

STEWARDS INQUIRY DECISION

Date of Decision: 23rd November 2021
Stewards Panel: D Tyson (Chair), B Free G Griffin
Respondent: Scott Brunton
Track/Race: **ELWICK RACECOURSE**
Date: 13th June 2021
Rule No: **AR 240 Prohibited substance in sample taken from horse at race meeting:**

- (2) Subject to subrule (3), if a horse is brought to a racecourse for the purpose of participating in a race 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 trainer and any other person who was in charge of the horse at any relevant time breaches these Australian Rules.

Charge(s): Mr Brunton as the trainer of KUROSET, presented the mare to race when not free of a prohibited substance namely Arsenic above the permitted threshold of 0.30 ug/l as evidenced by certificates from Racing Analytical Services and the Racing Chemistry Centre.

FACTS: KUROSET was presented, raced and won Race 6 the 0-66 Rating 1200 metres Handicap at the Hobart meeting on 13 June 2021. Subsequent to the race a urine sample was taken from the mare which, upon analysis, by Racing Analytical Services and the Racing Chemistry Centre was found to contain a prohibited substance under Prohibited list B, namely Arsenic above the permitted threshold.

INQUIRY. Evidence was tendered from Racing Analytical Services and the ChemCentre as to the presence of Arsenic in the initial sample and the confirmatory sample. Statements were tabled from the stable inspection carried out with the notification of the first irregularity. Mr Brunton gave evidence on his horse husbandry methods and ongoing work at his stables to mitigate the possibilities of arsenic contamination.

DECISION:

Mr Brunton's Trainers licence is to be suspended for a period of 3 months and a fine of \$3,000 imposed. Mr Brunton's suspension is to commence at midnight on Friday 3rd December 2021 and expire at midnight on Wednesday 2nd March 2022. In arriving at this decision, the following factors were taken into consideration, firstly Mr Brunton's guilty plea and forthright evidence, and secondly his personal circumstances, including the large scale of his business operation, financial commitments and staffing requirements. Further to this Mr Brunton's recent efforts to prevent arsenic contamination at his property were acknowledged.

However, Mr Brunton's record under this rule was considered to be poor, with four previous arsenic contamination cases, and one therapeutic presentation over the last six years. This last offence resulted in a significant fine of \$12,000 which was imposed in early 2020. Bearing these factors in mind and the effect on the image and integrity of the Racing Industry, the Stewards believe that the logical progression in penalty level is a short-term suspension of licence with a fine component. Mr Brunton was advised of his right of appeal.

Acting under the provisions of AR 240(1) KUROSET has been disqualified from first placing in Race 6 on the 13th June 2021 at Hobart.