

STEWARDS DECISION

OFFICE OF RACING INTEGRITY

and

Mr ADAM TRINDER

Date of hearing: 25th June 2024

Stewards Panel: Bruce Free (Chair); Gavin Griffin and Ebony Morice-Smith

Present: Mr Adam Trinder (Respondent)

Rule: Rule AR240(2)

Subject to AR240(3), when any horse that has been brought to a racecourse for the purpose of engaging in a race and a prohibited substance on Prohibited List A and/or Prohibited List B is detected in a sample taken from the horse 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 breaches these Australian Rules

(2) Subject to subrule (3), if a horse is brought to a racecourse for the purpose of participating in a race and a prohibited substance on Prohibited List A and/or Prohibited List B is detected in a sample taken from the horse prior to or following its running in any race, the trainer and any other person who was in charge of the horse at any relevant time breaches these Australian Rules.

Charge: The particulars of charge being that on Sunday 11th February 2024, Mr Adam Trinder, being the registered trainer of GALLANT WARRIORS, which was brought to the Tasmanian Racing Club meeting for the purpose of participating in race 10, the BEACH CLUB CLASS 2 HANDICAP over 1200 metres, did present the gelding to

race when not free of a prohibited substance, namely PHENYLBUTAZONE, OXYPHENBUTAZONE AND GAMMA-HYDROXYPHENYLBUTAZONE.

Plea: Admitted

1. Background

- (a) The Respondent, Mr Trinder is a licensed thoroughbred trainer based at Latrobe, Tasmania.
- (b) On Sunday 11th February 2024 Mr Trinder presented GALLANT WARRIORS for Race 10 at a meeting of the Tasmanian Racing Club.
- (c) GALLANT WARRIORS was subject to a post-race urine sample following it winning race 10.
- (d) The sample obtained and given the unique number V823448.
- (e) On Friday 14th March 2024 Racing Analytical Services Ltd advised that sample number V823448 had returned an adverse result to the prohibited substances PHENYLBUTAZONE, OXYPHENBUTAZONE AND GAMMA-HYDROXYPHENYLBUTAZONE.
- (f) On Thursday 12th April 2024, the Australian Racing Forensic Laboratory of confirmed the presence of PHENYLBUTAZONE, OXYPHENBUTAZONE AND GAMMA-HYDROXYPHENYLBUTAZONE.in sample V823448.

2. Respondents Submissions

- 2.1 When addressing the panel Mr Trinder stated he had not been able to identify the cause of the irregularity, however Mr Trinder did advise that for that period he was physically incapacitated due to significant leg burns. And that he has adopted rules on how and who treats his horses on the property.
- 2.2 Additionally, Mr Trinder stated that he had runners at the meeting in Hobart on the Friday and runners at the Tasmanian Racing Club meeting on the Sunday and that due to his normal practice of treating horses' post-race that this may have been where the wrong horse was treated.
- 2.3 Mr Trinder also submitted that he would like the Stewards Panel to recognise that he produces a significant number of runners annually with many of these being subjected to race day sampling, with these all producing clear results.

3. Penalty Considerations

- 3.1 Turning to the matter of penalty the Stewards are cognisant of the following Sentencing Principles –
 - (i) That penalties are designed to punish the offender for his/her wrongdoing. They are not meant to be retributive in the sense that

the punishment is disproportionate to the offence, but the offender must be met with a punishment.

- (ii) That in a racing context it is very important that a penalty has the effect of deterring others from committing similar offences through the consideration of both general and specific deterrence.
- (iii) That penalties imposed upon those offending the prohibited substance rules should reflect the industry's disapproval of drugs being detected in racehorses.
- (iv) The need for penalties which are imposed to be consistent with national precedents.

4. Penalty Discussion

4.1 In determining penalty Stewards considered the following:

- The nature, circumstances, and seriousness of the offence
- Mr Trinder's personal circumstances
- Mr Trinder's disciplinary history (two prior offences one of those within the last 6 months and the previous offence prior to this was in 2012)
- Mr Trinder's admission of the charge.
- The number of starters produced.
- The need for the penalty to act as both a specific deterrent to Mr Trinder to reduce the risk of further offending and as a general deterrent to the wider racing industry.
- The penalty precedents from other states for similar offences.

5. Outcome

5.1 Having considered all the circumstances, Stewards issued Mr Trinder with a \$5,000 fine, with \$2,000 being invoked from his previous offence under this rule with a total of \$7,000. This being to hold Mr Trinder accountable for his actions and to others from committing the same or similar offences.

6. Disqualification Of Horse

6.1 It is mandatory that if a horse competes in a race and is found to have competed with a prohibited substance in its system that it must be disqualified from that race – AR 240 (1). Accordingly, GALLANT WARRIORS will be disqualified from Race 10 at the Tasmanian Racing Club Meeting on the 11th of February, 2024.

The placings are to be adjusted to reflect the disqualification of GALLANT WARRIORS which finished 1st.

2. NAVY STREET
1. DID YOU DECIDE
8. STARNOTE
5. I'M KEEFE

Decision Date: 25th June, 2024