

Racing Appeals & Disciplinary Board

8 March 2019

HRV RAD Board Hearing – Alex Ashwood

On 7 March 2019, the Harness Racing Victoria (HRV) Racing Appeals and Disciplinary (RAD) Board considered charges issued against licensed driver Alex Ashwood under Australian Harness Racing Rules (AHRR) 190(1), 246 and 194.

Charge 1 – AHRR 190(1) reads as follows:

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

This charge related to a pre-race urine sample collected from the horse 'Queens Advocate NZ' at Tabcorp Park Melton on 21 April 2018 when Mr Ashwood was the person left in charge of the horse by trainer Matthew Dwyer. 'Queens Advocate NZ' won Race 11, the 'Allied Xpress Pace'. Racing Analytical Services Limited (RASL) reported that analysis of the urine sample revealed it to contain the substance cobalt above the allowable threshold which is defined as a prohibited substance.

Charge 2 - AHRR 246 reads as follows:

A person who has reasonable grounds for believing that someone is behaving or may behave or has behaved in a way causing, likely to cause or which has caused a breach of these rules shall promptly bring the matter to the notice of the Controlling Body or the Stewards.

The particulars of this charge related to the failure of Mr Ashwood to notify the Controlling Body or the Stewards when he had reasonable grounds for believing that trainer Matthew Dwyer was in breach the AHRR after Mr Dwyer directed him to administer an injection within one clear day of a race.

Charge 3 and 4 - AHRR 194 reads as follows:

A person who procures or attempts to procure or has in his possession or on his premises or under his control any substance or preparation that is not registered or labelled in accordance with either State or Commonwealth Legislation is guilty of an offence.

These charges relate to Mr Ashwood procuring two unregistered substances from Taylor Made Equine.

The HRV RAD Board accepted an application from the legal representatives of Mr Ashwood to have the matter determined on written submissions after Mr Ashwood pleaded guilty to all charges.

In determining penalty, the HRV RAD Board considered the submissions on behalf of Mr Ashwood and the HRV Stewards, which included the importance of the rules in relation to prohibited substances, the respective guilty pleas, Mr Ashwood's role as caretaker of 'Queens Advocate NZ' plus Mr Ashwood's good record along with his relatively young age and experience in the industry.

Taking these factors into account, the HRV RAD Board issued the following penalties:

Charge 1 - \$5000 fine

Charge 2 - \$2000 fine (of which \$1000 is suspended for 12 months)

Charge 3 - \$500 fine

Charge 4 - \$500 fine

HRV RAD Board Panel: Judge Graeme Hicks (Chair), John Kearney

The Racing Appeals & Disciplinary Board (RADB) is established under section 50B of the Racing Act (1958). The RADB is an independent Board established to hear and determine appeals in relation to decisions made under the rules to impose penalties on persons and to hear and determine charges made against persons for serious offences.