



STEWARDS INQUIRY RELATIVE TO A STABLE INSPECTION CONDUCTED BY RACING NSW STEWARDS ON 11 SEPTEMBER 2018 OF LICENSED TRAINER MR BEN SMITH AT BROADMEADOW RACECOURSE.

Tuesday 11 September 2018

**Stewards: M F Van Gestel (Chairman)
P C Dingwall**

Racing NSW Stewards today commenced an inquiry relative to a stable inspection conducted by Racing NSW Stewards and Investigators following Stewards receiving advice of two sample irregularities from horses trained by Mr Smith.

A number of unlabelled and/or unregistered and/or unidentifiable substances were seized by the Stewards and Investigators obtained from Mr Smith's stables, vehicle and residence. All substances have been dispatched to the Australian Racing Forensic Laboratory for analysis. In addition, Mr Smith's mobile telephone and laptop computer were confiscated for the purposes of forensic imaging.

Stewards issued the following charges against Mr Smith;

AR175(f) – Refusing to provide evidence

The particulars of the charge being that he refused to give evidence by not providing the name/s of the persons who supplied him with the unlabelled and/or unregistered and/or unidentifiable products found in his possession.

Plea: Not entered

AR175(g) – Providing false evidence

The particulars of the charge being that on two occasions he provided false evidence to the Stewards during the stable inspection conducted on the morning of 11 September 2018.

Plea: Guilty

Given the seriousness of the charges issued against Mr Smith, the Stewards believed it appropriate to adjourn the inquiry so as to enable Mr Smith an opportunity to seek appropriate advice.

Operation of AR8(z)

Stewards considered the operation of AR8(z) having regard to the serious charges issued against Mr Smith. After considering submissions from Mr Smith in respect to this, the Stewards determined that the continued participation of Mr Smith did pose an unacceptable risk to, and prejudice or undermine the image, interests and integrity of the racing industry and that, accordingly, his trainer's licence should be suspended, pending the hearing and determination of those charges against Mr Smith. In considering the exercise of the powers under AR8(z),

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the Stewards were mindful of the serious charges issued against Mr Smith and in particular his refusal to provide crucial evidence to the Stewards.

Acting under the provisions of AR196(6), the Stewards deferred the commencement of the suspension for 7 days until 18 September 2018, on the basis Mr Smith is not permitted to nominate, accept or start a horse in a race or barrier trial during the 7-day period.

Relevant Rules

AR 8. *To assist in the control of racing, Stewards shall be appointed according to the Rules of the respective Principal Racing Authorities, with the following powers:*

*(z) Notwithstanding anything contained within these Rules, and not in limitation of any power conferred by these Rules, where a person has been charged with a breach of these Rules (or a local rule of a Principal Racing Authority) or a person has been charged with the commission of an indictable criminal offence, the **Stewards pursuant to the authority delegated by the Principal Racing Authority**, if of the opinion that the continued participation of that person in racing might pose an unacceptable risk to, prejudice or undermine the image, interests or integrity of racing, may:*

(a) suspend any licence, registration, right, or privilege granted under these Rules to that person;

pending the hearing and determination of the charge under these Rules, the relevant

AR 175. *The Principal Racing Authority (or the Stewards exercising powers delegated to them) may penalise;*

(f) Any person who refuses or fails to attend or give evidence at any investigation, inquiry or appeal when directed or requested by the Principal Racing Authority, or other person authorised by the Principal Racing Authority, to do so.

(g) Any person who gives at any interview, investigation, inquiry, hearing and/or appeal any evidence which is false or misleading in any particular.

AR 196(6)(a) *Any person or body authorised by these Rules to suspend or disqualify any trainer may defer the commencement of the period of suspension or disqualification for no more than seven Clear Days following the day on which the suspension or disqualification was imposed, and upon such terms and conditions as seen fit.*

M F Van Gestel
Chairman of Stewards