12 August 2020

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**MR LYNDON HALL**

**Date of hearing:** On the papers – decision handed down on 12 August 2020.

**Panel:** Judge John Bowman (Chairperson).

**Appearances:** Mr Neal Conder represented the Stewards.

Mr Lyndon Hall 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 6 February 2020, the horse ‘Trappertwo’ was presented to race at the Mildura harness racing meeting in Race 2, ‘The Gateway Maiden Pace’;

2. At the relevant time you were the trainer of ‘Trappertwo’;

3. Following Race 2, ‘The Gateway Maiden Pace’, a urine sample was collected from ‘Trappertwo’ with subsequent analysis of that sample revealing an arsenic concentration in excess of the allowable threshold;

4. As the trainer of ‘Trappertwo’ on 6 February 2020, you presented that horse to race in ‘The Gateway Maiden Pace’ 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**

1. Mr Lyndon Hall is pleading ‘guilty’ to a breach of Australian Harness Racing Rule 190(1). It concerns the horse ‘Trappertwo’ which is trained by him. Trappertwo ran in Race 2 at Mildura on 6 February 2020. A urine sample taken from it after the race revealed an arsenic concentration in excess of the allowable threshold.
2. The parties have asked that the Tribunal deal with this matter ‘on the papers’. I see no problem with this. Further, as there has been an early plea of guilty, as Chairperson I can deal with the matter sitting alone – see Section 50M of the *Racing Act 1958*.
3. There is no dispute as to the proposition that the most likely cause of the arsenic reading is that Trappertwo chewed on untreated pine posts. The horse was moved to a barn where he cannot chew on such posts.
4. Taking all factors into account, the Stewards have suggested the following orders:
5. A fine of $3,000 of which $2,500 is to be suspended for 12 months.
6. Trappertwo is disqualified from Race 2 at Mildura on 6 February 2020 and any prize money is to be returned.
7. I note that Mr Hall has a very long involvement in harness racing without any prior prohibited substance offence. He is not challenging the orders proposed by the Stewards.
8. Those orders set out in paragraph 4 seem to me to be appropriate. Accordingly, they shall be made. I shall not set them out again.

Mark Howard
Registrar, Victorian Racing Tribunal