



HEARING RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 22 December 2015

SUBJECT: **HEARING RESULT – TRAINER: CLINTON MCDONALD**

Panel Judge John Bowman (Chair), Mr Josh Bornstein (Deputy),
Prof Raymond Harbridge.

Appearances Mr Peter Jurkovsky appeared on behalf of Mr McDonald.
Mr Rhys Melville 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 Ibuprofen, which was detected in a pre-race blood sample taken from the horse *Rib-Eye* prior to it running in Race 4 at Sandown on 26 August 2015.

Plea Guilty.

Decision Mr McDonald convicted and fined \$1,500 – payable within 2 months from today's date.

Pursuant to AR 177, *Rib Eye* disqualified as 7th place-getter in Race 4 at Sandown on 26 August 2015 and the places amended accordingly.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE J. BOWMAN, Chairman
MR J. BORNSTEIN, Deputy Chairman
PROF R. HARBRIDGE**

TRAINER: CLINTON McDONALD

MELBOURNE

TUESDAY, 22 DECEMBER 2015

MR R. MELVILLE appeared on behalf of the RVL Stewards

MR P. JURKOVSKY appeared on behalf of Mr C. McDonald

CHAIRMAN: Mr Clinton McDonald has pleaded guilty to a breach of Australian Rule 178G, in that on 26 August 2015, the horse Rib Eye, trained by him, was entered for and ran in a 1200-metre event at Sandown where it was unplaced. The pre-race blood sample revealed the presence of a prohibited substance, ibuprofen. The horse had suffered from tendon problems and had been at the property of Mr Lee Evison for a period of approximately three months where it had been treated regularly with ibuprofen. The real problem then concerned a withholding period. Mr McDonald, having made some inquiries, thought that a 14 to 15-day withholding period was warranted. In fact the horse did not run for approximately 28 days.

There is no argument but that strict liability applies. Mr McDonald has pleaded guilty and has cooperated with the stewards. We also accept that he has been working hard over the past year to cover the sad loss of his father. Further, we accept that Mr McDonald has taken the matter seriously and has engaged legal representation, namely Mr Jurkovsky. Mr McDonald does have a prior conviction in respect of prohibited substances, this being in relation to four horses in 2009 and he was fined a total of \$14,000.

As stated, strict liability applies. Also, an elective sample could have been taken. We are of the view that a fine is warranted. Mr Jurkovsky has argued that such fine should be at the lower end of the scale. We are of the view that this is a case with some differences from that of Mr Archie Alexander who was fined \$500 and, for that matter, in the case of Mr Symon Wilde, who was fined \$8000.

In the circumstances, we are of the view that a fine of \$1500 is warranted.

There will be two months for the payment of the fine from this date.
