14 September 2023

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**JULIE DOUGLAS**

**Date of hearing:** 12 September 2023

**Panel:** Judge Kathryn Kings (Deputy Chairperson) and Ms Judy Bourke.

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

Mr Damian Sheales appeared on behalf of Ms Julie Douglas.

**Charges:** Australian Harness Racing Rule (“AHRR”) 190(1) states:

(1) A horse shall be presented for a race free of prohibited substances.

**Particulars of charge:** **Charge 1 – AHRR 190(1)**

1. At all relevant times, you were a licensed trainer with Harness Racing Victoria and a person bound by the Australian Harness Racing Rules;

2. At all relevant times, you were the trainer of horse ‘Whata Journey’;

3. On 17 December 2021, ‘Whata Journey’ was presented to race at the Tabcorp Park Melton harness racing meeting in Race 9, the ‘Hip Pocket Workwear & Safety (3yo Pace)’;

4. Following Race 9, a urine sample was collected from ‘Whata Journey’ with subsequent analysis of that sample revealing the presence of Atenolol, Chlorothiazide, Hydrochlorothiazide and O-Desmethylvenlafaxine.

5. As the trainer of ‘Whata Journey’ on 17 December 2021, you presented that horse to race at the Tabcorp Park Melton harness racing meeting not free of the prohibited substances Atenolol, Chlorothiazide, Hydrochlorothiazide and

O-Desmethylvenlafaxine.

**Charge 2 – AHRR 190(1)**

1. At all relevant times, you were a licensed trainer with Harness Racing Victoria and a person bound by the Australian Harness Racing Rules;

2. At all relevant times, you were the trainer of horse ‘Whata Journey’;

3. On 3 February 2022, ‘Whata Journey’ was presented to race at the Kilmore harness racing meeting in Race 8, the ‘Beraldo Coffee Vicbred Pace’;

4. Prior to Race 8, a urine sample was collected from ‘Whata Journey’ with subsequent analysis of that sample revealing the presence of Chlorothiazide and Hydrochlorothiazide;

5. As the trainer of ‘Whata Journey’ on 3 February 2022, you presented that horse to race at the Kilmore harness racing meeting not free of the prohibited substances Chlorothiazide and Hydrochlorothiazide.

**Pleas:** Guilty to both charges.

**DECISION**

Ms Julie Douglas, you have pleaded guilty to two breaches of Australian Harness Racing Rule 190(1). The Rule reads as follows: “A horse shall be presented for a race free of prohibited substances”.

At all material times you were the trainer of Whata Journey.

In respect to Charge 1, on 17 December 2021, Whata Journey was presented to race at the Tabcorp Park Melton harness race meeting in Race 9, the Hip Pocket Workwear and Safety (3yo Pace), in which it finished in first place. A post-race urine sample showed the presence of the prohibited substances, namely Atenolol, Chlorothiazide, Hydrochlorothiazide and O-Desmethylvenlafaxidine.

In respect to Charge 2, on 3 February 2022 Whata Journey was presented to race at the Kilmore harness racing meeting in Race 8, the Beraldo Coffee Vicbred Pace. Whata Journey competed and finished in fourth placing.

Prior to Race 8 at Kilmore, a urine sample was collected which showed the presence of Chlorothiazide and Hydrochlorothiazide, prohibited substances. The prohibited substances found in Whata Journey are medications prescribed for human consumption.

On 12 January 2022 Whata Journey had presented at the Bendigo harness racing where it competed in Race 5 in which it finished in first place. On 12 January 2022 Whata Journey underwent a post-race urine test, which provided a negative result.

On 3 February 2022, Investigative Stewards conducted a telephone interview with you. At that time, you were notified of the analysis findings of 17 December. You had no reason for the prohibited substances being in the horse. You did not know what the prohibited substances were except for O-Desmethylvenlafaxine, which you identified as an anti-depressant. You advised that you would discuss the findings with your husband and the owners of the horse.

You were given the opportunity to scratch the horse without penalty from the race at Kilmore. You did not scratch the horse.

On 25 February 2022 the Investigative Stewards attended your stables. You were interviewed. You advised that blood pressure medications and heart medications may have been taken by people who work at your stable. You do not record which person handles which horse at the stables. All mares, including Whata Journey share the same paddock, stables and the same food. You could not explain how Whata Journey tested positive for those medications. On race day Whata Journey would come inside from the mares paddock at 2.00pm and would be kept in a box until she was ready to leave for the races.

Investigative Stewards attended the paddock in which Whata Journey was kept and located a hose leading from the property’s septic tank system into that paddock. It was accepted that the prohibited substances came as a result of the horse eating grass in the area of a septic tank and where there was sewage overflow. Septic water was emanating onto the grass and dirt area of the paddock. The septic tank is connected to the toilets on the property.

Dr Lesley Hawson, HRV Veterinarian, reported that the test results confirmed the presence of prohibited substances. If they are present in a racehorse on race day, it is probable that a horse would test positive to the substances if it had recently grazed on pasture exposed to waste sources that came from a household where members were ingesting these pharmaceuticals.

We have heard the submissions of the Stewards and of Mr Sheales on your behalf. We have taken into account your plea of guilty and your co-operation with the Stewards. We have considered your training history, your record and your personal circumstances. We accept that there was no intention to give the horse any prohibited substance or to try and gain any unfair advantage. We also accept that the contamination in this case was inadvertent. We also take into consideration the high number of horses, namely 770, presented by you to race in this current year.

We have considered the purposes and objects of the Rules of Racing relating to prohibited substances. These are that the integrity of racing is protected, that harness racing is conducted on a level playing field and that horses race without the assistance of drugs. Finally, it is very important that racing is conducted fairly from the viewpoint of the betting public.

We take into account penalties in similar cases.

In all the circumstances, on Charge 1, we impose a penalty of a fine of $750 wholly suspended for 12 months on the basis that no further breach of this rule occurs during that period.

On Charge 2, we impose a penalty of a fine of $1,500 wholly suspended for 12 months on the basis that no further breach of this rule occurs during that period.

In addition, Whata Journey is disqualified from Race 9 at Melton on 17 December 2021 and the finishing order is amended accordingly.

Whata Journey is also disqualified from Race 8 at Kilmore on 3 February 2022 and the finishing order amended accordingly.

Mark Howard

Registrar, Victorian Racing Tribunal