2 July 2024

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**REECE MOORE**

**Date of hearing:** 13 June 2024

**Date of decision:** 13 June 2024

**Panel:** The Hon. Shane Marshall AM (Deputy Chairperson) and Mr Robert Abrahams.

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

Mr Reece Moore 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 *‘Pet Kitty’*;

3. On 9 January 2024, the horse *‘Pet Kitty’* was presented to race at the Mildura harness racing meeting in Race 3, ‘The Gateway Pace Final’;

4. Following Race 3, a urine sample was collected from *‘Pet Kitty’* with subsequent analysis of that sample revealing an arsenic concentration in excess of the allowable threshold;

5. As the trainer of *‘Pet Kitty’* on 9 January 2024, you presented that horse to race in ‘The Gateway Pace Final’ at Mildura 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 Reece Moore is a Grade A licensed trainer and a person bound by the Rules of Harness Racing (He is also licensed as a Grade A driver).
2. Mr Moore was, at all material times, the trainer of the horse, “Pet Kitty”. Pet Kitty competed in Race 3 at Mildura on 9 January 2024. A post-race sample of urine taken from the horse showed the presence of arsenic at a level above the threshold allowable in the Rules of Harness Racing.
3. Stewards of Harness Racing Victoria have charged Mr Moore with an offence under Australian Harness Racing Rule 190(1). That sub-rule proscribes the presentation of a horse for an event while not free of a prohibited substance. Arsenic at a level above the allowable threshold is a prohibited substance. Arsenic is a common element in many substances and occurs naturally at low levels and has the capacity to affect the condition or performance of a horse in a race in a positive way, but also in a negative way at high levels.
4. Mr Moore pleaded guilty to the offence at the earliest opportunity and has co-operated fully with the Stewards.
5. The source of the positive swab was most likely the chewing of Copper Chrome Arsenic treated pine timber posts by the horse. This issue has been rectified subsequently by Mr Moore’s pulling out pine fences at his stable and replacing them with star pickets, amongst other measures. But for the considerable effort taken by Mr Moore to overcome the problem of arsenic contamination, the penalty we will impose would have been higher.
6. In setting a penalty, we take into account general deterrence and the importance of having a level playing field by keeping a drug free industry. Although arsenic is a naturally occurring substance found in most foods and other materials are at low levels, arsenic above the threshold has the capacity to effect the condition and performance of a horse in a race.
7. In coming to the appropriate penalty, we also take into account recent penalties in like matters, the early guilty plea, the co-operation with Stewards and the steps taken to prevent a reoccurrence of them, as well as Mr Moore’s record.
8. Mr Moore has a prior offence under AHRR 190(1) from May 2021. In that matter a horse trained by him returned a positive swab to Capsiacim and Dihydrocapsiacim (a metabolite of that substance). He pleaded guilty and was fined $3,000 with $1,500 suspended for 12 months. That substance is found in pain relief medication. In that matter the source of the positive swab was unknown and it was Mr Moore’s first offence regarding prohibited substances after 7 years of training. One possibility was contamination due to Mr Moore training in community stables.
9. In all the circumstances, we impose a fine of $2,500, with $2,000 suspended pending no further relevant breach of the Rules of Harness Racing in the next 12 months.
10. In addition, Pet Kitty is disqualified from Race 3 at Mildura on 9 January 2024 and the finishing order is amended accordingly.

Mark Howard

Registrar, Victorian Racing Tribunal