

HEARING RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 24 September 2015

SUBJECT: **HEARING RESULT – TRAINER: MATTHEW LAURIE**

Panel Judge John Bowman (Chair), Mr Jeremy Rosenthal, Mr Shaun Ryan.

Appearances Mr Joe Ferwerda, instructed by Mr Nick White of Ryan Carlisle Thomas, appeared as Counsel for Mr Laurie.

Mr James Ogilvy appeared on behalf of the stewards.

Charge 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 methamphetamine, which was detected in a post-race urine sample taken from the horse *Shockaholic* after its win in Race 1 the *Echuca CIH Sales & Service Super VOBIS 2YO Maiden Plate* (1100m) at Echuca on 24 April 2015.

Plea Guilty.

Decision A conviction recorded but with no penalty imposed.

Pursuant to AR 177 *Shockaholic* disqualified as winner of Race 1 the *Echuca CIH Sales & Service Super VOBIS 2YO Maiden Plate* (1100m) at Echuca on 24 April 2015 and the places amended accordingly.

TRANSCRIPT OF PROCEEDINGS

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE J. BOWMAN, Chairman
MR J. ROSENTHAL
MR S. RYAN**

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE URINE SAMPLE TAKEN FROM
THE HORSE SHOCKAHOLIC AFTER ITS WIN IN THE
ECHUCA CIH SALES AND SERVICE SUPER VOBIS
TWO-YEAR-OLD MAIDEN PLATE OVER 1100 METRES AT
ECHUCA ON 24/4/15**

TRAINER: MATT LAURIE

MELBOURNE

THURSDAY, 24 SEPTEMBER 2015

MR J. OGILVY appeared on behalf of the RVL Stewards

MR J. FERWERDA (instructed by Ryan Carlisle Thomas) appeared on behalf
of Mr M. Laurie

CHAIRMAN: Mr Laurie, you have pleaded to a charge laid under Australian Rule of Racing 178 that you, as the trainer of the horse Shockaholic, brought that horse to the races on 24 April 2015 with a prohibited substance in its system, the prohibited substance being methamphetamine.

We say at the outset that we find no culpability on the part of Mr Laurie. The Stewards have specifically stated that the stable practices of Mr Laurie were of a good standard. He has an unblemished record. Mr Ogilvy, on behalf of the Stewards, has agreed with the description of him as a model litigant.

Dr Michael Lew, an expert used by the Stewards, has expressed the opinion that the methamphetamine detected in the swab of the horse was probably the result of accidental contamination. The exact source of contamination is unclear. Suspicion falls upon an ex-employee who later tested positive to the drug. However, the contamination could have come from any number of sources, at the stables in the handling of the horse, to and from the float or at the Echuca racetrack.

The amount of methamphetamine involved was minuscule and could have come into the horse's system in any of a variety of ways. We also point out that the expert evidence is that such a minuscule amount of contamination could not have had any effect upon the performance of the horse.

We also note that whilst he had no suspicion of the relevant employee being involved with drugs, Mr Laurie counselled her about the company that she was

keeping. He ultimately sacked her because of her unreliability. All up, the employee was with him for a period of only a few months. But of course, as said, there is no persuasive evidence that such employee was the source of the contamination in any event.

Thus, we place on the record that we find no culpability on the part of Mr Laurie. We also have no criticism of the Stewards. Their role, in protecting the reputation and integrity of racing is vital. Once the positive swab had been returned, the Stewards had no option but to pursue the matter and go down the path which they did. Their observations about Mr Laurie, his reputation, and the manner in which he runs his stable were fair and balanced.

We agree with the submissions of Mr Ferwerda on behalf of Mr Laurie that no further penalty should be imposed over and above the necessary disqualification of the horse from the race in which it was first past the post. There is a necessary amendment of the placings and we so order.

In reaching the conclusion that there will be no further penalty, we have borne in mind the following matters:

(1) The disqualification of Shockaholic to which we have just referred; the large number of disappointed owners, which include two members of Mr Laurie's family, miss out on their prizemoney which doubtless causes considerable unhappiness; Mr Laurie does not get his percentage, so that a financial penalty is already imposed.

(2) Mr Laurie has an unblemished record and he performed as an agreed model litigant.

(3) As stated, he has no culpability.

(4) He pleaded guilty at an early stage. Both he and his stable staff cooperated fully in relation to interviews and urine testing.

(5) Mr Laurie has undoubtedly and obviously taken this matter very seriously. He has gone to the trouble of engaging solicitors and a very experienced barrister. Possible legal costs are also to be borne in mind.

(6) We agree with what has been put on his behalf, including the minuscule amount of the prohibited substance involved, and the fact that it would have had no impact on the horse's performance.

(7) We note the very impressive references tendered on behalf of Mr Laurie.

(8) This affair must have been a source of great embarrassment and stress to Mr Laurie.

(9) We conclude by saying that this is a singularly unusual case. No like matter seems to have been encountered in this state. Mr Ogilvy directed our attention to a case of some considerable similarity in New South Wales 10 years ago involving Gai Waterhouse and a finding of cocaine in the horse's

system. We note as a matter of interest that no penalty was imposed on Ms Waterhouse.

In short, we are of the view that no penalty should be imposed.
