

TRNT Stewards Report – Thursday 7 December 2023

Panel: D Hensler (Chairman), D Westover, M Hurley
Venue: Darwin Turf Club/Alice Springs Stewards' Rooms

Stewards today concluded an inquiry into the analyst's findings of the blood samples collected from IREMEMBERWHEN prior to competing in and finishing 2ND in race 4 at the Alice Springs Turf Club race meeting on 24 September, 2023. The certificates of analysis for the pre race blood sample detected the presence of meloxicam.

The Australian Racing Forensic Laboratory (ARFL) issued the first certificate for these findings and the confirmation analysis was performed, and the second certificate issued by Racing Analytical Services (RASL).

The inquiry commenced on 10 November 2023 and further sittings were required to allow witnesses called by trainer Russell Bell to give evidence. Evidence was considered from trainer Russell Bell, foreperson Megan Bell, trainer L Walling-Denton, M Penney (unlicensed), TRNT sampling official C Moody, ARFL General Manager J Keledjian and RWWA Industry Veterinarian Dr J Medd. Written statements from race day veterinarian Dr L Noble and stable hand C Groves were also tendered.

Subsequently, Mr Bell was found guilty of a charge under AR240(2)

The specifics of the charge being:

- He is a thoroughbred trainer licensed by TRNT
- At the relevant time he was the licensed trainer of IREMEMBERWHEN
- On 24 September, 2023 IREMEMBERWHEN was brought to the Alice Springs Turf Club race meeting held at Pioneer park racecourse for the purpose of participating in race 4, the Ladbrokes Yard Comments Handicap over 1000m.
- Upon analysis, a prohibited substance was detected in the pre race blood samples collected from IREMEMBERWHEN, that substance being meloxicam.
- Meloxicam is a prohibited substance within Part 2, Division 1 – Prohibited List B of the Australian Rules of Racing when detected at a level above the screening limit.

Acting under the provisions of AR240(1), the Stewards disqualified IREMEMBERWHEN from the abovementioned race and the results will be amended accordingly with commensurate implications to stake money.

In determining penalty, Stewards took into account the following:

- The seriousness of the offence
- The nature of the prohibited List B substance being a therapeutic substance
- The detected level was three times the screening limit
- Whilst the Stewards accepted the explanation given for Mr Bell being unable to present the treatments record leading up to the race meeting, he could not explain how the substance came to be detected in the blood sample
- Previous disciplinary record relating to positive swabs
- 30 year involvement in the Industry licensed as a trainer
- Personal circumstances
- Previous penalty precedents relating to Prohibited List B substances
- Penalties are required to reflect a deterrent factor – both general and specific

Mr Bell's license was suspended for a period of three months. He was informed of the restrictions placed on him whilst suspended and in accordance with AR267 no horses can be stabled or spelled at his registered stables during this period. He was advised that under the provisions of AR283(7) the period of suspension will be deferred by (7) days and will therefore commence from Friday 15 December, 2023. During the period of deferment, he cannot nominate any horse to race.

Mr Bell further pleaded guilty to a charge of engaging in improper conduct under AR228(b) with the specifics being that when he attended a sitting of this inquiry at the Alice Springs Stewards room on Friday 17 November 2023 he did record an audio file of the proceedings without the knowledge or approval of the Stewards.

In determining penalty, Stewards took into account the following:

- Guilty plea
- The recorded file was only discovered by the Stewards at the completion of the hearing and after being discovered the file was deleted
- Mr Bell was a party to the proceedings that he recorded
- The serious nature of this type of improper conduct
- Previous disciplinary record relating to improper conduct

A fine of \$4000 was imposed.

Mr Bell was advised of his rights of appeal and that the fine 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 228 Conduct detrimental to the interests of racing

A person must not engage in:

(b) misconduct, improper conduct or unseemly behaviour;

AR 267 Prohibitions on conduct of trainers during suspension

Unless otherwise authorised by the PRA or the Stewards in whose territory a suspension was imposed on a trainer (and upon such conditions as the PRA or the Stewards may in their discretion impose), a suspended trainer must not, during the period of that suspension:

(a) as a trainer or permit holder, nominate a horse for a race, official trial or jump-out;

(b) train, or participate in any way in the training or preparation for racing of, a horse (including without limitation the giving of instructions);

(c) be registered as a stablehand;

(d) be employed by, or otherwise engaged to provide any service in any capacity to, any thoroughbred racing stable; or

(e) enter the mounting yard, scales area or horse stall area at a racecourse, save that a suspended trainer may enter such an area if he or she is the owner of a horse in that area.

AR 283 Penalties

(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.