

HEARING RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 17 July 2014

SUBJECT: **HEARING RESULT – TRAINER: WEZ HUNTER**

Panel Judge Russell Lewis (Chair), Mr Graeme Johnson, Mr Ron Taylor.

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

Charge 1 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.

Charge 1 relates to a prohibited substance, being Betamethasone, detected in a pre-race urine sample taken from the horse *Kentucky Dreaming* prior to it running in Race 7 at Mornington on Saturday, 5 April 2014.

Charge 2 Breach of AR 178F(1)

A trainer must keep, and retain for a period of twelve months, a record of any treatment administered to any horse in his care.

Plea Charge 1 – guilty.
Charge 2 – guilty.

Decision Charge 1 – Mr Hunter convicted and fined \$3,500.
Charge 2 – Mr Hunter convicted and fined \$750.

The total fine of \$4,250 due on or before 31 August 2014.

Kentucky Dreaming disqualified as 11th place-getter of Race 7 the *European Auto Refinishers Handicap* (1520m) at Mornington on Saturday, 5 April 2014.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR G. JOHNSON
MR R. TAYLOR**

EXTRACT OF PROCEEDINGS

DECISION

TRAINER: WEZ HUNTER

MELBOURNE

THURSDAY, 17 JULY 2014

MR J. OGILVY appeared on behalf of the RVL Stewards

MR W. HUNTER appeared on his own behalf

CHAIRMAN: Wez Hunter, you have pleaded guilty to one charge laid under Australian Rule of Racing 178 which is in the following terms:

Subject to Australian Rule 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 horse involved was Kentucky Dreaming and the prohibited substance, betamethasone, was detected in a pre-race urine sample taken from the horse on race day, 5 April 2014. The second charge laid under Australian Rule 178F alleges that you failed adequately to keep and retain for 12 months a record of treatments by veterinarians, in particular in relation to Kentucky Dreaming.

The Facts

Kentucky Dreaming, a five-year-old gelding, was an unsound horse. He was unable to be given much trackwork and most of his training was done at the beach and by swimming. He has had 18 starts for two wins, one 2nd and three 3rds. On 1 April 2014, Dr Adam Matthews attended your stables at Mornington. He inspected and examined the horse, having been told by you that the horse was to run on 5 April. You left it entirely up to the veterinarian to decide whether the horse required any treatment. You left Ms Erin Nanscawen in charge.

In the event, Dr Matthews injected 5.7 milligrams of betamethasone into the horse's front fetlock joints. Celestone is the name of the commercial product which contains betamethasone. Not including the day of the injection, Dr Matthews allowed three clear days as a withholding period, a risky, indeed precarious time allowance according to Dr Grace Forbes, the RVL veterinarian.

Stewards are not required to engage in a debate as to what is the prudent withholding period for Celestone, nor is the board required to make a finding as to how it was that the horse returned a positive. Nevertheless, it seems likely that whilst injecting at least one of the intra-articular fetlock joints, some of the betamethasone escaped into the soft tissues, which had the consequence of the drug staying longer than Dr Matthews expected in the horse's system. Dr Matthews told stewards that there was always a risk that this could happen, although this is the first time it had ever happened to him.

The Board accepts that you did not know beforehand that Dr Matthews intended to inject Celestone. You also relied on Dr Matthews' judgment as to any withholding period in relation to the administration of any drug. Ignorance of such matters, however, does not exonerate you. Your responsibility as a licensed trainer is inter alia to ensure as far as is reasonable that (1) you are aware of what treatment the veterinarian is giving the horse and (2) you are aware of the risks attendant upon such treatment, in particular when treatment is administered close to race day.

You failed dismally to meet a minimum standard of inquiry in this case, either before or after the horse was treated by Dr Matthews. As it turned out, had you done so, it seems likely that Dr Matthews would have told you that all was well - he, Dr Matthews, not realising that some of the injected drug had missed the joint. The Board notes that in this context, the horse was playing up and was proving a handful when the injection was being delivered.

As I have pointed out, it does not avail the trainer in such cases to say, "Well, I left it up to the vet." Nevertheless, the Board recognises the fact that many, even most trainers, tend to rely implicitly on the advice of their veterinarian. Should the veterinarian not act prudently or, worse, negligently in not taking into account risks associated with the injection of a potentially prohibited substance, or fail to adopt a conservative approach in calculating withholding periods, there is little the trainer can do about it. However, in this case, it is clear that you were derelict in your duty as a licensed trainer in not even attempting to satisfy yourself to the best of your ability of the risks associated with the administration of Celestone.

You are a young and, by all accounts, a promising trainer. This is your first offence. It is to be hoped that you have learnt a valuable lesson. The Board takes into account your plea of guilty and the fact that you have no previous convictions under the Rules of Racing. In all the circumstances, the Board is of the opinion that a financial penalty is the appropriate disposition. Such a penalty should reflect the principles of general deterrence and denunciation of what may be called, in this case, irresponsible conduct.

Under the Rules of Racing, the horse is and must be disqualified. On Charge 1, you are fined the sum of \$3500. On Charge 2, you are fined the sum of \$750, a total amount of \$4250. The Board will extend the time of payment of such sum until 31 August 2014.
