

Harness

Racing Appeals & Disciplinary Board

Media Release

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HRV RAD Board Hearing – Jodi Quinlan

The Harness Racing Victoria (HRV) Racing Appeals and Disciplinary (RAD) Board today heard a matter in regards to a charge issued by HRV Stewards under Australian Harness Racing Rule (AHRR) 190(1) against licensed trainer Ms Jodi Quinlan

AHRR 190(1) reads as follows:

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

The charge under AHRR 190(1) issued by HRV Stewards against Ms Quinlan related to a urine sample collected from the horse 'Sky Majesty' after it won Race 4, the 'Empire Stallions VicBred Super Series (3YO trotting Fillies)(1st Heat), at the Bendigo harness racing meeting on 22 June 2016. Racing Analytical Services Limited (RASL) reported that analysis of the urine sample revealed the sample to contain a prohibited substance, namely arsenic, in excess of the allowable threshold.

During the investigation Ms Quinlan explained that she did not use any arsenic based preparations and that the only possible explanation was Sky Majesty having chewed fence posts at her property. Subsequent analysis of relevant samples revealed the fence posts contained arsenic at levels consistent with Copper Chromium Arsenic (CCA) treated timber.

As background, with the acquisition of a machine capable of testing for cobalt by RASL (preventing the need for samples to be sent interstate or overseas), in June 2015 the laboratory (RASL) were also able to commence the routine testing of all collected urine samples for other metals including arsenic. With a number of samples above the threshold becoming apparent in racing jurisdictions, and common explanations as to the cause of such irregularities provided, the University of Melbourne were engaged to conduct an administration trial by RASL, HRV and other racing authorities that had also been screening raceday samples for the presence of arsenic.

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.

At the RAD Board hearing, in addition to the consideration of statements from HRV Stewards and RASL, the HRV RAD Board considered a report from Associate Professor Cate Steel and Professor Ted Whitem from the University of Melbourne which centred on the extensive research conducted by the University of Melbourne where a trial was conducted to research the levels of arsenic in horses that had ingested a known amount of CCA treated timber sawdust. The trial revealed that it is a possibility that a horse could have a urinary level of arsenic that exceeds the threshold concentration if it chews and ingests a sufficiently large quantity of CCA treated timber.

Ms Quinlan pleaded guilty to the charge issued under AHRR 190(1). The HRV RAD Board formally found Ms Quinlan guilty and in all the circumstances of the case imposed a \$2000 fine, which was fully suspended for a period of 12 months. In making this order, the HRV RAD Board had regard to the nature of the substance in that arsenic based products have been suggested by manufacturers as tonics that are purported to improve appetite or the appearance of the coat of a horse. The HRV RAD Board particularly considered the results of the trial conducted by the University of Melbourne and the analysis of the fence posts from Ms Quinlan's property. The RAD Board also noted Ms Quinlan's guilty plea and her previous record which included one prior matter in 2015. The RAD Board considered Ms Quinlan's lengthy professional involvement in the sport with a training career stretching over 20 years and involving more than 2,500 horses being presented to race. The RAD Board considered the principles of the High Court decision of *Veen v the Queen* when taking into account Ms Quinlan's one prior matter. The RAD Board also considered other precedent cases involving the substance to ensure consistency of penalty. The RAD Board also considered there was some delay involved in the finalisation of this matter as a result of the thoroughness of the investigation and administration trials conducted by the University of Melbourne.

The HRV RAD Board ordered under AHRR 195 that 'Sky Majesty' be disqualified from Race 4 at Bendigo on 22 June 2016, and that the placings be amended accordingly. Given the race was a qualifying heat, the RAD Board also ordered the disqualification of Sky Majesty from its 3rd placing in the relevant final, Race 3 at Melton on 1 July 2016 and ordered the refunding of the relevant prizemoney.