

RACING NSW – STEWARDS REPORT



INQUIRY INTO ALLEGED RACEDAY TREATMENT OF SEAWATCH, TRAINED BY MR BRAD DRAPER AND MR DRAPER'S POSSESSION OF EQUIPMENT AND PROHIBITED SUBSTANCES ON COURSE AT HAWKESBURY ON 13 NOVEMBER 2019.

RNSW Offices

21 April 2020

Druitt Street

Sydney

**Stewards: W R Birch (Chairman)
J J Earl**

Racing NSW Stewards today convened to determine charges issued against Licensed Trainer Mr. Brad Draper following an inquiry opened on 13 November 2019. The inquiry concerned:

- a. Allegations of a 'medication' being administered to the registered racehorse Seawatch arising from a report from Dr. James Mizzi relative to the actions of the Licensed Trainer of the gelding Mr. Brad Draper in the carpark of the Hawkesbury Race Club prior to its engagement in race 3 on the relevant day; and
- b. The findings of a subsequent inspection conducted on Mr. Draper's race bag, vehicle, and horse float.

Items found to be in the possession of Mr. Draper in his race bag, vehicle or horse float included the following:

1. 2 x 60 ml used oral syringes
2. 1 used 60 ml oral syringe
3. 1 used 15 ml oral syringe
4. Vapourub
5. Ginger paste
6. 1 used syringe labelled Electro Paste

By order of Stewards, Seawatch was scratched from race 3, the Blacktown Workers Class 1 Handicap 1100 metres at the Hawkesbury Race Club on 13 November 2019 and the inquiry was adjourned to allow the above items to be analysed by the Australian Racing Forensic Laboratory (ARFL) along with the blood and urine samples that were taken from Seawatch on the relevant day.

Evidence today was taken from Mr. Draper, ARFL Science Manager Dr. A Cawley, Official Veterinarian Dr. J Mizzi. The ARFL reported that the samples taken from Seawatch did not detect any prohibited substances and accordingly the samples were cleared. The exhibits analysed returned the following results:

1. 2 x 60 ml used oral syringes – Negative
2. 1 used 60 ml oral syringe – phenylbutazone
3. 1 used 15 ml oral syringe – meloxicam
4. Vapourub – menthol and camphor
5. Ginger paster – gingerol
6. 1 used syringe labelled Electro Paste – Vitamin E, Vitamin B6 and trace meloxicam

Charges

Mr Draper was charged with the following offences under the Rules of Racing.

1. Charge 1 – AR249(1)(a) – Administering Medication on Race Day

Without the permission of the Stewards, he did administer to Seawatch the medication Electro Paste on race day 13 November 2019, prior to the commencement of a race in which Seawatch was engaged to race in.

Plea: Not Guilty

After taking into account further submissions from Mr. Draper and in consideration of his explanation, together with the results of analysis from samples taken from Seawatch and the Electro Paste which detected a trace of the prohibited substance meloxicam, Stewards could not be satisfied to the requisite standard that a breach of the Australian Rules had taken place.

Found: Not Guilty

Charge 2 – AR252(1)(a)(i) – Possession of a prohibited substance/equipment at race meeting.

Without the written permission of the Stewards, he did have in his possession, in his race bag at the Hawkesbury Race Club on 13 November 2019, where a meeting was being conducted, 2 x 60ml syringes that could be used to administer a prohibited substance.

Plea: Guilty

Penalty: \$500

Charge 3 – AR252(1)(b)(ii) – Possession of prohibited substance/equipment at race meeting.

Without the written permission of the Stewards, he did have in his possession, in the horse float used to transport Seawatch to the Hawkesbury Race Club on 13 November 2019, a syringe containing the prohibited substance phenylbutazone that could be used to produce a prohibited substance in a horse.

Plea: Guilty

Charge 4 – AR252(1)(b)(ii) – Possession of prohibited substance/equipment at race meeting.

Without the written permission of the Stewards, he did have in his possession in the horse float used to transport Seawatch to the Hawkesbury Race Club on 13 November 2019, a syringe containing the prohibited substance meloxicam that could be used to produce a prohibited substance in a horse.

Plea: Guilty

Penalty: In determining the appropriate penalty for charges 3 and 4, Stewards considered that, for reasons consistent with the totality principle, it was appropriate in all the circumstances to impose a global monetary penalty of **\$1500** for both charges.

Charge 5 - AR 252(1)(a)(ii) Possession of a prohibited substance/equipment at race meeting

Without the written permission of the Stewards, he did have in his possession in his race bag at the Hawkesbury Racecourse on 13 November 2019, where a race meeting was being conducted, Vapourub which contained the prohibited substances camphor and menthol that could be used to produce a prohibited substance in a horse.

Plea: Guilty

Charge 6 - AR 252(1)(a)(ii) Possession of prohibited substance/equipment at race meeting

Without the permission of the Stewards, he did have in his possession in his race bag at the Hawkesbury Racecourse on 13 November 2019, where a race meeting was being conducted, Ginger Paste which contained the prohibited substance gingerol which could be used to produce a prohibited substance in a horse.

Plea: Guilty

Penalty: In determining the appropriate penalty for charges 5 and 6, Stewards considered that, for reasons consistent with the totality principle, it was appropriate in all the circumstances to impose a global monetary penalty of **\$1000** for both charges.

Charge 7 – AR 246(a)(ii) Administration of prohibited substance after running of race

Following Seawatch running in race 5, the CG&E BM 58 Handicap at the Forbes Jockey Club on 12 October 2019, he did, without the express permission of the Stewards, administer a prohibited substance to Seawatch, namely meloxicam, in the horse float used to convey that horse to and from that race meeting.

Plea: Guilty

Charge 8 – AR 246(a)(ii) Administration of prohibited substance after running of a race

Following Seawatch running in race 4, the Class One Handicap at the Dubbo Race Club on 2 November 2019, he did, without the express permission of the Stewards, administer a prohibited substance to Seawatch, namely meloxicam, in the horse float used to convey that horse to and from the race meeting.

Plea: Guilty

Penalty: In determining the appropriate penalty for charges 5 and 6, Stewards considered that, for reasons consistent with the totality principle, it was appropriate in all the circumstances to impose a global monetary penalty of **\$500** for both charges.

Relevant Rules

AR2 – Dictionary

medication means any drugs or other substances.

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; or
 - (b) cause to be administered,
- 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.

AR 251 Possession of a prohibited substance/equipment at race meeting

- (1) A person must not, without the written permission of the Stewards, have in his or her possession:
- (a) on a racecourse where a race meeting is being conducted; or
 - (b) in any motor vehicle, horse float or other mode of transport used for the purpose of transporting a horse/s to and/or from a race meeting,
- any prohibited substance, or a syringe, needle, naso-gastric tube or other instrument that could be used:
- (i) to administer a prohibited substance to a horse; or
 - (ii) to produce a prohibited substance in a horse.

AR246 Administration of prohibited substance after running of race

A person must not, following the running of a horse in a race and without the express permission of the Stewards:

- (a) administer;
- (b) cause to be administered;
- (c) attempt to administer; or
- (d) be a party to the administration of,

a prohibited substance on Prohibited List A and/or Prohibited List B to the horse:

- (i) on the racecourse where the race meeting is being conducted; or
- (ii) in any motor vehicle or horse float or other mode of transport used for the purpose of conveying that horse or other horses to and/or from that race meeting.

W R Birch
Deputy Chairman of Stewards