

# Media Release

## Racing Appeals & Disciplinary Board

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18 September 2017

### **HRV RAD Board – Brian Sylvia**

The Harness Racing Victoria (HRV) Racing Appeals and Disciplinary (RAD) Board today considered charges issued against licensed trainer-driver Brian Sylvia under Australian Harness Racing Rules (AHRR) 193(1), 187(2) and 187(3) relating to HRV Stewards surveillance of his property on 6 April 2017.

Charge 1, under AHRR 193(1) which states:

*A person shall not attempt to stomach tube or stomach tube a horse nominated for a race or event within 48 hours of the commencement of the race or event.*

The particulars of this charge were that on 6 April 2017 Mr Sylvia stomach tubed the horse 'Elslatsy' which was engaged to race at the Mildura harness racing meeting that evening.

Charges 2, 3 and 4, under AHRR 187(2) which states:

*A person shall not refuse to answer questions or to produce a horse, document, substance or piece of equipment, or give false or misleading evidence or information at an inquiry or investigation.*

The particulars of Charge 2 were that Mr Sylvia gave evidence that he did not stomach tube the horse 'Elslatsy', which was evidence he knew to be false.

The particulars of Charge 3 were that Mr Sylvia provided evidence that he was not in possession of a blue bucket, which he later retrieved.

The particulars of Charge 4 were that Mr Sylvia refused to produce stomach tubing equipment from his residence when requested to do so by HRV Stewards.

Charges 5 and 6, under AHRR 187(3) which states:

*A person shall comply with an order or direction given by the Stewards.*

The particulars of these charges related to Mr Sylvia's failure to comply with two separate directions of the HRV Stewards to present the horse 'Elslatsy' to the Mildura harness racing meeting by prescribed times.

At the outset of the hearing, HRV Stewards made a submission to combine charges 5 and 6 into a composite charge under AHRR 187(3).

Mr Sylvia pleaded guilty to all charges.

The HRV RAD Board considered submissions as to the circumstances surrounding the charges and on penalty from the HRV Stewards and Mr Sylvia, which included viewing surveillance footage shot from an Unmanned Aerial Vehicle (drone).

In determining penalty the HRV RAD Board considered Mr Sylvia's guilty plea at today's hearing, however noted his lack of cooperation with the Stewards at the outset of the investigation. The HRV RAD Board also considered Mr Sylvia's good record over approximately 40 years in the industry, the need for both general and specific deterrence; penalties in matters of similar offending; and the seriousness of the rules in relation to prohibited substances that support both animal welfare and the need for a level playing field.

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

Charge 1 – 15 month Disqualification

Charge 2 - \$500 fine

Charge 3 - \$500 fine

Charge 4 – 3 month Disqualification (to be served concurrently with Charge 1)

Charge 5 - \$1000 fine