17 June 2024

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**GLENN BULL**

**Date of hearing:** 30 May 2024

**Date of decision:** 30 May 2024

**Panel:** The Hon. Shane Marshall AM (Deputy Chairperson) and Dr June Smith.

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

Mr Glenn Bull 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 *Very Tempting*;

3. On 28 March 2023, the horse *Very Tempting* was presented to race at the Kilmore harness racing meeting in Race 5, the “Garrard's Horse And Hound Pace”;

4. Following Race 5, a urine sample was collected from *Very Tempting* with subsequent analysis of that sample revealing an arsenic concentration in excess of the allowable threshold;

5. As the trainer of *Very Tempting* on 28 March 2023, you presented that horse to race in the “Garrard's Horse And Hound Pace” at Kilmore 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**

1. Mr Glenn Bull is a Grade A licensed trainer and a person bound by the Australian Harness Racing Rules (“AHRR”).
2. Mr Bull was at all material times the trainer of the horse “Very Tempting”. Very Tempting competed in Race 5 at Kilmore on 28 March 2023. A urine sample taken from the horse after the race showed the presence of arsenic at a level above the allowable threshold.
3. Stewards of Harness Racing Victoria have charged Mr Bull with an offence under AHRR 190(1). That sub-rule prohibits the presentation of a horse for an event whilst not free of a prohibited substance. Mr Bull pleaded guilty to the charge at the earliest opportunity.
4. The source of the positive swab was the chewing of Copper Chrome Arsenic treated pine timber known as CCA. This has been verified by appropriate testing. Mr Bull has taken steps to ensure that his horses are not able to access wooden posts of that kind in the future. He has placed chicken wire that could not be removed over the posts.
5. In setting a penalty, we take into account general deterrence and the importance of having a level playing field in harness racing by minimising the role of prohibited substances. Although a naturally occurring substance which is found in most food items and other materials at low levels, arsenic beyond the threshold has the capacity to affect the condition and performance of a horse in a race.
6. In arriving at a penalty, we take into account recent penalties in like matters, the guilty plea and Mr Bull’s remorse, as well as his faultless record, over many years of training, regarding prohibited substances.
7. In all the circumstances, we impose a financial penalty of $2,000, with $1,500 suspended for 12 months pending no further relevant offending in that period. In addition, Very Tempting is disqualified from Race 5 at Kilmore on 28 March 2023 and the finishing order is amended accordingly.

Mark Howard

Registrar, Victorian Racing Tribunal