15 June 2021

**HARNESS RACING VICTORIA**

**and**

**CRAIG HOBAN**

**Date of hearing:** 1 June 2021

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

**Appearances:** Mr Brett Day appeared on behalf of the Stewards.

 Mr Lance Justice represented Mr Hoban.

**Charge and Particulars:** Australian Harness Racing Rule (AHRR) 250A(1)(b) states:

*(1) A person carrying on or purporting to carry on an activity regulated by licence at any time or carrying on official duties at a meeting commits an offence if:*

*(b) he or she refuses or fails to deliver a sample as directed by the Stewards, or tampers with, adulterates, alters, substitutes or in any way hinders the collection of such sample or attempts to do any of those things.*

On Tuesday, 18 May 2021 the Harness Racing Victoria (HRV) Stewards inquired into the circumstances relating to licensed trainer/driver Mr Craig Hoban failing to provide a urine sample as directed at the Tabcorp Park Melton meeting on 24 April 2021, where he performed the duties of a stablehand.

**Plea**: Guilty

**DECISION**

On Tuesday, 18 May 2021 Harness Racing Victoria Stewards conducted an inquiry into the circumstances relating to licensed trainer/driver Mr Craig Hoban failing to provide a urine sample as directed by the Stewards at the Tabcorp Park Melton meeting held on 24 April 2021, where he performed the duties of a stablehand.

At that inquiry, the Stewards charged Mr Hoban with a breach of AHRR 250A(1)(b) the particulars of the charge being that at the Tabcorp Park Melton race meeting held on 24 April 2021 Mr Hoban failed to provide a urine sample as directed by HRV stewards. Mr Hoban pleaded guilty to the charge.

On 29 April 2021, some five days after the race meeting on 24 April 2021, Mr Hoban provided a urine sample which, on analysis, was shown to contained high levels of banned substances, namely amphetamine, methamphetamine, oxazepam and temazepam.

After considering submissions on penalty at the inquiry on 18 May 2021, the Stewards suspended all licences held by Mr Hoban for a period of nine months backdated to commence on 24 April 2021, the day on which he was first stood down by the Stewards.

The Stewards informed Mr Hoban that the final three months of the suspension may be suspended should he provide evidence to the satisfaction of the Stewards that he attended drug counselling sessions and participated in them in a meaningful way.

In the hearing before us on 1 June 2021, Stewards were represented by Mr Brett Day, Chairman of Stewards, and Mr Hoban was represented by Mr Lance Justice. Mr Hoban again pleaded guilty to the charge. At the commencement of the hearing, the parties provided us with a list of draft orders which the parties had agreed to for our consideration.

Mr Hoban’s personal circumstances include his struggle with mental issues and drug addiction for several years and a difficult relationship with his father, who was very ill for some time and who died only two days ago on 30 May 2021. His horses are the love of his life.

Mr Justice stated that, if the Tribunal made formal orders in the terms of the draft agreed to by the parties, this would help to keep Mr Hoban on track and would provide him with hope and a chance to rehabilitate himself. He added that if Mr Hoban was shut out of the industry, he would find this very difficult, if not impossible. We note that he has already taken positive steps by enrolling in a drug rehabilitation program and has engaged a counsellor to assist him. Mr Justice also suggested that HRV Stewards should carry out unannounced random testing of urine samples from Mr Hoban.

We have taken into account Mr Hoban’s plea of guilty, his personal circumstances and his history within the Harness Racing industry. Mr Hoban has one relevant prior offence on 24 May 2018 when, as a driver, he tested positive to a prohibited substance.

The testing of participants in the Harness Racing industry is specifically there to protect the integrity of the industry and to ensure that all participants in the industry are safe from harm.

Participants in the industry who fail to provide a urine sample as directed by Stewards will incur significant penalties.

General deterrence and specific deterrence each has a part to play in arriving at an appropriate penalty.

In all circumstances, we find that it is appropriate for the Tribunal to make formal orders in the terms requested by the parties, and accordingly, we order as follows, applicable from midnight on 24 April 2021:

1. The trainer’s licence of Mr Hoban is suspended for a period of 9 months;
2. Mr Hoban’s licence to drive in trials and races is suspended for a period of 9 months;
3. The final 3 months of the above penalties may be conditionally suspended should Mr Hoban provide evidence to the satisfaction of the HRV Stewards that he has attended drug and mental health counselling sessions and participated in a meaningful manner. Should the final 3 months of the penalties be suspended, these penalties will be suspended for a period of 2 years and will be reimposed should there be a further offence under Australian Harness Racing Rule (AHRR) 250 and/or 250A during this period;
4. During the first 3 month period of suspension, Mr Hoban is permitted to perform the duties of a licensed stablehand, excluding driving a horse or operating a vehicle to which a horse is attached. Such activities may only be performed at the address of 466 Ryans Lane, Toolern Vale Victoria. These activities are only permitted upon Mr Hoban providing a urine sample to the HRV Stewards which upon analysis is confirmed to be free of banned substances as defined Australian Harness Racing Rule 251A;
5. During the second 3 month period of suspension, Mr Hoban is permitted to perform the duties of a licensed stablehand. This includes driving a horse and operating a vehicle to which a horse is attached. These activities may be performed at any location. These activities are only permitted upon Mr Hoban providing at least 2 consecutive urine samples to the HRV Stewards, which, upon analysis, are confirmed to be free of banned substances as defined Australian Harness Racing Rule 251;
6. Prior to driving in trials or races, or presenting a horse to trial or race as a trainer, Mr Hoban must provide a minimum of 3 consecutive urine samples which are clear of a banned substance as defined in AHRR 251.

Mark Howard
Registrar, Victorian Racing Tribunal