13 December 2022

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**BRANDON BONAVIA**

**Date of hearing:** 1 December 2022

**Panel:** Magistrate John Doherty (Deputy Chairperson) and Ms Heidi Keighran.

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

Mr Luke Kilduff represented Mr Brandon Bonavia.

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

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

**Particulars of charge:** 1. At all relevant times, you were a licensed trainer with HRV and a person bound by the Australian Harness Racing Rules;

2. At the relevant time you were the trainer of “Sweet Sangria”;

3. On 14 April 2022, the horse Sweet Sangria was presented to race at the Geelong harness racing meeting in Race 8, the “Shamrock Flooring Pace”;

4. Following Race 8, a urine sample was collected from Sweet Sangria with subsequent analysis of that sample revealing an arsenic concentration of 0.39 micrograms per millilitre, being in excess of the allowable threshold;

5. As the trainer of Sweet Sangria on 14 April 2022, you presented that horse to race in the Shamrock Flooring Pace at Geelong not free of arsenic, a prohibited substance when present at a concentration in excess of 0.30 micrograms per millilitre in urine.

**Plea:** Guilty

**DECISION**

Mr Brandon Bonavia has pleaded guilty to a breach of Australian Harness Racing Rule (“AHRR”) 190(1). A post-race urine sample taken from the horse, “Sweet Sangria”, revealed an elevated level of arsenic of 0.39 micrograms per millilitre (“ug/mL”) in the primary sample and 0.41 ug/mL in the reserve sample. These elevated levels are in breach of the allowable threshold, being 0.30 ug/mL.

During a stable inspection with Stewards at his property on 13 May 2022, Mr Bonavia told Stewards that the horse had not been treated with any products containing arsenic. However, the fence had wooden fence posts in the yard where it was housed.

A sample of wood taken from that yard was analysed and found to have an arsenic level consistent with Copper Chrome Arsenic (“CCA”) treated timber. It is most probable that the reason for the elevated arsenic level in the horse was due to its ingestion of wood containing arsenic.

Mr Bonavia has been a licensed participant since 2010. He is currently an A grade trainer, who has no record for training offences. He has since left the property where Sweet Sangria was stabled.

The offence charged is a serious offence under the Rules. Mr Bonavia has pleaded guilty to the offence, which will now be a blemish on an otherwise excellent record.

In the event, we impose a penalty of a $2,000 fine, with $1,500 suspended for a period of 12 months pending no further Rule breaches. In addition, Sweet Sangria is disqualified from Race 8 at Geelong and any prizemoney is forfeited to HRV.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal