

**VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL
ADMINISTRATIVE DIVISION
REVIEW AND REGULATION LIST**

VCAT Reference: Z153/2022

APPLICANT: Harness Racing Victoria
RESPONDENT: Gary Donaldson
WHERE HELD: Melbourne
BEFORE: Senior Member E. Wentworth
HEARING TYPE: Videoconference Hearing
DATE OF HEARING: 22 November 2022
DATE OF ORDER: 22 November 2022

ORDERS

For the reasons given at the hearing, the Tribunal orders as follows:

1. The decision of the Victorian Racing Tribunal dated 18 February 2022 as to penalty (Charge 1 only) is set aside.
2. In relation to Charge 1, commencing at 12am (midnight) on 29 November 2022, the respondent's training licence is suspended for 12 months, 9 months of which is to be suspended for 24 months pending no further breach of AHRR Rule 190(1).
3. The horse 'Liberland' is disqualified from the subject race, race 3, at the Horsham harness racing meeting on 17 December 2020. The finishing order is to be amended accordingly and any prize money forfeited.

SENIOR MEMBER E. WENTWORTH

APPEARANCES:

For the applicant: Mr A Cusumano, Solicitor
For the respondent: Mr D Sheales, Counsel

