



## TRNT Stewards Report – Friday 6<sup>th</sup> September, 2019

Panel: D Hensler, D Westover, A Napier

Venue: Alice Springs Stewards Room

The TRNT Stewards today conducted an inquiry into the analyst's findings that the blood samples taken from POT BLACK prior to competing and finishing 8th at the Darwin Turf Club race meeting on 13<sup>th</sup> July 2019, contained the presence of the prohibited substance ibuprofen.

The Australian Racing Forensic Laboratory (ARFL) issued a first certificate for this finding and the confirmation analysis was performed and the second certificate was issued by Racing Analytical Services Limited (RASL). Evidence was tendered by trainer Mr Neil Dyer, his stable veterinarian Dr Eoin Kelly, RWWA Racing Industry veterinarian Dr J Medd and ARFL Science Manager Dr A Cawley.

The evidence established that POT BLACK had been administered ibuprofen as part of a treatment programme for a tendon injury. Mr Dyer had consulted with his stable veterinarian on the dosage and withholding times recommended for this course of treatment. Stewards also considered the Racing Industry alerts that had been issued in 2015 warning trainers of the risks involved with the use of ibuprofen given the prolonged clearance times that had been identified in previous cases in Victoria and NSW.

Subsequently Mr Dyer pleaded guilty to a charge under Australian Rule of Racing 240(2) with the specifics being that as the trainer of POT BLACK he did bring that gelding to the Darwin Turf Club race meeting held at Fannie Bay racecourse on 13 July, 2019 for the purpose of participating in race 3, the Merit Partners Handicap run over 1200m, with the prohibited substance ibuprofen being detected in the pre race blood sample taken from the gelding. Ibuprofen 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 ibuprofen and treatment programme for a tendon injury was carried out in consultation with his stable veterinarian
- The low level detected of this anti-inflammatory substance
- The Industry notices issued relating to the risk of using ibuprofen in a racing stable
- His co-operation and admissions at an initial stable inspection and during the inquiry
- His early guilty plea

- His long involvement in the racing industry and personal circumstances
- His previous record for positive swabs
- Penalties issued previously in the NT for the same rule breach
- Penalties issued in other jurisdictions for a similar rule breach involving the same substance

Mr Dyer was fined the sum of \$8000

Acting under the provisions of Australian Rule of Racing 240(1), the Stewards disqualified POT BLACK from eighth placing in race 3 on 13th July, 2019.

Mr Dyer further pleaded guilty under AR 104(1) with the specifics being that for the period between February and May 2019 he failed to record the administration of multiple treatments of ibuprofen to POT BLACK.

For this breach he was fined the sum of \$500.

Mr Dyer was advised of his rights of appeal and that the fines must be paid within 3 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 sub-rule (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 sub-rule (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.*