

STEWARDS INQUIRY DECISION

Date of Decision: 28 October 2020
Stewards Panel: L Lord (Chair), S Shinn, H Edgecombe
Name: Mr. Craig Van Dongen
Track/Race: Launceston Pacing Club, Race 2, CROWN LAGER THREE YEAR OLD
Date: 19 July 2020
Rule no: AHHR190(1, 2 & 4) & AHHR190B(1)(a)
Charge(s): The particulars of charge 1 are as follows,

1. Mr. Craig Van Dongen 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. Van Dongen was, at all relevant times, the trainer of the horse 'SHADY STORY'.
3. 'SHADY STORY' was nominated to compete in Race 2, the CROWN LAGER THREE YEAR OLD, at the Launceston Pacing Club on 19 July 2020 and was declared the winner of that race.
4. On 19 July 2020 Mr. Van Dongen presented 'SHADY STORY' to the race when not free of any prohibited substance, given that;
 - a. A post-race sample of urine was taken from 'SHADY STORY' (the Sample).
 - b. Cobalt was detected in that Sample at a concentration greater than 100 micrograms per litre in urine, as evidenced by the evidentiary certificates RS20/09257-B from RASL and RSC21-018 from the Racing Science Centre.
 - c. Cobalt is a prohibited substance when at a concentration greater than 100 micrograms per litre, as per AHHR 188A(2)(k).

The particulars of charge 2 are as follows,

1. Mr. Van Dongen failed to correctly list all therapeutic substances in his possession, particularly 'Instant B' as confirmed by his own evidence during the inquiry.

Prohibited Substance: COBALT

Inquiry Decision: Charge 1: Mr. Van Dongen's licence was suspended for six (12) months for the breach of AHRR190(1,2 & 4). Of which six (6) months is suspended for twelve (12) months, under the provision that Mr. Van Dongen does not re-offend under a prohibited substance rule. This suspension is to commence immediately and expire midnight 27 April 2021.

Charge 2: Mr. Van Dongen was issued with a reprimand for the breach of this Rule.

FACTS:

Prohibited substance COBALT has been detected in a post-race urine sample collected from SHADY STORY after it competed in and placed 1st in the CROWN LAGER THREE YEAR OLD at the Launceston Pacing Club on 19 July 2020 when trained by licenced trainer Mr. Craig Van Dongen.

INQUIRY:

Office of Racing Integrity Stewards inquired into reports from the analysts, that Cobalt above the permitted threshold had been detected in a post-race urine sample taken from SHADY STORY at Launceston Pacing Club on 19 July 2020.

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

Stewards heard verbal evidence tendered by trainer Mr. Craig Van Dongen as to his feeding, supplementation, treatment and husbandry practices.

Stewards heard verbal evidence from Dr. Paul Zhara (Racing Analytical Services Limited) in relation to the evidentiary certificates.

After giving due consideration to all of the evidence tendered, Mr. Van Dongen was charged pursuant to AHHR190(1,2 & 4) for presenting SHADY STORY to race when not free of the prohibited substance Cobalt above the permitted threshold.

Mr. Van Dongen pleaded guilty to the charge.

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

- Mr. Van Dongen's submissions in relation to penalty. Stewards considered his contention that the supplementation of Instant B led to the Cobalt reading. Stewards are aware that there are competing opinions in regard to that, however, placed no weight either mitigating or aggravating in this regard.
- His early guilty plea to the charge
- His co-operation throughout the Inquiry
- His clean offence record
- His relevant personal circumstances
- Stewards considered that a penalty needs to act as a general deterrent, in order to uphold the integrity of the racing industry.
- Stewards considered penalties that have been imposed in cases of a similar nature in Tasmania as well as other jurisdictions

DECISION:

Mr. Van Dongen's licence was suspended for twelve (12) months for the breach of AHRR190(1,2 & 4). Of which six (6) months is suspended for twelve (12) months, under the provision that Mr. Van Dongen does not re-offend under a prohibited substance rule. This suspension is to commence immediately and expire midnight 27 April 2021.

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

Mr. Van Dongen was issued with a reprimand for the breach of AHHR190B(1)(a).

Mr. Van Dongen was advised of his right of appeal.