

## **STEWARDS DECISION**

### **OFFICE OF RACING INTEGRITY**

and

### **RHONDA HALL**

**Date of hearing:** 7<sup>th</sup> September, 2022

**Stewards Panel:** Mr B Free (Chair), Mr D Tyson and Mr J Steele.

**Present:** Ms Rhonda Hall (Respondent)

**Rule:** Australian Rule of Racing AR240(2)

Australian Rule (AR) 240 - 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:

Ms Rhonda Hall, the trainer of Crystal Pallazo, presented that horse to compete in Race 3 at the Tasmanian Racing Club meeting on the 10<sup>th</sup> April, 2022, where the horse finished 1<sup>st</sup> in the 1200 metre Unique Doors and Windows Maiden and upon a post-race urine sample being analysed was found to contain arsenic, a prohibited substance which was found to be above the threshold permitted.

**Plea:** Admitted

#### **I. Background**

- (a) The respondent, Ms Rhonda Hall, is a licensed Public Trainer under the Australian Rules of Racing.
- (b) Ms Hall has held a trainer's licence for a period of over 18 years and has been involved in show horses at a high level for a lengthy period.

- (c) Crystal Pallazo was correctly entered for and presented to race in Race 3 at the Tasmanian Racing Club meeting on the 10<sup>th</sup> April, 2022.
- (d) Crystal Pallazo placed 1<sup>st</sup> in the event.
- (e) Crystal Pallazo started at \$16.00 in the event.
- (f) A post-race urine swab was taken from Crystal Pallazo, which was undertaken by Office of Racing Integrity Cadet Steward Ms Elizabeth Campbell. Ms Rhonda Hall presented Crystal Pallazo to be swabbed. The swabbing process was not contested.
- (g) The collection of the sample was concluded at 2.50pm with the sample being allocated the unique number V752765.
- (h) On 12<sup>th</sup> April 2022 Racing Analytical Services Limited issued a Certificate of Analysis reporting that Arsenic was detected in the sample at a measure of >0.40 mg/L. The control sample was clear.
- (i) The urinary threshold for Arsenic under the rules is 0.30 mg/L.
- (j) Ms Hall has not previously breached the prohibited substance rules.

Ms Hall admitted the breach.

## **2. Submissions of the Respondent**

- 2.1 Ms Hall had submitted that the only source she believed from where the arsenic had been digested was from fence posts. This was proven from tests conducted by Racing Analytical Services on samples provided from Ms Hall and returned with a positive testing.

## **3. Penalty Approach**

### **3.1 Sentencing Principles –**

- (i) Penalties are designed to punish the offender for their 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) 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) Penalties imposed upon those offending the prohibited substance rules should reflect the industry's disapproval of drugs being detected in thoroughbred racehorses.

### **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 The Stewards are particularly guided by the Tasmanian Racing Appeals Board decision with respect to 'Poke' where the finding on appeal was a fine with 50% suspended subject to no further beaches within twelve months.

#### **4. Respondents Penalty Submissions**

- 4.1 Ms Hall submitted that her record be considered, having no positive swabs recorded prior to Crystal Pallazo at the Tasmanian Racing Club meeting on the 10th of April 2022.
- 4.2 Ms Hall further submitted that the increased level of Arsenic was most likely due to Crystal Pallazo ingesting Arsenic from treated fence posts used on the property. When shown to Stewards on presentation of the positive notification, and then tests conducted that returned positive to Arsenic.

#### **5. Penalty Discussion:**

- 5.1 Ms Hall has admitted a charge of presenting Crystal Pallazo to race when not free of prohibited substances, namely Arsenic.
- 5.2 Stewards believe Ms Hall has not intentionally presented Crystal Pallazo to race with elevated Arsenic levels and accept that the elevated level was most likely from the horse ingesting Arsenic from treated fence posts used on the property.
- 5.3 However, every time a horse is presented to race with a prohibitive substance in its metabolism then the integrity of not only horse racing but racing in general is compromised.

#### **6. Factors in consideration of penalty.**

- 6.1 The Stewards have identified no aggravating factors which would necessitate an uplift from the starting point.
- 6.2 However, Stewards recognise the following factors in mitigation, and which are relevant to penalty discussions. These being;
  - (a) Ms Hall's cooperation throughout the investigation.
  - (b) Ms Hall's guilty plea.
  - (c) Ms Hall's record since being licenced as a trainer. During this time, Ms Hall has recorded no offences of presenting a horse to race while not free of prohibited substances.
  - (d) That Ms Hall has commenced work on removing the treated posts from her property at a substantial cost to the trainer.

Stewards also considered Ms Hall personal circumstances and accept that elevated Arsenic level was not intentional, being that it most probably resulted from Crystal Pallazo ingesting Arsenic from treated fence posts used on the property.

## **7. Outcome**

- 7.1 Having considered all circumstances, Stewards issued Ms Hall a \$2,000 fine, with \$1,000 wholly suspended for a period of 12 (twelve) months. This being to hold Ms Hall accountable for her actions and to others from committing the same or similar offences.

## **8. Disqualification Of Horse**

- 8.1 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, Crystal Pallazo was disqualified from Race 3 at the Tasmanian Racing Club meeting on the 10th April 2022.

The placings are to be adjusted to reflect the disqualification of Crystal Pallazo.

**Decision Date:** 7 September 2022