



## **DECISION**

### **RACING VICTORIA STEWARDS and KELVIN BOURKE**

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<b><u>Date of Hearing</u></b>	18 October 2017
<b><u>Panel</u></b>	Judge Bowman (Chair)
<b><u>Appearances</u></b>	Rhys Melville appeared for the stewards. Tim Purdey of counsel appeared on behalf of Mr Bourke.
<b><u>Charge</u></b>	Two breaches of AR 178  <i>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.</i>
<b><u>Summary</u></b>	The charges relate to a prohibited substance, being Phenylbutazone and its metabolite Oxyphenbutazone, which was detected in a pre-race blood sample (Charge 1) and a post-race urine sample (Charge 2) taken from the horse <i>Can't Refuse</i> prior to and after it ran in Race 8 the <i>Le Pine Funerals Handicap</i> (1800m) at Sandown on 26 July 2017.
<b><u>Plea</u></b>	Guilty - to one breach of AR 178
<b><u>Decision</u></b>	On charge 1, Mr Bourke convicted and fined \$10,000. Payment terms - 60 days.  Charge 2 is struck out.