29 October 2020

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**MR PAUL ROWSE**

**Date of hearing:** 15 October 2020

**Panel:** Judge Graeme Hicks (Deputy Chairperson) and Mr Robert Abrahams.

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

Mr Paul Rowse 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. On 13 March 2020, the horse ‘If The Mood Suits’ was presented to race at the Tabcorp Park Melton harness racing meeting in Race 6, the ‘APG Pace’;

2. At the relevant time you were the trainer of ‘If The Mood Suits’;

3. Following Race 6, the ‘APG Pace’, a urine sample was collected from ‘If The Mood Suits’ with subsequent analysis of that sample revealing an arsenic concentration in excess of the allowable threshold;

4. As the trainer of ‘If The Mood Suits’ on 13 March 2020, you presented that horse to race in the ‘APG Pace’ 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 Paul Rowse, you have pleaded guilty to presenting your horse ‘If The Mood Suits’ in Race 6 at the Tabcorp Park Melton Harness race meeting held on 13 March 2020 when it was not free of a prohibited substance, namely arsenic.

We have heard submissions from Mr Andrew Cusumano on behalf of the Stewards and also from yourself.

We have taken into account your plea of guilty and your co-operation with the Stewards. We have considered your training history and your record and also heard of your personal circumstances.

You told Stewards that you rang Mr Brent Fisher, General Manager Integrity, approximately two years prior to the incident for guidance, because of concerns that horses were chewing pine posts in your yards. Mr Fisher directed you to contact a senior Harness Racing Victoria (“HRV”) veterinarian, which you did. You were advised by that veterinarian that horses engaged in racing must be shifted from yards with access to pine posts to yards with steel posts two days prior to race day.

You told Stewards that you have followed such advice ever since and also painted pine posts with an anti-chewing product.

You informed Stewards that ‘If The Mood Suits’ was shifted from its regular yard two days prior to the race at Melton on 13 March 2020 to a yard with steel posts. You told Stewards further that there was evidence that the pine posts where your horse had been housed had been chewed prior to shifting your horse to the yard with steel posts.

In terms of your personal history, we note that you have been the CEO of the Ballarat and District Harness Racing Club for 13 years and connected to that club for over 23 years. You are also on the executive of Trots Clubs Victoria and a member of the Harness Racing Track Advisory Committee. You have been in the industry for over 25 years. You have an outstanding record of service to harness racing in Victoria

After receiving advice from your veterinarian, you have moved ‘If The Mood Suits’. You have no prior convictions. You have a very good record. You currently train one horse.

We have considered the purposes and objects of the rules of racing relating to prohibited substances. These include protecting the integrity of the harness racing industry and that racing is conducted on a level playing field without the assistance of drugs.

We have considered current penalties that have been imposed in similar cases.

Principles of general deterrence and, in your case to a lesser extent, specific deterrence have application in determining the appropriate penalty.

We note with respect to arsenic cases that there have been at least five notices placed before trainers warning them of having treated arsenic posts located near where horses are stabled.

In all the circumstances we find that the appropriate penalty is a fine of $2,500 and we suspend $2,000 of that sum for a period of 12 months.

Pursuant to AHRR 195 your horse ‘If The Mood Suits’ is disqualified from Race 6 at the Tabcorp Park Melton harness race meeting held on 13 March 2020 and placings are amended accordingly. We order any prize money won be refunded.

Mark Howard
Registrar, Victorian Racing Tribunal