

# Media Release

## Racing Appeals & Disciplinary Board

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20 November 2019

### **HRV RAD Board Hearing – Ellen Tormey**

On 19 December 2019, the Harness Racing Victoria (HRV) Racing Appeals and Disciplinary (RAD) Board considered a charge issued by HRV Stewards under Australian Harness Racing Rule (AHRR) 190(1) against licensed trainer-driver Ellen Tormey.

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 'Fremarksgonzo' prior to Race 10, the 'Mildura City Council Pace', at the Mildura harness racing meeting on 13 April 2019. 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 (TCO<sub>2</sub>) concentration in excess of 36 millimoles per litre in plasma.

Ms Tormey pleaded guilty to the charge before submissions on penalty were heard from Adrian Anderson, for the HRV Stewards and Damian Sheales, on behalf of Ms Tormey.

In determining an appropriate penalty for Ms Tormey, the HRV RAD Board considered the following:

- An early guilty plea from Ms Tormey and cooperation with the Stewards in this matter;
- The licence history of Ms Tormey and her good standing and reputation in the harness racing industry;

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.

- Specific and general deterrence;
- The personal circumstances of Ms Tormey;
- 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';

In considering all of these matters, the HRV RAD Board imposed a 12 month disqualification, however ordered that six months of the disqualification be served concurrently with the disqualification Ms Tormey incurred under AHRR 193(7) in a separate matter.

The HRV RAD Board also ordered that, under AHRR 195, 'Fremarksgonzo' be disqualified from Race 10 at Mildura on 13 April 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 'Fremarksgonzo' from the race in question be refunded to HRV.

*HRV RAD Board Panel: Judge Graeme Hicks (Chair), Robert Abrahams.*