10 August 2021

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**BRAD ANGOVE**

**Date of hearing:** 3 August 2021

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

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

Mr Lance Justice represented Mr Brad Angove.

**Charges and Particulars:**

**Charge No. 1.**

Rule 190 (1) reads as follows:

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

**The particulars of the charge being:**

1. At all relevant times, you were a licensed trainer and driver with HRV and a person bound by the Australian Harness Racing Rules;
2. At all relevant times, you were the registered trainer of the horse ‘Ebonys Avenger’;
3. On 10 March 2021, the horse ‘Ebonys Avenger’ was presented to race at the Melton harness racing meeting in Race 3, the ‘Beraldo Coffee 2YO Trotters Handicap’;
4. Prior to Race 3, the ‘Beraldo Coffee 2YO Trotters Handicap’, a blood sample was collected from ‘Ebonys Avenger’ with subsequent analysis of that sample revealing a plasma total carbon dioxide (TCO2) concentration in excess of the allowable threshold;
5. As the trainer of ‘Ebonys Avenger’ on 10 March 2021, you presented that horse to race in the ‘Beraldo Coffee 2YO Trotters Handicap’ at Melton whilst not free of alkalinizing agents, a prohibited substance when evidenced by total carbon dioxide (TCO2) present at a concentration in excess of 36 millimoles per liter in plasma.

**Charge No. 2.**

Rule 196C (1)(b) reads as follows:

*A person must not administer an alkalinising agent in any manner to a horse which is engaged to run in a race:*

1. *at any time within one (1) clear day of the commencement of the race.*

**The particulars of the charge being:**

1. At all relevant times, you were a licensed trainer and driver with HRV and a person bound by the Australian Harness Racing Rules.
2. At the relevant times, you were the registered trainer of ‘Ebonys Avenger’;
3. On 10 March 2021, the horse ‘Ebonys Avenger’ was engaged to race at the Melton harness racing meeting in Race 3, the ‘Beraldo Coffee 2YO Trotter Handicap’;
4. On 9 March 2021, you administered alkalinising agents to ‘Ebonys Avenger’, in that you administered three feeds to ‘Ebonys Avenger’ on this date, each of which included three scoops of bicarbonate soda and three scoops of ‘Electrolyte Replacer B’.
5. You administered alkalinising agents to a ‘Ebonys Avenger’ within one clear day of its engagement at the Melton harness racing meeting on 10 March 2021.

**Pleas:** Guilty

**DECISION**

Licensed trainer Mr Brad Angove has pleaded guilty to two charges bought by HRV Stewards as follows:

Charge 1 – In contravention of AHRR 190(1):

As the registered trainer of Ebony’s Avenger on 10 March 2021 that you presented the horse to race in the Beraldo Coffee 2yo Trotters Handicap of Melton whilst not free of alkalinising agents a prohibited substance when evidence by total carbon dioxide (TCO2) present at a concentration in excess of 36 millimoles per litre in plasma.

Charge 2 – In contravention of AHRR 196C (1)(b)

On 9 March 2021, you administered alkalising agents to Ebony’s Avenger by administering 3 scoops to Ebony’s Avenger each of which included 3 scoops of bicarbonate soda and 3 scoops of electrolyte replacer B one within one clear day of its engagement to race on 10 March 2021.

Ebony’s Avenger finished in sixth placing in the race in question. Pre-race, a blood sample was collected from the horse. Subsequent analysis of both the primary and reserve samples were found to be above the allowable threshold.

During a stable inspection and interview with the Stewards, Mr Angove was notified of the sample findings. Mr Angove then told Stewards that Ebony’s Avenger had been tying up, had lost condition in work and therefore had been given a more intense feeding regime, which included supplements of bicarbonate soda and electrolyte replacement B, added to her 3 feeds a day including either day before or possibly race morning.

The recommended daily dose for electrolyte B is 50 grams for a 450 kilogram horse. Mr Angove was giving 90 grams of this three times per day or a total of 270 grams.

A breach of AHRR 190(1) is a serious breach of the Rule. Penalty guidelines suggest a period of 18 months disqualification for a first breach of the Rule. Mr Angove has a prior conviction for breaching this Rule in February 2004 where the substance involved was Ketoprofen an anti-inflammatory drug.

Mr Justice on behalf of Mr Angove has provided some history about the development of the penalty guidelines for breaching Rule 190(1). It is his submission which appears non-controversial, that the penalty guidelines for an 18 month disqualification had particularly in mind instances where horses were stomach tubed on race day as a genuine effort to assure that their performance was illegally enhanced by the delay of the onset of lactic acid during a race so that a horse could run further at optimum speed.

He submitted that is not the position here and that what has occurred here was a genuine attempt to assist Ebony’s Avenger from tying up and not to affect its performance, as opposed to or drenching on the day of the race. Mr Angoves positive was as the result of a feed issue.

In mitigation, reference has been made to Mr Angove’s present circumstances. In particular, the loss of help from his father who is seriously ill and the recent tragic loss of his eldest son. He has two other school age children who could assist but they are young.

Mr Angove in currently managing about 30 horses or his property including about half a dozen race horses. His business, established by his father, trades under the banner ‘Truscott Lodge’. The family have had good success both with breeding and racing winning horse and have been long the participants in the Harness Racing Industry. Any period of disqualification or suspension may threaten the survival of the business. However, the industry must be put on notice that these offences are serious and appropriate penalties must be given by the Tribunal.

In all the circumstances, a period of 18 months suspension of all Mr Angove’s licenses is ordered in respect of Rule 190(1) breach, with 12 months of that suspension suspended for two years pending no further breach of the same Rule.

In respect of Charge 2, a fine of $3,000 is ordered. In respect of both penalties, we add that Mr Angove’s plea of guilty and co-operation has also been factored into the formulation of penalties.

Further, we order that Ebony’s Avenger be disqualified from Race 3 at Melton on 10 March 2021.

Mark Howard
Registrar, Victorian Racing Tribunal