31 May 2021

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**AMY CROSSLAND**

**Date of hearing:** 20 May 2021

**Panel:** Judge Graeme Hicks (Deputy Chairperson) and Ms Judy Bourke.

**Appearances:** Mr Andrew Cusumano appeared on behalf of the Stewards.

Ms Amy Crossland represented herself.

**Charges:** Australian Harness Racing Rule (“AHRR”) 190(1) states:

A horse shall be presented for a race free of prohibited substances.

 Australian Harness Racing Rule (“AHRR”) 119C(1) states:

 A trainer shall not without the prior approval of the Stewards stable any horse trained by him (her) in any location other than any registered training establishment of the trainer.

**Particulars of charges: Charge 1**

1. You were, at all relevant times, the trainer of horse ‘*Officially Shady*’;
2. On 18 October 2020, you presented ‘*Officially Shady*’ to race at the Cranbourne harness racing meeting in Race 9, the ‘Ade Turf Pace (4yo and Older Pacers – NR up to 51)’;
3. After this race, a urine sample was collected from ‘*Officially Shady*’ with subsequent analysis of that sample revealing an arsenic concentration reading of >0.60 micrograms per millilitre in urine, which is in excess of the allowable threshold, being 0.30 micrograms per millilitre in urine;
4. As the trainer of ‘Officially Shady’ on 18 October 2020, you presented that horse to race at the Cranbourne harness racing meeting not free of arsenic, a prohibited substance when present at a concentration in excess of the allowable threshold.

**Charge 2**

1. You were, at all relevant times, the trainer of the horses ‘*Illawong Champers’, ‘Jolted Journey’, ‘Jumpingjackhanover’ and ‘Officially Shady’* (**the Horses**).
2. Your registered training establishment was, at all relevant times, 20 Excelsior Avenue, Mooroopna, Victoria.
3. On 13 November 2020, and without the prior approval of the Stewards, the Horses were stabled at a location other than 20 Excelsior Avenue, Mooroopna, Victoria.

**Pleas:** Guilty to both charges

**DECISION**

Ms Amy Crossland, you have pleaded guilty to breaching Australian Harness Racing Rules, 190 (1) and 119C (1).

Charge (1)

On 18 October 2020, you presented your horse Officially Shady at the Cranbourne harness race meeting in race 9 when your horse was not free of a prohibited substance, namely arsenic.

A post-race sample was collected from your horse, which upon analysis contained arsenic above the allowable threshold limit.

You told Stewards that Officially Shady had chewed treated fence posts whilst at your parents’ property and that may account for the elevated reading.

Stewards took samples from the wooden posts at your parents’ property that, upon analysis, contained arsenic.

Charge (2)

At all relevant times you were the trainer of the following horses – Illawong Champers, Jolted Journey, Jumpingjackhanover and Officially Shady. Your registered training establishment was 20 Excelsior Avenue, Mooroopna, Victoria. On 13 November 2020, Stewards attended at your registered address and observed your property to be unoccupied and overgrown with vegetation. The property appeared to have been unused for some time.

On 13 November 2020, Stewards interviewed you via the telephone. You stated to the Stewards that Officially Shady had never been stabled at your registered address and had been stabled at your parents’ property located at 770 Archer Road Kialla, Victoria. You informed Stewards that all your horses had been recently transferred to 170 Forest Road, South Lara, Victoria. At no time had you received the Stewards permission to train your horses at any establishment other than your registered address.

You are 31 years of age and have been in the industry for most of your life. You were first registered as a stable hand in 2003. In 2004 you obtained your B grade driver’s license and in 2011 you obtained your B grade trainer’s licence. Stewards spoke highly of you and said that you have a very good record within the harness racing industry. At the time that these offences occurred, you were under considerable pressure due to a relationship breakdown. You are currently not working, due to having recently had a baby.

We have taken into account your pleas of guilty, your personal circumstances and your history within the harness racing industry. Principles of general deterrence and, to a lesser extent, specific deterrence have application in arriving at an appropriate penalty. Participants in the harness racing industry have been warned on five occasions of the risks of stabling their horses where wooden fence posts are present.

With respect to charge 1, it is vital to the integrity of the harness racing industry that horses race on a level playing field without prohibited drugs in their system. With respect to charge 2, it is very important to the integrity of the industry that Stewards know where horses are stabled at all times.

In respect of charge 1 you will be fined $2,000 with $500 to be paid immediately and the balance to be suspended for a period of 12 months. In respect of charge 2 you will be fined $500.

We order that Officially Shady be disqualified from race nine at the harness race meeting held at Cranbourne on 18 October 2020 and that the placings be amended accordingly.

Mark Howard
Registrar, Victorian Racing Tribunal