31 May 2021

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**WAYNE FERGUSON**

**Date of hearing:** 21 May 2021

**Panel:** Judge Graeme Hicks (Deputy Chairperson) and Mr Josh Bornstein.

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

Mr Wayne Ferguson 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 24 August 2020, the horse ‘Ghanasuya’ was presented to race at the Maryborough harness racing meeting in Race 5, the ‘Maryborough Advertiser 3YO Pace’;

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

3. Following Race 5, the ‘Maryborough Advertiser 3YO Pace’, a urine sample was collected from ‘Ghanasuya’ with subsequent analysis of that sample revealing an Arsenic concentration of 0.46ug/mL, being in excess of the allowable threshold;

4. As the trainer of ‘Ghanasuya’ on 24 August 2020, you have presented that horse to race in the ‘Maryborough Advertiser 3YO Pace’ at Maryborough 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 Wayne Ferguson, you have pleaded guilty to breaching Australian Harness Racing Rule (“AHRR”) 190(1), in that you presented your horse “Ghanasuya” in Race 5 at the Maryborough Harness Race Meeting held on 24 August 2020 when it was not free of a prohibited substance, namely arsenic.

On 9 September 2020, Harness Racing Victoria (“HRV”) Stewards conducted a record of interview with you via telephone. During that interview, you stated that your horse had not been treated with any products which contained arsenic, but that your horse had chewed wooden fence posts at your premises. Stewards visited your premises on 7 October 2020 and took samples of your wood fences, which upon analysis, confirmed the presence of Arsenic.

Participants within the harness racing industry have been warned now on at least five occasions of the risks of stabling their horses close to wooden fence posts that may contain Arsenic.

You are 65 years of age and have a good record within the harness racing industry. In 1979 you obtained a trainer’s license, which you held for approximately four years. Subsequently, in 2019 you were granted a B grade trainers license. You currently train one horse. You have taken steps to minimise the risk in the future by coating your posts in sump oil and also by inspecting the fence posts every morning to make sure that they have not been chewed.

We have taken into account the plea of guilty, your cooperation with the Stewards, your personal circumstances and your history in the harness racing industry.

Principles of general deterrence and specific deterrence have application in arriving at an appropriate penalty. It is vital to the integrity of the harness racing industry that horses race on a level playing field without prohibited drugs in their system.

In all the circumstances, you will be fined $3,000, with $500 to be paid immediately and the balance suspended for a period of 12 months. We order that Ghanasuya be disqualified from Race 5 at the Maryborough Harness Race Meeting held on 24 August 2020 and that the finishing order be amended accordingly.

Kathleen Scully
Assistant Registrar, Victorian Racing Tribunal