

RACING VICTORIA LIMITED
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RACING APPEALS AND
DISCIPLINARY BOARD



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HEARING RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 21 September 2010

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

Panel Judge Russell Lewis (Chair), Mr Bill Kneebone, Mr Ron Taylor.

Appearances Ms Bennett appeared on her own behalf.
Mr Tony Burns appeared as Counsel for the Stewards.

Charges Two breaches of AR 178.

Charge 1 – the charge relating to a prohibited substance, being Ibuprofen, detected in a urine sample taken from the gelding *Juan Carlos* following its running in Race 3 the *Journal 0-82 Handicap* (3050m) at Geelong Synthetic on Wednesday, 30 June 2010.

Charge 2 - the charge relating to a prohibited substance, being Ibuprofen, detected in a urine sample taken from the gelding *Juan Carlos* following its running in Race 2 the *Mosstrooper Hurdle* (3400m) at Betfair Park Sandown Lakeside on Wednesday, 7 July 2010.

Plea Guilty – both charges.

Decision Ms Bennett convicted of both charges and fined the amount of \$2,000 for each charge – a total of \$4,000 due on or before 31 October 2010.

Juan Carlos disqualified as the winner of Race 3 the *Journal 0-82 Handicap* at Geelong Synthetic on Wednesday, 30 June 2010 and the places amended accordingly:

1st – *Titch* (NZ), 2nd – *Costalots*, 3rd – *The Member*, 4th – *Solar Reef*,
5th – *The Pentagon*, 6th – *Jedephrae*, 7th – *It's Norwester* (NZ),
8th – *Bian Coby*, 9th – *Esparanza*.

Decision (cont)

Juan Carlos disqualified as the winner of Race 2 the *Mosstrooper Hurdle* at Betfair Park Sandown Lakeside on Wednesday, 7 July 2010 and the places amended accordingly:

1st – *Vindicating (NZ)*, 2nd – *Grizz (NZ)*, 3rd – *Bullecourt (NZ)*.

Georgie Curtis
Registrar - Racing Appeals and Disciplinary Board

TRANSCRIPT OF PROCEEDINGS

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR W. KNEEBONE
MR R. TAYLOR

EXTRACT OF PROCEEDINGS

DECISION

TRAINER: ALLISON BENNETT

MELBOURNE

TUESDAY, 21 SEPTEMBER 2010

MR A. BURNS appeared on behalf of the RVL Stewards

MS A. BENNETT appeared on her own behalf

CHAIRMAN: Miss Allison Bennett, you have pleaded guilty to two charges laid under Australian Rule of Racing 178. I do not intend to read the charges, as you have pleaded guilty to each of them and, in addition, the charges are referred to in the outline of submissions by the RVL Stewards which can form part of the evidence in this plea.

Relying to a large extent on the opinion of licensed trainer Michael Kent and his friend and client, Dr Daffy, a medical practitioner expert in human infectious diseases, you administered ibuprofen in powder form in feed twice daily and in combination with Nurofen gel, which was topically applied to the horse's leg. Your regular withholding period was said to be six days. You, like Mr Kent, were convinced that such treatment was extremely beneficial in the management of, in particular, tendon injuries.

Until Juan Carlos returned a positive to ibuprofen, as outlined in the charges, you had treated other horses in your stable without mishap. As the Board said in sentencing Mr Kent, it is incumbent on trainers to obtain expert opinion when treating horses with products which have the potential to become a prohibited substance. It is less than satisfactory for one trainer to rely on the opinion of another trainer when administration of a potentially prohibited substance is contemplated.

In relation to ibuprofen, there is insufficient evidence from a limited number of studies and trials to form a conclusive opinion as to the withholding time for that substance. Since there is expert evidence that excretion time in urine may

be up to eight days, perhaps longer, depending on a variety of factors, there is a real risk that a particular horse may return a positive result despite anecdotal evidence that six clear days may be appropriate for some horses. In making this comment, I do not suggest that eight days is a "safe" withholding period.

The onus is on the trainer to present his or her horse at the races drug free. Another aspect which is of concern to the Board is the apparent haphazard system of administration of the subject medication at your stables. There is no suggestion in this case that you were deliberately attempting to obtain an unfair advantage.

The Board takes into account your state of mind as well as your plea of guilty. The Board is also satisfied that you are truly remorseful and that you have no relevant prior offences. The Board also takes into account the fact that you have suffered financial loss, but that of course was a product of your own negligence.

The Board is of the view that you should be convicted on both charges and fined the sum of \$2000 on each charge, a total of \$4000. In relation to both races, Juan Carlos, pursuant to Australian Rule of Racing 177, must be and is disqualified. The \$4000 to be paid on or before 31 October 2010.

END OF EXTRACT