17 March 2025

**DECISION**

**RACING VICTORIA**

**and**

**MAXIM VAN LIERDE**

**Date of hearing:** 4 March 2025

**Date of decision:** 4 March 2025

**Panel:** Judge John Bowman (Chairperson) and Mr Robert Abrahams.

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

Mr Maxim Van Lierde represented himself.

**Charges and particulars:**

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

AR 240(2) reads as follows:

**AR 240 Prohibited substance in sample taken from horse at race meeting:**

**…**

1. *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.*

**…**

**The particulars of the charge**

1. You were at all relevant times:
2. A trainer licensed by Racing New Zealand;
3. A visiting trainer in Victoria; and
4. A person bound by the Rules of Racing of Racing Victoria.

1. You were, at all relevant times, the trainer of *Gentian Blue* (the **Horse**).

1. On 31 August 2024*,* the Horse was brought to the Caulfield Racecourse and was engaged to run in Race 3, the Evergreen Turf BM78 Handicap, over 1800 metres (the **Race**), finishing fourth.

1. On 31 August 2024, prior to the Race, a urine sample (R009243) was taken from the Horse (the **Sample**).

1. An analysis of the Sample detected the presence of the metabolites of Lignocaine, namely 3-Hydroxylignocaine and Norlignocaine.
2. Lignocaine and its metabolites are considered prohibited substances pursuant to Division 1 of Part 2 of Schedule 1 (Prohibited list B) of the Australian Rules of Racing.

**Charge 2 of 2: AR 104**

AR 104(1) reads as follows:

**AR 104 Trainers must keep treatment records**

1. *A trainer must record any medication or treatment administered to any horse in the trainer’s care by midnight on the day on which the administration was given.*
2. *For the purpose of subrule (1), each record of administration must include the following information:*
3. *the name of the horse;*
4. *the date and time of administration of the treatment or medication;*
5. *the name of the treatment or medication administered (brand name or active constituent);*
6. *the route of administration including by injection, stomach tube, orally, topical application or inhalation;*
7. *the amount of medication given (if applicable);*
8. *the duration of treatment (if applicable);*
9. *the name and signature of the person/s administering and/or authorising the administration of the treatment or medication.*
10. *the reason for administering the treatment or medication.*

*[subrule amended 01/02/21]*

**The particulars of the charge**

1. You were at all relevant times:
2. A trainer licensed by Racing New Zealand;
3. A visiting trainer in Victoria; and
4. A person bound by the Rules of Racing of Racing Victoria.

1. You are, and were at all relevant times, the trainer of *Gentian Blue* (the **Horse**) and responsible for the maintenance of treatment records for any horse in your care.

1. On 27 and 28 August 2024, the Horse was administered a topical cream, SOOV, in the treatment of a reoccurring leg wound.

1. You did not record all medications or treatments administered to the Horse by the end of the day on which the administration was given, as required by AR 104(1).

**Pleas:** Guilty

**DECISION**

Mr Maxim Van Lierde, you are pleading guilty to two charges. These arise out of the run of “Gentian Blue” at Caulfield on 31 August 2024 in Race 3 over 1,800 metres. Gentian Blue ran fourth in that race.

The first charge relates to a breach of Australian Rule of Racing (“AR”) 240(2), which arises from the detection of a prohibited substance in a pre-race swab taken from Gentian Blue. That prohibited substance is lignocaine, which can be used for the treatment of wounds and the like. It is not a performance enhancing substance as such and can be used legally within certain time frames.

What occurred on this occasion was as follows:

You and your wife are both in the industry in New Zealand. As we understand it, you were the licensed trainer of Gentian Blue at the relevant time. You and your wife accompanied the horse from New Zealand to Victoria, you being recorded as the visiting trainer. After a short time, you returned to New Zealand, leaving your wife in charge of the horse. She was still so in charge leading up to and on the 31 August 2024.

A short time before the race, being on approximately 27 and 28 August 2024, your wife administered to Gentian Blue a cream called “SOOV”. This was because she noticed a minor wound or laceration on a leg of the horse. SOOV was not a product with which she was particularly familiar and purchased it, partly on advice, from a store specialising in equestrian products. It was the first time that she had used this product.

SOOV in fact contains lignocaine hydrocholoride. This is the probable source of the lignocaine detected in the swab. Your wife was not aware of any risks associated with the use of the product.

You have been a licensed trainer in New Zealand for approximately five years. You have purchased and are paying off the mortgage on a substantial property of some 25 acres, this being close to a racecourse.

You have 15 to 20 horses in work in your stable. You are obviously something of a rising success story in New Zealand. Further, you have an unblemished record. You have made a large commitment to racing.

Mr Scott Hunter, on behalf of the Stewards, drew our attention to the penalties in like cases involving lignocaine. Those penalties have mostly been fines in the amount of $4,000, although part of that amount was suspended in one case.

The second charge is a breach of AR 104(1) and concerns the failure to enter the application of the SOOV in the relevant treatment records. Apparently, this was an oversight by your wife. The keeping of accurate records is of considerable importance in assisting the Stewards in their investigations and in their efforts to maintain a drug free industry.

Turning to the penalties, Mr Hunter has put a number of prior decisions before us. We are of the view that the appropriate penalty is a fine of $4,000, as recommended by him, but, given all the circumstances, we are of the view that a portion of this fine should be suspended. That portion is $1,000. Thus, the penalty is a fine of $4,000, with $1,000 of that being suspended for a period of 12 months.

In the unlikely event that you commit a relevant offence during that period, the suspended $1,000 will be activated.

On the second charge, relating to inadequate records, you are fined the sum of $1,500.

Further, Gentian Blue is disqualified from Race 3 at Caulfield on 31 August 2024 and the finishing order is amended accordingly. This means that any prize money is to be repaid.

Mark Howard

Registrar, Victorian Racing Tribunal