7 April 2020

**DECISION**

**RACING VICTORIA**

**and**

**MR CRAIG WIDDISON**

**Date of hearing:** 1 April 2020

**Panel:** Judge John Bowman (Chairperson) and Judge Graeme Hicks (Deputy Chairperson).

**Appearances:** Mr Justin Hooper instructed by Daniel Bolkunowicz appeared on behalf of the Stewards.

Mr Joe Ferwerda appeared on behalf of Mr Widdison.

**Charges:** **AR 244 Administration of prohibited substance to affect race performance**

(1) A person must not:

(a) administer; or

(b) cause to be administered,

a prohibited substance on Prohibited List A and/or Prohibited List B to a horse for the purpose of affecting the performance or behaviour of the horse in a race, or of preventing it starting in a race.

(2) If a person breaches subrule (1), a disqualification for a period of not less than 3 years must be imposed, unless there is a finding that a special circumstance exists, in which case that penalty may be reduced.

**AR 245 Administration of prohibited substance in sample taken from horse before/after running in race**

(1) A person must not:

(a) administer; or

(b) cause to be administered,

a prohibited substance on Prohibited List A and/or Prohibited List B to a horse which is detected in a sample taken from the horse prior to or following the running of a race.

 **AR 240 Prohibited substance in sample taken from horse at race meeting**

(2) Subject to subrule (3), if a horse is brought to a racecourse for the purpose of participating in a race and a prohibited substance on Prohibited List A and/or Prohibited List B is detected in a sample taken from the horse prior to or following its running in any race, the trainer and any other person who was in charge of the horse at any relevant time breaches these Australian Rules.

**Particulars of charges:** AR 244 **(Charge 1)** in that on 6 February 2019*, Cash Crisis* ran in the Highways Lunar New Year Handicap over 1300 metres (the **Race**) at Sandown racecourse. Prior to the Race, you administered or caused to be administered to *Cash Crisis* a prohibited substance, being alkalinising agents as evidenced by total carbon dioxide (TCO2) at a concentration in excess of 36.0 millimoles per litre in plasma, for the purpose of affecting the performance or behaviour of *Cash Crisis* in the race. Alkalinising agents are listed as a prohibited substance pursuant to Division 3 of Schedule 1 of the Australia Rule of Racing.

AR 245 **(Charge 2, Alternative to charge 1**) in that on 6 February 2019, *Cash Crisis* ran in the Highways Lunar New Year Handicap over 1300 metres (the **Race**) at Sandown racecourse. Prior to the Race, you administered or caused to be administered to *Cash Crisis* a prohibited substance, being alkalinising agents as evidenced by total carbon dioxide (TCO2) at a concentration in excess of 36.0 millimoles per litre in plasma. Alkalinising agents are listed as a prohibited substance pursuant to Division 3 of Schedule 1 of the Australia Rule of Racing.

AR 240 (2) **(Charge 3, Alternative to charges 1 and 2**) in that on 6 February 2019, *Cash Crisis* was brought to the Sandown racecourse and ran in the Highways Lunar New Year Handicap over 1300 metres (the **Race**). A prohibited substance, being alkalinising agents as evidenced by total carbon dioxide (TCO2) concentration in excess of 36.0 millimoles per litre in plasma, was detected in a blood sample taken from *Cash Crisis* prior to the running of the Race. Alkalinising agents are listed as a prohibited substance pursuant to Division 3 of Schedule 1 of the Australia Rule of Racing.

**Plea:** Guilty

**DECISION**

Mr Craig Widdison, you have pleaded guilty to a breach of AR 244. The basis of the charge is that Cash Crisis, trained by you, ran in Race 7 at Sandown on 6 February 2019. A pre-race blood sample taken from the horse revealed the presence of a prohibited substance, namely TC02, at a concentration in excess of 36 millimoles per litre in plasma. The sample in fact showed a concentration of 38.3 millimoles. The plasma blood sample showed 37.6 millimoles. These are high readings.

By pleading guilty to a breach of AR 244, you are accepting that you administered or caused the administration of a prohibited substance for the purpose of affecting the performance or behaviour of Cash Crisis in the race. TC02 enhances performance.

We have heard excellent and realistic presentations both on behalf of the Stewards and on your behalf. You are aged 41, a married man with two young children. You are a busy and successful full-time trainer and had approximately 35 horses in your Wodonga stables. You have an unblemished record. A large number of impressive character references from racing people in the Wodonga area, including the general manager of the Wodonga and Districts Turf Club, have been put before us. That a period of disqualification must be imposed has been accepted by you. You have already commenced the process of moving horses from your stables at Wodonga racecourse. You have organised employment as a concreter to support your family. It is your intention to apply for relicensing after the period of disqualification.

The penalty for a breach of this Rule is three years disqualification, unless special circumstances exist. The Stewards quite properly concede that your plea of guilty constitutes a special circumstance, meaning that we are at large on the question of penalty. The Stewards do argue that your plea of guilty is a late plea and that any reduction in the 3-year penalty should be a limited one. It is argued on your behalf that a delay was caused by your engaging in subsequent testing of the sample because of your mistaken belief that the horse had an endogenous elevated TC02 problem. We understand this, but the fact remains that you are pleading guilty to illegal administration in any event.

A factor that we do place greater emphasis upon is that a plea of guilty to a breach of AR 244 is an absolute rarity. Neither party could point to an earlier example of it and we know of none. Obviously, the benefit of pleading guilty to such a charge should be made known to the industry and, in appropriate cases, should be seen to have been a factor of significance in relation to penalty.

However, general deterrence also remains an important consideration. Hopefully specific deterrence does not loom large in your case, but those involved in the industry must realise that heavy penalties result from breaches of this Rule. Illegal administration of a prohibited substance is a very bad look indeed for racing, particularly given the wagering and prize money associated with it. A fair and level playing field is vital.

We turn now to the penalty. We again thank the parties and counsel for the very sensible approach taken on the question of penalty, even if they were not in complete accord.

Balancing all of the above and bearing in mind the rarity of a plea of guilty to this particular charge, we have agreed upon a period of disqualification of two years. We understand that a delay in the commencement date of 7 days is sought so that the transfer of horses can be finalised. We leave that to the parties.

Finally, Cash Crisis is disqualified from Race 7 at Sandown on 6 February 2019 and the finishing order amended accordingly.

Mark Howard
Registrar, Victorian Racing Tribunal