6 December 2019

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**MR MICHAEL HUGHES**

**Date of hearing:** 29 November 2019

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

**Appearances:** Mr Russell Anderson appeared on behalf of the Stewards.

 Mr Michael Hughes represented himself.

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

**Particulars of charge:**

1. On 5 July 2019, the horse ‘Just Believe’ was presented to race at the Tabcorp Park Melton harness racing meeting in Race 2, the ‘Aldebaran Park VicBred Super Series 3YO Silver Trot (Group 3)’;
2. At the relevant time you were the trainer of ‘Just Believe’;
3. Following Race 2, the ‘Aldebaran Park VicBred Super Series 3YO Silver Trot (Group 3), a urine sample was collected from ‘Just Believe’ with subsequent analysis of that sample revealing an arsenic concentration in excess of the allowable threshold;
4. As the trainer of ‘Just Believe’ on 5 July 2019, you have presented that horse to race in the ‘Aldebaran Park VicBred Super Series 3YO Silver Trot (Group 3) at Tabcorp Park Melton whilst 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 Michael Hughes, you have pleaded Guilty to a breach of Rule 190(1). It relates to the running of Race 2 at Tabcorp Park Melton on 5 July 2019 which was won by ‘Just Believe’, trained by you. A urine sample taken from ‘Just Believe’ revealed an arsenic concentration in excess of 0.30 micrograms per litre, the reading being 0.55.

We accept that about 18 months ago you set up a sizeable training complex near Garfield, where you train harness racing horses and agist thoroughbreds. You have various owners for whom you train. You set up the complex from scratch and this included the purchasing and installation of many fences and fence posts. The Stewards accept, and there is no challenge in the slightest, the proposition that the arsenic reading of ‘Just Believe’ resulted from that horse chewing on a particular fence post. We might add that you were in the midst of replacing fence posts when this occurred and have continued that work.

You have been in harness racing for in excess of 20 years, principally as a trainer, and spent a short period of time as a driver. You have a very good record. We have no doubt that you are highly regarded in the industry.

There have been no fewer than 5 media releases in relation to the industry’s concern about arsenic. We appreciate that you are doing everything possible to remove any arsenic containing posts from your property. However, specific and general deterrence must be borne in mind. Participants in the industry must be on guard concerning the arsenic problem.

The penalty which we impose is as follows. You are fined the sum of $3,000, but, given the circumstances of your case, $2,250 of that is suspended for a period of 12 months.

‘Just believe’ is disqualified as the winner of the race, which was a significant one, and that is doubtless an embarrassment for you. The finishing order and distribution of prize money is altered accordingly.

Mark Howard
Registrar, Victorian Racing Tribunal