



## TRNT Stewards Report – Monday 15<sup>th</sup> July, 2019

Panel: D Hensler, R Hamilton, A Napier

Venue: Darwin Stewards Room

The TRNT Stewards today concluded an inquiry into the analyst's findings from four (4) race day blood samples taken from multiple horses during March and May 2019 trained by Alice Springs based trainer Paul Gardner.

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 Paul Gardner, RWWA Racing Industry veterinarian Dr J Medd and ARFL Science Manager Dr A Cawley.

Subsequently Mr Gardner was issued with the following charges under the Australian Rule of Racing.

Charge 1 – He pleaded guilty under AR 240(2) with the specifics being that as the trainer of BIT OF A FLIRT he did bring that mare to the Alice Springs Turf Club race meeting held at Pioneer Park racecourse on 30 March, 2019 for the purpose of participating in race 7, the IBIS Styles Benchmark 76 Handicap run over 1600m with the prohibited substance flunixin being detected in the pre race blood sample taken from the mare . Flunixin is included under Schedule 1, List B of prohibited substances under the Rules of Racing.

Charge 2 – He pleaded guilty under AR 240(2) with the specifics being that as the trainer of ROUGHLY he did bring that mare to the Alice Springs Turf Club race meeting held at Pioneer Park racecourse on 4 May, 2019 for the purpose of participating in race 6, the Holdfast Insurance Pioneer Sprint run over 1200m with the prohibited substance flunixin being detected in the pre race blood sample taken from the mare.

Charge 3 – He pleaded guilty under AR 240(2) with the specifics being that as the trainer of BIT OF A FLIRT he did bring that mare to the Alice Springs Turf Club race meeting held at Pioneer Park racecourse on 6 May, 2019 for the purpose of participating in race 2, the SKY Racing Benchmark 76 Handicap run over 1600m, with the prohibited substance flunixin being detected in the pre race blood sample taken from the mare.

Charge 4 – He pleaded guilty under AR 240(2) with the specifics being that as the trainer of HURRY HOME HARRY he did bring that gelding to the Tennant Creek Turf Club race meeting held at Hagan Park racecourse on 18 May, 2019 for the purpose of participating in race 3, the Remote Concrete NT Maiden Plate run over 1000m with the prohibited substance lignocaine being detected in the post race blood sample taken from the gelding. Lignocaine is included under Schedule 1, List B of prohibited substances under the Rules of Racing.

Charge 5 - He pleaded guilty under AR 104(1) with the specifics are that he failed to record the administration of an S4 medication to BIT OF A FLIRT prior to racing on 30 March and 6 May 2019 and ROUGHLY prior to racing on 4 May, 2019.

Acting under the provisions of Australian Rule of Racing 240(1), the Stewards made the following orders in relation to disqualifications from placings –

BIT OF A FLIRT was disqualified from third placing in race 7 on 30 March, 2019

ROUGHLY was disqualified from eleventh placing in race 6 on 4 May, 2019

BIT OF A FLIRT was disqualified from eighth placing in race 2 on 6 May, 2019

HURRY HOME HARRY was disqualified from winning race 3 on 18 May, 2019

The results of these races will be amended accordingly.

In consideration of penalty for each breach the Stewards took into account the following factors

- The seriousness of each offence
- The therapeutic nature of the prohibited substances
- The relatively low level detected in charge 1 & 3
- The relatively high level detected in charge 2
- The reasons put forward to explain the presence of flunixin in relation to charges 1,2 & 3 was not supported by the expert opinion of Dr Medd or Dr Cawley
- The reason put forward to explain charge 4 was not supported by the expert opinion of Dr Medd
- His co – operation at the initial stable inspections and during the inquiry
- His early guilty plea on each charge
- His long involvement in the industry and personal circumstances
- Previous positive swab breaches in 2008 and 2017
- 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 suspension for a period of 3 months

Charge 2 a disqualification for a period of 3 months

Charge 3 a disqualification for a period of 6 months

Charge 4 a disqualification for a period of 12 months

Charge 5 a fine of \$500

Stewards ruled that the penalties imposed for charges 1, 2 & 3 are to be served concurrently and that period of disqualification imposed for charge 4 be served cumulatively. The overall penalty is therefore a disqualification of 18 months.

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

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.*