

Stewards' Report

Stewards Report: Robert Smith

Date: 20 May 2021

Panel: D Aurisch, J Williamson, A Turner

Stewards of the Queensland Racing Integrity Commission (QRIC) today concluded an inquiry into a report made by QRIC IIT officers following a random stable inspection conducted at the licensed premises of trainer Robert Smith on the morning of Saturday 15 February 2020.

The report by the IIT officers stated that Mr Smith had used syringes in his possession and they were concerned that they may have been used on horses he had engaged to race that day both at the Gold Coast and Nanango.

Acting on this advice, the Stewards were not satisfied that Mr Smith's runners had not been treated that morning and acting under Australian Rule 20(d) ordered the scratching of TOCOKOE and MADAM MAHAL from their respective races at the Gold Coast and BOOMTOWN BABE and PURPLE GEM from their respective races at Nanango that day.

The IIT officers seized the syringes found on Mr Smith and some routine blood samples were taken by the QRIC veterinarian.

Mr Smith gave evidence to the IIT officers that the syringes were used to administer tribacterial (antibiotic) to ROYALIST, a horse he had engaged to race the following week.

DNA testing of the blood residue in the syringes seized were matched to the blood samples taken from TOCOKOE and MADAM MAHAL.

At the commencement of the inquiry on 28 October 2020, Mr Smith gave evidence that he had given false evidence to the IIT officers on 15 February 2020 in respect of the syringes used to allegedly treat ROYALIST.

After given consideration to the evidence, Mr Smith was issued with five (5) charges pursuant to the Rules as outlined below:

AR 249 Administration of medication on race day

(1) Notwithstanding the provisions set out in Schedule 1, Part 2, Division 2, a person must not, without the permission of the Stewards:

(a) administer

any medication to a horse at any time on race day prior to the commencement of a race in which the horse is engaged to race.

(2) If a person breaches subrule (1), a disqualification for a period of not less than 6 months must be imposed, unless there is a finding that a special circumstance exists, in which case that penalty may be reduced.

CHARGE 1:

Mr Robert Smith, as the licensed trainer of TOCOKOE, did administer a medication to TOKOCOE without the permission of the Stewards on 15 February 2020 prior to the commencement of the race for which it was engaged at the Gold Coast Turf Club that day.

CHARGE 2:

Mr Robert Smith, as the licensed trainer of MADAM MAHAL, did administer a medication to MADAM MAHAL without the permission of the Stewards on 15 February 2020 prior to the commencement of the race for which it was engaged at the Gold Coast Turf Club that day.

AR 254 Injections prohibited at certain times

(1) A person must not, without the permission of the Stewards:

(a) inject;

(b) cause to be injected;

(c) attempt to inject; or

(d) be a party to the injection or attempted injection of, a horse engaged to run in any race:

(i) at any time on the day of the scheduled race and prior to the start of that race; and/or

(ii) at any time during the 1 clear day prior to 12.00am on the day of the scheduled race.

CHARGE 3:

Mr Robert Smith, as the licensed trainer of TOCOKOE, did inject TOKOCOE via intravenous injection without the permission of the Stewards on 15 February 2020 prior to the commencement of the race for which it was engaged at the Gold Coast Turf Club that day.

CHARGE 4:

Mr Robert Smith, as the licensed trainer of MADAM MAHAL, did inject MADAM MAHAL via intravenous injection without the permission of the Stewards on 15 February 2020 prior to the commencement of the race for which it was engaged at the Gold Coast Turf Club that day.

AR 232 Failure to observe processes and directions of PRAs or Stewards

A person must not:

(i) give any evidence at an interview, investigation, inquiry, hearing and/or appeal which is false or misleading.

CHARGE 5:

Mr Robert Smith did give false evidence during an interview conducted by the QRIC IIT Investigators on the morning of 15 February 2020 with that evidence being that you administered a medication to ROYALIST on the morning of 15 February 2020, which evidence you conceded to be false at a subsequent inquiry conducted by the QRIC Stewards on 28 October 2020.

Mr Smith pleaded not guilty to Charges (1) to (4) and made brief submissions in defence of these charges. Mr Smith pleaded guilty to Charge (5).

When determining an appropriate penalty, Stewards were mindful of the mandatory minimum penalty of a six (6) month disqualification applicable to Charges (1) and (2) unless there is a finding that a special circumstance exists, in which case the mandatory minimum penalty of a six (6) month disqualification may be reduced.

Stewards did not make a finding of special circumstances pursuant to LR117B as Mr Smith had not entered a plea of guilty to Charge (1) and (2) and Stewards were of the view that Mr Smith was not under duress or had any impaired mental functioning at the time of the offence, particularly when considering the Body Worn Camera footage of the IIT officers. Further, Stewards were of the view that Mr Smith knew or ought to have known that his conduct was in breach of the Rules in respect of the treatment of TOCOKOE and MADAM MAHAL, therefore Stewards did not make a finding of special circumstances and as such a 6-month disqualification was imposed for Charges (1) and (2).

When determining penalty for the injection charges under 254, the following matters were considered appropriate:

1. Mr Smith's personal circumstances and that racing is his sole income;
2. Penalty precedents for breaches under this rule;
3. The need for a penalty to serve as a specific deterrent to Mr Smith and a general deterrent to the industry to illustrate that breaches of this kind have a negative impact on the image of the sport.

When considering the above-mentioned matters, Mr Smith was disqualified for three (3) months on Charge (3) and (4) respectively.

The Stewards viewed Charge (5) very seriously as if it wasn't for the DNA matching with the relevant horses engaged to race at the Gold Coast that day, the evidence that Mr Smith gave to the IIT officers had the potential for the investigation to not reach a proper outcome. As a result, the Stewards issued a three (3) month disqualification for this charge.

The Stewards ordered that all the penalties be served concurrently, and under the auspices of AR283(7) delayed the operation of the disqualification for seven (7) days in which time Mr Smith is not permitted to have a runner in a race.

The disqualification will commence on 27 May 2021 and will expire on 27 November 2021.

Mr Smith was advised of his rights to an internal review into the decision.