

STEWARDS DECISION

OFFICE OF RACING INTEGRITY

and

Mr ANDREW ROACH

Date of hearing: 24th September 2024

Stewards Panel: Bruce Free (Chair); Gavin Griffin and Tony Harding

Present: Mr Andrew Roach (Respondent)

Rule: Australian Rule of Racing AR240(2)

Australian Rule AR240 – Prohibited substance in sample taken from horse at race meeting.

(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: That charge being pursuant to AR240(2) which reads:

The particulars of the charge being that on Wednesday 7th June 2023, Mr Andrew Roach, being the registered trainer of AUSSIE BLACK, which was brought to the Devonport Race Club Meeting for the purpose of participating in race 3, the GOOD FRIDAY FAMILY FUN DAY 29th MARCH MAIDEN/CLASS 1 over 2150 metres, did present the

gelding to race when not free of a prohibited substance, as detected by a pre-race blood sample which when analysed was found to contain the prohibited substance HEPTAMINOL and that finding was confirmed in the Reserve Sample being analysed.

Plea: Admitted

1. Background

- (a) The Respondent, Mr Roach is a licensed thoroughbred trainer based at Elizabeth Town, Tasmania.
- (b) On Wednesday 7th June, 2023 Mr Roach presented AUSSIE BLACK for Race 3 at a meeting of the Devonport Race Club.
- (c) AUSSIE BLACK was subjected to a pre-race blood sample prior to starting in Race 3.
- (d) The sample obtained was given the unique number V678717.
- (e) On Monday 3rd July, 2023 Racing Analytical Services Ltd advised that sample number V678717 had returned an adverse result to the prohibited substance Heptaminol.
- (f) On Wednesday 26th July 2023, the Australian Racing Forensic Laboratory confirmed the presence of Heptaminol in the reserve sample V678717.

2. Respondents Submissions

- 2.1 When addressing the panel Mr Roach stated he had not been able to identify the cause of the heptaminol being in the sample only that he had treated the horse several days prior and in his opinion the medication should have been out of its system by this stage. The treatment was recorded in his treatment book.

3. Penalty Considerations

- 3.1 Turning to the matter of penalty the Stewards were cognisant of the following Sentencing Principles –
 - (i) That penalties are designed to punish the offender for his 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 to be consistent with national precedents.

4. Penalty Discussion

4.1 In determining penalty Stewards discussed the following:

- The nature, circumstances, and seriousness of the offence
- Mr Roach's first offence under this rule.
- Mr Roach's personal circumstances
- Mr Roach's disciplinary history
- Mr Roach's admission of the charge.
- The number of starters produced by Mr Roach during the racing season.
- The need for the penalty to act as both a specific deterrent to Mr Roach 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 Roach with a fine of \$2000. This being to hold Mr Roach accountable for his actions and to others from committing the same or similar offences. Mr Roach was advised of his right of appeal to the Tasmanian Racing Appeal Board.

6. Disqualification Of Horse AUSSIE BLACK

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, AUSSIE BLACK will be disqualified from Race 3 at the Devonport Race Club Meeting on the 7th June, 2023.

The placings are to be adjusted as follows to reflect the disqualification of AUSSIE BLACK which finished 7th.

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