9 May 2024

**DECISION**

**RACING VICTORIA**

**and**

**DANIEL WILLIAMS**

**Date of hearing:** 23 April 2024

**Date of decision:** 23 April 2024

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

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

Mr Paul Maher represented Mr Daniel Williams.

**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:** 1. You are, and were at all relevant times,

* 1. A trainer licensed by Racing Victoria; and
  2. Bound by the Rules of Racing of Racing Victoria.

2. You were at all relevant times the trainer of *‘Wave the Wand’* (the **Horse**).

3. On 21 August 2023*,* the **Horse** was brought to the Bet365 Bairnsdale Racecourse andran in the ‘Viatek 4yo+ Special Ballot Maiden’ (race 3) over 1200 metres (the Race).

4. On 21 August 2023, following the running of the Race, a urine sample (V811940) was taken from the Horse (the Sample).

5. An analysis of the Sample detected the presence of Trendione, 17a – Trenbolone & 17b – Trenbolone.

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

**Plea:** Guilty

**DECISION**

Mr Daniel Williams, you are pleading guilty to a breach of AR 240(2). The charge arises out of a positive post-race swab taken from the mare “Wave the Wand”, which won Race 3 at Bairnsdale on 21 August 2023. The swab tested positive to the prohibited substance trendione. It is apparent that the trendione was contained in a medicine called Ovu-mate. You had administered this substance to the mare some three days prior to the Bairnsdale race.

At the outset, we thank Mr Jack Anderson, who appeared for the Stewards and Mr Paul Maher, who represented you, for the careful and helpful manner in which their respective cases were presented.

We accept that trendione lies towards the more serious end of the scale of prohibited substances. We are also conscious of the importance of the concept of a level playing field and of a drug free industry.

In relation to this particular case, we note the following. Firstly, you pleaded guilty at the earliest possible opportunity. Secondly, you have been a licensed trainer for approximately nine years, and prior to that worked for some of the more prominent trainers in this state and country. Your working lifetime has been spent in the racing industry and you have a record completely free of any relevant blemish. Thirdly, we accept that this mare was very difficult to handle. Obviously she was temperamental and something of a threat to stable staff. This caused you to seek the advice of your veterinary surgeon, Dr Valmadre. It was decided to give the mare the medication in question three days prior to her running at Bairnsdale, rather than a 48 hour withhold period. As we understand it, the medication was mixed with feed.

That is the logical and patent cause of the positive swab. We accept the submission of Mr Maher that you were endeavouring to keep your stable staff and yourself safe and prevent the mare from possibly damaging herself.

When all of this is taken into account, and the submission of Mr Anderson again considered, we are of the view that this is a case similar to that of Ms Rebecca Waymouth, although acknowledging that their may be what Mr Anderson referred to as slight distinguishing factors.

However, we are of the view that a penalty similar to the one imposed on Ms Waymouth by this Tribunal is also appropriate in this case, bearing in mind all of the circumstances, including your very early plea of guilty and your complete co-operation.

You are fined the sum of $10,000, but of that amount $5,000 is suspended for a period of 12 months. It will be activated should you commit a similar offence during that time. We consider that eventuality to be highly unlikely.

Finally, Wave the Wand is disqualified from Race 3 at Bairnsdale on 21 August 2023 and the finishing order amended accordingly.

Mark Howard

Registrar, Victorian Racing Tribunal