

Media Release

Racing Appeals & Disciplinary Board

21 September 2018

HRV RAD Board – John Justice

On 20 September 2018, the Harness Racing Victoria (HRV) Racing Appeals and Disciplinary (RAD) Board considered charges issued against licensed trainer-driver John Justice under Australian Harness Racing Rules (AHRR) 193(1) and 187(2) relating to a HRV Stewards inspection of his property on 27 January 2018.

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 27 January 2018 Mr Justice attempted to stomach tube the horse 'Carload' which was engaged to race at the Tabcorp Park Melton harness racing meeting that evening.

Charges 2 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 Justice gave evidence at a HRV Stewards inquiry at Tabcorp Park Melton on 27 January 2018, that he planned on scratching 'Carload' due to welfare concerns he had for the horse, which was evidence he knew to be false.

Mr Justice was represented at the hearing by Mr Robert Seamer and Mr Dayle Brown (Special Counsel) appeared for the HRV Stewards.

Mr Justice pleaded guilty to Charge 1 prior to the Board hearing evidence from Mark Hill (HRV Stipendiary Steward) and Dr Lesley Hawson (HRV Veterinarian) and submissions from Mr Brown and Mr Seamer before adjourning to consider Charge 2. Mr Justice did not give evidence. The Board found Mr Justice guilty of Charge 2 on the balance of probabilities. The Board's reasons for this finding were as follows:

- It accepted the evidence of Dr Hawson that the treatment Mr Justice proposed to give to the horse would not assist dehydration and was a treatment usually given to counteract "tying up" and reduce inflammation and muscle soreness. Further, Mr Justice was aware that saline would have been an appropriate treatment for dehydration, evident from his answers on transcript at the Stewards' inquiry held at Melton late in the day on 27 January 2018.
- At the time Mr Justice said "Yeah and he'll be scratched I guess? We won't be going to the trots tonight" (John Justice interview transcript - 27 January 2018, page 14) he said nothing to the stewards about planning to scratch the horse himself. This was not mentioned until the later interview at the track and suggests that Mr Justice came up with that explanation for his conduct between his initial interview with the stewards and the later interview at Melton.
- The only undisputed evidence as to a telephone conversation between Mr Justice and Mr Patrick Monaghan (one of the owners of 'Carload') was after the horse was scratched and was as follows (HRV Stewards inquiry transcript - 27 January 2018, pages 27-28):

Mr Monaghan: The only reason John give to me he said he was given it race day vitamins or something, and you're not allowed to do it on the day. That's what he said.

Mr Murray: Yep, and did he explain anything with respect to the geldings current health or welfare. Was there any issues raised about that?

Mr Monaghan: He said it was, all he said was he said it looked a bit dehydrated...

Penalty

In determining penalty the HRV RAD Board considered Mr Justice's guilty plea to the first charge, but noted that it was somewhat offset by the circumstances of the second charge. The Board also considered Mr Justice's good record over approximately 40 years in the industry, the need for specific and general deterrence, penalties in similar matters and the purpose of the rules in ensuring that there is a level playing field.

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

Charge 1 – 12 month disqualification

Charge 2 – 3 month disqualification (to be served concurrently with Charge 1)

The HRV RAD Board also ordered that the penalty commence at midnight on 27 September 2018.

HRV RAD Board Panel: Alanna Duffy (Chair), Hugh Millar, Rod Osborne

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.