

Stewards' Report

Stewards Report: Les Kelly - The Kingdom

Date: 8 September 2020

Panel: D Aurisch, P Zimmermann, E Barron & A Turner

Queensland Racing Integrity Commission (QRIC) Stewards today concluded an inquiry into analysts' findings that the prohibited substances TRENBOLONE and EPITRENBOLONE were detected in urine samples collected from the thoroughbred gelding THE KINGDOM at the Gold Coast Turf Club on 22 September 2018 and 6 October 2018 respectively.

Stewards today considered evidence from Trainer Les Kelly and his legal representative. Documentary evidence from the Racing Science Centre (RSC) and the Australian Racing Forensic Laboratory (ARFL) was also tabled.

After considering the evidence, Mr Kelly was issued with two (2) charges pursuant to AR.178, which states:

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 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 charges being as follows:

1. Mr Kelly, being the trainer of THE KINGDOM, brought that gelding to the Gold Coast Turf Club on 23 September 2018 for the purpose of competing in a race, being the CG&E Maiden Handicap over 1200 metres, and an analysis of the post-race urine sample collected from THE KINGDOM detected the presence of TRENBOLONE and EPITRENBOLONE in the sample, which are prohibited substances pursuant to Rule 177B of the Australian Rules of Racing.
2. Mr Kelly, being the trainer of THE KINGDOM, brought that gelding to the Gold Coast Turf Club on 6 October 2018 for the purpose of competing in a race, being the CG&E Class 1 Handicap over 1400 metres, and an analysis of the post-race urine sample collected from THE KINGDOM detected the presence of TRENBOLONE and EPITRENBOLONE in the sample, which are prohibited substances pursuant to Rule 177B of the Australian Rules of Racing.

Mr Kelly entered a plea of not guilty to both charges and provided written submissions in defence of the charges.

After considering Mr Kelly's submissions, the Stewards were satisfied that the Certificates of Analysis of both the RSC and ARFL constituted sufficient evidence that the subject samples collected from THE KINGDOM contained prohibited substances in breach of the Australian Rules of Racing. The Stewards further considered that as AR.178 is a strict liability offence, it was not necessary for the Stewards to determine how the above-mentioned prohibited substances came to be present in the THE KINGDOM'S urine samples when it competed in the respective races.

Subsequently, both of the charges were sustained and Mr Kelly was found guilty on both charges.

When considering an appropriate penalty for each charge, the Panel deemed the following points to be relevant:

1. Mr Kelly has two (2) previous offences for presenting a horse to race with a prohibited substance in its system;
2. Mr Kelly has been involved in the racing industry for a significant period of time, being approximately 43 years;
3. The penalty precedents for the prohibited substances Trenbolone & Epi Trenbolone; and
4. The need for the penalty to act as both a specific deterrent to Mr Kelly to reduce the risk of further offending and a general deterrent to the wider racing industry for the integrity of the racing industry to remain paramount.

When taking the above into account, Mr Kelly was subsequently fined the sum of \$4,000.00 for each charge, being a total of \$8,000.00.

Furthermore, acting under the provisions of AR.177 THE KINGDOM was disqualified from winning the respective races and the placings amended as follows:

The Kingdom - Gold Coast - C,G&E Maiden Hcp - 1200m

- 1st – TUMUT RIVER
- 2nd – SPICERS PEAK
- 3rd – ON THE TWEED
- 4th – ASKARI
- 5th – LA BENCA

The Kingdom - Gold Coast - Class 1 C,G&E Hcp - 1400m

- 1st – BILL THE CONQUEROR
- 2nd – FOURGRANDMAN
- 3rd – ETIKAAL
- 4th – EIRA
- 5th – CAVALLI

Due to the period of time that has elapsed from the date of the collection of the subject sample from THE KINGDOM, Australian Rule of Racing 248(4) cannot be effected. However, THE KINGDOM competed in eight (8) races throughout the twelve month period following the detection of the positive samples and THE KINGDOM did not obtain a placing higher than 4th place throughout that time.

Mr Kelly was made aware of his right to an internal review against this decision.
