

**MEDIA RELEASE 11 December 2017**

**Ice Hockey player suspended for 2 years for anti-doping rule violation**

The Sports Tribunal has suspended ice hockey player Lachlan Frear, for a period of two years for purchasing a prohibited substance, clenbuterol, from an online website *NZ Clenbuterol* in 2014 and 2015. The offending came to light in November 2015, after Drug Free Sport New Zealand (DFSNZ) received information from Medsafe following its investigation into an online steroid supplier called *NZ Clenbuterol*.

Mr Frear purchased the product because of its advertised “fat burning” properties as he had gained weight while studying. He stated he did not receive the product, did not seek to cheat or enhance his sport performance, and had never intentionally or otherwise taken a prohibited substance.

Mr Frear was provisionally suspended without opposition on 3 November 2017. He admitted the violations but asked to be heard as to the appropriate sanction. Under the sports anti-doping rules, multiple violations are treated as a single violation and the sanction imposed is based on the violation that carries the most severe sanction. For the 2015 violation, attempted use of an anabolic agent such as clenbuterol, the presumptive period of ineligibility is four years, but this period may be reduced to two years, if the athlete can show the violation was not intentional. A further reduction may occur if the athlete can show there was no significant fault or negligence.

The Tribunal accepted Mr Frear’s violation was not intentional based on his evidence, reasons for wanting to purchase clenbuterol, and his lack of knowledge about the substance. The Tribunal accepted it was probable Mr Frear did not receive either order and there was no evidence of his having used clenbuterol. The Tribunal was satisfied based on his youth, and inexperience Mr Frear never turned his mind to the fact his conduct breached anti-doping rules. As the Tribunal found Mr Frear’s breach was not intentional, the presumptive two year period of ineligibility applied.

Before the Tribunal could consider any further reduction, Mr Frear had to establish his fault or negligence, when viewed in the totality of the circumstances and taking into account the criteria, was not significant in relationship to the violation. This assessment involves a real-life assessment of the athlete’s fault, against what a reasonable person acting according to the strict obligations under SADR ought to have done to avoid breaching the rules.

The Tribunal assessing Mr Frear’s degree of fault, considered the two year ineligibility period could not be reduced taking into account:

- Mr Frear exercised no caution in purchasing the product given the obligations on athletes under the Code
- he did not undertake any research or obtain further information about the substance he was purchasing online
- he attended an anti-doping education seminar but was inattentive and did not recall advice about online ordering

- he did not check with a team member, coach, DFSNZ, or seek advice from a doctor or any medical personnel about the substance.

Although he was a relatively young and inexperienced athlete who had never been subject to drug testing, all athletes must be aware of the strict obligations imposed under SADR. Mr Frear never considered his obligations as an athlete. He purchased a substance online without any consideration of the risks and in breach of the high standards expected of all athletes. He exercised no caution in purchasing the product and took no action to uphold the high standards and clear obligations placed on all sport participants by the anti-doping regime.

The Tribunal was also asked to backdate the period of commencement to when the breach occurred on 29 January 2015.

The Tribunal was concerned about the time which elapsed between the matter initially coming to the attention of DFSNZ in 2015 and the subsequent lengthy investigation process before proceedings were filed against Mr Frear in September 2017. The Tribunal noted that Mr Frear made no attempt to avoid detection and was not at fault for the length of time it took DFSNZ to file proceedings. The Tribunal considered Mr Frear was entitled to some allowance for these delays.

Mr Frear's two-year suspension from participating in sport was therefore backdated to 1 January 2017, given his timely admission and the significant delays in DFSNZ bringing the case before the Tribunal.

The decision in this case is available for download from the website of the Sports Tribunal ([www.sportstribunal.org.nz](http://www.sportstribunal.org.nz)). See *Drug Free Sport New Zealand v Lachlan Frear* (ST 07/17). Copies can also be obtained directly from the Registrar, Sports Tribunal of New Zealand (telephone: 0800 55 66 80; e-mail: [info@sportstribunal.org.nz](mailto:info@sportstribunal.org.nz)).