23 February 2024

**DECISION**

**GREYHOUND RACING VICTORIA**

**and**

**PAUL WATSON**

**Date of hearing:** 14 February 2024

**Panel:** Judge John Bowman (Chairperson) and Ms Melissa Mahady.

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

Mr Luke Dunne represented Mr Paul Watson.

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

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

AHRR 190A(4) states:

(4) Any person who is in possession of a substance specified in sub rule (2) or a metabolite, artifact or isomer of such substance is guilty of an offence.

**Particulars: Charge 1: AHRR 190(1)**

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

2. At the relevant time you were the trainer of “Emily Vincent”;

3. On 15 December 2022, the horse Emily Vincent was presented to race at the Maryborough harness racing meeting in Race 1, the ‘Red House Bakery 2YO Pace’;

4. Following Race 1, a urine sample was collected from Emily Vincent with subsequent analysis of that sample revealing a cobalt concentration in excess of the allowable threshold;

5. As the trainer of Emily Vincent on 15 December 2022, you presented that horse to race in the ‘Red House Bakery 2YO Pace’ at Maryborough not free of cobalt, a prohibited substance when present at a concentration in excess of 100 micrograms per litre in urine.

**Charge 2: AHRR 190A(4)**

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

2. On 27 January 2023, HRV Investigative Stewards conducted a stable inspection at your stables in Carisbrook, Victoria; during which they located and confiscated one (1) bottle of liquid labelled ‘Stanozolol’;

3. Subsequent analysis by Racing Analytical Services Limited confirmed that the liquid in the bottle contained stanozolol, which is an anabolic androgenic steroid;

4. By having stanozolol at your stables, you were in possession of an anabolic androgenic steroid, which is a prohibited substance specified in AHRR 190A (2).

**Pleas:** Guilty to Charge 1

Not Guilty to Charge 2

**DECISION**

Mr Paul Watson, you have pleaded guilty to a breach of Australian Harness Racing Rule (“AHRR”) 190(1), the presentation of a horse for a race when not free of a prohibited substance. The horse involved was “Emily Vincent”, which competed in and won Race 1 at Maryborough on 15 December 2022. A post-race swab revealed the presence of cobalt in excess of the allowable threshold of 100 micrograms per litre, the reading being originally 121 micrograms.

You have pleaded not guilty to a breach of AHRR 190A(4). That Rule prohibits the possession of a specified substance, in this case a bottle containing a liquid which in turn contained stanozolol, an anabolic androgenic steroid. We shall return to this, but say now that we find the charge proven, although extenuating circumstances exist.

We turn to Charge 1, the swab positive to cobalt. The source of the cobalt cannot be identified. Mr Andrew Cusumano, appearing on behalf of the Stewards, stated this and we would agree. The possibility of the effect of flooding at your property in approximately October 2022 was raised by you when interviewed, and was expanded upon by your son, Mr Luke Dunne, who represented you in a very capable fashion. The Stewards have obtained expert evidence and explored various avenues. The bottom line is that the cause of the positive swab remains a mystery. However, by pleading guilty, you have effectively acknowledged that ultimate responsibility rests with you.

In relation to your background and circumstances, involvement in harness racing as a driver and trainer has effectively been your only occupation. You have been a licensed trainer since 1979. In recent years, you have trained a comparatively small team of horses for various individuals. You live on a property in Carisbrook, where the horses are stabled at the moment. Two sons, including Mr Luke Dunne and his partner, are living there. You recently have had amputation of a leg. You are in receipt of a disability pension. You pay no rent at the property, ownership of which involves some current litigation in New Zealand. Your continued occupation may well depend on the outcome of that litigation, which it should be said, does not involve you. You have no other source of income.

You have convictions for three relevant prior matters. They involved prohibited substances. One was in 1991, one was in 2006, and the most recent in 2012. Thus, you do not have an unblemished record, but the prior offences are becoming somewhat dated.

Offences against Rules such as this are serious matters. They damage the concept of a level playing field and an honest industry. We appreciate that no wilful administration occurred in this case, and indeed the source of the prohibited substance is a mystery.

We bear in mind the penalties imposed in like cases over the years, including your prior offences. The circumstances of your offending are such that, were it not strict liability, no established fault can be attributed to you. You have pleaded guilty from an early stage. We also bear in mind your personal circumstances and the very large role that harness racing has always played in your life.

In all the circumstances, we have arrived at the following penalty. On Charge 1, you are suspended for a period of 12 months, with six months suspended for a period of 12 months.

Further, Emily Vincent is disqualified as the winner of Race 1 at Maryborough on 15 December 2022 and the finishing order is amended accordingly.

Turning to Charge 2, we accept that the prohibited substance found was in an old container left by some previous occupant of the property. We accept that it was never used by you and effectively, you had been unaware of its presence. Whilst that is no defence, it is certainly relevant to penalty. It also underlines the importance of repeated checking on medication and the like, particularly if you are taking over existing premises.

We fine you the sum of $1,000, with $500 suspended for 12 months pending no further breach of the relevant Rule.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal