

MEDIA RELEASE

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Rugby League Player Penalised for Playing while Suspended

The Sports Tribunal has penalised Jared Neho for playing rugby league while suspended.

On 25 January 2013, the Tribunal suspended Mr Neho for 12 weeks for an anti-doping violation. On 17 February, he competed in a pre-season trial match organised by two rugby league clubs.

His playing was in breach of the suspension order. The Tribunal's decision, in January, stated that, under the Sports Anti-Doping Rules (SADR), Mr Neho:

...may not during the period of ineligibility participate in any capacity in a competition or activity authorised or organised by New Zealand Rugby League or a rugby league club or in any similar activities in any other sport which is a signatory to the Rules.

Mr Neho admitted the violation. He mistakenly thought the suspension didn't apply to this club match as it wasn't sanctioned by his regional rugby league body. He also received informal advice from a club president who thought it was okay for him to play for the same reason.

The Tribunal accepted that Mr Neho genuinely made a mistake in believing he could participate in the game, reinforced by advice he received, and that he didn't intend to breach the suspension.

However, that didn't mean he had "no significant fault", required under the SADR to get a reduced penalty. There is a high level of personal responsibility imposed on athletes by the SADR. Receiving informal advice from someone in the president's position, without directly checking the correctness of that advice, won't in normal circumstances be sufficient for an athlete to establish "no significant fault". For example, Mr Neho could have checked first with Drug Free Sport New Zealand whether his suspension prevented him playing in this game.

As Mr Neho couldn't establish "no significant fault" for his breach, there was no basis to reduce any further required suspension penalty. As required under the SADR, Mr Neho was suspended for 12 weeks commencing from the date of the breach on 17 February 2013.

The Tribunal commented on what suspended players can and can't do. The phrase "participating in any capacity" in the SADR prevents a suspended athlete taking part in various activities, not just "playing" sport. Prohibited activities include activities organised by sports clubs and not just national or regional sports bodies.

The Tribunal noted that a suspension order made under the SADR:

...generally means that a suspended athlete will not be permitted to play or compete (whether in a competition, a "friendly" game between clubs or a pre-season trial), train with a team, coach others or otherwise participate in most sports (not just their own sport) during the time they are suspended.