

MR ANTHONY BUTT & MS SONYA SMITH - INQUIRY CONDUCTED NOVEMBER 28, 2024

On Thursday 21 November 2024, Harness Racing New South Wales (HRNSW) Stewards conducted an Inquiry into a report received from the Australian Racing Forensic Laboratory (ARFL) that Metformin was detected in the post-race urine sample taken from HOT TO TROT NZ following its win in race 5, the OPPORTUNITY KNOCKS @ APG SALES TROTTERS MOBILE (2300 metres) conducted at Tabcorp Park Menangle on Tuesday 18 June 2024.

The reserve portion and control solution were confirmed by Racing Analytical Services Limited (RASL) in Victoria.

Licensed Trainers Mr Anthony Butt and Ms Sonya Smith, together with Licensed Driver Mr Riley Mitchell, appeared at the Inquiry and presented evidence in relation to the horse HOT TO TROT NZ and their registered training establishment.

A number of documents were entered into evidence at the Inquiry including the Certificates of Analysis in relation to the post-race urine sample, together with results of an analytical test conducted upon a water sample obtained by Harness Racing Victoria Investigative Stewards from Mr Butt & Ms Smith's registered training establishment.

HRNSW Assistant Regulatory Veterinarian, Dr Annie Knox, was also present and provided evidence to the Inquiry that it was plausible that the horse HOT TO TROT NZ ingested metformin from the environment.

Mr Butt and Ms Smith pleaded guilty to a charge issued against them pursuant to Australian Harness Racing Rules AHRR 190 (1), (2) & (4) as follows:

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.

(3) If a person is left in charge of a horse and the horse is presented for a race otherwise than in accordance with sub-rule (1), the trainer of the horse and the person left in charge is each guilty of an offence.

(4) An offence under sub-rule (2) or sub-rule (3) is committed regardless of the circumstances in which the prohibited substance came to be present in or on the horse.

In respect of that charge, pursuant to AHRR 256(6) Stewards determined that a conviction would be recorded, however, Stewards did not impose a penalty on Mr Butt and Ms Smith as they were satisfied to the requisite standard that the detection of metformin had resulted from environmental contamination. In consideration of an appropriate penalty, HRNSW Stewards were mindful of the following:

- The circumstances of this matter including evidence of Dr Knox in relation to contamination;
- Mr Butt and Ms Smith's licence history and offence records;
- Mr Butt's training and driving records during the 42 year period he has been licensed in the harness racing industry;

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- Ms Smith's training records during the 10 year period she has been licensed in the harness racing industry;
- Mr Butt and Ms Smith's personal subjective facts;
- Mr Butt and Ms Smith's first prohibited substance matter;
- Mr Butt and Ms Smith's guilty plea.

Having considered submissions in relation to the horse and AHRR 195, HRNSW Stewards disqualified HOT TO TROT NZ from the abovementioned race.

Mr Butt and Ms Smith were cautioned that they must take all steps to ensure in future that horses were not exposed to the contaminated water at their registered training establishment and to ensure that their horses are presented in accordance with the Rules.

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