

Stewards' Report – Harness Trainer – Donny Smith

Date – 22 September 2020

Panel – D. Farquharson, L. Wilson, N. Torpey & N. Finnigan

Queensland Racing Integrity Commission Stewards today concluded an inquiry into the analysts finding regarding the elevated Total Carbon Dioxide concentration (TCO₂) level found in the pre-race blood sample taken from Celtic Cruza prior to the horse competing at Albion Park on 20 June 2020. Mr Donny Smith trained Celtic Cruza for the event.

Analysis of the sample by the Racing Science Centre indicated an elevated level of TCO₂ which recorded a reading of 36.8 M/mol and confirmatory analysis of the reserve portion of the sample conducted by the Australian Racing Forensic Laboratory indicated an elevated TCO₂ reading.

On 22 July 2020, trainer Donny Smith was issued with the following charge pursuant to Australian Harness Racing Rule (AHRR) 196(1)(b) which reads:

196C. (1) A person must not administer an alkalinising agent in any manner to a horse which is engaged to run in a race:

(a) at any time on the day of the scheduled race and prior to the start of the race.

(b) at any time within one (1) clear day of the commencement of the race.

(5) For the purposes of this Rule: -

one clear day means the twenty-four (24) hour period from 12.01 a.m. to 12 midnight.

The specifics of the charges being:

That Donny Smith did administer or allow or caused to be administered an alkalinising agent to Celtic Cruza on 20 June 2020 prior to it running in race 7 at Albion Park on that day.

Mr Smith pleaded not guilty to the charge and on 9 September 2020 provided submissions to the panel in defence of the charge.

Stewards today considered all the evidence tendered in its entirety, including Mr Smith's submissions.

After carefully considering the evidence, Stewards determined that, the charge had been on the balance of probabilities established to reasonable satisfaction and found Mr Smith guilty as charged.

In determining the matter of guilt, Stewards believed the only creditable explanation for the elevated TCO₂ level detected in the sample taken from Celtic Cruza was as a result of the administration of an alkalinising agent on race day.

When assessing an appropriate penalty Stewards acknowledged that the levels found at both laboratories did not give rise to a positive finding of TCO₂ above the threshold.

In determining an appropriate penalty, Stewards considered the following:

- Mr Smith's personal and financial situation;
- Mr Smith previous disciplinary record indicating four (4) previous breaches of this rule within a 5-year period.
- The particular circumstances of the case.
- Penalty precedents including relevant appeal decisions;
- The need for a penalty to serve as a deterrent to illustrate that race day administration of alkalinising agents to elevated levels will not be tolerated and regulation by the Commission is of paramount importance to the integrity of harness racing.

Accordingly, the Stewards issued a fine of \$15,000. Further, Mr Smith's trainer's licence was suspended for a period of 6 months fully suspended for a period of 2 years.

Acting under the provisions of AHR rule 193(5), Celtic Cruza was disqualified from its performance at Albion Park on 20 June 2020 and the placings will be amended accordingly.

Mr Smith was advised of his rights to an Internal Review.