

TRNT Stewards Report – Wednesday 22st June, 2022

Panel: D Hensler, R Hamilton, D Westover, P Carrol

Venue: Darwin Stewards Room

The TRNT Stewards today concluded an inquiry into the analyst's findings from the race day samples collected at the Darwin Turf Club from the following thoroughbreds trained by TRNT licensed trainer Garry Lefoe between January and April 2022.

Case 1 – Pre race sample collected from YOUNG DOURO on 26 January, 2022

Case 2 – Pre race sample collected from DUNE FIELD on 26 January, 2022

Case 3 – Pre and post race samples collected from BUDGET KING on 18 February, 2022

Case 4 – Post race sample collected from BUDGET KING on 25 March, 2022

Case 5 – Pre race sample collected from BLUE JEAN BABY on 25 April, 2022

The prohibited list B substance firocoxib was detected in each sample. The Australian Racing Forensic Laboratory (ARFL) issued a first certificate in each case and the confirmation analysis was performed and the second certificate confirming the results was issued by Racing Analytical Services Limited (RASL). Evidence was tendered by trainer Garry Lefoe, RWWA Racing Industry veterinarian Dr J Medd, ARFL Science Manager Dr A Cawley and written evidence from veterinarians Dr D Arnold and Dr J Farebrother was also considered.

Subsequently Mr Lefoe was issued with the following charges under the Australian Rules of Racing.

Charge 1 – He pleaded guilty under AR 245(1) with the specifics being that as the licensed trainer of YOUNG DOURO he did administer or cause to be administered the prohibited list B substance “firocoxib” to that gelding which was detected in the blood sample taken prior to running in race 5, the Silks Darwin Lightning Wet Season Series Final (1200m) at the Darwin Turf Club meeting on 26 January, 2022 (placed seventh).

Charge 2 – He pleaded guilty under AR 245(1) with the specifics being that as the licensed trainer of DUNE FIELD he did administer or cause to be administered the prohibited list B substance “firocoxib” to that gelding which was detected in the blood sample taken prior to running in race 2, the Sportsman's Lunch 18 February 0-64 Handicap (1000m) at the Darwin Turf Club meeting on 26 January, 2022 (placed fifth).

Charge 3 – He pleaded guilty under AR 245(1) with the specifics being that as the licensed trainer of BUDGET KING he did administer or cause to be administered the prohibited list B substance “firocoxib” to that gelding which was detected in the blood sample taken prior to and urine sample taken after running in race 5, the St Patrick’s Day Races 19 March 0-76 Handicap (1600m) at the Darwin Turf Club meeting on 18 February, 2022 (won).

Charge 4 – He pleaded guilty under AR 245(1) with the specifics being that as the licensed trainer of BUDGET KING he did administer or cause to be administered the prohibited list B substance “firocoxib” to that gelding which was detected in the urine sample taken after running in race 4, the TAB Long May We Play Benchmark Handicap (1600m) at the Darwin Turf Club meeting on 25 March, 2022 (won).

Charge 5 – He pleaded guilty under AR 245(1) with the specifics being that as the licensed trainer of BLUE JEAN BABY he did administer or cause to be administered the prohibited list B substance “firocoxib” to that mare which was detected in the blood sample taken prior to running in race 1, the Two-Up TROBIS Class 2 Handicap (1300m) at the Darwin Turf Club meeting on 25, April 2022 (placed second).

Acting under the provisions of Australian Rule of Racing 240(1), the Stewards disqualified each of the abovementioned thoroughbreds from the races competed in and the results will be amended accordingly with commensurate implications to stake money.

Charge 6 - He pleaded guilty under AR252(1) with the specifics being that at inspections conducted by the Stewards at his Darwin stables on the 8 & 12 April, 2022 he did have on the premises multiple bottles of Prescription Animal Remedy products that were not labelled or dispensed in accordance with the NT Medicines, Poisons and Therapeutic Goods Act 2012.

Charge 7 - He pleaded guilty under AR104(1) for failing to record the administration of an S4 medication to YOUNG DOURO for 3 weeks leading up to the gelding competing at the Darwin Turf Club on 26 January, 2022.

In consideration of a penalty for charges 1 - 5 the Stewards took into account the following factors:

- The seriousness of each offence
- The therapeutic nature of the prohibited substance being an anti-inflammatory drug
- The administration of firocoxib was by way of “Previcox” tablets that are an “off label” S4 medication and were dispensed by a veterinarian
- The administration details were predominantly logged in the stable treatment records
- The circumstances in relation to veterinary advice given and the ultimate responsibility of the trainer when administering S4 medications

- When considering the expert veterinary evidence the dosage rate administered and the withholding period applied was not appropriate for thoroughbreds competing in races
- The differing estimated levels of detection in each case ranging between low and high
- In relation to charge 5 involving BLUE JEAN BABY, that the Stewards had made Mr Lefoe aware of the issue relating to the use of this substance over two weeks prior to that mare competing and he had not sufficiently varied his stable practices to prevent another positive
- Co-operation and acknowledgement of the offences by pleading guilty
- Long involvement in the industry and personal circumstances
- Previous positive swab breach in 2021 in relation to a prohibited list A and B substance for which he was fined \$10 000
- Previous NT penalties issued in relation to the detection of therapeutic substances
- The compounding effect of each charge and the totality of the penalties
- The penalties must serve as a specific and general deterrent

The following penalties were issued for each offence:

Charge 1 a disqualification for a period of 6 months

Charge 2 a disqualification for a period of 6 months

Charge 3 a disqualification for a period of 6 months

Charge 4 a disqualification for a period of 6 months

Charge 5 a disqualification for a period of 9 months

Charge 6 a fine of \$500

Charge 7 a fine of \$500

Stewards ruled that the penalties imposed for charges 1, 2, 3 and 4 are to be served concurrently and that the period of disqualification imposed for charge 5 be served cumulatively. The overall penalty is therefore a disqualification of 15 months.

Mr Lefoe was advised of his rights of appeal to the NT Racing Appeals Tribunal.

He was advised that the Stewards would defer the commencement of the period of disqualification for 7 clear days in accordance with AR283(7) to allow him to make appropriate arrangements. Thoroughbreds currently under his care can continue to be trained during this deferment period but cannot start in a race.

Australian Rules of Racing referred to in this report:

AR 245 Administration of prohibited substance in sample taken from horse before/after running in race

(1) A person must not:

(a) administer; or

(b) cause to be administered,

a prohibited substance on Prohibited List A and/or Prohibited List B to a horse which is detected in a sample taken from the horse prior to or following the running of a race.

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.

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.

AR 252 Possession of medication/substance/preparation in breach of legislation

(1) A person must not have in his or her possession or on his or her premises any medication, substance or preparation which has not been registered, labelled, prescribed, dispensed or obtained in accordance with applicable Commonwealth and State legislation.

AR 283 Penalties

(1) Subject to subrule (3), a person or body authorised by the Rules to penalise any person may, unless the contrary is provided, impose:

- (a) a disqualification;*
- (b) a suspension;*
- (c) a reprimand; or*
- (d) a fine not exceeding \$100,000.*

(7) A person or body authorised by these Australian Rules to suspend or disqualify any trainer may defer the commencement of the period of suspension or disqualification for no more than 7 clear days following the day the suspension or disqualification was imposed, and upon terms and conditions considered fit.