10 February 2022

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**MARYANNE LAFFAN**

**Date of hearing:** 31 January 2022

**Panel:** Judge John Bowman (Chairperson) and Mr Greg Childs.

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

Ms Maryanne Laffan represented herself.

**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. At all relevant times, you were a licensed trainer with HRV, and a person bound by the AHRR;

2. At all relevant times, you were the registered trainer of the horse ‘Silky Smooth Excuse’;

3. On 21 July 2021, ‘Silky Smooth Excuse’ was presented to race at the Shepparton harness racing meeting in Race 5, the ‘Your Sold Real Estate Pace’;

4. Prior to Race 3, the ‘Your Sold Real Estate Pace’, a urine sample was collected from ‘Silky Smooth Excuse’ with subsequent analysis of that sample revealing an arsenic concentration of greater than 0.60ug/mL, being in excess of the allowable threshold;

5. As the trainer of ‘Silky Smooth Excuse’ on 21 July 2021, you presented that horse to race in the ‘Your Sold Real Estate Pace’ at Shepparton 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**

Ms Maryanne Laffan, you have pleaded guilty to a breach of Australian Harness Racing Rule (“AHRR”) 190(1). It relates to a pre-race urinary sample taken from Silky Smooth Excuse, trained by you, which ran in Race 5 at Shepparton on 21 July 2021. The sample proved positive to arsenic, a prohibited substance, at a level of approximately twice the maximum legal level.

It is accepted by Mr Svanosio, on behalf of the Stewards, that the high arsenic reading resulted from the horse chewing on old treated timber fence posts. It is also accepted that you had taken some measures to try and remedy the situation, but it was only after a discussion between yourself and Mr Svanosio that you moved the horse to a different paddock, with suitable fencing. That resulted in an improved performance by Silky Smooth Excuse and was at least a temporary solution to the problem.

There have been a number of warnings given to participants in the industry concerning the problem of treated timber fencing and positive returns to arsenic. You, and others in the industry, had been put on alert concerning that problem. Whilst you took some steps in relation to your fencing, you persisted in having the horse in the same paddock with the same fence posts when it was racing.

You have been in the industry in the order of twenty years. You have missed some time due to health problems. You and your partner have in excess of 60 acres and the fence posts in question have been in position for over 15 years. The sole source of income for you and your partner comes from the horses.

Whilst you do have a record of some prior offences, Mr Svanosio has very fairly said that they are not strictly relevant and, as far as arsenic is concerned, you should be treated as a first offender. We agree.

Bearing in mind all of the circumstances, we are of the view that the appropriate penalty is a fine of $3,000, of which $2,500 shall be suspended for a period of 12 months. It will be payable if you should offend in this way again. We are confident that you will not. Silky Smooth Excuse is disqualified from Race 5 at Shepparton on 21 July 2021 and the finishing order amended accordingly.

Mark Howard
Registrar, Victorian Racing Tribunal