

TRNT Stewards Report – Monday 15 April, 2024

Panel: D Hensler (Chairman), R Hamilton
Venue: Stewards' Room, Darwin Turf Club

Stewards today conducted an inquiry into the Australian Racing Forensic Laboratory (ARFL) analyst's report of the urine sample provided by trainer Mark Nyhan at the Darwin Turf Club, prior to the race meeting conducted on 23 February, 2024. Mr Nyhan agreed to participate via teleconference as he is currently interstate.

Mark Nyhan subsequently pleaded guilty to a charge under AR140(1)(a).

The specifics of the charge being:

1. On 23 February he was licensed as a trainer with TRNT and therefore classified as a horse handler under the Australian Rules of Racing - AR2
2. During track work that morning, the Stewards had a reasonable suspicion that he was affected by a banned substance and therefore directed him to provide a urine sample for testing - AR22(1)(i)
3. A banned substance under the Australian Rules of Racing, namely cannabis was detected in that urine sample – AR137(1)(c)

In determining a penalty, the Stewards took into account the following:

- The circumstances at his stables that led to the direction to provide a sample
- The nature of the banned substance and the high level detected
- His guilty plea and personal circumstances
- His disciplinary record
- He saddled two runners at the race meeting on that day

Mark Nyhan had his license suspended in full for a period of 6 months and informed of the restrictions of the suspension – AR267

He was advised of his right of appeal to the NT Racing Appeals Tribunal.

Australian Rules referred to in this report.

AR 2 Dictionary

In the interpretation of these Australian Rules (and any race meeting held under them), unless the context requires otherwise, the words and phrases below have the meanings set out in this rule.

horse handler means any licensed person who handles any horse at any race meeting, trial, jump-out or in training. A horse handler includes but is not limited to stablehands, trainers, veterinarians, farriers and barrier attendants.

AR 22 Investigations and inquiries

(1) Without limiting any other Stewards' powers, the Stewards have the following powers in relation to investigations and inquiries:

- (i) to take (or cause to be taken) any sample from any horse handler before or after handling any horse at any race meeting, official trial, jump-out or trackwork, where a Steward reasonably suspects that the horse handler is affected by a banned substance under AR 137(1).

AR 140 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;

AR 137 Banned substances in relation to horse handlers

(1) Unless otherwise stated in these Australian Rules, the following substances and/or their metabolites, artefacts and isomers are specified as banned substances in horse handlers when detected in a urine sample at a concentration above the threshold level in brackets immediately next to the identified banned substance:

- (c) cannabinoids (11-Nor-delta-9-tetrahydrocannabinol-9-carboxylic acid) (15µg/L))

AR 267 Prohibitions on conduct of trainers during suspension

Unless otherwise authorised by the PRA or the Stewards in whose territory a suspension was imposed on a trainer (and upon such conditions as the PRA or the Stewards may in their discretion impose), a suspended trainer must not, during the period of that suspension:

- (a) as a trainer or permit holder, nominate a horse for a race, official trial or jump-out;
- (b) train, or participate in any way in the training or preparation for racing of, a horse (including without limitation the giving of instructions);
- (c) be registered as a stablehand;
- (d) be employed by, or otherwise engaged to provide any service in any capacity to, any thoroughbred racing stable; or
- (e) enter the mounting yard, scales area or horse stall area at a racecourse, save that a suspended trainer may enter such an area if he or she is the owner of a horse in that area.