of the effects of drugs. The Committee has difficulty in accepting that he played only one match in the 2014 season. Notwithstanding that he knew from more than two months prior to the date of hearing that the evidence disclosed that both his affidavit and the letter from the President of the Waimea Rugby Football Union Club contained false statements, he took no steps to correct the position.
10. Mr Laurence accepts that he purchased the substances, which were at the relevant time on the Prohibited List, and that he used them. At that time he was registered as a player under the NZ Rugby Union registration procedures and bound by the New Zealand Ruby Union Anti-Doping Regulations 2012.

**Sanction**

11. As the violations took place in 2014, the starting point for the sanction is a Period of Ineligibility of 2 years commencing from the date of the Provisional Suspension, namely 26 October 2018. DFSNZ has requested that the Committee consider increasing this Period of Ineligibility because of the aggravating factors and submitted that the period of Ineligibility could be 3 years.
12. The Committee accepts that there are aggravating factors in this case. Mr Laurence obviously played during the 2014 season but filed a sworn statement that he did not supported by a letter from the President of his Club. The substances purchased are used to increase the power and strength of the athlete and over a period of time Mr Laurence played both Rugby Union and Rugby League football on a regular basis. He was an experienced player and the evidence from his email exchange with the supplier of the substances evidences that he was familiar with what he was purchasing. He continued purchasing drugs after the 2014 season but that continuation is irrelevant to the sanction apart from showing that he was very familiar with the substances.

13. In the circumstances, the Committee is of the view that the appropriate sanction is a period of 2 years 6 months Ineligibility.
14. Mr Laurence is entitled to a backdating of the period because of delays in the process not attributable to the athlete (SADR 2014, 14.9.1). In the circumstances, the Committee allows six months for this backdating. The result is that Mr Laurence's sanction be for the period of 2 years 6 months but with a six months backdating of the commencement date.
15. The sanction imposed on Mr Laurence is a Period of Ineligibility of 2 years 6 months commencing on 26 April 2018.
16. During the Period of Ineligibility, Mr Laurence 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.
17. Under the provisions of Rule 5.2.3 of the New Zealand Rugby Union Anti-Doping Regulations (26 July 2012), Mr Laurence is entitled to have the finding and/or sanction referred to a Post-Hearing Review Body.

Dated 26 November 2018



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**Barry Paterson QC**  
**Chairman, Judicial Committee**