

STEWARDS DECISION

OFFICE OF RACING INTEGRITY

and

CHARLIE CASTLES

Date of hearing: 17th September 2024

Stewards Panel: Mr N Finnigan (Chair), Mr M Castillo and Ms E Morice-Smith

Present: Mr Charlie Castles (Respondent)

Rule: Australian Harness Racing (AHR) Rule 190(1):

A horse shall be presented for a race free of prohibited substances.

Charge: Mr Charlie Castles, the trainer of JUST TIGER presented that horse to compete in Race 8 at the Launceston Pacing Club's meeting on the Friday 28th June 2024, when a post-race blood sample taken from the gelding revealed the presence of a prohibited substance, namely, TRIAMCINOLONE ACETONIDE, a synthetic corticosteroid.

Plea: Guilty

1. Background

- (a) The respondent, Charlie Castles, is an B Grade licensed trainer under the Australian Rules of Harness Racing.
- (b) Mr Castles is 23 years of age and has held a trainer's licence for a period of 2 years.
- (c) JUST TIGER was correctly entered for and presented to race in Race 8 at the Launceston Pacing Club's meeting on the 28th June 2024.
- (d) JUST TIGER placed 1st in the event earning \$6305 in stake money.
- (e) JUST TIGER started race favourite with a starting price of \$1.70.
- (f) JUST TIGER was subjected to post-race swabbing where a blood sample was taken. The procedure was witnessed by Office of Racing Integrity Steward Ms M Robinson. Mr Michael Castles presented JUST TIGER and also witnessed the sampling process. The sampling process was not contested.
- (g) The collection of the sample was concluded at 9:35pm with the sample being allocated the unique number R602451.
- (h) On the 23rd July 2024, Racing Analytical Services Limited (RASL) issued a Certificate of Analysis reporting that the prohibited substance TRIAMCINOLONE ACETONIDE had been detected in sample R602451 taken from JUST TIGER on the 28th June 2024.
- (i) RASL advised the reserve portion of the sample had been forwarded to Australian Racing Forensic Laboratory (ARFL) in NSW for referee analysis.
- (j) Office of Racing Integrity Stewards called on Mr Castles on the 29th July 2024 to advise him of the irregularity.
- (k) The outcome of the reserve sample was provided by ARFL on the 20th August 2024. ARFL reported TRIAMCINOLONE ACETONIDE was detected in sample R602451.
- (l) Mr Castles has not previously breached the prohibited substance rules.
- (m) Mr Castles was contacted by ORI Stewards, regarding upcoming inquiry into the Laboratory's findings.

2. Submissions of the Respondent

- 2.1 When asked to explain the irregularity, Mr Castles submitted that JUST TIGER was treated for soreness by Dr Marilyn Fitzgerald of the Meander Valley Veterinary Service, by way of administering, via injection, 20mg of KENACORT into JUST TIGER's left stifle.
- 2.2 The above claim was supported by a document signed by Dr Fitzgerald. This document also states that trainer Castles was advised that an eight-day withholding period should be given before returning to racing.
- 2.3 Mr Castles stated that he had acted on the Veterinary advice and as a consequence did not start JUST TIGER for ten days after the treatment.

3. Penalty Considerations

3.1 Principles –

- 3.1.1 Penalties are designed to punish the offender for their wrongdoing. Penalties are not meant to be retributive in the sense that the punishment is disproportionate to the offence, but nonetheless, the offender must be met with a punishment.
- 3.1.2 Penalties imposed upon those offending the prohibited substance rules should reflect the industry's disapproval of drugs being detected in horses.

3.1 Stewards Approach

- 3.2.1 The Stewards have resolved to approach the matter of penalty from the perspective of the desirability of consistency with previous penalties in dealing with similar offenders committing similar offences in similar circumstances.
- 3.1.2 We are guided in our approach to penalty by those imposed, not only in Tasmania, but also within other Australian jurisdictions.
- 3.1.3 With respect to this matter, Stewards have adopted \$5000 fine as a starting point. This being consistent with penalties handed down for similar breaches Australia wide.
- 3.1.4 With all cases, even though they may on the surface seem similar, they all need to be assessed on an individual basis with the consideration of all circumstances.

