

Media Release

Racing Appeals & Disciplinary Board

The Harness Racing Victoria (HRV) Racing Appeals and Disciplinary (RAD) Board today heard a matter in regards to charges issued by HRV Stewards under the Australian Rules of Harness Racing (ARHR) against licensed trainer Mr John McDermott.

The charges against Mr McDermott arose as a result of investigations by HRV Stewards in response to information supplied by a member of the public regarding a bucket containing a tube, funnel and twitch being left at a location by the side of the road in long grass some distance from the Yarra Valley racecourse on 12 March 2015. Responding to the information, HRV Stewards were able to observe licensed trainer Mr John McDermott returning to this exact location on his way home from the Yarra Valley racecourse.

Mr McDermott pleaded guilty to the following charges issued against him under the Australian Rules of Harness Racing (ARHR).

Charge 1

ARHR 192(1):

No person unless he has first obtained the permission of the Stewards, shall have in his possession either on a racecourse or in any motor vehicle or trailer being used for the purpose of travelling to or from a racecourse any prohibited substance or a syringe, needle or other instrument which could be used –
(a) to administer a prohibited substance to a horse

The particulars of this charge being that Mr McDermott had in his possession or vehicle or float the bucket, tube, funnel and twitch described above when travelling to the Yarra Valley harness racing meeting on 12 March 2015.

Charges 2 - 5

ARHR 193(1)

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 these charges being that Mr McDermott had, as evidenced by his admissions to HRV Stewards and entries within his log book inspected during a stable inspection, stomach tubed horses within his stable on occasion on the day prior to a race and within 48 hours of such race.

Charge 6

ARHR 190B(1)(b)

- (1) A trainer shall at all times keep and maintain a log book:*
- (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 the administration of the treatment*
- (iii) *The name of the treatment (brand name of active constituent)*
- (iv) *The route of administration*
- (v) *The amount given*
- (vi) *The name and signature of the person or persons administering and or/authorising treatment*

The particulars of this charge being that Mr McDermott had not included in his logbook some instances of non-raceday oral administration of stamazene.

After hearing submissions regarding penalty from the HRV Stewards and Mr McDermott's legal representative, the HRV RAD Board imposed a \$5,000 fine (with \$3,000 suspended for 12 months) for Charge 1, a \$2,000 fine for each of charges 2-5 and a \$200 fine for charge 6. The total fine imposed was therefore \$10,200 with \$3,000 further to be paid should Mr McDermott breach a relevant rule within 12 months.

The HRV RAD Board noted statements and references supplied by Mr McDermott, his age and personal circumstances, his length of involvement in the industry without any prior offences and his remorse and guilty pleas. The HRV RAD Board also noted that there was no evidence that Mr McDermott's horse had been treated on 12 March 2015, that Mr McDermott had a mistaken belief that the relevant rule with respect to stomach tubing was a 24 hour timeframe and particularly that the detection of these 193(1) offences was as a result of Mr McDermott's logbook recording and admissions. The HRV RAD Board also noted their consideration of specific and general deterrence and other previous cases though observed the wide and varied nature of such precedents.

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.