14 August 2020

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**MR PAUL CAUCHI**

**Date of hearing:** 6 August 2020

**Panel:** Judge John Bowman (Chairperson) and Ms Heidi Keighran.

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

Mr Paul Cauchi represented himself.

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

 AHRR 187(2) states a person shall not refuse to answer questions or to produce a horse, document, substance or piece of equipment, or give false or misleading evidence or information at an inquiry or investigation.

AHRR 190(B) states a trainer shall at all times keep and maintain a log book:-

(a) Listing all therapeutic substances in his or her possession;

(b) Recording all details of treatment administered to any horse in his or her care and including as a minimum requirement:

(i) the name of the horse

(ii) the date of administration of treatment

(iii) the name of the treatment (brand name of active constituent)

(iv) the route of administration

(v) the amount given

(vi) the name and signature of the person or persons administering and/or authorising the treatment.

**Particulars of charges: Charge 1**

1. On 21 October 2019, the horse ‘Shesastandout’ was presented to race at the Tabcorp Park Melton trial meeting in Trial 2;

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

3. During the trial meeting, a blood sample was collected from ‘Shesastandout’ with subsequent analysis of that sample revealing the presence of meloxicam;

4. As the trainer of ‘Shesastandout’ on 21 October 2019, you have presented that horse for a race at Tabcorp Park Melton whilst not free of the prohibited substance meloxicam.

**Charge 2**

1. On 26 November 2019, you were interviewed by HRV Stewards as part of an investigation regarding a horse you trained, ‘Shesastandout’, returning a swab irregularity to the substance meloxicam;

 2. During this interview, despite being questioned about the substance meloxicam, you failed to state that you had purchased a bottle of meloxicam on 9 August 2019, prior to ‘Shesastandout’ trialing at Tabcorp Park Melton on 21 October 2019;

3. Also during this interview, when asked if you knew what meloxicam was, you stated “No, sir”, despite having purchased a bottle of meloxicam on 9 August 2019;

4. On 26 November 2019, you gave false and/or misleading evidence during an investigation conducted by the HRV Stewards, when questioned about the substance meloxicam.

 **Charge 3**

1. On 26 November 2019, you were a licensed trainer with Harness Racing Victoria;

2. On 26 November 2019, you gave evidence to HRV Stewards that you had not recorded cortisone injections that were administered to a horse in your care, ‘Shesastandout’;

3. You have failed to keep and maintain a log book as required.

**Pleas:** Guilty to all charges

**DECISION**

Mr Paul Cauchi, you have pleaded ‘guilty’ to these charges. They arise out of a trial in which a horse trained by you, ‘Sheastandout’, competed at Melton on 21 October 2019. A blood sample was taken before the trial. Subsequent testing of the sample proved positive to Meloxicam, a prohibited substance which could be briefly described as a pain killer.

The first charge is pursuant to Rule 190(1), which requires a horse to be presented for a race free of prohibited substances. The definition of ‘race’ in the Rules includes a trial. Thus, ’Sheastandout’ presented when not free of a prohibited substance and you breached the Rule. As very fairly pointed out by Mr Svanosio on behalf of the Stewards, when it comes to penalty, a distinction should be drawn between a trial and a race. There is no prize money associated with a trial. There is no betting. There would be a lower public interest and, I would imagine, a lot smaller viewing audience. Trials may assist in qualifying horses for particular events or levels of racing, but we agree that they are in a considerably different category from actual races.

Turning to your circumstances, you are aged 60, you are a part-time trainer and do this with the assistance of your partner. You live at Melton and, as we understand it, lease a few acres at Rockbank, where you currently have three horses.

Your full-time occupation is that of a concreter. Your partner also works. You have held a trainers licence for 22 years and have a very good record.

In relation to the first charge, the Stewards have considered past similar cases, of which there are few, and have suggested that the appropriate penalty is a fine of $3,000, part of which is to be suspended. We agree. On the first charge, the positive return, you are fined $3,000. Of that amount, $1,000 is suspended for a period of 12 months. If you commit a relevant offence during that period, you may be liable to pay that $1,000. If you do not, and we would be confident that you will not, the payable fine remains $2,000.

The second charge is a breach of Rule 187(2), which could be summarised as the giving of false or misleading evidence. This relates to you originally saying to the Stewards that you did not know what Meloxicam was, when in fact you had purchased a bottle of it. This caused the investigation to be longer than was necessary and delayed completion of the matter. You have since pleaded ‘guilty’ and we are assured that you now regret having misled the Stewards. Again, we accept Mr Svanosio’s suggestion. This time it was that there be a fine of $750, with a portion suspended. We agree. You are fined $750, of which amount $250 will be suspended for 12 months on the same basis as the first charge.

Thirdly, you have pleaded ‘guilty’ to a breach of Rule 190(B) – failing to keep and maintain properly a logbook. The keeping of proper records is a very important matter. Apart from helping trainers to keep a careful check on treatment, it is of great assistance to the Stewards when they have to investigate a matter. For this beach, you are fined $250.

The end result is that you are fined a total of $4,000. Of that amount, $1,250 is suspended for a period of 12 months.

Mark Howard
Registrar, Victorian Racing Tribunal