



TRNT Stewards Report – Wednesday 25<sup>th</sup> September, 2019

Panel: D Hensler, R Hamilton, S Copelin, P Carrol

Venue: Darwin Turf Club Stewards Room

The TRNT Stewards today conducted an inquiry into the analyst's findings that the blood samples taken from ROCK AND SWING prior to competing and finishing 9th at the Darwin Turf Club race meeting on 6th July 2019, contained the presence of the prohibited substance caffeine and its metabolite theophylline.

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 Phil Cole, his stable foreman Mr Shane Green, ARFL General Manager Mr John Keledjian and RWWA Industry veterinarian Dr Judith Medd.

It was established that as a result of sustaining serious injuries from a track work fall on 1 April, 2019, Mr Cole had employed Shane Green as his stable foreman from mid April this year. In the lead up to the race meeting on 6<sup>th</sup> July, 2019 Shane Green was supervising staff and managing the stables. During the week leading up to the race Mr Cole attended multiple medical appointments and was on medication related to his injuries. He did attend the stables on a daily basis only for short periods in the mornings and was reliant on his foreman to run the stables.

The evidence presented was that in the lead up to the race meeting Shane Green had been independently adding a herbal preparation to the feed of ROCK AND SWING as an appetite stimulant. It was established that this preparation contained caffeine and furthermore was being added to the feed without the knowledge of the trainer. The levels detected in the sample supported that this version of events was plausible and the Stewards accepted that in all likelihood this was the cause of the positive swab.

Subsequently Shane Green pleaded guilty to a charge under Australian Rule of Racing 245 (1)(a) with the specifics being that he did administer a Prohibited List B substance namely caffeine to the race horse ROCK AND SWING which was detected in the pre race blood sample taken from that gelding prior to running in race 2, the MIX 104.9 0-58 Handicap (1300m) at the Darwin Turf Club meeting conducted at Fannie Bay racecourse on 6 July, 2019.

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

- The seriousness of the charge
- The distinction in the case of this being an administration breach
- The potential performance enhancing nature of the prohibited substance and the level detected
- The circumstances of the stable operation leading up to the race and that Mr Green had acted independently and not informed the trainer of his decision to use this herbal preparation
- No treatment notations were made to record this feed additive
- His co operation at the inquiry and early guilty plea
- His previous good record over an extended period and personal circumstances
- No irregular betting pattern identified on the race

Mr Green was disqualified for a period of 6 months

Trainer Phil Cole pleaded guilty to a charge under Australian Rule of Racing 240(2) with the specifics being that as the licensed trainer of ROCK AND SWING he brought that gelding to the Darwin Turf Club meeting held at Fannie Bay racecourse on 6 July, 2019 for the purpose of engaging in race 2, the MIX 104.9 0-58 Handicap (1300m) with the Prohibited List B substance caffeine and its metabolite theophylline being detected in the pre race blood sample taken from the gelding.

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

- The seriousness of the charge
- The distinction in the case of this being a presentation breach
- The potential performance enhancing nature of the prohibited substance and the level detected
- The circumstances of the case and that the trainer was unaware the gelding had been given the herbal preparation prior to racing
- The strict liability on the trainer to present horses to race drug free
- His co operation at the inquiry and early guilty plea
- His previous good record over 15 years as a trainer and his personal circumstances
- No irregular betting pattern identified on the race

Mr Cole was fined the sum of \$3000

Acting under the provisions of Australian Rule of Racing 240(1), the Stewards disqualified ROCK AND SWING from ninth place in race on 6th July, 2019.

Both were advised of their rights of appeal to the NT Racing Appeals Tribunal and Mr Cole has 3 months to pay the fine.

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 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.*