28 March 2024

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**RAHARNA McDONALD**

**Date of hearing:** 6 March 2024

**Panel:** Judge John Bowman (Chairperson) and Mr Robert Abrahams.

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

Ms Raharna McDonald represented herself.

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

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

**Particulars:** 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 the horse “Denzil Debro”;

3. On 21 March 2023, Denzil Debro was presented to race at the Mildura harness racing meeting in Race 4, the ‘Vale Phil Frost Pace’;

4. Prior to Race 4, a urine sample was collected from Denzil Debro with subsequent analysis of that sample revealing the presence of 3-Hydroxylignocaine and Norlignocaine;

5. As the trainer of Denzil Debro on 21 March 2023, you presented that horse to race in the ‘Vale Phil Frost Pace’ at Mildura not free of the prohibited substances 3-Hydroxylignocaine and Norlignocaine.

**Plea:** Guilty

**DECISION**

Ms Raharna McDonald, you have pleaded guilty to a breach of Australian Harness Racing Rule (“AHRR”) 190(1), which essentially involves the presentation of a horse with a prohibited substance in its system.

The horse involved, and trained by you, was “Denzil Debro”, which ran in Race 4 at Mildura on 21 March 2023. A urine sample taken prior to the race essentially detected the presence of the prohibited substance 3-hydroxylignocaine and norlignocaine, which has the potential to enhance performance. The horse in fact finished sixth.

The source of the prohibited substance cannot be identified with any certainty, but the most probable source was an ointment which had been applied to a pet dog with a leg injury. You did not was your hands after using the substance. In addition, the dog roamed through the stable area and another area used by the horses. No other feasible exposure to the prohibited substance can be identified.

You have had some connection with both the harness racing industry and the gallops for many years, although your work as a licensed trainer of harness racing horses only commenced comparatively recently. You continue to be a licensed trainer of thoroughbreds. As we understand it, you currently train some nine thoroughbreds and four pacers. You hold a B grade harness racing trainers licence.

You train your horses on your 12 acre property near Mildura. You are paying off a substantial mortgage at the rate of $3,500 per month. You are also working on a part-time basis at Trentham Estate. You have five children living at home, their ages ranging from 11 to 22. You also have the normal expenses associated with running a household and stables.

We note that you do have a record of a couple of prior drug-related offences as a stablehand. More relevantly, in harness racing you have a good record, with two offences relating to matters not associated with prohibited substances.

Offences to do with prohibited substances are serious offences and this is fully understandable. They strike at the heart of the integrity of the industry and the concept of a level playing field.

Mr Cusumano, on behalf of the Stewards, has argued for a fine of $5,000. He has also referred to some similar cases in the thoroughbred industry, where fines have ranged from $4,000 with $1,500 suspended to a fine of $6,000 with $1,500 suspended. As he pointed out, these were thoroughbred offences and the fine of $6,000 was in a matter where the person charged pleaded not guilty and contested that charge.

We have come to the conclusion that the appropriate penalty is a fine of $4,500, with $1,500 suspended for a period of 24 months. That $1,500 will only become payable if you commit a relevant offence during that 24 month period. We are hopeful that you would not.

Thus, the bottom line is a fine of $3,000 payable forthwith and $1,500 suspended for 24 months.

Finally, Denzil Debro is disqualified from Race 4 at Mildura on 21 March 2023 and the finishing order is amended accordingly.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal