26 August 2021

**DECISION**

**RACING VICTORIA**

**and**

**JOHN LEDGER**

**and**

**CHRIS LEDGER**

 **Date of hearing:** 13 August 2021

**Panel:** Judge John Bowman (Chairperson) and Mr Des Gleeson.

**Appearances:** Mr Daniel Bolkunowicz appeared on behalf of the Stewards.

Mr John Ledger and Mr Chris Ledger represented themselves.

**Charge:** Australian Rule (AR) 241 - If a horse is brought to a racecourse or recognised training track to participate in:

(a) an official trial;

(b) a jump-out, or

(c) any other test,

for the purpose of obtaining a permit to start in a race (whether after suspension or otherwise), 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 the relevant event, the trainer and any other person who was in charge of the horse at any relevant time breaches these Australian Rules.

**Particulars of charge:** 1.You are, and were at all relevant times, a training partnership licensed by Racing Victoria. Pursuant to AR 98 (6), you are jointly and severally responsible for any breach of the Rules (subject to any exemptions in AR 98).

2. You are, and were at all relevant times, the co-trainers of Fox Power.

3. On 21 October 2020, Fox Power was brought to the Wodonga Racecourse to participate in a Jump Out for the purpose of obtaining a permit to start in a race in accordance with LR16(1).

4. A prohibited substance, being Dexamethasone was detected in a blood sample taken from Fox Power following it participating in the Jump Out on 21 October 2020.

**Plea:** Guilty

**DECISION**

Mr John Ledger and Mr Chris Ledger, you are a training partnership based at Wangaratta. You are charged with a breach of AR241, in that a post jump-out blood sample revealed the presence of Dexamethasone, known as “Dex”. The samples were taken from Fox Power, which had participated in a jump out at Wodonga racecourse on 21 October 2020.

Dex is a prohibited substance for the purposes of the Rule. It is a short acting Corticosteroid with anti-inflammatory and immune suppressive properties, used to control inflammation, pain and the like. It can be used in training, if withdrawn in accordance with the Rules.

You are pleading guilty to the charge. Your treatment records show that Fox Power was treated with Dexapent, a mediation containing Dex, at approximately 3.30pm on 18 October 2020. The sample was obtained at Wodonga at 10.11am on 21 October 2020. It was administered in fact almost 66 and ¾ hours prior to the sample being taken. In the opinion of Dr Tessa Muir, Regulatory Veterinarian (Anti-Doping) at Racing Victoria, a prudent safety margin for this anti-inflammatory medication is 72 hours.

We would point out that this was a comparatively small amount of Dex administered a substantial, but not safe, period before the jump-out and recorded in your treatment book. There is not even the slightest suggestion of anything secretive or underhand.

We also accept the following. Your partnership has a well-earned reputation for dealing with problem horses. Fox Power was sent to you on a temporary basis because it was, in simple terms, a barrier rogue. It had flipped over again shortly after arrival with you. It was as a result of this that it received the treatment in question. It was put in the jump out on 21 October 2020 for the sole purpose of attempting to obtain certification that would permit it to race. It would then be returned to its interstate connections. This was far from a situation where a jump out was being used to set up a horse for a first up plunge. The whole purpose of the horse being sent to you was to improve its barrier manners and hopefully obtain a clearance for it to race. As things eventuated, it again failed to obtain a certificate.

We would add that even before the result of the blood sample became known, the horse had been returned to its interstate owners. Your best effort to improve its barrier manners had failed. We understand that it was on sold and failed a further barrier test.

We would point out the following on matters, some of which we have already alluded to, which was consider particularly relevant to your situation and which make it somewhat out of the ordinary.

1. The horse was with you on a temporary basis because of your very good reputation in dealing with problem horses, including barrier rogues.
2. The horse participated in the official jump out on 21 October 2020 solely for the purpose of trying to obtain a barrier certificate.
3. It was to be returned to its interstate owners. This was not an attempt to set-up a horse for a race.
4. The administration of the dex followed the horse flipping over a few days before.
5. The administration was of a comparatively small amount.
6. The administration was openly recorded in the treatment book.
7. The administration took place approximately 66 and ¾ hours before the jump-out – comparatively close to, but not being a prudent period before that jump out.
8. You, Mr Chris Ledger, who performed this administration, got the days mixed up and take responsibility.
9. You, Mr John Ledger, also take full responsibility, and, as with Mr Chris Ledger, have fully admitted the error in timing that caused the positive reading.
10. Each of you has pleaded guilty at the earliest possible opportunity and continued so to do.
11. In no way was either of you attempting to gain some unfair advantage.
12. You, Mr John Ledger, have an exemplary record covering over 40 years of training. You do have a prior conviction some 14 years ago, in which you were fined. You, Mr Chris Ledger have no relevant prior convictions. The partnership, which has been operating for some 10 years or more, enjoys an excellent reputation.
13. We appreciate the points made by Mr Bolkunowicz on behalf of the Stewards. We fully understand the importance of compliance with the Rules relating to prohibited substances, the image of a drug free competition and the like.

Finally, we are confident that this was an entirely accidental, fully admitted and recorded breach of the Rules in the context of trying to improve the barrier manners of a horse and the obtaining of a barrier certificate for some interstate owners to which the horse was to return.

Nevertheless, there was some modest carelessness involved and some penalty is appropriate. In all of those circumstances, we are of the view that a fine of $500 is appropriate.

Mark Howard
Registrar, Victorian Racing Tribunal