

Harness

Racing Appeals & Disciplinary Board

Media Release

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11 June 2019

HRV RAD Board Hearing – Robert Walters

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 Robert Walters.

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 'Lady Flora' after it finished first in Race 1, 'The Downtowner Pace', at the Warragul harness racing meeting on 9 January 2019. Racing Analytical Services Limited (RASL) reported the sample contained arsenic in excess of the allowable threshold.

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

In deciding an appropriate penalty, the HRV RAD Board considered Mr Walters' guilty plea and cooperation throughout the investigation; Mr Walters' personal circumstances; Mr Walters' record in the industry over 25 years which includes one prior prohibited substance offence; the circumstances of the matter; the measures taken by Mr Walters to ensure a similar matter does not occur in the future; the relevant provisions of the HRV RAD Board Serious Offence Penalty Guidelines; the purpose of the rules in relation to prohibited substances; to protect the integrity of the industry and ensure drug free racing; penalties in relation to similar cases; past industry notices in relation to arsenic; and both general and specific deterrence.

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 penalty guidelines applied in Mr Walter's case.

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.

Mr Walters was fined \$7000, of which \$3500 was suspended for a period of 12 months.

The HRV RAD Board also ordered that, under AHRR 195, 'Lady Flora' be disqualified from Race 1 at Warragul on 9 January 2019 and that the placings be amended accordingly. Further to that, the HRV RAD Board ordered that, under AHRR 200(1), any prizemoney won by 'Lady Flora' from the race in question be refunded to HRV.

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

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