



TRNT Stewards Report – Wednesday 3rd November, 2021

Panel: D Hensler, D Westover, R Hamilton

The TRNT Stewards have completed an inquiry into the analyst's findings that the urine sample taken from BOLEK after winning at the Darwin Turf Club race meeting on 3rd July 2021 contained the presence of the prohibited substance dimethyl sulfoxide (DMSO).

The Australian Racing Forensic Laboratory (ARFL) analysed the sample and a first certificate for this finding and the confirmation analysis was performed by Racing Analytical Services Limited (RASL) and a second certificate was issued by the Hong Kong Jockey Club Racing Laboratory. Evidence at the inquiry was tendered by trainer Mr Neil Dyer, RWWA Manager of Veterinary Services Dr J Medd and ARFL Science Manager Dr A Cawley. Stewards also presented a summary detailing the analysis of CCTV surveillance in place at the Darwin Turf Club stable facility.

Subsequently Mr Dyer pleaded guilty to a charge under Australian Rule of Racing 240(2) with the specifics being that as the trainer of BOLEK he did bring that gelding to the Darwin Turf Club race meeting held at Fannie Bay racecourse on 3 July, 2021 for the purpose of participating in race 4, the Cleanaway 0-58 Handicap run over 1300m, with the prohibited substance dimethyl sulphoxide being detected in the post race urine sample taken from the gelding. Dimethyl sulphoxide is classed as a prohibited substance under Schedule 1, List B of prohibited substances under the Rules of Racing.

In consideration of a penalty Stewards took into account the following factors:

- The seriousness of the charge
- The administration of the substance via stomach tubing was inside the withholding period recommended by the stable veterinarian
- Whilst not recorded in Mr Dyer's treatment records, the CCTV confirmed the time he indicated the administration took place
- BOLEK remained under CCTV surveillance from the time of the administration until arriving on course on race day and there was no evidence of any further treatment given in a similar manner
- The level detected was well above the threshold set out in the Rules of Racing
- The therapeutic nature of the substance

- Mr Dyer's co-operation and admissions during the initial interview and during the inquiry
- His guilty plea
- His long involvement in the racing industry and personal circumstances
- His previous disciplinary record relating to positive swabs
- Penalties issued previously in the NT for the same rule breach involving prohibited list B substances

Mr Dyer was fined the sum of \$6000

Acting under the provisions of Australian Rule of Racing 240(1), the Stewards disqualified BOLEK from first place in race 4 on 3rd July, 2021.

Mr Dyer further pleaded guilty under AR 104(1) with the specifics being that he did fail to record the administration of dimethyl sulphoxide by way of stomach tubing to BOLEK when stabled at the Darwin Turf Club on Wednesday 30 June, 2021.

For this breach he was fined the sum of \$1000.

Mr Dyer was advised of his rights of appeal and that the fines must be paid within 6 months.

Australian Rules of Racing referred to in this report:

Division 2 – Prohibited substance in a sample taken from a horse

AR 240 Prohibited substance in sample taken from horse at race meeting

(1) Subject to subrule (3), if a horse is brought to a racecourse and a prohibited substance on Prohibited List A and/or Prohibited List B is detected in a sample taken from the horse prior to or following its running in any race, the horse must be disqualified from any race in which it started on that day.

(2) Subject to subrule (3), if a horse is brought to a racecourse for the purpose of participating in a race and a prohibited substance on Prohibited List A and/or Prohibited List B is detected in a sample taken from the horse prior to or following its running in any race, the trainer and any other person who was in charge of the horse at any relevant time breaches these Australian Rules.

AR 104 Trainers must keep treatment records

(1) A trainer must record any medication or treatment administered to any horse in the trainer's care by midnight on the day in which the administration was given.