8 October 2025

**DECISION**

**HARNESS RACING VICTORIA**

**and**

**JOE FENECH**

**Date of Hearing:** 8 October 2025

**Date of Decision:** 8 October 2025

**Panel:** Judge Kathryn Kings (Deputy Chairperson), Ms Judy Bourke and Ms Danielle Hikri.

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

Mr Joe Fenech represented himself.

**Charge:** Australian Harness Racing Rule (“AHRR”) 190(1) states:

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 with HRV, and a person bound by the Australian Harness Racing Rules;

2. At all relevant times, you were the trainer of the horse “Viva Storm”;

3. On 22 May 2025, Viva Storm was presented for, and competed in, Race 5 at the Ballarat harness racing meeting, the ‘Chris Leonard PRD Pace’ (the Race);

4. Following the Race, a urine sample was collected from Viva Storm with subsequent analysis of that sample revealing a cobalt concentration in excess of the allowable threshold;

5. As the trainer of Viva Storm on 22 May 2025, you presented that horse for the Race not free of cobalt, a prohibited substance when present at a concentration in excess of 100 micrograms per litre in urine.

**Plea:** Guilty

**DECISION**

Mr Joe Fenech is a trainer licensed by Harness Racing Victoria (“HRV”) and bound by the Australian Harness Racing Rules (“AHRR”). Mr Fenech has been licensed for in excess of 40 years. He is the trainer of the horse, “Viva Storm”. Viva Storm was presented for and competed in Race 5 at Ballarat on 22 May 2025. A post-race urine sample was collected from the horse, with a subsequent analysis detecting the presence of cobalt at a concentration level in excess of 100 micrograms per litre in the urine.

Mr Fenech was charged with a presentation offence pursuant to AHRR 190(1). Mr Fenech pleaded guilty to the charge at the earliest opportunity and has co-operated with the Stewards. Mr Fenech is a B grade trainer and has been in the industry for approximately 40 years. He has no relevant prior offences. The Stewards acknowledge his excellent record.

Mr Fenech said that the horse having cobalt above the allowable threshold in its system at the time of the Race was his mistake and that he had no intention of gaining an unfair advantage. Although his intentions were inadvertent, he must be more vigilant. Clearly the presentation of a horse with levels of cobalt over the threshold is prohibited. All participants in the industry must be vigilant in preventing this from occurring.

In imposing a penalty, we take into account Mr Fenech’s guilty plea, his co-operation with the Stewards, his excellent record and the importance of general and specific deterrence. We also acknowledge the importance of maintaining a level playing field by having a drug free industry. We acknowledge the submissions of the Stewards in relation to penalty. In addition, we take into account penalties in like cases.

In all the circumstances, we impose a penalty of 12 months suspension, with 9 months suspended for 12 months pending no further relevant offences during this time. The effective three month suspension is to commence immediately.

In addition, Viva Storm is disqualified from Race 5 at Ballarat on 22 May 2025 and the finishing order is amended accordingly.

Kathleen Scully

Assistant Registrar, Victorian Racing Tribunal