22 July 2024

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**JOSEPH PACE**

**Date of hearing:** 2 July 2024

**Date of decision:** 2 July 2024

**Panel:** Judge Marilyn Harbison (Deputy Chairperson) and Ms Danielle Hikri

**Appearances:** Mr Daniel Caruana appeared on behalf of the Stewards.

Mr Joseph Pace 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:** 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 “Flowertop Mountain”;

3. On 14 July 2023, Flowertop Mountain was presented to race at the Melton harness racing meeting in Race 3, the ‘Tab Download The App Pace’;

4. Following Race 3, a urine sample was collected from Flowertop Mountain with subsequent analysis of that sample revealing the presence of Diclofenac;

5. As the trainer of Flowertop Mountain on 14 July 2023, you presented that horse to race in the ‘Tab Download the Race’ at Melton not free of the prohibited substance Diclofenac.

**Plea:** Guilty

**DECISION**

1. Mr Joseph Pace is a trainer with Harness Racing Victoria (“HRV”). He presented the horse, “Flowertop Mountain” to race at Melton on 14 July 2023. A post-race sample of urine taken from the horse revealed the presence of the prohibited substance, diclofenac.
2. Thus, Mr Pace has been charged with presenting the horse for a race when it was not free of a prohibited substance.
3. It has become apparent that the substance was present in a medication used by Mr Pace to control excruciating chronic pain in his knee. This medication is Voltaren, which is a widely used over the counter pain relief medication and comes in a tube. Mr Pace applies this medication every day to his knee and the most likely explanation for this substance being present in the system of the horse is that he may not have properly washed his hands after applying it.
4. The Stewards accept that, at no time, he intended to apply this substance to the horse. He did not realise what had happened until it was explained to him by the Stewards.
5. Mr Pace has pleaded guilty to this Charge. He has been a licensed trainer since 1990, a period of approximately 34 years. He has had no prior offences of this nature.
6. In setting a penalty, we have taken into account his prior history and the circumstances which have been outlined to us in relation to this offence. The offence is objectively serious. The Rule exists to ensure a level playing field within harness racing and to protect the health of the participating horses.
7. In all the circumstances, we impose a penalty of a fine of $2,000, of which $1,000 is fully suspended for 12 months pending no further relevant offences in that time.
8. In addition, Flowertop Mountain is disqualified from Race 3 at Melton on 14 July 2023 and the finishing order is amended accordingly.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal