15 June 2021

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**KENNETH TIPPET**

**Date of hearing:** 3 June 2021

**Panel:** Judge John Bowman (Chairperson) and Judge Julie Nicholson.

**Appearances:** Mr Andrew Cusumano appeared on behalf of the Stewards.

Mr Lance Justice represented Mr Kenneth Tippet.

Mr Kenneth Tippet appeared.

**Charge:** Australian Harness Racing Rule (“AHRR”) 193(3) states:

A person shall not administer or allow or cause to be administered any medication to a horse on race day prior to such horse running it a race.

**Particulars of charges:** You being a person licensed by Harness Racing Victoria, did administer a medication to a horse on race day prior to such horse running in a race, in that:

1. You were, at all relevant times, a Grade A Driver and Trainer licensed by Harness Racing Victoria and bound by the Australian Harness Racing Rules;
2. You were, at all relevant times, the registered trainer of “Alpha Crucis”;
3. “Alpha Crucis” was engaged to race in Race 8, the “Kilmore Trackside Pace” at the Kilmore harness racing meeting on 30 December 2020 (**the Race**);
4. On 30 December 2020, you administered a medication, namely “Oralx B-1” to “Alpha Crucis” on race day prior to “Alpha Crucis” running in the Race.

**Plea:** Guilty

**DECISION**

Mr Kenneth Tippet, you have pleaded guilty to a breach of Australian Harness Racing Rule (“AHRR”) 193(3). You have admitted administration of a medication, namely Oralx B-1, to the horse “Alpha Crucis” on the morning of 30 December 2020. Alpha Crucis was engaged in Race 8 at the Kilmore harness racing meeting that afternoon. We emphasise at the outset that Oralx B-1 does not contain any prohibited substance. Further, it probably would have passed through the horse’s system well before it was due to race. There is no suggestion that the administration would have affected the performance of the horse.

Nevertheless, this was an administration on race day prior to the horse running in a race. The circumstances were that, prior to the arrival of the Stewards for a race day inspection at approximately 10.10am, the horse had been misbehaving – kicking and carrying on, as described by you. You administered the Oralx B-1, which contains vitamin B1, in order to calm the horse down. Apparently this is a long-established remedy for such misbehaviour. As stated, it does not contain any prohibited substance, does not affect the performance of a horse, and passes quickly through the horse’s system.

However, it is administration on race day and does breach the Rule. You immediately admitted your breach of the Rule. The horse was scratched subsequently. General deterrence is an important factor. Trainers must appreciate that all race day administration of medication, even if not affecting performance, is prohibited.

Mr Lance Justice outlined many matters on your behalf. We do not believe specific deterrence has any real role to play. You are 66 years of age. You have been involved in harness racing since 1975 and a licensed driver since 1978. You have an outstanding record. You also contribute a great deal of time and energy to the harness racing industry, much of it on a voluntary basis. You are involved in promotions, visiting schools, on committees and the like. This has been very embarrassing for you. We accept that it was an instantaneous, spontaneous reaction to the misbehaviour of the horse and an attempt to quieten it. The result has been this embarrassing charge in relation to a serious offence.

We accept that, in the present climate, you are having financial struggles. You still do some driving and have about 10 horses in work. However, as stated, harness racing matters take up a great deal of your time.

As this is a serious offence, we impose a fine of $3,000. However, bearing in mind the circumstances of the offence, your outstanding record, your ongoing and extensive contribution to the industry, your plea of guilty at the earliest possible opportunity and your total cooperation with the Stewards, we are of the view that, of that $3,000, $2,000 should be suspended for a period of 12 months. If you offend again in this way in the next 12 months, and we consider that to be highly unlikely, the further sum of $2,000 will be payable. We repeat, that the penalty is a $3,000 fine, with $2,000 suspended for 12 months.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal