15 December 2023

**DECISION**

**RACING VICTORIA**

**and**

**REBECCA WAYMOUTH**

**Date of hearing:** 8 December2023

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Ms Judy Bourke.

**Appearances:** Mr Jack Anderson appeared on behalf of the Stewards.

Ms Rebecca Waymouth represented herself.

**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:** 1. You are, and were at all relevant times, a trainer licensed by Racing Victoria and a person bound by the Rules of Racing.

2. You were, at all relevant times, the trainer of “Maliepo” (the Horse).

3. On 6 July 2023, the Horse was brought to the Moe Racecourse and was engaged to race in Race 7, the Ladbrokes Hub BM64 Handicap over 1008 metres (the Race).

4. On 6 July 2023, after the Race, a urine sample (V806521) was taken from the Horse (the Sample).

5. An analysis of the Sample detected the presence of Trendione.

6. Trendione is a prohibited substances pursuant to Division 1 of Part 1 of Schedule 1 (Prohibited list A) of the Australian Rules of Racing.

**Plea:** Guilty

**DECISION**

1. Ms Rebecca Waymouth is a licensed trainer of racehorses. At all material times, she was the trainer of the mare, “Maliepo”.
2. Maliepo competed in Race 7 at Moe on 6 July 2023. A post-race urine sample taken from the horse showed the presence of the prohibited substance, trendione.
3. Stewards of Racing Victoria (“RV”) have charged Ms Waymouth with an offence against Australian Rule of Racing(“AR”) 240(2), which is a presentation charge. The sub-rule prohibits the bringing of a horse to a racecourse for a race if a prohibited substance is detected in a sample taken from the horse. Ms Waymouth has entered an early guilty plea to the offence.
4. Trendione is a substance which is found in a product called “Ovu-Mate” which was being administered daily to Maliepo around the time leading up to and after the race at a dose of 10 millilitres (“ml”).
5. Ms Waymouth said that she administered Ovu-Mate on the advice of a veterinarian usually engaged by her. The purpose was to settle the horse down and assist with her temperament. Trendione is an anabolic steroid and metabolite of trenbolone.
6. Altrenogest is an alternative name for trenbolone. Stewards of RV have long warned trainers about the dangers of using substances containing altrenogest or trenbolone. Ms Waymouth was not aware that Ovu-Mate contained that substance. Ms Waymouth was aware of the advice from RV, but was advised by a veterinarian about how to use it. She had no issue until the current positive swab, having given the mare Ovu-Mate for a long time. The vet advised a withholding period of the morning before the race up until the race. The Stewards advice is against the use of the substance at all. That advice has now been proven to be correct.
7. In setting a penalty, we take into account general deterrence and the importance of maintaining a level playing field by having a drug free industry. We also take into account Ms Waymouth’s early guilty plea, her excellent unblemished record and her full cooperation with the Stewards. Ms Waymouth no longer uses the vet who advised her to use Ovu-Mate and no longer uses the product or similar products containing similar substances. We have also taken into account Ms Waymouth’s good character, as attested to in several character references provided by her.
8. In all the circumstances, we impose a penalty of a fine of $10,000 with $5,000 suspended for a period of 12 months pending no further breaches of the Rules of racing regarding prohibited substances. We are aware of a precedent in the Norther Territory Racing Appeals Tribunal in the matter of Mr Garry Lefoe in June 2021 where a trainer was fined $10,000 for a positive swab to trendione. In that matter, there was no evidence of encouragement by a veterinarian to use the substance in the context of a withholding period as there was in the present case. Consequently, the fine in this matter is lower than the fine in that matter.
9. Lastly, Maliepo is disqualified from Race 7 at Moe on 6 July 2023.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal