15 December 2022

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**NATHAN PURDON**

**Date of hearing:** 7 December 2022

**Panel:** Magistrate John Doherty (Deputy Chairperson) and Dr June Smith.

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

Mr Nathan Purdon 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. At all relevant times, you were a licensed trainer and driver with HRV and a person bound by the Australian Harness Racing Rules;

2. At the relevant time you were the trainer of “Miramanee”;

3. On 23 May 2022, the horse Miramanee was presented to race at the Warragul harness racing meeting in Race 1, the “Gippsland Premium Quarries 3YO Maiden Pace”;

4. Following Race 1, a urine sample was collected from Miramanee with subsequent analysis of that sample revealing an arsenic concentration in excess of the allowable threshold;

5. As the trainer of Miramanee on 23 May 2022, you presented that horse to race in the Gippsland Premium Quarries 3YO Maiden Pace at Warragul 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 Nathan Purdon has pleaded guilty to a breach of Australian Harness Racing Rule (“AHRR”) 190(1). A post-race urine sample was taken from “Miramanee”, which won the race. The primary sample revealed a reading of arsenic greater than 0.60 micrograms per millilitre (“ug/mL”) and the reserve sample revealed a reading of 0.54 ug/mL. These are in excess of levels allowed by the Rules of Racing.

The most probable reason for these elevated levels was the presence of copper chrome arsenic (“CCA”) treated pine posts which Miramanee had been chewing on, despite the efforts to paint the posts and placing outriggers on them. An inspection by Stewards at the property did not reveal any supplements or feeds containing arsenic.

A sample of wood chips taken from the area where Miramanee was stabled was analysed and found to contain arsenic. Mr Purdon has entered an early plea of guilty to what is considered a serious offence.

Principles of general deterrence apply when considering an appropriate penalty. It is noted that Harness Racing Victoria (“HRV”) has issued notices periodically to the harness racing industry outlining the risks associated with horses chewing on treated pine timber. In this case, some effort to minimise those risks was undertaken at the property in late 2021.

Mr Purdon has been licensed since at least 2013. He is a grade A trainer and driver and is currently living in New Zealand.

Consistent with recent like cases, we impose a penalty of a $2,000 fine with $1,500 suspended for 12 months pending no further breach of the Rule in that time. In addition, Miramanee is disqualified from Race 1 at Warragul on 23 May 2022 and any prizemoney is forfeited to HRV.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal