

STEWARDS INQUIRY DECISION

- Date of Decision:** 3 November 2020
- Stewards Panel:** L Lord (Chairman), H Edgecombe
- Name:** Mr. Leigh Rand
- Track/Race:** Launceston Pacing Club, Race 1, RARE EARTH STAKES
- Date:** 21 August 2020
- Rule no:** AHHR190 (1, 2 & 4)
- Charge(s):** The Particulars of the charge are as follows,
1. Mr. Leigh Rand is, and was at all relevant times, a trainer licenced by the Office of Racing Integrity Tasmania and is a person bound by the Australian Harness Racing Rules.
 2. Mr. Rand was, at all relevant times, the trainer of the horse 'AUSSIE ROCK'.
 3. 'AUSSIE ROCK' was nominated to and did compete in Race 1, the RARE EARTH STAKES, at the Launceston Pacing Club on 21 August 2020 and was declared the winner of that race.
 4. On 21 August 2020 Mr. Rand presented 'AUSSIE ROCK' to the race when not free of any prohibited substance, given that;
 - a. A post-race sample of urine was taken from 'AUSSIE ROCK' (the sample).
 - b. Arsenic was detected in that sample at a concentration greater than 0.30 micrograms per millilitre in urine, as evidenced by the evidentiary certificates from RASL and from the Racing Science Centre.
 - c. Arsenic is a prohibited substance when at a concentration greater than 0.30 micrograms per millilitre, as per AHHR 188A(2)(b).

Prohibited Substance: ARSENIC

Inquiry Decision: Mr. Rand was issued with a fine of \$2,000 for the breach of AHRR190(1,2 & 4). Of which \$1,000 is suspended for twelve (12) months, under the provision that Mr. Rand does not re-offend under a prohibited substance rule.

FACTS:

Prohibited substance ARSENIC has been detected in a post-race urine sample collected from AUSSIE ROCK after it competed in and placed 1 in the RARE EARTH STAKES at the Launceston Pacing Club on 21 August 2020 when trained by licenced trainer Mr. Leigh Rand.

INQUIRY:

Office of Racing Integrity Stewards inquired into reports from the analysts, that arsenic above the permitted threshold had been detected in a post-race urine sample taken from AUSSIE ROCK at Launceston Pacing Club on 21 August 2020.

Stewards considered written evidence from ORI Regulatory Veterinarian Dr. Adam Richardson in relation to the effects of arsenic in horses.

Stewards heard verbal evidence tendered by trainer Mr. Leigh Rand as to his feeding, supplementation, treatment and husbandry practices.

After giving due consideration to all of the evidence tendered, Mr. Rand was charged pursuant to AHHR190(1,2 & 4) for presenting AUSSIE ROCK to race when not free of the prohibited substance Arsenic above the permitted threshold.

Mr. Rand pleaded guilty to the charge.

When determining penalty, Stewards took the following things into account:

- Mr. Rand's submissions in relation to penalty
- His Guilty plea to the charge
- His co-operation throughout the Inquiry
- His clean offence record
- His relevant personal circumstances
- That the ingestion of CCA treated pine posts by AUSSIE ROCK may have led to the detection of Arsenic in the sample
- That the onus lies on the trainer to present horses to race free of prohibited substances
- Mr. Rand's immediate corrective action to ensure no reoccurrence of such breaches
- Stewards considered that a penalty needs to act as a personal and general deterrent, in order to uphold the integrity of the racing industry
- Stewards considered recent penalties that have been imposed in cases of a similar nature in Tasmania as well as other jurisdictions

DECISION:

Mr. Rand was issued a fine of \$2,000 for the breach of AHRR190 (1,2 & 4). Of which \$1,000 is suspended for twelve (12) months, under the provision that Mr. Rand does not re-offend under a prohibited substance rule.

Acting under the provisions of AHHR195; AUSSIE ROCK was disqualified from the subject event with the placings to be amended accordingly.

Mr. Rand was advised of his Right of Appeal.