

# Stewards' Report

## Stewards' Report – Frank Phillips - D'leeajet

Date – 26 June 2017

Panel – J Williamson, D Aurisch & N Boyle

Queensland Racing Integrity Commission (QRIC) stewards today concluded an inquiry into a report from the analyst that, arsenic in excess of the threshold value being 0.3 mg/L in urine, had been detected in a urine sample taken from D'LEEAJET at the Sunshine Coast on 15 May 2016.

Stewards today heard evidence from trainer Mr Frank Phillips and foreperson Miss Melanie Adams-Smith

Mr Phillips subsequently pleaded guilty to a charge pursuant to AR 178 which states:

*Subject to AR178G, 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, the trainer or any other person who was in charge of such horse at any relevant time may be penalised.*

The specifics of the charge being that as the trainer of D'LEEAJET, which was brought to the Sunshine Coast on 15 May 2016, for the purpose of engaging in the 3YO Maiden Plate 1200 metres and a pre-race urine sample taken from that horse was found to contain a prohibited substance, namely ARSENIC above the threshold prescribed under AR 178C(1)(b).

In finding the charge sustained, Stewards noted that the rule in question is one of absolute and strict liability which once the prohibited substance is found, matters concerning the reasons for the presence were more relevant to penalty.

After considering the initial report of a study by the Melbourne University faculty of Veterinary Agricultural Sciences examining the ingestion of wood shaving containing ARSENIC and the elevated levels achieved. Stewards considered evidence of the analysis of timber post samples taken from the yard in which D'LEEAJET was housed and a report from Symbio Laboratories, which confirmed the presence of ARSENIC in the treated timber. Stewards also accepted that when the stables inspection was conducted, photographic evidence confirmed that D'LEEAJET had eaten a significant amount of this timber. Stewards, therefore, could not exclude to the requisite standard that the level of ARSENIC detected was not the result of D'LEEAJET consuming the timber from the posts.

There was no other evidence before the inquiry in relation to administration of products containing ARSENIC. Under the circumstances and in addition to the unblemished record of Mr Phillips as the holder of a trainers license for more than 60 years, the stewards determined to not impose a penalty against Mr Phillips for the breach of AR 178.

Under the provisions of AR 177, D'LEEAJET was disqualified from 5<sup>th</sup> placing in the above-mentioned race.