

STEWARDS DECISION

OFFICE OF RACING INTEGRITY

and

MR MICHAEL LAUGHER

Date of hearing:	Thursday 1 st February 2024
Stewards Panel:	Neil Finnigan (Chair), Gavin Griffin and Michael Castillo
Present:	Mr Michael LAUGHER
Rule:	Australian Harness Racing Rules
Charge:	That Mr Michael Laugher as the trainer of ROYAL APPOINTMENT presented that gelding for the purposes of participating in Race 4, The Ladbrokes Racing Club Pace, at the Tasmanian Trotting Club meeting on Sunday 15 th October 2023, when a post-race urine sample taken from the gelding revealed the presence of the prohibited substance HARPAGOSIDE.
Plea:	Guilty
Penalty:	Fine \$3000, with \$1000 wholly suspended for 24 months

1. Background

- (a) The Respondent, Mr Michael Laugher, is a licensed harness trainer based at Westbury, Tasmania.
- (b) Mr Michael Laugher was the trainer of the registered gelding ROYAL APPOINTMENT on 15th October, 2023.
- (c) ROYAL APPOINTMENT was a 3YO gelding, on the 15th October, 2023, and owned by MA Laugher and TJ Laugher.
- (d) ROYAL APPOINTMENT was stabled at Mr Michael Laugher's stables in Westbury.

- (e) ROYAL APPOINTMENT was correctly entered, and presented, for Race 4, The Ladbrokes Racing Club Pace, at the Tasmanian Trotting Club meeting on Sunday 15th October 2023.
- (f) A routine post-race urine sample was taken from ROYAL APPOINTMENT. Mr Michael Laughher signed as the witness of the swabbing procedure, confirming his presence throughout the procedure. The sampling process was not contested.
- (g) The sample collected from ROYAL APPOINTMENT was allocated the unique number V807165.
- (h) ROYAL APPOINTMENT was placed first in the event.
- (i) On Monday 4th December 2023 Racing Analytical Services Limited (RASL) issued a Certificate of Analysis reporting that HARPAGOSIDE had been detected in sample V807165.
- (j) RASL also advised that the reserve portion of the sample had been forwarded to the Australian Racing Forensic Laboratory (ARFL) in New South Wales for referee analysis.
- (k) On the 5th December, 2023, Mr Michael Laughher was notified of the discrepancy via Steward representatives where he was given a copy of the relevant correspondence, and informed ROYAL APPOINTMENT would be stood down from racing.
- (l) On the 10th December, 2023, ROYAL APPOINTMENT was presented for swabbing and a urine sample was taken. On the 13th December, 2023, Racing Analytical Services Limited (RASL) issued a Certificate of Analysis reporting that no discrepancies had been found in the sample. ROYAL APPOINTMENT was subsequently cleared to race.
- (m) On 3rd January, 2024, RASL advised that ARFL had confirmed the presence of HARPAGOSIDE in the reserve portion of sample V807165 and that the control sample was clear.
- (n) On 1st February, 2024, Mr Michael Laughher was formally charged with a breach of Australian Harness Racing Rule 190(1), with the particulars being that he presented ROYAL APPOINTMENT to race on Sunday 15th October 2023, at a meeting conducted by the Tasmanian Trotting Club, when not free of prohibited substance, namely HARPAGOSIDE
- (o) Mr Michael Laughher pled guilty to the charge.

2. Penalty Approach

- 2.1 Turning to the matter of penalty the Stewards are cognisant of the following Sentencing Principles –

- (i) That penalties are designed to punish the offender for his/her wrongdoing. They are not meant to be retributive in the sense that the punishment is disproportionate to the offence, but the offender must be met with a punishment.
- (ii) In a harness racing context, it is very important that a penalty has the effect of deterring others from committing similar offences through the consideration of both general and specific deterrence.
- (iii) That penalties imposed upon those offending the prohibited substance rules should reflect the industry's disapproval of prohibited substances being detected in racehorses.
- (iv) In determining what, if any penalty, that is to be imposed, the Stewards endeavour to reach a proportionate balance between: the public interest; the interests of the offender; the interests of the industry as a whole; the seriousness of the offending; and any aggravating/mitigating factors.

3. Respondents Penalty Submissions

- 3.1 Mr Laughher submitted that at the time he had no idea how the findings had come about, however acknowledged that with further scrutiny he formed the opinion that the adverse Laboratory findings were as a result of using a topical cream for arthritic pain in his wrists and hands. This topical cream's primary ingredient is Devils Claw.
- 3.2 Devil's Claw has anti-inflammatory, analgesic and antioxidant properties.
- 3.3 Mr Laughher acknowledged that as trainer it is his responsibility, to present ROYAL APPOINTMENT to race free of prohibited substances.

4. Penalty Discussion:

- 4.1 In approaching the matter of penalty, if any, to be imposed, the Panel have reflected on previous penalties imposed for breaches of the prohibited substance rules. These being both Tasmanian and Interstate decisions.
- 4.2 Stewards are mindful of Mr Laughher's good presentation record, although we note Mr Laughher was in breach of the presentation rule in 2007.

5. Factors in Mitigation

- 5.1 In determining the appropriate penalty, the Stewards recognise the following factors in mitigation, and which are relevant to penalty discussions. These being -
 - (a) Mr Laughher has been fully cooperative throughout the ORI investigation.

- (b) Mr Laughher's guilty plea.
- (c) Mr Laughher's previous record.

6. Outcome

6.1 Having regards to all circumstances the Stewards make the following orders.

- (i) Mr Michael Laughher be fined \$3000, with \$1000 wholly suspended for 24 months.

7. Disqualification Of DREAM MAZE

7.1 Pursuant to AHR Rule 195, ROYAL APPOINTMENT is disqualified from Race 4, The Ladbrokes Racing Club Pace, at the Tasmanian Trotting Club meeting on Sunday 15th October, with the placing to be adjusted accordingly and to reflect the disqualification of ROYAL APPOINTMENT.

Decision Date: 1st February 2024