13 May 2022

**DECISION**

**RACING VICTORIA**

**and**

**MICK PRICE & MICHAEL KENT JR**

**Date of hearing:** 3 May 2022

**Panel:** Judge John Bowman (Chairperson) and Judge Julie Nicholson.

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

Mr Mick Kent appeared on behalf of the partnership with Mr Michael Kent Jr.

**Charge:** 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.

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

1. You are, and were at all relevant times, a training partnership licensed by Racing Victoria. Pursuant to AR 98(2) and (6), you are jointly responsible for any breach of the Rules of Racing (subject to the exemptions in AR 98).

2. You were at all relevant times the co-trainers of Zero Doubt (the Horse).

3. On 28 April 2021, the Horse was brought to the Ballarat Racecourse and ran in race 7 the Hygain Winners Choice BM70 Handicap over 1600 metres (the Race).

4. On 28 April 2021, following the running of the Race, a urine sample was taken from the Horse (the Sample).

5. An analysis of the Sample detected the presence of Lignocaine and its metabolite, 3-Hydroxylignocaine.

6. Lignocaine and 3-Hydroxylignocaine are prohibited substances pursuant to Division 1 of Part 2 of Schedule 1 (Prohibited list B) of the Australian Rules of Racing.

**Plea:** Guilty

**DECISION**

The training partnership of Mr Mick Price and Mr Michael Kent Junior has pleaded guilty to a breach of AR 240(2) – what is frequently described as a presentation charge. It arises out of a post-race urine sample taken from Zero Doubt, trained by them, after it was successful in Race 7 at Ballarat on 28 April 2021. The sample proved positive to Lignocaine.

The circumstances of the probable source of the Lignocaine are quite unusual. Zero Doubt suffered from the very rare skin condition of atopy. Whilst at the partnership’s Warrnambool stables, it was treated with a cream called Neocort, which in turn contained Lignocaine. As stated, Zero Doubt had been transferred to the partnership’s Warrnambool stable and was under the case of assistant trainer Mr Matthew Williams. In particular, the Neocort was applied by Ms Carly Broderick, stable employee. On veterinary advice, a four day withhold period was normally allowed.

We accept that Mr Price was normally strongly opposed to the use of Neocort, but the partnership agreed to its application in this unusual case and with a four day withhold period. We accept that the positive return was, as suggested by him, the result of the accumulation of the use of this substance, as opposed to its application within the four day withhold period. That may well have occurred. We also accept that Mr Price is understandably now even more firmly against the use of Neocort in any circumstance.

We see no great need to emphasise specific deterrence. General deterrence is of importance. The concept of a level playing field and of an industry free of prohibited substances is one that is vital to the welfare of racing.

The Stewards have suggested a fine of $4,000. Mr Price, on behalf of the partnership, very promptly agreed that this is a fair and reasonable penalty in all the circumstances. We agree.

A fine of $4,000 is imposed. In addition, Zero Doubt is disqualified from Race 7 at Ballarat on 28 April 2021 and the finishing order is amended accordingly.

Mark Howard
Registrar, Victorian Racing Tribunal