

Media Release

Racing Appeals & Disciplinary Board

11 June 2019

HRV RAD Board Hearing – Timothy O'Brien

On 5 June 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 Timothy O'Brien.

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 urine sample collected from the horse 'Wanted Lady' after it finished first in Race 1, the 'DNR Logistics Pace Final', at the Mildura harness racing meeting on 29 November 2018. Racing Analytical Services Limited (RASL) reported the sample contained arsenic in excess of the allowable threshold.

Mr O'Brien pleaded guilty to the charge before submissions on penalty were heard from the HRV Stewards and Mr O'Brien.

In deciding an appropriate penalty, the HRV RAD Board considered Mr O'Brien's guilty plea and cooperation throughout the investigation; Mr O'Brien's offence record which included one prior prohibited substance offence; personal circumstances; the purpose of the rules in relation to prohibited substances; to protect the integrity of the industry and to ensure drug free racing; penalties in similar cases; both general and specific deterrence; and past industry notices regarding arsenic.

The minimum penalty guidelines, for breaching AHRR 190(1) in relation to arsenic offences commenced on 1 January 2019 which state the starting point is a fine of \$10,000. These new penalty guidelines did not apply to Mr O'Brien.

Mr O'Brien was fined \$4000, of which \$2000 was suspended for a period of 12 months.

The HRV RAD Board also ordered that, under AHRR 195, 'Wanted Lady' be disqualified from Race 1 at Mildura on 29 November 2018 and the placings be amended accordingly. The HRV RAD Board further ordered that any prizemoney won by 'Wanted Lady' from the race in question be refunded to HRV.

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

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.