8 July 2021

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**MONIQUE BURNETT**

**Date of hearing:** 17 June 2021

**Panel:** Magistrate John Doherty (Deputy Chairperson) and Ms Maree Payne.

**Appearances:** Mr Nicholas Murray appeared on behalf of the Stewards.

Ms Monique Burnett represented herself.

**Charge:** Australian Harness Racing Rule (“AHRR”) 192(1)(c) states:

(1) No person, unless he has first obtained the permission of the Stewards, shall have in his possession either on a racecourse or in any motor vehicle or trailer being used for the purpose of travelling to or from a racecourse any prohibited substance or a syringe or other instrument which could be used –

(c) to administer any medication or substance to a horse

**Particulars of charge:** 1. On 17 February 2021, at the Bendigo Harness Racing meeting you participated as a licensed driver with HRV and when doing so acted as representative for licensed trainer Rita Burnett who had Mitzi Said engaged to compete in Race 4.

2. During the conduct of the aforementioned race meeting, without permission of the Stewards, you obtained and subsequently had in your possession the substance Bectyl paste.

3. Whilst in the stabling area and subsequent to the conduct of Race 4 you administered Bectyl paste to Mitzi Said.

**Plea:** Guilty

**DECISION**

Ms Monique Burnett has pleaded guilty to a charge laid by HRV Stewards for breaching AHRR 192(1)(c). The particulars of the charge are listed above. In summary, on 17 February 2021 at the Bendigo harness racing meeting, you administered Bectyl paste to Mitzi Said in the stabling area.

What is Bectyl paste? Dr Richard Cust has provided the following information:

It is a multi vitamin, mineral and electrolyte paste. It is used to assist in the replacement of electrolytes and vitamins in performance horses. The paste can be used as a restorative and supplement following physical exertion. Further, in Dr Custs opinion, the use of Bectyl under normal circumstances off course does not constitute as use of a prohibited substance.

Ms Burnett readily admitted to Stewards on 17 February 2021, that whilst still in the stabling area, she administered Bectyl paste to Mitzi Said. She said that she was unaware of the requirement to seek Stewards permission. She was concerned that, following its race, Mitzi Said would not drink. Her hope was that, after administering the paste the horse could be loaded and taken home, by which time the horse could hopefully be observed drinking water to replenish its condition.

If Ms Burnett had sought Stewards permission to possess and administer the paste or waited until she returned home to do so, no offence would have been created.

Her offence, in our view, is of someone who is non conversant with the relevant Rule, but of someone with a genuine concern with her horse’s welfare.

Annexed to this decision is a summary of agreed facts between the Stewards and Ms Burnett. The summary confirms Ms Burnett’s plea of guilty and that Bectyl paste was purchased on course at Bendigo and administered post race without Stewards approval.

Stewards have recommended that any penalty imposed by this Tribunal by suspended. This Tribunal agrees that is a fair outcome given the unique circumstances of this case. The penalty is a fine of $1,000 wholly suspended for 12 months pending no further breach of Rule 192(1).

Mark Howard
Registrar, Victorian Racing Tribunal