

Stewards' Report

Stewards' Report: Mr David Vandyke

Date: 23 July 2020

Panel: P Chadwick, D Aurisch, P Zimmermann, N Boyle and A Turner

The Stewards of the Queensland Racing Integrity Commission today finalised an inquiry into the results of analysis that the prohibited substance Altrenogest was detected in a post-race urine sample collected from Alligator Blood at the Gold Coast Turf Club on 11 January 2020.

The Stewards had charged Mr Vandyke pursuant to Australian Rule of Racing 240(2).

Australian Rule of Racing 240(2) provides:

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 specifics of the charge being that as the licensed trainer of ALLIGATOR BLOOD, Mr Vandyke brought that gelding to the Gold Coast Turf Club on 11 January 2020 for the purpose of competing in a race, being Race 6 the Gold Coast Magic Millions 3YO Guineas over 1400 metres, and a post-race urine sample collected from the gelding was found to contain the prohibited substance Altrenogest.

Mr Vandyke, assisted by his legal representative Mr Peter Boyce, entered a plea of not guilty to the charge and made submissions in defence of the charge.

After considering all the evidence and submissions, the Stewards were comfortably satisfied that sufficient evidence existed to substantiate the charge and Mr Vandyke was formally found guilty of the charge.

In determining penalty, the Stewards considered the circumstances of the breach, the mitigating factors surrounding the offence and the penalty precedents in relation to the offence. In regards to the circumstances of the offence, Mr Vandyke could not provide any explanation as to how the prohibited substance came to be present in the horse Alligator Blood and the Stewards had no evidence that Mr Vandyke, his staff or any other person administered Altrenogest to Alligator Blood.

The Stewards further considered Mr Vandyke's personal circumstances including the number of horses and employees currently under his care and control, his financial commitments, his co-operation throughout the inquiry together with his frank and forthright evidence and his disciplinary history over a period of approximately 23 years.

The Stewards also considered the penalty precedents for this offence particular to the substance Altrenogest.

In weighing up Mr Vandyke's submissions on penalty, the Stewards considered that due to:

1. Mr Vandyke's plea of not guilty;
2. the class of the race, being a feature 3 year old magic millions guineas of which Alligator Blood finished in first place therefore attracting prizemoney of \$1.16m;
3. Mr Vandyke's prior disciplinary history, noting two (2) prior offences in the past five (5) years;
4. the strict liability imposed upon trainers to present horses to race free from any prohibited substance in accordance with the Australian Rules of Racing; and
5. the requirement for penalties to act as a deterrent to reduce the risk of further offending and the need to be of a protective nature for the integrity of the racing industry to remain paramount,

the Stewards determined the appropriate penalty for this offence was a fine in the amount of \$20,000.00.

Mr Vandyke was advised of his rights to apply for an internal review of the decision pursuant to Chapter 6 of the *Racing Integrity Act 2016* (Qld).

Further, in accordance with Australian Rule of Racing 240(1) the horse Alligator Blood was disqualified from its 1st placing in the above-mentioned race and the placings amended as follows:

1st ELEVEN ELEVEN

2nd EXHILARATES

3rd HIGHTAIL

4th KING OF HASTINGS

5th SCOUT

6th PROFIT

7th DIAMOND THUNDER

8th IT'S KIND OF MAGIC

9th DUBIOUS

10th OH FIVE GLORY

Correction (as at 07.05.2024): In accordance with the Court of Appeal decision in *Queensland Racing Integrity Commission v Endresz; Racing Queensland Board v Endresz* [2024] QCA 76 which upheld the decision at para [40] and declaration made by Burns J in *Endresz & Ors v QRIC* [2022] QSC 262, the decision to disqualify Alligator Blood from the race pursuant to AR 240(1) is void and of no effect.

The Stewards have commenced an inquiry into whether Alligator Blood should be disqualified for the purposes of AR 240(1). The Inquiry will ensure all persons with a sufficient interest in the outcome of the inquiry are afforded a fair and reasonable opportunity to be heard.