5 February 2020

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**MR DALE AFFORD**

**Date of hearing:** 3 February 2020

**Panel:** Judge John Bowman (Chairperson), Judge Graeme Hicks (Deputy Chairperson) and Justice Shane Marshall (Deputy Chairperson).

**Appearances:** Mr John O’Halloran appeared on behalf of the Stewards.

Mr Dale Afford represented himself via telephone.

**Charge:** Australian Harness Racing Rule 190(1) states a horse shall be presented for a race free of prohibited substances.

**Particulars of charge:**

1. On 24 September 2019, the horse ‘Shesashark’ was presented to race at the Mildura harness racing meeting in Race 8, the ‘Park Douglas Printing Pace’;
2. At the relevant time you were the trainer of ‘Shesashark’;
3. Following Race 8, the ‘Park Douglas Printing Pace’, a urine sample was collected from ‘Shesashark’ with subsequent analysis of that sample revealing the presence of the substance O-Desmethylvenlafaxine;
4. As the trainer of ‘Shesashark’ on 24 September 2019, you have presented that horse to race in the ‘Park Douglas Printing Pace’ at Mildura whilst not free of O-Desmethylvenlafaxine, a prohibited substance.

**Plea:** Guilty

**DECISION**

Mr Dale Afford you have pleaded guilty to a breach of AHRR 190(1). The rule reads as follows: A horse shall be presented for a race free of prohibited substances.

On 24 September 2019, your horse ‘Shesashark’ was presented to race at the Mildura harness racing meeting in Race 8, the ‘Park Douglas Printing Pace’ with a prohibited substance.

We have heard submissions of the stewards and yourself. We have taken into account your plea of guilty and your cooperation with the stewards and have considered your training history and your record that was placed before us and also heard of your personal circumstances. These include your excellent record, that you had to spend time in hospital with stress and that there was no intention to give the horse any prohibited substance or to try and gain any unfair advantage.

We have considered the purposes and objects of the rules of racing relating to prohibited substances. These are that the integrity of racing is protected, that harness racing is conducted on a level playing field, that horses race without assistance of drugs, that racing is conducted safely with regard to the horse itself and also with regard to the drivers of other horses involved in the race and finally that racing is conducted fairly with respect to the betting public.

Due to the nature of the prohibited substance the minimum penalty guidelines do not apply.

The Tribunal is of the view your offence is very much in the lower range for a breach of this offence.

In all the circumstances we find that the appropriate penalty is a conviction without penalty. Pursuant to AHRR 195 that Shesashark be disqualified from race 8 at the Mildura race meeting on 24 September 2019 and we order that the placings be amended with respect to that race.

Mark Howard
Registrar, Victorian Racing Tribunal