2 March 2020

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**GEORGE SCHEMBRI**

**Date of hearing:** 26 February 2020

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

**Appearances:** Mr Daniel Caruana appeared on behalf of the Stewards.

 Mr George Schembri represented himself.

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

**Particulars of charges: Charge 1**

1. On 23 April 2019, the horse ‘Dangerous Women’ was presented to race at the Bendigo harness racing meeting in Race 5, the ‘Empire Stallions Vicbred Platinum Country Series L (2nd Heat)’;
2. At the relevant time you were the trainer of ‘Dangerous Women’;
3. Following Race 5, the ‘Empire Stallions Vicbred Platinum Country Series L (2nd Heat)’, a urine sample was collected from ‘Dangerous Women’ with subsequent analysis of that sample revealing a cobalt concentration in excess of the allowable threshold;
4. As the trainer of ‘Dangerous Women’, on 23 April 2019 you presented that horse to race in the ‘Empire Stallions Vicbred Platinum Country Series L (2nd Heat)’ at Bendigo whilst not free of cobalt, a prohibited substance when present at a concentration in excess of 100 micrograms per litre in urine.

**Charge 2**

1. At all relevant times, you were a licensed trainer with Harness Racing Victoria;
2. When inspected by HRV Stewards on 19 May 2019, your log book failed to adequately list the minimum details required for regular administration of ‘Neutradex’, ‘Gastrazone’, ‘Rutin Mix’, and ‘Winning Formula: Equine Omega Plus’;
3. On 23 May 2019, you gave evidence that your treatment regime includes regular administration of ‘Neutradex’, ‘Gastrazone’, ‘Rutin Mix’, and ‘Winning Formula: Equine Omega Plus’;
4. You have failed to keep and maintain a log book as required.

**Plea:** Guilty

**DECISION**

Mr George Schembri, you have pleaded guilty to two charges under the Harness Racing Rules.

Charge number one is in relation to Rule 190(1) which reads: “A horse shall be presented for a race free of prohibited substances”. The particulars of that charge are that on 23 April 2019, the horse ‘Dangerous Women’ was presented to race at the Bendigo harness racing meeting in Race 5, the ‘Empire Stallions Vicbred Platinum Country Series (2nd heat)’. At the relevant time you were the trainer of ‘Dangerous Women’. Prior to Race 5, a urine sample was collected from ‘Dangerous Women’, with subsequent analysis of that sample revealing a cobalt concentration in excess of the allowable threshold.

Charge number two. The Stewards charge you with a breach of Rule 190B which reads “A trainer shall at all times keep and maintain a log book”. At all relevant times, you were a licensed trainer with Harness Racing Victoria. When inspected by HRV Stewards on 19 May 2019, your log book failed to adequately list the minimum details required for regular administration of ‘Neutradex’, ‘Gastrazone’, ‘Rutin Mix’, and a ‘Winning Formula’ product, later verified as ‘Winning Formula: Equine Omega Plus’. On 23 May 2019, you gave evidence that your treatment regime included regular administration of those products, but they were not in your log book. Accordingly, you have failed to maintain a log book as required.

We have taken into account your pleas of guilty to both charges and your cooperation with the Stewards and have considered your training history, your record that was placed before us and also heard of your personal circumstances. These include that your mother had a serious hip operation and as a result of your actions in attending to your mother, different work and practice regimes occurred and double doses of different products were given to the horse. We have heard material from yourself that changes have now been made to ensure that this does not happen again. At certain stages of your training career you have trained up to 10 horses. Your horses, we accept, are your life and it may affect you mentally if we reach a decision of disqualification or suspension. The Stewards stated that you have a relatively good record over a long period of time.

The minimum penalty guidelines do not apply to this case, as cobalt is not included in them. However, the Tribunal does consider this a serious matter.

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.

We have considered current penalties that have been imposed in similar cases. Principles of general deterrence and, in your case to a lesser extent, specific deterrence also apply in determining the appropriate penalty. Though not determinative of the issues before us we have had regard to the minimum penalty guidelines.

In all the circumstances, we find that the appropriate penalty is as follows. In relation to charge one, 12 months suspension of all licences with 6 months to be served concurrently with the penalty that was imposed on 16 December 2019, backdated to 1 September 2019 for a period of 15 months disqualification which expires on the 1 December 2020. Accordingly, the situation is this. Once the current disqualification expires, you will then serve an additional 6 month suspension. Pursuant to AHRR 195 we order that the horse ‘Dangerous Woman’ be disqualified from Race 5 at the Bendigo harness racing meeting on 23 April 2019. We order that the placings be amended accordingly and that the prize money be refunded.

In respect to charge two, we order that Mr Schembri be fined $250.

Mark Howard
Registrar, Victorian Racing Tribunal