



RNSW Stewards recently opened an investigation following receiving information from the NSW Police Force, which led to the seizure of a number of substances/items at the home of licensed Kembla Grange trainer Mr. Michael Tubman on the 14<sup>th</sup> June 2019.

RNSW Stewards have inquired into the circumstances regarding the seized substances/items and have charged Mr. Tubman with a breach of AR250(b), the particulars being that he was in possession of the following substance which the ARFL has certified as containing an *Erythropoiesis-stimulating agent (EPO)*.

Exhibit – A260302752 – substance contained within 100ml vial of Coforta, full.

The hearing of the charge is scheduled to be heard on a date to be fixed. The analysis of the other substances/items is ongoing.

Having regard to the seriousness of the charge issued, Racing NSW Stewards have placed Mr Tubman on notice that they are giving consideration as to whether the provisions of AR23 ought to be enacted, pending the hearing and determination of the charge issued.

The provisions of AR23 have been imposed on an interim basis, pending consideration of any submissions or evidence provided on behalf of Mr Tubman.

Accordingly, Mr Tubman's trainer's licence is currently suspended on an interim basis. At this time Mr Tubman is not permitted to nominate, accept or start a horse in a race or barrier trial, nor work any horse being trained by him on a registered racecourse or training facility. He will, however, be permitted to continue to provide care for his horses during the next 7 days.

Mr Tubman has 5 days in which to provide any evidence or submissions in respect of RNSW implementing the terms of AR23.

### **Relevant Rules**

#### **AR 23 Suspension pending the hearing and determination of a charge**

Without limiting any other rules or Stewards' powers, if a person has been charged with a breach of the Rules or with the commission of an indictable criminal offence, and if the Stewards are of the opinion that the continued participation of that person in racing might pose an unacceptable risk of prejudicing the image, interests, integrity or welfare of racing, the Stewards may pending the hearing and determination of the charge:

- (a) suspend any licence, registration, right or privilege, granted to that person under these Australian Rules;
- (b) prevent any horse owned (or part-owned) or leased by that person from participating in any race or official trial;
- (c) order that any registration of the transfer of ownership and/or training of a horse related to that person be prevented or suspended;

- (d) make any other direction or order the Stewards think fit in the interests of racing.

#### **Division 4 – Possession offences**

##### **AR 250 Possession of prohibited substance**

A person must not have in his or her possession:

- (a) a prohibited substance on Prohibited List A; or
- (b) a substance or preparation containing a prohibited substance on Prohibited List A.

#### **Division 1 – Prohibited List A**

The substances set out below in this Division 1 are specified as prohibited substances.

1. Erythropoiesis-stimulating agents, including but not limited to erythropoietin (**EPO**), epoetin alfa, epoetin beta, darbepoetin alfa, and methoxy polyethylene glycol-epoetin beta (*Mircera*).

**P C Dingwall**

**Deputy Chairman of Stewards**