14 August 2025

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**DAVID MURPHY**

**Date of Hearing:** 13 August 2025

**Date of Decision:** 13 August 2025

**Panel:** Judge Marilyn Harbison (Deputy Chairperson) and Ms Amanda Dickens.

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

Mr David Murphy 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 all relevant times, you were the trainer of the horse “Til Heavens Rockn NZ”;

3. On 24 August 2024, Til Heavens Rockn NZ was presented for, and competed in, Race 3 at the Melton harness racing meeting, the ‘Catanachs Jewellers Pace’ (the Race);

4. Following the Race, a urine sample was collected from Til Heavens Rockn NZ with subsequent analysis of that sample revealing the presence of cannabidiolic acid;

5. As the trainer of Til Heavens Rockn NZ on 24 August 2024, you presented that horse for the Race not free of the prohibited substance cannabidiolic acid.

**Plea:** Guilty

**DECISION**

1. Mr David Murphy is a registered trainer with Harness Racing Victoria (“HRV”). He has been charged with one presentation offence. He was the trainer of the horse, “Til Heavens Rockn NZ”. That horse was presented by him to race on 24 August 2024 at Melton. The horse won the race. A post-race urine sample taken from the horse revealed the presence of the prohibited substance, cannabidiolic acid (“CBDA”).
2. Mr Murphy has pleaded guilty to that charge.
3. The sample was initially tested by Racing Analytical Services Limited (“RASL”). The reserve sample was later forwarded to the Australian Racing Forensic Laboratory in Sydney, where it was also tested and the presence of CBDA was confirmed.
4. Mr Murphy was interviewed by the Stewards on 21 October 2024. During that interview, he said that he had had trouble with the digestive health of his horses for a significant period of time, up to 10 years, and had tried various remedies without success, including obtaining veterinary advice. This phenomenon was severely impacting the performance of many horses stabled by him. In desperation, he had discussed the problem with Ms Chelsea Dickson, a close friend of the family and proprietor of a horse feed business known as “Black Horse Naturals”.
5. On her recommendation, Mr Murphy had used a product called “Gut-Align” and another product called “Harmony” approximately since autumn of 2024. He would add approximately 60 grams of each of these products to the night feed of horses.
6. When Mr Murphy approached Ms Dickson, he was primarily interested in Gut-Align, which was a relatively new product, but Ms Dickson also gave him a bucket of Harmony as a free trial, and he decided to use that on his racehorses as well.
7. Thus, the horse would have been consuming both those products for approximately two months before the swab was taken.
8. Mr Murphy said that he had asked Ms Dickson whether these products contained any prohibited substances. He was told that it would be impossible to know because there had been no generalised swabbing by HRV of the product.
9. The Stewards produced an expert report from HRV Chief Veterinarian, Dr B Anil Prabhu. Dr Prabhu said that CBDA is found in cannabis plants, particularly in the fibre and seed oil of hemp. He said that very little is known about the effect of this drug on horses, but that it was known that it was a pain reliever and had anti-anxiety and anti-inflammatory properties.
10. Ms Dickson was contacted by the Stewards. She confirmed that Mr Murphy has had trouble with gut issues in his horses for many years, partly because of the high volcanic soils on his property. She said that she told Mr Murphy that Gut-Align was to be used for racehorses, but that Harmony was not to be used for racehorses, only for spelling and retired horses, as it contained hemp. Ms Dickson was adamant that she had told him that Harmony was not to be used for a racehorse. She pointed out that the Gut-Align label contained a picture of a racehorse, whereas the Harmony label showed a picture of a Shetland pony. It should be noted that each of the products are differently packaged in different colours. On the back of the Harmony product, it is described as being a hemp-based product.
11. Mr Murphy denied to Stewards that he had been given this advice. He said that he had realised at the time that Harmony was a hemp-based product because Ms Dickson had told him so and he asked her a few questions about the presence of hemp in the product. Mr Murphy also said that she had told him that she had been in touch with Queensland and Victorian harness racing bodies, but that those organisations would not tell her much because they did not appear to have swabbed for that product. He said that Ms Dickson did not mention anything about it being only suitable for use when spelling or for retired horses. He said that he did not notice the different labelling between the Harmony product and the Gut-Align product.
12. The Stewards arranged for the remaining Harmony feed on Mr Murphy’s property to be tested. That testing showed that the Harmony product did contain CBDA. It is clear that this product was the cause of the contamination in the horse, given there is no evidence of any other person having contact with the horse whilst using cannabis in any form.
13. CBDA is now a permanently banned prohibited substance. However, at the time this race took place, it was not on the permanently banned prohibited substance list in the Rules. Therefore, the penalties which apply are those which relate to prohibited substances generally, and not to permanently banned prohibited substances.
14. Mr Murphy has no relevant prior offences. He has pleaded guilty. These are matters to be taken into account in his favour.
15. He has clearly made a mistake in feeding the Harmony to his horses. We are unable to reconcile the different accounts of Mr Murphy and Ms Dickson. However, we have concluded that it is most likely that he misunderstood. This is not surprising given that there appears to be some confusion in the industry as to the use of hemp-based products for horses. We accept that he did not intend to flout the Rules.
16. Since the occurrence of this offence, HRV has issued a warning regarding the use of these products. Participants who disregard this warning in the future should expect to be dealt with severely.
17. We accept that general deterrence is our principal sentencing objective today. A trainer has a very high responsibility to ensure that horses are free of prohibited substances. We agree that Mr Murphy has not shown sufficient diligence in this case.
18. We accept that a significant fine is warranted in order to achieve consistency in sentencing. We accept Mr Murphy’s submission that this will cause him financial difficulty. However, it is important for us to demonstrate to other participants that those who choose to feed supplements to their horses bear a very heavy responsibility of ensuring that the Rules as to the presence of prohibited substances are complied with.
19. Taking all these matters into account, the penalty we impose is a fine of $3,000 with $1,500 of that fine suspended for 12 months pending no further relevant offences during that time.
20. In addition, Til Heavens Rockn NZ is disqualified from Race 3 at Melton on 24 August 2024 and the finishing order is amended accordingly.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal