

HEARING RESULT

Distribution: Chief Executive
Group Integrity Services, Group Racing
Group Racing Development
Credit Controller
ATA
TVN
Office of Racing
T Moxon – National Drug Register
Racing Press

FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 25 July 2011

SUBJECT: **HEARING RESULT – TRAINER: ALLISON BENNETT**

Panel Judge Russell Lewis (Chair), Mr Geoff Ellis, Mr Bill Knights.

Appearances Ms Bennett appeared on her own behalf.
Racing Victoria's James Ogilvy appeared on behalf of the Stewards.

Charge 1 Breach of AR 178

The particulars being that a prohibited substance, Ibuprofen, was detected in a urine sample taken from the horse *Exceed All Limits* following its win in Race 7 the *Schweppes 0-62 Handicap* (1200m) at Geelong Synthetic on Friday, 20 May 2011.

Charge 2 Breach of AR 178F(1)

The particulars being that during a stable inspection at her premises it was established that Ms Bennett failed to keep and retain for a period of 12 months a record of any treatment administered to *Exceed All Limits*.

Plea Charge 1 – guilty.
Charge 2 - guilty.

Decision **Charge 1** – Ms Bennett convicted and fined the amount of \$8,000.

Pursuant to AR 177 *Exceed All Limits* disqualified as winner of Race 7 the *Schweppes 0-62 Handicap* (1200m) at Geelong Synthetic on Friday, 20 May 2011 and the places amended accordingly:

1st - *Delighted Owners*, 2nd - *It's Lumsden*, 3rd - *Royal Grace*,
4th - *Stax On Max*, 5th - *Sundown Clown*, 6th - *Bella's Cry*, 7th - *Kaymer*,
8th - *Cloudy Madica*, 9th - *Montanita*, 10th - *Buzabout*.

Charge 2 – Ms Bennet convicted and fined the amount of \$500.

A total of \$8,500 due on or before 31 October 2011.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR G. ELLIS
MR W. KNIGHTS**

EXTRACT OF PROCEEDINGS

DECISION

TRAINER: ALLISON BENNETT

MELBOURNE

MONDAY, 25 JULY 2011

MR J. OGILVY appeared on behalf of the RVL Stewards

MS A. BENNETT appeared on her own behalf

CHAIRMAN: Allison Bennett, you have pleaded guilty to one charge laid under Australian Rule of Racing 178 and to one charge laid under Australian Rule of Racing 178F. The particulars of each charge are contained in the notice of charges and I do not intend to repeat them.

Dealing first with Charge 1: ibuprofen has inter alia analgesic and mild anti-inflammatory properties. According to Dr Cust, it is also believed by some to be useful in the treatment and/or prevention of injury to tendons by modifying changes in cell behaviour which occurs during high-intensity exercise. It was for this latter purpose, apparently, that the horse Exceed All Limits was being administered the substance on a regular basis, first by the previous trainer, and continued by you when you took over the training of the horse.

The likely cause of detection of the substance on this occasion was that it was administered in feed too close to race day. The administration was not deliberate, but rather was likely due to the fact that the system of ensuring that each horse in your stable received its proper feed was deficient.

The evidence in this case has satisfied the Board that you failed miserably to live up to your responsibilities as a licensed trainer. In the Board's opinion, you were grossly negligent in failing to ensure that Exceed All Limits did not receive ibuprofen in feed.

It is not the task of the Board to make suggestions as to what is the appropriate system. However, it is not difficult to imagine how a reliable system could be employed.

To your credit, you have readily acknowledged that it was your responsibility to ensure that the horse was given the correct feed. In this case, the horse was mistakenly given another horse's feed containing ibuprofen. The Board accepts that it was not your intention to administer ibuprofen to the horse, you being well aware of the dangers of feeding the horse ibuprofen too close to race day. In making this observation, the Board does not wish to give the impression that it regards your system of withdrawing orally administered ibuprofen six or seven days prior to racing as appropriate and safe.

Unfortunately, you have a recent conviction for a similar offence, although on that occasion it was the administration of ibuprofen by you in the form of a gel which was responsible for its detection.

The principle of general deterrence and, in your case, specific deterrence are applicable. Trainers should understand that when administering potentially prohibited substances, they bear the onus of ensuring that they do not cross the line between what is permissible and what is prohibited.

The appropriate penalty in this case is either a period of suspension or a substantial financial penalty. Your plea of guilty has persuaded the Board to opt for the latter disposition.

Accordingly, on Charge 1, you are fined the sum of \$8000, to be paid by 31 October 2011, and the horse, Exceed All Limits, is disqualified.

In relation to Charge 2, it is lamentable that you did not keep a record of ibuprofen being given to the horse or, for that matter, any other record.

However, the charge simply relates to the failure to record the administration of ibuprofen and, accordingly, the Board is of the view that a fine of \$500 is the appropriate penalty. That sum, together with the sum of \$8500, as I have indicated, is to be paid on or by 31 October 2011.

END OF EXTRACT