



INQUIRY INTO THE ANALYSTS FINDING OF MELOXICAM IN A BLOOD SAMPLE TAKEN FROM *ARALE* PRIOR TO IT WINNING THE EARTHLIGHT FIRST YEARLINGS, F&M BENCHMARK 72 HANDICAP 1550m CONDUCTED AT CANTERBURY PARK RACECOURSE ON 2 FEBRUARY 2024 AS WELL AS THE ANALYSTS FINDING OF A NUMBER OF PROHIBITED SUBSTANCES IN A URINE SAMPLE PROVIDED BY LICENCED TRAINER MR BEN SMITH ON 4 APRIL 2024.

Racing NSW Offices, Sydney

29 May 2024

**Stewards: S. G Railton (Chair)**  
**J. R. Johnstone**  
**D.J. Bucknell**

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Racing NSW Stewards today conducted an inquiry into two Analysts' findings of Meloxicam in a pre-race blood sample taken from *Arale* prior to that mare winning Race 6 (Earthlight First Yearlings, Fillies and Mares Benchmark 72 Handicap) at Canterbury Park Racecourse on Friday, 2 February 2024.

Stewards also inquired into the Analysts' findings of a number of prohibited substances in a urine sample provided by licenced trainer Mr Ben Smith at his registered stables at Kembla Grange Racecourse on Thursday, 4 April 2024.

Evidence was taken from licenced trainer Mr B Smith, the trainer of *Arale*, who was assisted by his legal representative Mr Wayne Pasterfield. Evidence was also taken from licenced trainer Mr P Green who at the relevant time was also acting in the capacity as Mr Smith's stable foreperson. Ms N Hudson, Acting General Manager of the Australian Racing Forensic Laboratory and Dr Carly Garling, Racing NSW Chief Veterinary Officer also gave evidence.

### **Charges issued against Mr Ben Smith**

#### ***Charge 1 – AR245(1)(a) Administration of prohibited substance in sample taken from horse before / after running in race***

The details of the charge being that he did cause to be administered to *Arale* on Tuesday 30 January 2024, the prohibited substance meloxicam which was detected in a pre-race blood sample collected from the mare prior to it winning Race 6 the Earthlight First Yearlings, Fillies and Mares Benchmark 72 Handicap at Canterbury Park racecourse on Friday 2 February 2024.

#### **Plea: Guilty**

Stewards considered the following matters in respect to penalty –

1. Licensing history
2. Disciplinary history, in particular Mr Smith only recently being re-licenced following a period of disqualification for breaching prohibited substance rules
3. Mr Smith's stable practices in respect to treatment administrations and the recording of such treatments
4. Personal and professional circumstances.
5. The nature and circumstances of the offence.
6. Principles of specific and general deterrence and what message is sent to the industry in respect to such conduct.
7. Purpose of issuing penalties as a protective measure for the image and interests of the thoroughbred racing industry.

**Penalty** 6 Months suspension of his trainer's licence, reduced to 4 months having regard to his guilty plea and other mitigating factors.

### ***Charge 2- AR140 Offences where horse Handlers Use Banned Substances***

The details of the charge being that at his registered stables at Kembla Grange racecourse on Thursday 4 April 2024 Licenced Trainer Mr B Smith did provide a urine sample that was found, upon analysis, to contain a number of substances banned under AR137(1).

**Plea:** Guilty

Stewards considered the following matters in respect to penalty –

1. Licensing history
2. Disciplinary history
3. Mr Smith's explanation regarding the detection of the prohibited substances.
4. Personal and professional circumstances.
5. Principles of specific and general deterrence and what message is sent to the industry in respect to such conduct.
6. Purpose of issuing penalties as a protective measure for the image and interests of the thoroughbred racing industry.
7. Precedent penalties for similar offences.

**Penalty:** 12-month suspension of licence, reduced to 9 months having regard to his guilty plea and other mitigating factors.

Stewards ordered that the penalties for charges 1 & 2 be served cumulatively, to commence immediately and to expire on 29 June 2025. Acting under AR283(7) Stewards deferred the commencement of the suspension for a period of 7 days to enable Mr Smith to disperse his stable on the basis that he does not nominate, accept or start a horse in a race during that period of time.

Acting under the requirements of AR240(1), *Arale* was disqualified from its 1st placing in Race 6 the Earthlight First Yearlings, Fillies and Mares Benchmark 72 Handicap at Canterbury Park racecourse on Friday 2 February 2024 and the placings were amended as follows:

- 1<sup>st</sup> *Cirebon*
- 2<sup>nd</sup> *Ella Te Ama*
- 3<sup>rd</sup> *Hope Uno*
- 4<sup>th</sup> *Mistress*
- 5<sup>th</sup> *Amarti*
- 6<sup>th</sup> *Rothrock*

### **Relevant Rules**

#### **AR245 Administration of a prohibited substance in sample taken from horse before/after running in race**

- (1) A person must not:
- (a) *administer a prohibited substance on Prohibited List A and/or Prohibited List B to a horse which is detected in a sample taken from the horse prior to or following the running or a race.*

#### **AR140 Offences where horse Handlers Use Banned Substances**

- (1) *A horse handler breaches these Australian Rules if:*

*(a) a banned substance under AR 137(1) is detected in a sample taken from the horse handler; or*

**AR 283 Penalties-**

*(7) A person or body authorised by these Australian Rules to suspend or disqualify any trainer may defer the commencement of the period of suspension or disqualification for no more than 7 clear days following the day the suspension or disqualification was imposed, and upon terms and conditions considered fit.*

**AR 240 Prohibited substance in sample taken from horse at race meeting**

*(1) Subject to subrule (3), if a horse is brought to a racecourse 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 its running in any race, the horse must be disqualified from any race in which it started on that day.*

**S.G. Railton  
Chairman of Stewards  
Racing NSW**