17 March 2025

**RULING**

**HARNESS RACING VICTORIA**

**and**

**DONNA CASTLES**

**Date of hearing:** 3 March 2025

**Date of decision:** 3 March 2025

**Panel:** Judge John Bowman (Chairperson).

**Appearances:** Mr John Packer appeared on behalf of the Stewards.

Mr Rick Jones represented Ms Donna Castles.

**Charges:** Australian Harness Racing Rule (“AHRR”) 250(1)(a) states:

(1) a driver shall not

(a) attempt or allow his foot or leg to come into contact with the hindlegs of the horse he is driving.

AHRR 250A(1)(a) states:

(1) a person carrying on or purporting to carry on an activity regulated by licence at any time or carrying on official duties at a meeting commits an offence if:

(a) a sample taken from him or her is found upon analysis to contain a substance banned by Rule 254A.

**Particulars of charges: Charge 1 – AHRR 250(1)(a)**

Mrs Donna Castles, a person licensed by Harness Racing Victoria, did present yourself to drive at the Shepparton harness racing meeting on Tuesday, 25th of February 2025, when subject to a breath test, you have recorded a level of alcohol at a concentration of 0.025 per cent which is in excess of 0.02 per cent as prescribed in AHRR 251(c) and in excess of 0.024 per cent as prescribed in the HRV Human Sampling Policy.

**Charge 2 – AHRR 250A(1)(a)**

Ms Donna Castles, a person licensed by Harness Racing Victoria, did present yourself as the trainer of Mussel Shoals and Eagle Major at the Shepparton harness racing meeting on Tuesday, 25th of February 2025, when subject to a breath test, you have recorded a level of alcohol at a concentration of 0.025 per cent, which is in excess of 0.02 per cent as prescribed in AHRR 251A(c) and in excess of 0.024 per cent as prescribed in the HRV Human Sampling 35 Policy.

**Plea:** Guilty

**RULING**

Ms Donna Castles, you are seeking a stay in relation to the penalty handed down by the Stewards concerning an alleged breach by you of Australian Harness Racing Rule (“AHRR”) 250(1)(a) and AHRR 250A(1)(a).

The alleged offending occurred at the Shepparton meeting on 26 February 2025 at which you were to drive. Prior to you engaging in any such driving, you were obliged to undertake a test. This test showed that you had an alcohol reading in excess of the imposed limit. You were suspended immediately, such suspension to expire on 7 May 2025.

You are appealing that finding and are seeking a stay in relation to the operation of the order of 26 February 2025.

Mr Rick Jones, who appeared on your behalf, is in fact in Japan and will be there for approximately a fortnight. The Stewards were represented by Mr John Packer, who spoke against the request for a stay.

This matter came on at very short notice and I had only a limited amount of material before me. Both representatives made helpful and comprehensive submissions.

One aspect of the mater of which I was informed was that, in essence, the reading at which penalties commence is 0.024%. Your reading was 0.025%. Your reading was 0.001% over that limit. You told the Stewards that you had consumed one can of a drink containing alcohol, a Canadian Club whisky and dry, approximately three and half to four hours prior to testing.

We are informed by Mr Jones that you had very little to eat. Further, you have had a battle with breast cancer and are on medication in that regard.

As stated, Mr Jones is in Japan and wishes to pursue information concerning the possible involvement of your medication. I shall add that you are pleading guilty to the charges and the material being gathered by Mr Jones is for the purpose of the nature and duration of the penalty.

It would seem that some additional material concerning your work for charity and your character may also be gathered.

Obviously, this is a very important Rule and breaches of it are of a serious nature.

Mr Jones returns from Japan in approximately two weeks. There is no reason why he cannot be doing some preparation and speak to medical and other potential witnesses in the meantime. As I understand it, the Stewards are ready to proceed.

I will grant a stay, bearing in mind all the circumstances. However, the matter will be fixed for hearing on Thursday, 27 March 2025 at 9.30 am, that being the earliest possible date after Mr Jones returns. The operation of the Orders made by the Stewards is stayed until that date.

Mark Howard

Registrar, Victorian Racing Tribunal