

STEWARDS DECISION

TASRACING

and

Mr. Rowan Hamer

Date of Decision: 15th April 2025

Stewards Panel: Mr M Castillo (Chair), Mr N Finnigan and Ms B Hine

Respondent: Mr Rowan Hamer

Rule: Australian Rule of Racing 240(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 1: Mr Rowan Hamer, the trainer of QUICKEN UP presented that horse to compete in Race 7 at the Devonport Racing Club's meeting on the Wednesday 11th September 2024, when a post-race urine sample taken from the mare revealed the presence of a prohibited substance, namely, TRENDIONE.

Trainers Plea: GUILTY

Rule: Australian Rule of Racing 248 (1) (a)

(1) A person must not:

- (a) administer;
- (b) cause to be administered;
- (c) attempt to administer; or
- (d) be a party to the administration or attempted administration of,

an anabolic androgenic steroid to a horse.

Charge 2: Mr. Rowan Hamer, the trainer of QUICKEN UP administered by Injection on Monday 9th September 2024 the substance Progesterone to the mare QUICKEN UP. The mare was presented to race 3 days later in Race 7- "The Thai Imperial Benchmark 60 Handicap" at the Devonport Racing Club on the 11th September 2024. The Prohibited substance TRENDIONE was found to be in the urine sample taken from the mare following her winning performance in this event.

Trainers Plea: GUILTY

1. Background

- (a) The respondent, MR. Rowan Hamer, holds a trainer A license under the Australian Rules of Racing.
- (b) Mr R Hamer is 37 years of age and has held a trainer's licence for a period of 10 years.
- (c) QUICKEN UP was correctly entered for and presented to race in Race 7 at the Devonport Racing Club's meeting on the 11th of September 2024.
- (d) QUICKEN UP placed 1st in the event earning \$15,625.00 in stake money.
- (e) QUICKEN UP was subjected to post-race swabbing where a urine sample was taken. The procedure was taken by Office of Racing Integrity Steward Ms J Ainscow. Alex Scott witnessed the sampling process for the trainer. The sampling process was not contested.
- (f) The collection of the sample was concluded at 3.35pm with the sample being allocated the unique number R012735.
- (g) On the 15th October 2024, Racing Analytical Services Limited (RASL) issued a Certificate of Analysis reporting that the prohibited substance TRENDIONE had been detected in sample R012735 taken from QUICKEN UP on the 15th of October 2024.
- (h) RASL advised the reserve portion of the sample had been forwarded to the Australian Racing Forensic Laboratory in New South Wales for referee analysis.
- (i) The outcome of the reserve sample was provided by the Australian Forensic Racing Laboratory on the 13th of November 2024. The Report confirmed TRENDIONE was detected in sample R012735.

2. Penalty Considerations

2.1 Principles –

- 2.1.1 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.

- 2.1.2 Penalties imposed upon those offending the prohibited substance rules should reflect the industry's disapproval of drugs being detected in horses.

2.2 Stewards Approach

- 2.2.1 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.
- 2.2.2 We are guided in our approach to penalty by those imposed, not only in Tasmania, but also within other Australian jurisdictions.
- 2.2.3 With respect to this matter, Stewards have adopted \$8000 fine as a starting point. This being consistent with penalties handed down for similar breaches Australia wide.
- 2.2.4 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.

3. Respondents Penalty Submissions

- 3.1 Mr R Hamer submitted that on considering penalty, Stewards should consider his honesty and cooperation when dealing with the matter.
- 3.2 Mr R Hamer submitted that his involvement in Racing as a trainer has been a 10 year period, and his only previous blemishes have only been minor and this is his first swab discrepancy, as numerous of his horses have been subjected to being swabbed.
- 3.3 Mr Hamer submitted that the mare was only being treated due to her temperament and was unaware of the metabolic of the administered substance.

4. Penalty Discussion:

- 4.1 The Prohibited Substance Rules impose an absolute obligation on trainers to ensure that they present their runners free of prohibited substances.
- 4.2 In consequence, trainers must take all reasonable steps, and must take proper care, always, to avoid presenting a horse which could give rise to an adverse test result.
- 4.3 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 racing in general is compromised.
- 4.4 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 respondents' acknowledgement of the breach.

- 4.5 In fixing penalty, we have regard to the need to uphold the integrity 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 in a fair and just manner.

5. Factors in consideration of penalty.

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

- 5.1 Mr R Hamer has acknowledgment to the presenting of QUICKEN UP to race with the prohibited substance TRENDIONE in its system.
- 5.2 Stewards believe it to be most probable that Mr R HAMER did not intentionally present QUICKEN UP to race with the prohibited substance TRENDIONE in its system.
- 5.3 However, every time a horse is presented to race with a prohibitive substance in its metabolism then the integrity of racing in general, is compromised.
- 5.4 The Stewards have identified no aggravating factors which would necessitate an increase from the starting point, however, equally, no reduction from the starting point was given either.

6. Outcome

Mr Rowan Hamer is to be fined pursuant to the Australian Rules of Racing. The particulars of the fines being:

Charge 1: \$8000.00 - (Presentation)

Charge 2: \$8000.00 – (Administration) This penalty is to be suspended in full, for a period of 24 months

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, that it must be disqualified from that race.

AR 240 (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, horse must be disqualified from any race in which it started on the day.

Consequently, the placings for Race 7 “THE THAI IMPERIAL BENCHMARK 60 HANDICAP” at the Devonport Racing Club’s meeting on the 11th of September 2024 are to be adjusted to reflect the disqualification of QUICKEN UP.

Decision Date: 15th April 2025