23 July 2020

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**MR JOE FARRUGIA**

**Date of hearing:** 14 July 2020

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

**Appearances:** Mr Stephen Svanosio appeared on behalf of the Stewards.

Mr Joe Farrugia represented himself.

**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. On 16 Janaury 2020, the horse ‘Tiseh Lucky Lady’ was presented to race at the Kilmore harness racing meeting in Race 1, ‘The Bendigo Club Pace’;

2. At the relevant time you were the trainer of ‘Tiseh Lucky Lady’;

3. Following Race 1, ‘The Bendigo Club Pace’, a urine sample was collected from ‘Tiseh Lucky Lady’ with subsequent analysis of that sample revealing an arsenic concentration in excess of the allowable threshold;

4. As the trainer of ‘Tiseh Lucky Lady’ on 16 January 2020, you have presented that horse to race in ‘The Bendigo Club Pace’ at Kilmore 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 Joe Farrugia, you have pleaded guilty to presenting your horse Tiseh Lucky Lady in Race 1 at the Kilmore harness racing meeting, held on Thursday, 16 January 2020, when it was not free of a prohibited substance, namely arsenic.

We have heard submissions from the Stewards and yourself. We have taken into account your plea of guilty, your cooperation with the Stewards and have considered your training history and your record. We also heard of your personal circumstances. You were first licensed in harness racing as a stablehand in 2007 and have held a trainer’s license since 2011 and a drivers licence since 2013. You have a very good record within the harness racing industry. You are a hobby trainer.

You purchased a property in the Lancefield area in 2009 on which you have bred and trained horses. It is accepted by the Stewards that you had made efforts to ensure that your horses were not able to chew arsenic treated posts on your property. On this occasion a piece of a post had broken off and was then chewed whilst your horse was in a paddock.

We have considered the purposes and objects of the Rules of Racing relating to prohibited substances. These include protecting the integrity of the harness racing industry and ensuring that racing is conducted on a level playing field without the assistance of drugs.

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 have application in determining the appropriate penalty.

We note with respect to arsenic cases there have been at least five notices placed before trainers warning them of having treated arsenic posts located near or where the horse is stabled.

In all the circumstances, we find that the appropriate penalty is a fine of $2,500 and we suspend $2,000 of that for a period of 12 months.

Pursuant to AHRR 195 Tiseh Lucky Lady is disqualified from Race 1 at the Kilmore harness race meeting held on 16 January 2020 and the placings are amended accordingly. We order that any prize money won be refunded.

Mark Howard
Registrar, Victorian Racing Tribunal