2 July 2024

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**LUKE WATSON**

**Date of hearing:** 14 June 2024

**Date of decision:** 14 June 2024

**Panel:** The Hon. Shane Marshall AM (Deputy Chairperson) and Mr Greg Childs.

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

Mr Luke Watson represented himself.

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

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

AHRR 190B(1)(b) states:

1. A trainer shall at all times keep and maintain a log book:-

(b) recording all details of treatment administered to any horse in his or her care and including as a minimum requirement:

(i) the name of the horse

(ii) the date and time of the administration of the treatment

(iii) the name of the treatment (brand name of active constituent)

(iv) the route of administration

(v) the amount given

(vi) the name and signature of the person or persons administering and/or authorising the treatment.

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

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 the horse Online Model;

3. On 3 January 2023, Online Model was presented to race at the Mildura harness racing meeting in Race 1, the “Euston Club Resort 3yo & Older Maiden Pace”;

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

5. As the trainer of Online Model on 3 January 2023, you presented that horse to race in the “Euston Club Resort 3yo & Older Maiden Pace” at Mildura not free of cobalt, a prohibited substance when present at a concentration in excess of 100 micrograms per litre in urine.

**Charge 2: AHRR 190B(1)(b)**

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. On 9 February 2023, you were interviewed by HRV Investigative Stewards, during which you gave evidence to the effect that you do not use a log book and had not used one for two years;

3. On 30 November 2023, you were interviewed by HRV Investigative Stewards, during which you gave evidence to the effect that you administered injections to horses in your care, including injections of “Tripart” and “V.A.M”, and that the treatments were not recorded anywhere;

4. You failed to keep and maintain a log book as required.

**Pleas:** Guilty

**DECISION**

1. Mr Luke Watson is a grade A trainer and a driver of harness racing horses. At all material times, he was the trainer of the horse “Online Model”. Online Model competed in Race 1 at Mildura on 3 January 2023. A post-race swab revealed the presence of cobalt at a level beyond the permitted threshold.
2. Cobalt at a level beyond the stated threshold is a prohibited substance under the Rules of Harness Racing. It is a naturally occurring element which is found at low levels in most food sources. It improves metabolism and increases the production of red blood cells. It is capable of affecting the condition or performance of a horse in a race.
3. Stewards of Harness Racing Victoria (“HRV”) have charged Mr Watson with an offence under Australian Harness Racing Rule (“AHRR”) 190(1) – presenting a horse for a race while not free of a prohibited substance. Mr Watson pleaded guilty to the offence at the earliest opportunity.
4. Mr Watson was aware of the presence of cobalt in supplements given to some of his horses by him. These supplements have included “Cell-Iron”, “Hygain Recuperate” and “V.A.M”. It is not clear what cobalt-containing substances were given to Online Model. There is also the possibility of contamination by water. The Stewards accept that the source of the cobalt reading is unknown.
5. Mr Watson has also been charged with an offence under AHRR 190B(1)(b) for failing to maintain and keep a log book. Mr Watson had neglected to keep a log book for up to two years. He was most remiss in doing so. It makes the job of Stewards more difficult if log books are not properly maintained and even more so where they are not maintained at all. Mr Watson has pleaded guilty to this offence at the earliest opportunity.
6. In setting penalties on each charge, particularly the presentation charge, we take into account general and specific deterrence, especially general deterrence, as well as the importance of maintaining a level playing field by having a drug-free industry. We also take into account the early guilty pleas and the unblemished record of Mr Watson over his 14 years as a trainer in the industry, as well as the considerable delay in bringing the matter on for hearing.
7. On the presentation charge, we impose a penalty of 12 months suspension, with 10 months of that period being suspended for a period of 24 months, pending no further relevant offending. The effective two months suspension shall commence at 12.00 AM on 15 June 2024. At this stage, we will impose that penalty only in respect of Mr Watson's training licence and we will program a further hearing to consider whether the driver's licence should be affected. We will do so as soon as is reasonably practical.
8. On the record-keeping charge, we impose a fine of $500 with $250 suspended for a period of 24 months, pending no further relevant offending.
9. In addition, Online Model is disqualified from Race 1 at Mildura on 3 January 2023, and the finishing order is amended accordingly.
10. We note that the Tribunal is empowered to hear the presentation charge as it is defined in the Rules as a serious offence. The record-keeping charge is a non serious offence under the Rules, which was referred to the Tribunal under the *Racing Act 1958* by the Chief Steward of HRV.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal