15 August 2024

**DECISION**

**RACING VICTORIA**

**and**

**ROBERT HICKMOTT**

**Date of hearing:** 7 August 2024

**Date of decision:** 7 August 2024

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

**Appearances:** Mr Scott Hunter appeared on behalf of the Stewards.

Mr Robert Hickmott represented himself.

**Charges and particulars:** **Charge 1 of 2: AR 240(2)**

AR 240(2) reads as follows:

**AR 240 Prohibited substance in sample taken from horse at race meeting**

**…**

1. *Subject to subrule (3), if a horse is brought to a racecourse for the purpose of participating in a race and a prohibited substance on Prohibited List A and/or Prohibited List B is detected in a sample taken from the horse prior to or following its running in any race, the trainer and any other person who was in charge of the horse at any relevant time breaches these Australian Rules.*

**The particulars of the charge**

1. You are, and were at all relevant times, a trainer licensed by Racing Victoria and a person bound by the Rules of Racing.
2. You were, at all relevant times, the trainer of *Haaland* (the **Horse**)*.*
3. On 11 February 2024*,* the Horse was brought to the Bendigo Racecourse and was engaged to race in Race 5, the Agnes Banks Equine Clinic Handicap, over 2200 metres (the **Race**).
4. On 11 February 2024, following the Race, a urine sample (V819405) was taken from the Horse (the **Sample).**
5. An analysis of the Sample detected the presence of Procaine.
6. Procaine is a prohibited substance pursuant to Division 1 of Part 2 of Schedule 1 (Prohibited list B) of the Australian Rules of Racing.

**Charge 2 of 2: AR 104**

AR 104(1) reads as follows:

**AR 104 Trainers must keep treatment records**

* 1. *A trainer must record any medication or treatment administered to any horse in the trainer’s care by midnight on the day on which the administration was given.*
	2. *For the purpose of subrule (1), each record of administration must include the following information: the name of the horse;*

 *the date and time of administration of the treatment or medication;*

 *the name of the treatment or medication administered (brand name or active constituent);*

 *the route of administration including by injection, stomach tube, orally, topical application or inhalation;*

 *the amount of medication given (if applicable);*

 *the duration of treatment (if applicable);*

 *the name and signature of the person/s administering and/or authorising the administration of the treatment or medication.*

 *the reason for administering the treatment or medication.*

*[subrule amended 01/02/21]*

**The particulars of the charge**

1. You are, and were at all relevant times, a trainer licensed by Racing Victoria and a person bound by the Rules of Racing.
2. You are, and were at all relevant times, the trainer of *Haaland* (the **Horse**) and responsible for the maintenance of treatment records for any horse in your care.
3. On 29 January 2024, the Horse was administered a nerve block consisting of approximately 4-6 ml of Mepivacaine.
4. On 29 January 2024, you did not record all medications or treatments administered to the Horse by the end of the day on which the administration was given, as required by AR 104(1).

**Pleas:** Guilty to both charges.

**DECISION**

Mr Robert Hickmott, you have pleaded guilty to two charges. One is a breach of AR 240(2) – what is usually described as a presentation offence. Charge 2 is a breach of AR 104(1) and concerns a failure to keep proper treatment records, this essentially relating to one omission.

Charge 1 is based upon a positive return revealed in a post-race urine sample taken from Haaland, trained by you, after it ran in Race 5 at Bendigo on 11 February 2024. It in fact won the race.

The urine sample tested positive to Procaine. Whilst the horse had undergone some treatment following standing on a nail on 24 January 2024, that treatment being administered by Dr Joel Hummel, it seems unlikely that this was the source of the Procaine. It could be attributed to a treatment error by a staff member, but even that is far from clear. Thus, the source of the procaine remains a mystery.

You have a long history in the racing industry as a trainer. Currently you have stables at Ballarat. Whilst you have had a greater number of horses there in previous years, you have been undertaking some revision of the stock and reduced it to currently approximately 18 horses.

You do have a relevant prior conviction, this being at Morphettville approximately 9 years ago. That was for a breach of AR 178, which could be described as the predecessor of AR 240(2). You were fined on that occasion.

Given your long history in the industry and the heights to which you have risen, your record in relation to prohibited substances could certainly be described as good. However, the prior offence must also be taken into account.

In all the circumstances, on Charge 1 you are fined the sum of $5,000.

Charge 2 relates to your record keeping and AR 104(1). There was one omission on one occasion of failing to record the administration of a nerve block to Haaland on 29 January 2024.

The keeping of proper records is of great importance and assistance to the work done by the Stewards. In all the circumstances, including your record, we are of the view that a fine of $1,000 is appropriate.

Thus, the total financial penalty is $6,000.

Further, Haaland is disqualified from Race 5 at Bendigo on 11 February 2024 and the finishing order is amended accordingly.

Mark Howard

Registrar, Victorian Racing Tribunal