



DECISION
RACING VICTORIA STEWARDS
and
LOGAN MCGILL

Date of Hearing 26 June 2018

Panel Brian Forrest (Deputy Chair)

Appearances Daniel Bolkunowicz appeared on behalf of the Stewards.
Andrew Nicholl appeared on behalf of Logan McGill.

Charge 1 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.

Summary The stewards allege that on 28 March 2018, Integrated was brought to Stony Creek racecourse and ran in the Bairs Hotel Leongatha Maiden Plate over 1100 metres. A prohibited substance, being Triamcinolone Acetonide (a corticosteroid), was detected in a post-race blood sample taken from Integrated on 28 March 2018.

Charge 2 AR 178F

(1) A trainer must record treatment and medication administered to each horse in his or her care by midnight on the day on which the administration was given, and each record must include the following information:

- (a) the name of the horse;*
- (b) the date and time of administration of the treatment or medication;*
- (c) the name of the treatment or medication administered (brand name or active constituent);*
- (d) the route of administration including by injection, stomach tube, paste, topical application or inhalation);*
- (e) the amount of medication given (if applicable);*
- (f) the duration of a treatment (if applicable);*
- (g) the name and signature of person or persons administering and/or authorizing the administration of the treatment or medication.*

Summary

The stewards allege that on 14 March 2018, a veterinary practitioner engaged by Mr McGill, administered with his authority a medication, Kenacort (Triamcinolone Acetonide) and Hyaluronic Acid, to the knees and stifles of Integrated.

In accordance with AR 178F(1) Mr McGill failed to record in his treatment diary the following treatment and medication administered to Integrated on 14 March 2018:

- a) the intra-articular injection of Kenacort and Hyaluronic Acid to the stifles; and
- b) the amount of Kenacort and Hyaluronic Acid administered to the knees and stifles.

Plea

Charge 1 - Guilty.
Charge 2 - Guilty.

Penalty

Charge 1 – Mr McGill is convicted and fined \$4,000
Charge 2 – Mr McGill is convicted and fined \$400

A total fine of \$4,400 – payment terms 60 days.

Pursuant to AR 177, *Integrated* is disqualified form Race 3 at Stony Creek on 28 March 2018 and the places amended accordingly.

Grace Gugliandolo
Registrar
Racing Appeals and Disciplinary Board

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

MR B. FORREST, Deputy Chairman

EXTRACT OF PROCEEDINGS

DECISION

RACING VICTORIA STEWARDS

and

LOGAN McGILL

RACING VICTORIA CENTRE, FLEMINGTON

TUESDAY, 26 JUNE 2018

MR D. BOLKUNOWICZ appeared on behalf of the RVL Stewards

MR A. NICHOLL appeared on behalf of Mr L. McGill

DEPUTY CHAIRMAN: A post-race blood sample taken from the horse Integrated on 28 March 2018, following the running of the Bairs Hotel Maiden Plate at Stony Creek, revealed the presence of triamcinolone acetonide, brand name Kenacort, a potent corticosteroid and a prohibited substance under AR 178B subsections (1) and (2). Logan McGill, the trainer of Integrated, has pleaded guilty to two charges, the first a breach of AR 178, which provides that a trainer may be penalised for the detection of a prohibited substance in a sample taken from a horse the trainer has brought to the races. The second is a breach of AR 178F, failing to record in his treatment diary an administration by intra-articular injection of Kenacort and hyaluronic acid to the stifles and the amount administered to the knees and stifles on 14 March 2018.

On 14 March 2018, veterinarian Dr Adam Matthews injected both intercarpal joints and both stifle joints with Kenacort and hyaluronic acid. Mr McGill said he relied on Dr Matthews for advice on appropriate treatment as he, Dr Matthews, had previously treated the horse. At the time of the 14 March treatments, there appeared to be some uncertainty as to which joints were injected, the quantity of the injected substances, as well as the detail and accuracy of the treatment records.

In a report to Stewards, Dr Barry Smyth calculated that the horse was given 30 milligrams of Kenacort on 14 March. Dr Smyth said there are numerous factors that may affect the clearance of a drug from a horse; for example, inadvertent administration of a drug into soft tissue structures may prolong the detection time. An adequate safety margin should be added to ensure that the

withholding period is longer than any detection time. In Dr Smyth's opinion, the withholding period was inappropriate, given the amount of triamcinolone acetonide administered. Multiple joints treated concurrently - in this case both stifle joints - are known to result in unpredictable detection times for several corticosteroid drugs.

Mr Bolkunowicz for the Stewards accepted that the detection of the prohibited substance on 28 March was the result of the injections of both knee and stifle joints on 14 March, some 13 days between treatment and race day. It was the Stewards' case that the withdrawal period between treatment and racing was inappropriate, given the size of the dose, the fact multiple joints were treated concurrently, the unpredictability of detection time and the warnings given to trainers by notices on 29 July 2014 and 15 June 2017, cautioning against relying on the eight clear day rule prescribed by AR 64 with respect to intra-articular corticosteroid treatment.

Mr Nicholl, on behalf of Mr McGill, submitted that a conservative approach was taken in endeavouring to comply with the eight-day rule and given the time between administration and detection, this should be reflected in the penalty. Mr Nicholl also raised the issue of whether the rule provides an appropriate withholding period in view of the published studies, but that is a question for another day for racing administrators to consider. I accept that Mr McGill had no intention to circumvent the rules.

In relation to charge 2, Mr McGill's treatment diary for 14 March records, "Knees were injected with Kenacort. Adam Matthews." There is no mention of the stifle joints or, as required, the dosages injected. Mr McGill acknowledges his responsibility for ensuring the accuracy of his diary and has pleaded guilty.

I note however that in contrast to a case of a trainer failing to disclose any treatment, here there is disclosure, albeit it is incomplete, and I take that into account.

Mr McGill has been a trainer in his own right since 2014. Previously he was an assistant trainer for three years and a jockey for seven years. He has 15 horses in work and a staff of five. He has cooperated with Stewards from the outset. His record is not without blemish, incurring a fine of \$2000 for a previous breach of AR 178 in April 2016. In that case, the prohibited substance was dexamethasone, prescribed by a veterinarian.

In cases of the present nature, deterrence is an important consideration, as is the extent of the trainer's culpability. Having considered all of the evidence, on charge 1, the Board imposes a fine of \$4000; on charge 2, a fine of \$400, in total \$4400; payment to be within 60 days. It follows that the horse is disqualified from the race and the placings are to be adjusted accordingly.

Finally, I wish to record that I have been assisted in this matter by the helpful submissions made by Mr Bolkunowicz and Mr Nicholl.
