3 April 2023

**DECISION**

**RACING VICTORIA**

**and**

**ANDREW HOMANN**

**Date of hearing:** 17 March 2023

**Panel:** Judge John Bowman (Chairperson) and Judge Julie Nicholson.

**Appearances:** Mr Jack Anderson appeared on behalf of the Stewards.

Mr Damien Sheales represented Mr Andrew Homann.

**Charge:** Australian Rule of Racing (“AR”) 245(1) states:

(1) A person must not:

(a) administer; or

(b) cause to be administered

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 of a race.

**Particulars of charge:** 1. You are, and were at all relevant times, a trainer licensed by Racing Victoria.

2. You were, at all relevant times, the trainer of Irish Pardon (the Horse).

3. On 9 June 2022, the Horse was brought to the Ballarat racecourse and ran in the Sportsbet Bet With Mates Class 1 Handicap over 1500 metres (the Race).

4. Prior to the Race, you administered or caused to be administered Meloxicam to the Horse, which was detected to be present in a pre-race blood sample taken from the Horse.

5. Meloxicam is considered a prohibited substance pursuant to Division 1 of Part 2 of Schedule 1 (Prohibited list B) of the Australian Rules of Racing.

**Plea:** Guilty

**DECISION**

Mr Andrew Homann, you have pleaded guilty to a breach of Australian Rule of Racing (“AR”) 245(1). The charge concerns a positive return to meloxicam, which is a pain relieving and potentially performance enhancing product. The horse involved was “Irish Pardon”, which ran in a Class 1 Handicap at Ballarat on 9 June 2022. It is accepted that the elevated reading was the result of administering the meloxicam closer to race day than the recommended withhold period.

You cooperated completely with the Stewards and have accepted responsibility at all times. We would add that Mr Anderson, on behalf of the Stewards, has recommended that the penalty be a financial one in the range of $5,000 to $7,000. Mr Sheales, on your behalf essentially agrees with that proposition.

Of course, we are not bound by that agreed range and deal with the question of penalty as we deem fit and appropriate. However, if sensible and well-represented parties agree on a range of penalties, this certainly plays a large part in our thinking.

Your background is that you are a single man aged 51 years. You live and train on a rented property near Bass. You have 12 horses in work, some of which you part-own. Your monthly rent of the property is approximately $4,500 and you are also paying off your car at the rate of $1,300 per month. In addition, you have normal living expenses and feed bills for at least some of the horse which you part-own. We bear all of this in mind.

Specific deterrence has some role to play. Your record is good but not perfect. You failed to pay proper attention to the recommend withhold period, and that is what caused the positive. Hopefully you have learned your lesson.

General deterrence is particularly important. The Stewards make every effort to have racings public image being one of a drug free industry. That is vital to racings well-being and the confidence that people have in it. Hopefully you also appreciate that and will be more careful in future.

Bearing all of the above in mind, including the face that your record, particularly in recent years, is good, although not perfect, we have fixed upon a penalty of $5,500.

In addition, Irish Pardon is disqualified from the Sportsbet Bet With Mates Class 1 Handicap over 1,500 metres at Ballarat on 9 June 2022 and the finishing order is amended accordingly.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal