

Harness

Racing Appeals & Disciplinary Board

Media Release

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8 March 2019

HRV RAD Board Hearing – Ian Caruana

On 7 March 2019, the Harness Racing Victoria (HRV) Racing Appeals and Disciplinary (RAD) Board considered charges issued by HRV Stewards under Australian Harness Racing Rules (AHRR) 190(1) and 190B(1) against licensed trainer Ian Caruana.

AHRR 190(1) reads as follows:

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

The charge under AHRR 190(1) related to a urine sample collected from the horse 'Magic Caesar' after it finished first in Race 3, the 'CoMMtech Ballarat Pace', at the Ballarat harness racing meeting on 17 October 2018. Racing Analytical Services Limited (RASL) reported that analysis of that urine sample revealed the sample to contain arsenic in excess of the allowable threshold.

Mr Caruana was also charged with a breach of AHRR 190B(1) being that he failed to keep and maintain a log book in accordance with the rules.

Mr Caruana pleaded guilty to both charges before submissions on penalty were heard from HRV Stewards and Mr Caruana.

In deciding an appropriate penalty, the HRV RAD Board considered Mr Caruana's guilty plea and cooperation throughout the investigation; Mr Caruana's personal circumstances; the purpose of the rules; penalties in relation to similar cases; both general and specific deterrence; Mr Caruana's excellent record over 37 years and his difficult personal circumstances; past industry notices in relation to arsenic; and the circumstances of the matter. Mr Caruana was subsequently fined \$2000, of which \$1000 was suspended for a period of 12 months.

In relation to the log book charge, Mr Caruana was fined the sum of \$250.

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.

The HRV RAD Board also ordered that, under AHRR 195, 'Magic Caesar' be disqualified from Race 3 at Ballarat on 17 October 2018 and that the placings be amended accordingly. Further to that, the HRV RAD Board ordered that, under AHRR 200(1), any prizemoney won by 'Magic Caesar' from the race in question be refunded to HRV.

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

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