

RACING APPEALS TRIBUNAL

RAT 21/2017

DATE OF HEARING: FRIDAY 30 JUNE 2017

TRIBUNAL: **PRESIDENT:** MR T ANDERSON QC

CHAIRMAN OF STEWARDS, THOROUGHBRED RACING SA LTD: MR J PETZER

APPELLANT: MS A FORSTER

REPRESENTATIVE: MR A BIDHENDI

IN THE MATTER of an Appeal by **MS ANGELA FORSTER** against a decision of Thoroughbred Racing SA Ltd Stewards.

BREACH OF RULE: ARR 178:

Subject to AR.178G, when any horse that has been brought to a racecourse for the purpose of engaging in a race and a prohibited substance is detected in any sample taken from it prior to or following its running in any race, the trainer and any other person who was in charge of such horse at any relevant time may be penalised.

PENALTY: 6 months suspension

DETERMINATION

The appellant is a licensed trainer with Thoroughbred Racing SA and is the trainer of the racehorse MONTALTO which raced at Port Lincoln on Friday, 3 March 2017.

A blood sample was taken from the horse after the race which subsequently returned positive to the banned substance, 'cobalt'.

At the conclusion of a Stewards Inquiry into the matter on 26 May 2017 the Appellant was suspended for a period of 6 months.

At the Inquiry the Appellant advised the Stewards that her only explanation for the excess level of cobalt was that she had used too many products containing B12 at the same time.

In arriving at the penalty of 6 months suspension the Stewards took into account Ms Forster's involvement with the racing industry for 38 years and the last 15 years as a licensed trainer, and the fact that she had never previously been charged with a prohibited substance offence.

I allow the appeal on penalty.

In my view the starting point of the Stewards at around 12 months was too high. It is my view that the starting point should have been eight months. I would reduce that by half on account of the guilty plea, good character and the good record of the appellant and substitute a suspension of four months.

I order the refundable portion of the bond to be returned.

I order that the suspension of four months is to expire at midnight on Monday, 2 October 2017.

I note that in August 2016 Thoroughbred Racing SA published an article regarding cobalt for the information of the racing industry.

I also note that this is the first case of cobalt being found in the thoroughbred racing industry in South Australia.

In all the circumstances of this matter the penalty is appropriate.

However, I must warn the industry that, having been warned about the punitive risks associated with feeding excessive cobalt to horses, the penalty in this matter will not necessarily be reflected in future 'cobalt' cases coming before this Tribunal.