

# Racing Appeals & Disciplinary Board

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21 November 2019

## **HRV RAD Board Hearing – Gary Leech**

On 18 November 2019, the Harness Racing Victoria (HRV) Racing Appeals and Disciplinary (RAD) Board considered two charges issued against former licensed trainer Gary Leech under Australian Harness Racing Rules (AHRR) 190(1) and 190B(1).

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

*A horse shall be presented for a race free of prohibited substances*

The particulars of this charge related to a post-race urine sample collected from the horse 'Bonza Guy' at Geelong on 19 December 2018 after 'Bonza Guy' won Race 1, the 'DNR Logistics Vicbred Pace'. Racing Analytical Services Limited (RASL) reported that the urine sample contained cobalt, a prohibited substance when present above the threshold of 100 micrograms per litre (µg/L). The reserve sample analysis by the Racing Science Centre confirmed the result.

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

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

The particulars of this charge related to the failure of Mr Leech to keep and maintain a log book as required by this rule.

Mr Leech pleaded not guilty to both charges.

The HRV RAD Board considered the statements of HRV Investigative Steward Daniel Caruana, RASL Scientific Manager Paul Zahra and Veterinary Pharmacologist Professor Paul Mills.

The HRV RAD Board also heard submissions from Mr Leech in relation to the procedure of obtaining the swab sample from 'Bonza Guy' at Geelong on 19 December 2018. After hearing from swab assistant Jacinta Shelly, the HRV RAD Board determined that there was insufficient proof that the swab sampling procedure in relation to 'Bonza Guy' at Geelong on 19 December 2018 was materially flawed.

After hearing all of the evidence, Mr Leech was found guilty of Charge 1. Mr Leech pleaded guilty to Charge 2 before submissions on penalty were put forward by HRV Stewards and Mr Leech.

## **Penalty**

In determining penalty, the HRV RAD Board considered the exceptional record of Mr Leech over a long period of time in the harness racing industry and his personal circumstances; general and specific deterrence; the purpose of the prohibited substance rules; past penalties in relation to cobalt cases; the importance of upholding the integrity of harness racing; that racing should take place on a level playing field; that horses should race free of prohibited substances; that the safety of drivers and horses should be protected; and that racing is conducted fairly in accordance with the expectations of the betting public. Mr Leech is no longer involved in the harness racing industry. However, Mr Leech's sole source of income is as a farrier and submitted that no disqualification should be imposed.

Taking all of these matters into account, the HRV RAD Board imposed the following penalties:

Charge 1 – \$7,000 fine

Charge 2 – \$250 fine

The HRV RAD Board also ordered, under AHRR 195, that 'Bonza Guy' be disqualified from Race 1 at Geelong on 19 December 2018, that the placings be amended accordingly and that all prizemoney won by 'Bonza Guy' be returned to Harness Racing Victoria.

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