26 April 2022

**DECISION**

**RACING VICTORIA**

**and**

**MATT LAURIE**

**Date of hearing:** 28 March 2022

**Panel:** Judge John Bowman (Chairperson).

**Appearances:** Mr Scott Hunter appeared on behalf of the Stewards.

Mr Damian Sheales represented Mr Matt Laurie.

**Charges:** Australian Rule of Racing (“AR”) 240(2) states:

(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.

AR 104(2) states:

(2) For the purpose of subrule (1), each record of administration must include the following information:

(a) the name of the horse;

(b) the date and time of administration of the treatment or medication;

(c) the name of the treatment or medication administered (brand name or active

constituent);

(d) the route of administration including by injection, stomach tube, paste, topical application or inhalation;

(e) the amount of medication given (if applicable);

(f) the duration of treatment (if applicable);

(g) the name and signature of the person/s administering and/or authorising the administration of the treatment or medication.

**Particulars of charges: Charge 1: AR 240(2)**

1. You are, and were at all relevant times, a trainer licensed by Racing Victoria.
2. You were at all relevant times, the trainer of “Jenni Express” (NZ) (the Horse).
3. On 18 December 2020, the Horse was brought to the Yarra Valley racecourse and ran in the Power Edge Electrical Maiden Plate over 1000 metres (the Race).
4. On 18 December 2020, a urine sample was taken from the Horse following the Race (the Sample).
5. An analysis of the Sample detected the presence of Clenbuterol.
6. Clenbuterol is considered a prohibited substance pursuant to Division 1 of Part 2 of Schedule 1 (Prohibited list B) of the Australian Rules of Racing.

**Charge 2: AR 104(2)**

1. You are, and were at all relevant times, a trainer licensed by Racing Victoria.
2. You were, at all relevant times, responsible for the maintenance of the treatment records for any horse in your care.
3. From 5 November 2020 to 18 December 2020, your treatment records did not contain all the information as required by AR 104(2), including but not limited to: names of medications, times of administration, routes of administration, and the amount of medication administered.

**Plea:** Guilty to all charges

**DECISION**

Mr Matt Laurie, you have pleaded guilty to two charges. One is a breach of AR 240(2). It involves a horse trained by you, namely Jenni Express, proving positive to a prohibited substance, namely Clenbuterol. This positive return was in a post-race swab taken at Yarra Valley racecourse on 18 December 2020, following the running of Race 4, which Jenni Express won. You are also pleading guilty to a breach of AR 104(2), which could be summarised as a failure to keep adequate or proper treatment records.

The cause of the positive return is unknown. However, the possibility of an administration error certainly exists. Medication containing that substance had been used on another horse and the possibility of it being administered in error to Jenni Express is certainly a logical explanation. Trainers must be very careful in establishing and maintaining adequate supervision of the administration of medications. Reference is made to the decision of the RAD Board of 14 July 2015 in the case of the Stewards against *Ellerton and Zahra*. The observations of the Board in that case are relevant here.

In relation to the breach of AR 104(2), this Tribunal and its predecessor, the RAD Board, have frequently emphasised the importance of monitoring proper and adequate stable records. The Stewards have a difficult enough role to perform without being hindered by inadequate or erroneous records.

I note the powerful references that you have put before me. I note that you were charged with a similar offence in 2015 and the RAD Board, whilst recording a conviction, imposed no penalty because of the circumstances involved.

In my opinion, you should be fined in relation to both charges. On the breach of AR 240(2), you are fined the sum of $1,000 a similar penalty to that in the case of *Ellerton and Zahra*. On the breach of AR 104(2), you are fined the sum of $500.

Jenni Express is disqualified as the winner of Race 4 at Yarra Valley on 18 December 2020 and the finishing order amended accordingly.

Mark Howard
Registrar, Victorian Racing Tribunal