

HEARING RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 11 December 2013

SUBJECT: **HEARING RESULT – TRAINER: SHAUN DWYER**

Panel Mr Brian Forrest (Deputy Chair), Professor Raymond Harbridge,
Mr Ron Taylor.

Appearances Mr Dwyer appeared on his own behalf.
Mr James Ogilvy appeared on behalf of the Stewards.

Charge Breach of AR 178

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 Ibuprofen, which was detected in a urine sample taken from the horse *Anudjawun* prior to it running in Race 2 the *BMW Handicap* (2400m) at Caulfield on Wednesday, 16 October 2013.

Plea Guilty.

Decision Mr Dwyer convicted and fined \$1,000.
Fine due on or before 31 January 2014.

Pursuant to AR 177, *Anudjawun* disqualified as 9th place-getter in Race 2 the *BMW Handicap* (2400m) at Caulfield on Wednesday, 16 October 2013 and the places amended accordingly:

9th – *Correggio* (NZ), 10th – *History No Hurdle* (NZ),
11th – *Beware of Thestorm*, 12th – *Sahara Symphony*.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**MR B. FORREST, Deputy Chairman
PROF R. HARBRIDGE
MR R. TAYLOR**

EXTRACT OF PROCEEDINGS

DECISION

TRAINER: SHAUN DWYER

RE: ANUDJAWUN

MELBOURNE

WEDNESDAY, 11 DECEMBER 2013

MR J. OGILVY appeared on behalf of the RVL Stewards

MR S. DWYER appeared on his own behalf

DEPUTY CHAIRMAN: Mr Dwyer, you have pleaded guilty to a charge under Australian Rule of Racing 178, having brought the horse Anudjawun, trained by you, to Caulfield races on 16 October 2013, when a prohibited substance was detected in a urine sample taken from the horse prior to it running in the BMW Handicap over 2400 metres.

An analysis of the sample by Racing Analytical Services and confirmatory analysis of the reserve sample by the Australian Racing Forensic Laboratory revealed the presence of ibuprofen, a nonsteroidal anti-inflammatory agent capable of affecting the musculoskeletal system which under AR 178B(2) is a declared prohibited substance.

In its terms, Rule 178 imposes on a trainer responsibility for ensuring horses presented for racing are free of prohibited substances irrespective of the circumstances of administration. That said, the Board does acknowledge that the circumstances may be relevant to the question of penalty.

In this case, there was no reported administration of ibuprofen to the horse. The circumstances of administration are uncertain. There are various possibilities as outlined in the statement of Dr Michelle Ledger, manager, veterinary services, Racing Victoria, but the evidence is insufficient to make a finding as to the probable cause of administration.

Both you, Mr Dwyer, and your veterinary surgeon, Dr Jalim, who both treated Anudjawun, cannot account for the presence of ibuprofen. Both told Stewards

they have not treated the horse with ibuprofen, Mr Dwyer stating he had never used it in his stable and Dr Jalim said she does not use or supply the drug in her practice.

The fact remains that a prohibited substance was in the horse's system when it competed on 16 October 2013. In doing so, it was a breach of Rule 178 for which, as stated earlier, the trainer bears responsibility.

In pleading guilty, Mr Dwyer has acknowledged responsibility and the Board takes that into account, as well as his untarnished record as a trainer of 34 years' standing. Mr Ogilvy, on behalf of the Stewards, submitted this offence is at the lower end of the scale, and the Board agrees.

In the circumstances, the Board imposes a fine of \$1000, a penalty much lower than in those cases where intentional administration has been established. The fine is payable on or before 31 January 2014.

What follows from that under Rule 177 is that the horse is disqualified from the race and from any prizemoney.
