

# Stewards' Report

## Stewards Report: Trainer Kerrod Smyth

**Date: 22<sup>nd</sup> October 2024**

**Panel: Hayden Gillett, Shane Larkins, Ethan Suli & Shikira Stehbens**

Queensland Racing Integrity Commission (QRIC) Stewards today concluded an inquiry into a report from the analyst that a blood sample taken from Legal Challenge on the 17<sup>th</sup> June 2024, at the Rockhampton Jockey Club jump-outs returned a positive result for the prohibited substance Acepromazine and 2-(1-Hydroxyethyl) Promazine Sulphoxide.

Documentary evidence was presented from the Racing Science Centre (RSC) and Racing Analytical Services Limited, Victoria with evidence also provided from licensed Trainer Kerrod Smyth.

After considering all evidence licensed trainer Mr K Smyth was issued with a charge under the provisions of AR 241(b) which reads:

***AR 241 Prohibited substance in sample taken from horse at trial etc.***

*If a horse is brought to a racecourse or recognised training track to participate in:*

*(b) a jump-out for the purpose of obtaining a permit to start in a race (whether after suspension or otherwise)*

*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 the relevant event, the trainer and any other person who was in charge of the horse at any relevant time breaches these Australian Rules.*

With the specifics of the charge being as follows:

Mr Kerrod Smyth the trainer of LEGAL CHALLENGE did bring that horse to the Rockhampton racecourse on the 17<sup>th</sup> of June 2024 for the purpose of participating in a jump-out and to clear a barrier embargo. A subsequent sample taken from LEGAL CHALLENGE was found to contain Acepromazine and its metabolite, reported by Racing Science Centre and confirmed by Racing Analytical Services Limited.

Mr Smyth pleaded not guilty to the charge and made submissions in relation to his plea.

Mr Smyth was subsequently found guilty of the charge.

When considering penalty stewards took into account the following:

- Mr Smyth's not guilty plea.
- Mr Smyth's cooperation throughout the investigation and inquiry process.
- Mr Smyth's record in relation to this particular rule with no breaches in approximately 20 years.
- Penalty precedents.
- The need for the penalty to serve as a specific deterrent and also a general deterrent for the wider racing industry.
- That LEGAL CHALLENGE was presented to pass an embargo.
- Human rights act 2019 and the effect that any penalty may have on an individual.

Stewards determined that a penalty of \$1500 be imposed against Mr Smyth.

Mr Smyth was advised to his right to an appeal.