

Racing Appeals & Disciplinary Board

14 March 2019

HRV RAD Board Hearing – Matthew Dwyer

On 13 March 2019, the Harness Racing Victoria (HRV) Racing Appeals and Disciplinary (RAD) Board considered charges issued against licensed trainer-driver Matthew Dwyer under Australian Harness Racing Rules (AHRR) 190(1), 245 and 190(6).

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 before it 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 245 reads as follows:

A person shall not direct, persuade, encourage or assist anyone to breach these rules or otherwise engage in an improper practice.

The particulars of this charge being that Mr Dwyer directed licensed driver Alex Ashwood, who was the caretaker for 'Queens Advocate NZ' at the time, to administer an injection to that horse within one clear day of a race.

Charge 3 - AHRR 190(6) reads as follows:

Where a trainer intends to leave another person in charge of a horse in the trainer's absence, then prior to doing so, the trainer must notify the Chairman of Stewards, and the notification must be in the manner, within the time, and containing the information determined by the Controlling Body or the Chairman of Stewards.

This charge related to Mr Dwyer failing to advise that Mr Ashwood was the person in charge of 'Queens Advocate NZ' when it competed at Tabcorp Park Melton on 21 April 2018.

Matthew Dwyer appeared at the hearing by phone where the HRV RAD Board heard submissions from the HRV Stewards and Mr Dwyer.

In determining penalty, the HRV RAD Board considered the submissions of each party, highlighting Mr Dwyer's early guilty pleas, personal circumstances and record in the harness racing industry, along with the importance of the rules in relation to prohibited substances, the principles of specific and general deterrence and penalties imposed in similar cases.

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

Charge 1 – 12 month disqualification

Charge 2 – 3 month disqualification (cumulative to Charge 1 penalty)

Charge 3 – 1 month disqualification (concurrent with Charge 2 penalty)

The HRV RAD Board also ordered that, under AHRR 195, 'Queens Advocate NZ' be disqualified from Race 11 at Tabcorp Park Melton on 21 April 2018 and that the placings be amended accordingly.

HRV RAD Board Panel: Judge Graeme Hicks (Chair), Kerry Willcock