

## STEWARDS INQUIRY DECISION

Date of Decision:	9 <sup>TH</sup> August 2022
Stewards Panel:	R Brown (Chairman), J Gleeson, and T Canham
Name:	Mr Ivan Belbin
Track/Race:	Tasmanian Trotting Club, Race 1, 25 <sup>th</sup> April 2022
Rule no:	AHRR 190
	(1) A horse shall be presented for a race free of prohibited substances.
	(2) If a horse is presented for a race otherwise than in accordance with sub-rule (1) the trainer of the horse is guilty of an offence.
Charge(s):	Mr. Ivan Belbin, the trainer of EYE SEE DOUBLE presented that horse to compete in Race 1 at the Tasmanian Trotting Club on 25th April 2022, the Tasmanian Equine Veterinary Services Pace over 1609m. A post-race urine sample was taken from EYE SEE DOUBLE and upon analysis was found to contain TAPENTADOL.
Prohibited Substance:	TAPENTADOL
Inquiry Decision:	\$4,000.00 fine, with \$2,000.00 wholly suspended for a period of two years.

**FACTS:**

On 3<sup>rd</sup> June 2022, Racing Analytical Services Limited reported that a post-race swab sample taken from EYE SEE DOUBLE at the Tasmanian Trotting Club on 25th April 2022, upon analysis, was found to contain the prohibited substance TAPENTADOL.

The presence of TAPENTADOL was also detected in the reserve portion of the sample sent to the Australian Racing Forensic Laboratory in New South Wales.

**DRUG:**

Tapentadol is medication used by humans. It is classified as a  $\mu$ -opioid receptor & norepinephrine reuptake inhibitor (NRI) (Phenylpropanes Derivative)

Tapentadol is an opioid pain-relief medicine that can only be prescribed by a doctor. It is used to treat moderate to severe pain and should only be used when other forms of non-opioid pain relief have not been successful in managing pain.

It is generally classified as a strong pain killer.

Tapentadol has no known uses in horse racing.

**INQUIRY:**

On Tuesday 9<sup>th</sup> August 2022 Office of Racing Integrity Stewards inquired into the reported irregularity regarding TAPENTADOL having been detected in a post-race urine sample taken from EYE SEE DOUBLE on 25th April 2022.

Stewards heard evidence tendered by trainer, Mr Belbin and his wife, Mrs Judith Belbin.

After considering the evidence, Mr Belbin was charged pursuant to AHRR 190(1) for presenting EYE SEE DOUBLE to compete in an event when not free of a prohibited substance.

Mr Belbin admitted the charge.

**PENALTY APPROACH**

The prohibited substance rules impose an absolute obligation on trainers and persons in charge of horses to ensure they are presented to race free of prohibited substances, regardless of how the prohibited substance came to be present in the animal. A breach of the prohibited substance rule does not require it to be established how the substance came to be in the horse's system.

While it is not uncommon for the source of the prohibited substance to be unknown, it seems very likely, in the present case, and the Stewards accept that

cross-contamination was the most likely source of EYE SEE DOUBLE's adverse sample result.

However, while cross-contamination may be the reason, there nonetheless rests with the trainer, an absolute onus, to ensure horses are presented free of prohibited substances. Trainers are required, and expected, to take the utmost care to ensure that the onus is met and, if not, consequences must follow to ensure the integrity of harness racing is upheld.

This Stewards Panel is concerned that Mr Belbin was negligent in not foreseeing that a real risk of the cross-contamination existed when he was taking a personal medication which was of significant strength and potency.

The Stewards find that had Mr Belbin educated himself of the potency of his personal medication then this unfortunate outcome may have been avoided.

## **PENALTY**

Turning to the matter of penalty, the Stewards are mindful that penalties are designed to punish the offender for his/her wrongdoing. They are not meant to be retributive in the sense the punishment is disproportionate to the offence, but the offender must be met with punishment.

In the racing context it is extremely important that a penalty has the effect of deterring others from committing similar offences.

In addition, a penalty should also reflect the industry's disapproval of the type of offending in question.

When looking at the appropriate penalty to be imposed the Stewards are guided by *ORI vs. Crook* where a penalty of \$4,000.00 was imposed for the prohibited substance *phenylbutazone*.

This was a Tasmanian case which recognised the peculiarities of the racing industry in the state.

This Stewards Panel believes that this matter best reflects the starting point to be employed in this matter.

However, unlike Crook, Mr Belbin's tenure in the industry spans more than four decades with him having a clear record with respect to drug related matters.

This factor we believe entitles Mr Belbin to a discount from the established \$4,000.00 starting point.

We also believe Mr Belbin is entitled to relief from other factors in mitigation, including his admission of the breach, his co-operation throughout the currency of the investigation, and that the adverse sample result most likely resulted from contamination.

However, balanced against this, is the reputational damage done to harness racing emanating from this horse racing positive. While this may well have been an unintentional contamination it cannot not be dealt with lightly, nor outside industry norms or expectations. In other words, to simply impose a nominal penalty because of there being no intent would damage the industry's reputation. Resultantly the penalty imposed must be meaningful.

Considering all factors, the Stewards believe Mr Belbin is entitled to a degree of relief from the \$4,000.00 starting point with this relief being expressed by way of suspending the activation of 50% of the penalty imposed for a period of two years- pending no further breaches during this time.

#### **OUTCOME:**

Mr. Belbin is fined \$4,000.00 with \$2,000.00 being wholly suspended for a period of two years on condition that no further breaches of this rule occur.

#### **DISQUALIFICATION OF EYE SEE DOUBLE**

Acting under the provisions of AHRR195 which reads:

*'A horse which has been presented for a race shall be disqualified from it if blood, urine, saliva, or other matter or sample or specimen taken from the horse is found to contain a prohibited substance'*

EYE SEE DOUBLE is disqualified from Race 1 at the Tasmanian Trotting Club on 25th April 2022 and placings amended accordingly.

Mr Belbin was advised of his right of appeal.