



RACING AND WAGERING WESTERN AUSTRALIA

8 October 2019

## MEDIA RELEASE

### **Harness Stewards Inquiry – Trainer Mr Daryl Miller (LIAURIE)**

On Monday 7 October 2019 Racing and Wagering WA's (RWWA) stewards concluded the inquiry into the report received from the ChemCentre in Perth that arsenic in excess of the threshold of 0.3ug/mL in urine had been detected in the post-race urine sample taken from LIAURIE (Trained by Mr Daryl Miller) after it competed in and won Race 5 at Pinjarra on 10 June 2019.

Evidence was heard/tailed from ChemCentre representative Ms E. Cook, RWWA Senior Investigator Mr. G Johnson and RWWA Industry Veterinarian Dr. J Medd.

At the inquiry Mr Miller pleaded guilty to the following charges:

**Charge – HRR190 (1), (2) with the particulars being;** *that as the trainer he brought LIAURIE to race in Race 5 at Pinjarra on 10 June 2019 where it raced and finished first, with the prohibited substance arsenic present within the horse, evidence by a concentration of arsenic in excess of 0.30 microgram per millilitre in urine.*

#### **Penalty**

After considering penalty, stewards determined to **impose a fine of \$1,000 and a suspension of Mr Miller's training licence** until he can demonstrate to the satisfaction of the stewards that appropriate measures are in place to address the foreseeable risk of horses being exposed to potential sources of arsenic from CCA treated timbers at his training establishment.

Further pursuant to HRR195, LIAURIE was disqualified from the race in question with placings to be amended accordingly with the commensurate implications to all stake money to apply.

In determining penalty stewards took into account several factors including;

- Mr Miller's co-operation and acknowledgement of all offences by way of his guilty plea.
- That in relation to LIAURIE, the stewards were satisfied that the reported level of arsenic was likely to have arisen due to ingestion of wooden poles at the property.
- That in May 2019, he had pleaded guilty to the same charge in relation to his horse GATEWAY EXPRESS which had also returned a reading of arsenic above the threshold, the most likely cause of which was attributed to the ingestion of CCA treated timbers.
- That whilst he had made some attempt to address the potential for horses to chew poles by painting them with sump oil and creosote such measures did not prevent the same situation arising again. Given that removal of the poles was a viable option (as reflected by their subsequent removal since the race in question), this, along with a higher degree of diligence, would have been a more suitable response to this identified issue.
- Past cases in relation to arsenic and the need to issue a penalty of suitable deterrence, both general and specific, that promotes appropriate measures to respond to this known issue of CCA timbers in training environments for which several warnings have already been issued.

As previously advised, trainers are obliged to take adequate measures in response to the now well publicised risks involving horses having access to CCA treated pine timber products, or any other product that could present a similar risk of an elevated level.

Whilst every case is always determined on its own set of circumstances and merits, as the risks and warnings have now been well publicised, there should not be a presumption that there will be no penalty issued in the event of the first occasion of an elevated level of arsenic beyond the threshold being attributed to ingestion of CCA treated timbers.

**ENDS**

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