

Stewards' Report

Stewards Report: Leigh Wanless – Mista Busy

Date: 19 April 2018

Panel: D Aurisch & C Albrecht

Queensland Racing Integrity Commission (QRIC) Stewards today concluded an inquiry into a report from analysts' that the prohibited substance COBALT was detected in a urine sample taken from MISTA BUSY at Rockhampton on 16 February 2017.

On 3 August 2017, evidence was taken from trainer Mr Leigh Wanless and licensed stablehand Mr James Wanless. Telephonic evidence was also taken from Dr Karen Caldwell the Acting Manager Veterinary Services at the QRIC Racing Science Centre and Samantha Nelis the Acting Manager Analytical Services at the QRIC Racing Science Centre. Mr Paul Zahra the Scientific Manager at Racing Analytical Services Limited also provided telephonic evidence.

After considering all of the evidence, Mr Wanless was issued with 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 race, the trainer and 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 MISTA BUSY, which was brought to Rockhampton on 16 February 2017, for the purpose of engaging in the QTIS 3YO Maiden Handicap 1100 metres and a post-race urine sample taken from the gelding was found to contain a prohibited substance, namely COBALT.

Mr Wanless pleaded not guilty to the charge and his legal representative Mr Paul O'Sullivan made submissions in response. Of particular concern was that the taking of the urine by the Sample Collection Official witnessed by Mr James Wanless was not in accordance with the proper procedures.

When considering all of the evidence, the Stewards were satisfied to the requisite standard that the sample was collected in the correct manner and Mr Wanless was formally found guilty of the charge.

Mr Wanless and Mr O'Sullivan made submissions regarding the matter of penalty.

When considering an appropriate penalty the Stewards were of the opinion that the following factors were relevant:

1. Mr Wanless had a previous penalty for a similar breach in 2016 (different substance).
2. Nature of the substance (Cobalt) and the potential to compromise the health and welfare of MISTA BUSY.
3. AR.178 places absolute and strict liability on the trainer to present horses to race free of prohibited substances.

4. The level of cobalt detected in the sample taken from MISTA BUSY (>200ug/L).
5. Need for a penalty to serve as both a specific deterrent to Mr Wanless, and a general deterrent to the wider industry to illustrate that breaches of this kind will result in the imposition of a significant penalty.

After considering all of the above-mentioned points, the Stewards disqualified Mr Wanless for a period of twelve (12) months.

The disqualification will take effect immediately and expire on 19 April 2019.

Under the provisions of AR 177, MISTA BUSY is disqualified from winning the above-mentioned race and the placings are amended as follows:

Rockhampton 16 February 2017 – QTIS 3YO Maiden Handicap 1100m

1 st	TYRANNY
2 nd	MOUNTAIN RETREAT
3 rd	ROCK ON SKYE
4 th	SAGA QUEEN

Mr Wanless was made aware of his rights to an internal review.