11 October 2023

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**PAUL CAUCHI**

**Date of hearing:** 4 October 2023

**Panel:** Justice Shane Marshall (Deputy Chairperson) and Judge Julie Nicholson.

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

Mr Paul Cauchi represented himself.

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

(1) 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 with Harness Racing Victoria and a person bound by the Australian Harness Racing Rules;

2. At all relevant times, you were the trainer of “Rockandance”;

3. On 18 March 2022, you presented Rockandance to race at the Shepparton harness racing meeting in Race 5, the “Mickie and Dorrie Cormican Memorial Vicbred Pace”;

4. Following Race 5, a urine sample was collected from Rockandance, with subsequent analysis of that sample revealing the presence of Salbutamol;

5. As the trainer of Rockandance on 18 March 2022, you presented that horse to race at the Shepparton harness racing meeting not free of a prohibited substance.

**Plea:** Guilty

**DECISION**

1. At all material times Mr Paul Cauchi was a licensed Grade A harness racing trainer and the trainer of the horse, “Rockandance”. Rockandance competed in Race 5 at Shepparton on 18 March 2022. A post-race swab taken from the horse showed the presence of salbutamol. Salbutamol is a prohibited substance which is sold under the brand name “Ventolin”. It is capable of improving the performance of a horse in a race in a positive way by acting as a muscle relaxant.
2. Stewards of Harness Racing Victoria (“HRV”) have charged Mr Cauchi under Australian Harness Racing Rule (“AHRR”) 190(1) with presenting a horse to race while not free of a prohibited substance. Mr Cauchi has pleaded guilty to that charge. The most likely cause of the positive swab was cross-contamination from Mr Cauchi’s partner, Ms Galea, who has asthma and uses “Zempreon”, which contains salbutamol, to treat her asthma.
3. In setting a penalty, we take into account general and specific deterrence, the importance of having a level playing field by maintaining a drug free industry, as well as recent penalties in like cases and Mr Cauchi’s guilty plea. We also take into account a previous positive swab to meloxicam in a matter involving Mr Cauchi which was heard by the Tribunal in August 2020. He was then fined $3,000 with $1,000 suspended for a breach of AHRR 190(1).
4. In all the circumstances, we impose a penalty of a fine of $3,000.
5. In addition, Rockandance is disqualified from Race 5 at Shepparton on 18 March 2022.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal