

# Tasracing Integrity Unit

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## STEWARDS DECISION

TASRACING INTEGRITY UNIT

and

IMOGEN MILLER

Date of Decision: 2<sup>nd</sup> April 2025

Stewards Panel: Mr M Castillo (Chair), Mr N Finnigan, Mr R Brown and  
Miss E Morice-Smith

Respondent: Ms Imogen Miller

Rule: Australian Rules of Racing AR240(2)

AR 240 Prohibited substance in a sample taken from a horse at a 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: Ms Imogen Miller, the trainer of JUST A NEEDS, presented that horse to compete in Race 2 at the Tasmanian Racing Club on Sunday the 19th of January 2025, when a post-race urine sample taken from the mare revealed the presence of a prohibited substance, namely, FRUSEMIDE.

Plea: Guilty

## 1. Background

- (a) The respondent, Imogen Miller, is an Open Permit licensed trainer under the Australian Rules of Racing.
- (b) Ms Miller is 40 years of age and has held a trainer's licence for 11 years.
- (c) JUST A NEEDS was correctly entered for and presented to race in Race 2 at the Tasmanian Racing Club's meeting on the 19th of January 2025.
- (d) JUST A NEEDS placed 1<sup>st</sup> in the event earning \$18,750 in stake money.
- (e) JUST A NEEDS started as favourite, with a starting price of \$2.90.
- (f) JUST A NEEDS was subjected to post-race swabbing, where a urine sample was taken. The procedure was witnessed by Office of Racing Integrity Steward, Mr Ian Bray and the sampling process was witnessed by Mr Hayden Burdon. The sampling process was not contested.
- (g) The collection of the sample was concluded at 2:20pm, with the sample being allocated the unique number R024244.
- (h) On the 25<sup>th</sup> of February 2025, Racing Analytical Services Limited (RASL) issued a Certificate of Analysis reporting that the prohibited substance FRUSEMIDE had been detected in sample R024244, taken from JUST A NEEDS on the 19th of January 2025.
- (i) RASL advised the reserve portion of the sample had been forwarded to the Australian Racing Forensic Laboratory in New South Wales for referee analysis.
- (j) Office of Racing Integrity Stewards presented the initial results to Ms Miller at her racing facility at Seven Mile Beach to advise her of the irregularity.
- (k) The outcome of the reserve sample was provided by the Australian Racing Forensic Laboratory on the 14<sup>th</sup> of March 2025. The Report confirmed FRUSEMIDE had been detected in sample R024244.
- (l) Ms Miller was contacted by Tasracing Integrity Stewards on Monday the 31<sup>st</sup> of March 2025, regarding the upcoming inquiry into the Laboratory's findings.

## 2. Submissions of the Respondent

- 2.1 When asked to explain the irregularity, Ms Miller was unable to tender any tangible evidence regarding the presence of FRUSEMIDE in JUST A NEEDS sample.
- 2.2 Ms Miller stated that it was unlikely to have been administered by herself or any staff member, given that she is the only authorised person to administer injectables and the substance had not been used on any animal in her care since December 2024.
- 2.3 Ms Miller further stated that JUST A NEEDS had never been treated with FRUSEMIDE while in her care.
- 2.4 Tasracing Integrity stewards, Mr Brown and Ms McCarthy attended the Seven Mile Beach facility on Wednesday 26<sup>th</sup> of February 2025 and identified the injectable form of FRUSEMIDE on the property.

## 3. Penalty Considerations

### 3.1 Principles

- 3.1.1 Penalties are designed to punish the offender for their wrongdoing. Penalties are not meant to be retributive in the sense that the punishment is disproportionate to the offence, but nonetheless, the offender must be met with a punishment.
- 3.1.2 Penalties imposed upon those offending the prohibited substance rules should reflect the industry's disapproval of drugs being detected in horses.

### 3.2 Stewards Approach

- 3.2.1 The Stewards have resolved to approach the matter of penalty from the perspective of the desirability of consistency with previous penalties in dealing with similar offenders committing similar offences in similar circumstances.
- 3.2.2 We are guided in our approach to penalty by those imposed, not only in Tasmania but also within other Australian jurisdictions.
- 3.2.3 With respect to this matter, Stewards have adopted a \$6000 fine as a starting point. This is consistent with penalties handed down for similar breaches Australia-wide.
- 3.2.4 With all cases, even though they may on the surface seem similar, they all need to be assessed on an individual basis with the consideration of all circumstances.

#### 4. Respondents Penalty Submissions

- 4.1 Ms Miller submitted that in considering penalty, Stewards should consider her honesty and cooperation when dealing with the matter.
- 4.2 Ms Miller submitted that her involvement in the industry stretches for over 11 years of training with no swab irregularities in that time.

#### 5. Penalty Discussion:

- 5.1 The Prohibited Substance Rules impose an absolute obligation on trainers to ensure that they present their runners free of prohibited substances.
- 5.2 In consequence, trainers must take all reasonable steps and must take proper care, always, to avoid presenting a horse that could give rise to an adverse test result.
- 5.3 Resultantly, where there is a breach of the drug rules, trainers must expect substantial penalties, because every time a racing animal is presented to race with a prohibitive substance in its metabolism, then the integrity of not only, as in this case, Thoroughbred Racing, but racing, in general, is compromised.
- 5.4 In this matter we approach the imposition of penalty on the basis that the cause of the findings was not intentional. However, the onus under AR 240(2) is on the trainer to present a horse free of any prohibited substance, the rule is absolute. Hence, the respondent's admission of the breach.
- 5.5 In fixing penalties, we have regard to the need to uphold the integrity of racing, not only in Thoroughbred Racing but in all codes of racing. Penalty precedents have long been at the forefront of disciplinary decision-making, albeit with each case being decided on its own merits. It is wrong to suggest otherwise. Accordingly, the penalty that is imposed upon the respondent must be at a level that protects the public by encouraging the highest of standards of professional behaviour and that the respondent is dealt with in a fair and just manner.

## 6. Factors in consideration of penalty.

In determining the appropriate penalty, the Stewards recognise the following factors:

- 6.1 Ms Miller has admitted to a charge of presenting JUST A NEEDS to race with the prohibited substance FRUSEMIDE in its system.
- 6.2 Stewards believe it to be most probable that Ms Miller did not intentionally present JUST A NEEDS to race with the prohibited substance FRUSEMIDE in its system.
- 6.3 However, every time a horse is presented to race with a prohibitive substance in its metabolism then the integrity of not only Thoroughbred Racing, but racing in general, is compromised.
- 6.4 The Stewards have identified no aggravating factors that would necessitate an increase from the starting point, but it was noted by the stewards that Ms Miller has offended under this rule within the last ten years.

## 7. Outcome

Ms Miller is to be fined pursuant to the Australian Rules of Racing AR 240(2). The particulars of the fine being one of \$6000, with Stewards directing that \$3000 of the fine be suspended for a period of 24 months, pending another breach AR240(2) of the Australian Rules of Racing

## 8. Disqualification Of Horse

It is mandatory under the Australian Rules of Racing that if a horse competes in a race, and is found to have competed with a prohibited substance in its system, it must be disqualified from that race.

AR240(1) reads ....

*Subject to subrule (3), if a horse is brought to a racecourse 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 horse must be disqualified from any race in which it started on that day.*

Consequently, the placings for Race 2 at the Tasmanian Race Club's meeting on the 19th of January 2025 are to be adjusted to reflect the disqualification of JUST A NEEDS.

**Decision Date:** 2<sup>nd</sup> April 2025