3 October 2024

**DECISION**

**RACING VICTORIA**

**and**

**LESLIE ROBERTSON**

**Date of hearing:** 17 September 2024

**Date of decision:** 17 September 2024

**Panel:** Judge Kathryn Kings (Deputy Chairperson) and Mr Des Gleeson.

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

Mr Leslie Robertson, supported by Ms Nadine Robertson, represented himself.

**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 ‘Debit Credit’ (the Horse).

3. On 21 March 2024, the Horse was brought to the Apiam Bendigo Racecourse and ran in Race 7, ‘The Big Screen Company Handicap’, over 1000 metres (the Race).

4. On 21 March 2024, prior to the running of the Race, a urine sample (V826312) was taken from the Horse (the Sample).

5. An analysis of the Sample detected the presence of Dextrorphan and Guaifenesin.

6. Dextrorphan and Guaifenesin are prohibited substances pursuant to Division 1 of Part 2 of Schedule 1 (Prohibited list B) of the Rules of Racing.

**Plea:** Guilty

**DECISION**

Mr Leslie Robertson, at all times, was a trainer licensed by Racing Victoria (“RV”).

Mr Robertson was the trainer of Debit Credit. On 21 March 2024, it ran in Race 7 at Bendigo. Prior to the race, a urine sample was taken from it. Dextrorphan and guaifenesin were detected in the sample.

Dextrorphan and guaifenesin are prohibited substances pursuant to Division 1 of Part 2 of Schedule 1 (Prohibited List B).

A recorded interview was conducted with Mr Robertson on 9 May 2024. Mr Tim George and Mr Brent Fisher attended his licensed stables. No Treatment Diary was produced. The irregularity related to ingredients found in some medications used to treat common colds and flu symptoms. Mr Robertson offered to show a bottle of cold and flu medication, “Duro Tuss”, kept in his residence, which Mrs Robertson said was purchased the previous week. Neither he nor his wife could explain the positive finding. Both Mr and Mrs Robertson stated that they were not taking the medication around 21 March 2024, being the time of the race. Contact was made with Bendigo Equine Veterinary, which confirmed that Mr Roberson was a client, but they had not provided any services between 11 October 2023 and 4 April 2024. Mr Jim Vasey of Avenel Equine Hospital confirmed that over the years he had provided services to Mr Robertson, the most recent being 20 March 2024 for the horse, Raging Monkey, who was collected the following day. Accordingly, it was concluded that the irregularity was not a result of veterinarian treatment or contamination from the stable mate, Raging Monkey.

Dr Adam Cawley, Scientific Manager Racing Analytical Services Limited (“RASL”), confirmed that a range of testing methods were applied to the sample and indicated that the sample contained the prohibited substances. Dr Cawley said that dextrorphan and guaifenesin are prohibited substances. The certificates from both laboratories reported the same findings.

Mr Robertson has been in the industry for approximately 60 years. Neither he nor his wife could explain the positive finding.

In setting a penalty, we take into account Mr Robertson’s age, his good record, he having being in the industry for approximately 60 years and having one previous positive test to a prohibited substance in 2006. It is not alleged that the substance either enhances or detracts from the performance of a horse. We also take into account general and specific deterrence and the importance of maintaining a level playing field by having a drug free industry. We take into account penalties in like matters and the submissions on penalty made by RV.

In all the circumstances, we impose a penalty of a fine of $2,500, of which $500 is suspended for 12 months pending no further relevant offences during that time.

In addition, Debit Credit is disqualified from Race 7 at Bendigo on 21 March 2024 and the finishing order is amended accordingly.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal