13 December 2024

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**PHILLIP CHIRCOP**

**Date of hearing:** 27 November 2024

**Date of decision:** 27 November 2024

**Panel:** Judge John Bowman (Chairperson), Magistrate Peter Reardon (Deputy Chairperson) and Ms Danielle Hikri.

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

Mr Anthony Bull appeared on behalf of Mr Phillip Chircop.

**Charges and particulars:**

**Charge No. 1 of 2**

The Stewards charge you with a breach of AHRR 190 (1) which reads as follows:

*A horse shall be presented for a race free of prohibited substances.*

**The particulars of the charge being:**

1. At all relevant times, you were a licensed trainer with HRV and a person bound by the Australian Harness Racing Rules;
2. At all relevant times, you were the trainer of the horse *Just Miki*;
3. On 27 November 2023, *Just Miki* was presented to race at the Horsham harness racing meeting in race 5, the “Sunday 3/12 Stawell Pacing Cup Pace”;\
4. Following Race 5, a urine sample was collected from *Just Miki* with subsequent analysis of that sample revealing the presence of trendione and 17ß-trenbolone;
5. As the trainer of *Just Miki* on 27 November 2023, you presented that horse to race in the “Sunday 3/12 Stawell Pacing Cup Pace” at Horsham not free of the prohibited substances trendione and 17ß-trenbolone.

**Charge No. 2 of 2**

The Stewards charge you with a breach of AHRR 190AA(1) and (2) which reads as follows:

1. *A horse must not, in any manner, at any time, be administered an anabolic androgenic steroid.*
2. *Any person who:*

*(a) administers an anabolic androgenic steroid;*

*(b) attempts to administer an anabolic androgenic steroid;*

*(c) causes an anabolic androgenic steroid to be administered; and/or*

*(d) is a party to the administration of, or an attempt to administer, an anabolic androgenic steroid, to a horse is guilty of an offence.*

**The particulars of the charge being:**

1. At all relevant times, you were a licensed trainer with HRV and a person bound by the Australian Harness Racing Rules;
2. At all relevant times, you were the trainer of the horse *Just Miki*;
3. On 5 January 2024, you gave evidence to HRV Stewards to the effect that you administered “Ovu-Mate” to *Just Miki* every day (other than on a race day, the day prior to a race day and Sundays);
4. Subsequent analysis of the “Ovu-Mate” dispensed to you on 27 July 2023, and administered to *Just Miki,* found it to contain an anabolic androgenic steroid, namely 17ß-trenbolone;
5. You did administer an anabolic androgenic steroid to *Just Miki.*

**Pleas:** Guilty to both Charges.

**DECISION**

Mr Phillip Chircop, you have pleaded guilty to two Charges involving the horse “Just Miki”, trained by you.

Charge 1 is a breach of AHRR 190(1), arising out of the run of Just Miki in Race 5 at Horsham on 27 November 2023. You were the trainer of Just Miki, which won the race. A post-race urine sample proved positive to the prohibited substance trendione and 17ß-trenbolone.

Charge 2 relates to the administration of an anabolic endogenous steroid containing 17ß-trenbolone to Just Miki effectively on every day other than race days. This substance was in Ovumate, a medication which you were administering to the horse on the advice of Dr Stuart Vallance, veterinary surgeon.

Whilst there are two Charges, this was effectively treated as being the one case and was so presented and defended. Both Mr Cusumano on behalf of the Stewards and Mr Bull on your behalf addressed the question of penalty in terms of one overall penalty. We would add that the presentation of the case on behalf of both parties was of a very high standard indeed and we thank all involved.

Precedents were put before us, along with two powerful references on your behalf. They described you as a person of very high integrity and honesty and a man of truth. Further, you have an excellent record, having been engaged in the industry for some 31 years. We repeat that you were effectively administering the medication in question on the advice of your veterinary surgeon.

Unfortunately, you are not computer literate. Warnings in relation to the substance you were administering on almost a daily basis, and on veterinary advice, did not get through to you.

The existence of a prohibited substance in a horse presented for racing is a serious matter. The integrity of harness racing must be protected and patrons and competitors alike must be confident that no illegal advantage is being obtained.

However, we are also conscious of the fact that, in this particular case, you had no intention of gaining any unfair advantage and were acting in accordance with a veterinary opinion.

When we combine that with your excellent record over many years and your very high reputation in the industry, along with your co-operation with the Stewards from the outset and your guilty pleas, the following penalties seem to us to be appropriate.

On Charge 1, you are fined the sum of $5,000, but of that amount $3,000 is suspended for a period of 12 months. In the very unlikely event that you commit a relevant offence during that period, that balance of the fine would be activated and payable.

The penalty in relation to Charge 2 is identical, but is completely concurrent with the penalty for Charge 1.

Further, Just Miki is disqualified from Race 5 at Horsham on 27 November 2023 and the finishing order is amended accordingly.

Mark Howard

Registrar, Victorian Racing Tribunal