

Media Release

Racing Appeals & Disciplinary Board

1 November 2019

HRV RAD Board Hearing – Tim McGuigan

On 30 October 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 Tim McGuigan.

Mr McGuigan was represented at the hearing by licensed trainer Lance Justice.

Charge 1 – 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 pre-race blood sample collected from the horse 'Dee Mach' prior to Race 10, the 'Happy 65th Birthday Nicho Pace', at the Bendigo harness racing meeting on 12 May 2019. 'Dee Mach' subsequently finished in fourth placing. Racing Analytical Services Limited (RASL) reported that analysis of that blood sample revealed the sample to contain a prohibited substance, namely alkalinising agents as evidenced by a total carbon dioxide (TCO₂) concentration in excess of 36.0 millimoles per litre in plasma.

Charge 2 – AHRR 190B(1) reads as follows:

A trainer shall at all times keep and maintain a log book:-

- (a) Listing all therapeutic substances in his or her possession;*
- (b) Recording all details of treatment administered to any horse in his or her care and including as a minimum requirement:
 - (i) the name of the horse*
 - (ii) the date of administration of treatment*
 - (iii) the name of the treatment (brand name of active constituent)*
 - (iv) the route of administration**

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- (v) *the amount given*
- (vi) *the name and signature of the person or persons administering and/or authorising the treatment.*

Mr McGuigan pleaded guilty to both charges before submissions on penalty were heard from HRV Stewards and Mr Justice, on behalf of Mr McGuigan.

In determining an appropriate penalty for Mr McGuigan, the HRV RAD Board considered the following:

- The early guilty plea from Mr McGuigan and cooperation with the Stewards;
- The licence history of Mr McGuigan, which dates back 33 years, and his good standing and reputation in the harness racing industry;
- Specific and general deterrence;
- The personal circumstances of Mr McGuigan and that working with racehorses is his main source of income;
- The purpose of the rules in relation to prohibited substance matters;
- Past penalties in relation to similar cases;
- Relevant considerations of the 'HRV RAD Board – Serious Offence Penalty Guidelines';
- The offending occurring after the implementation of the 'HRV RAD Board – Serious Offence Penalty Guidelines' on 1 January 2019, but prior to the implementation of the 'HRV Elevated TCO2 Levels Policy' on 1 June 2019.

In considering all of these matters, the HRV RAD Board imposed the following penalties:

Charge 1 – 12-month suspension of all licenses

Charge 2 - \$250 fine

The HRV RAD Board also ordered that, under AHRR 195, 'Dee Mach' be disqualified from Race 10 at Bendigo on 12 May 2019 and that the placings be amended accordingly. Further to that, the HRV RAD Board ordered that, under AHRR 200(1), any prizemoney won by 'Dee Mach' from the race in question be refunded to HRV.

HRV RAD Board Panel: Judge Graeme Hicks (Chair), Dr Hugh Millar.

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