17 November 2020

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**MR BRADLEY COSTELLO**

**Date of hearing:** 11 November 2020

**Panel:** Judge Graeme Hicks (Deputy Chairperson).

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

Mr Bradley Costello represented himself.

**Charge:** Australian Harness Racing Rule (AHRR) 187(2) states a person shall not refuse to answer questions or to produce a horse, document, substance or piece of equipment, or give false or misleading evidence or information at an inquiry or investigation.

**Particulars of charge:** 1. On 3 May 2020, an interview was conducted with you by HRV Stewards, where you gave evidence regarding the circumstances of the death of ‘Trotting Rockstar’;

2. During this interview, you provided evidence that Michael Reynolds euthanised ‘Trotting Rockstar’ by gunshot;

3. You gave this information knowing it to be false, in that Michael Reynolds was not present with you when ‘Trotting Rockstar’ was euthanised.

**Plea:** Guilty

**DECISION**

Mr Bradley Costello, you have pleaded guilty to breaching Australian Harness Racing Rule (“AHRR”) 187(2), which reads, for relevant purposes, that a person shall not give false or misleading evidence at an enquiry or investigation.

On Sunday, 3 May 2020, you engaged your horse “Trotting Rockstar” in Race 4 at the Cranbourne harness race meeting.

At approximately 2:40 PM on 3 May 2020, you contacted the office of Harness Racing Victoria (“HRV”) by telephone and notified them of the late scratching of Trotting Rockstar.

Stewards at the meeting subsequently contacted you by telephone regarding the circumstances of the late scratching.

You stated to the Stewards that your horse had been euthanised that day and had been delivered to a knackery.

On the evening of 3 May 2020, investigating Steward Russell Anderson attended at your registered training establishment and asked you the cause of the scratching of your horse.

You stated that you had found your horse that day suffering a serious injury as a result of a collision with a steel fence post. You stated that there was no veterinarian available and you arranged for the horse to be euthanised by Michael Reynolds by gunshot.

Subsequent veterinary analysis confirmed that Trotting Rockstar had suffered a significant laceration to the chest region consistent with blunt force trauma from an object such as a fence.

No prohibited substances were found to be present.

On the 8 May 2020, Stewards again attended at your premises and on this occasion you told Stewards that Michael Reynolds did not in fact euthanise your horse but that an associate whose name was unknown to you did.

I have heard submissions from Mr Cusumano on behalf of the Stewards and from yourself.

I have taken into account your plea of guilty, your training history and your personal circumstances. In my opinion you have shown significant remorse for your actions. You have been a trainer for many years. You have a good training record. I accept that things have not been easy for you since your wife left you, leaving you in charge of your three children.

I regard this matter as serious. It is vital for the integrity of the harness racing industry that persons within the industry give a truthful account of events to the Stewards. Here you gave false and misleading evidence concerning a relative of yours.

In my opinion, general and specific deterrence has application in determining an appropriate penalty.

In all the circumstances, I find the charge proven and you are fined $750.

Mark Howard

Registrar, Victorian Racing Tribunal