8 December 2023

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**ALAN RATNASINGHAM**

**Date of hearing:** 28 November 2023

**Panel:** Magistrate John Doherty (Deputy Chairperson) and Judge Julie Nicholson.

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

Mr Alan Ratnasingham 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 and driver with HRV and a person bound by the Australian Harness Racing Rules;

2. At the relevant time you were the trainer of Illawong Phoenix;

3. On 21 February 2023, the horse Illawong Phoenix was presented to race at the Cranbourne harness racing meeting in Race 8, the ‘Mark Gurry & Associates Pace’;

4. Following Race 8, a urine sample was collected from Illawong Phoenix with subsequent analysis of that sample revealing an arsenic concentration in excess of the allowable threshold;

5. As the trainer of Illawong Phoenix on 21 February 2023, you presented that horse to race in the ‘Mark Gurry & Associates Pace’ at Cranbourne 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 Alan Ratnasingham has pleaded guilty to a presentation charge under AHRR 190(1). He is the licensed trainer of Illawong Phoenix, which won Race 8 at Cranbourne on 21 February 2023. Specifically, a post-race urine sample taken from the horse was found to contain an elevated level of arsenic 0.55 mg/l in excess of the threshold level of 0.30 mg/l.

During an interview with Stewards on 23 March 2023, Mr Ratsingham stated that the horse had not been treated with any products containing arsenic. However, the horse had chewed the wooden fence posts in the yard where it was housed.

A subsequent analysis of the wood sample taken from a post in the yard contained the presence of arsenic at a level consistent with Copper Chrome Arsenate (CCA) treated timber. Thus, it appears that the contaminated wooden posts are the source of the arsenic.

Mr Ratnasingham is 67 years old. He has been involved in the harness racing industry since 1997 and can be described as a hobby trainer. He is also employed as a bus driver. He has two horses in work and rents his training property. He has taken steps to reduce the likelihood of another positive swab for arsenic by painting the wooden posts with diesel oil and covering them with plastic. His plea of guilty at the earliest time possible entitles him to a discount on penalty and he has no record of prior offences concerning prohibited substances.

In recent years there have been various notices to the industry about the risk imposed by CCA treated timber. The Stewards have submitted penalties that have been handed down in like cases, noting the need for a level playing field for all participant and a penalty that will deter others from committing offences relating to prohibited substances.

In all the circumstances, we impose a fine of $2,000 with $1,500 to be suspended for 12 months, providing that there is no breach of the rules relating to prohibited substances.

It is also ordered that Illawong Phoenix be disqualified from the subject race and that the finishing order be amended accordingly. Any prize money won is forfeited to Harness Racing Victoria.

Mark Howard

Registrar, Victorian Racing Tribunal