RACING APPEALS AND DISCIPLINARY BOARD



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HEARING RESULT

Distribution:	Chief Executive Group Integrity Services, Group Racing Group Racing Development Credit Controller ARB, ATA, VJA Office of Racing T Moxon – National Drug Register Racing Press
FROM:	Registrar – Racing Appeals and Disciplinary Board
DATE:	28 April 2016
SUBJECT:	HEARING RESULT – TRAINER: DARYL BLACKSHAW
<u>Panel</u>	Judge Bowman (Chair), Mr Darren McGee, Mr Shaun Ryan.
<u>Appearances</u>	Mr Daniel Bolkunowicz appeared as counsel for the stewards. Mr John Verhoeven appeared as counsel for Mr Blackshaw.
<u>Charge</u>	Breach of AR 178
	Subject to AR 178G, when any horse that has been brought to a racecourse for the purpose of engaging in a race and a prohibited substance is detected in any sample taken from it prior to or following its running in any race, the trainer and any other person who was in charge of such horse at any relevant time may be penalised.
	The charge relates to a prohibited substance, being Diclofenac, which was detected in a post-race urine sample taken from the horse <i>Gallant Spur</i> following its running in Race 5 at Traralgon on 6 December 2015.
<u>Plea</u>	Guilty.
Decision	The Board finds the charge proved but with no penalty imposed or conviction recorded.
	Pursuant to AR 177, <i>Gallant Spur</i> must be and is disqualified from Race 5 at Traralgon on 6 December 2015 and the places amended accordingly.

TRANSCRIPT OF PROCEEDINGS

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman MR D. McGEE MR S. RYAN

EXTRACT OF PROCEEDINGS

DECISION

TRAINER: DARRYL BLACKSHAW

MELBOURNE

THURSDAY, 28 APRIL 2016

MR D. BOLKUNOWICZ appeared on behalf of the RVL Stewards

MR J. VERHOEVEN appeared on behalf of Mr D. Blackshaw

CHAIRMAN: Mr Darryl Blackshaw has pleaded guilty to a charge pursuant to AR 178, in that he, being the trainer of Gallant Spur, brought it to run in a 900-metre race at Traralgon on 6 December 2015. The post-race urine sample revealed the presence of diclofenac, a prohibited substance. Gallant Spur won the race. Firstly, pursuant to AR 177, we have no option but to disqualify Gallant Spur as the winner of the race and the placings are to be amended accordingly.

This is a quite extraordinary case. Mr Blackshaw uses no medications, supplements and the like on his horses and only uses a veterinary surgeon when he has to. The most likely cause for the positive return is that his son, Mr Craig Blackshaw, applied some Pharmacy Care Gel to his wife's neck on that day, and had not washed his hands before handling Gallant Spur's feed. Dr Brian Stewart accepts this as a plausible explanation.

Mr Blackshaw has been training horses for 42 years and has effectively an unblemished record. This, in itself, is outstanding. Next, what occurred could be described as desperately unlucky, and the need for specific deterrence is negligible. As far as general deterrence is concerned, this is such an unusual case that perhaps the most that could be said is that it is a situation of strict liability and trainers should be vigilant. Even then, this most unusual and unlucky occurrence may not have been prevented by Mr Darryl Blackshaw. The horse has had the race and prizemoney taken away from it. The arrangement that Mr Blackshaw had with the owner was that his training fees would be paid from prizemoney, thus Mr Blackshaw has suffered a significant financial penalty by reason of the horse having its win taken away from it.

Pursuant to Local Rule 6E(1)(c), we have wide powers as to the imposition of penalties and recording of convictions. We are required to make such orders as the justice of the case requires. In our view, that justice is served by the following: we find that the charge has been proved. However, we impose no further penalty and we record no conviction. The loss of prizemoney seems to us to be a sufficient penalty.