4 Respondents Penalty Submissions

- 4.1 Mr Castles submitted that his clean record be considered, as he has no prohibited substance violations in his 2-year involvement as a trainer in the Harness Racing Industry prior to the JUST TIGER findings from the Launceston Pacing Club's meeting on the 28th June 2024.
- 4.2 Mr Castles further submitted that although his involvement in Harness Racing as a trainer is relatively short, his involvement in the industry stretches way past this, being licenced in one way or another for ten years and further as being part of a Harness Racing Family.
- 4.3 Mr Castles submitted the swab irregularity was brought about through the need of Veterinary care for a horse under his supervision, and his subsequent actions were based on advice of Veterinary Surgeon Dr Merrilyn Fitzgerald, who had based this advice from information attained from the Rural Industries Research and Development Corporation (RIRDC).

5 Penalty Discussion:

- 5.1 The Prohibited Substance Rules impose an absolute obligation on trainers to ensure that they present their runners free of prohibited substances.
- 5.2 In consequence, trainers must take all reasonable steps, and must take proper care, always, to avoid presenting a horse which could give rise to an adverse test result.
- 5.3 Resultantly, where there is a breach of the drug rules, trainers must expect substantial penalties, because every time a racing animal is presented to race with a prohibitive substance in its metabolism, then the integrity of not only, as in this case, Harness Racing, but racing in general is compromised.
- 5.4 In this matter we approach the imposition of penalty on the basis that the cause of the findings was not intentional. However, as acknowledged by Mr Castles, the onus under AHR Rule 190(1) is on the trainer to present a horse free of any prohibited substance, the rule is absolute. Hence the respondents' admission of the breach.
- 5.5 In fixing penalty, we have regard to the need to uphold the integrity of racing, not only in Harness Racing, but in all codes of racing. Penalty precedents have long been at the forefront of disciplinary

decision-making, albeit with each case being decided on its own merits. It is wrong to suggest otherwise. Accordingly, the penalty that is imposed upon the respondent must be at a level that protects the public by encouraging the highest of standards of professional behaviour and that the respondent is dealt in a fair and just manner.

6 Factors in consideration of penalty.

In determining the appropriate penalty, the Stewards recognise the following factors:

- 6.1 Mr Castles has admitted to a charge of presenting JUST TIGER to race with the prohibited substance TRIAMCINOLONE ACETONIDE in its system.
- 6.2 Stewards believe it to be most probable that Mr Castles did not intentionally present JUST TIGER to race with the prohibited substance TRIAMCINOLONE ACETONIDE in its system.
- 6.3 However, every time a horse is presented to race with a prohibitive substance in its metabolism then the integrity of not only Harness Racing, but racing in general, is compromised.
- 6.4 The Stewards have identified no aggravating factors which would necessitate an increase from the starting point.
- 6.5 Stewards recognise the following factors in mitigation, and which are relevant to penalty discussions.
 - (a) Mr Castle's cooperation throughout the investigation.
 - (b) Mr Castle's guilty plea.
 - (c) Mr Castle's record since being licenced as a trainer. During this time, Mr Castles has not recorded any offences of presenting a horse to race while not free of prohibited substances, or in fact having any training breaches of any kind.
 - (d) Stewards believe that Mr Castles had acted with Veterinary advice in mind when nominating JUST TIGER to race on the 28th June 2024, believing his gelding would be free of any prohibited substances.

Having considered all circumstances, Stewards assess that some dispensation should apply.

7 Outcome

Mr Castles is to be fined pursuant to the Australian Rules of Harness Racing. The particulars of the fine being that one of \$5000, with Stewards directing that \$2500 of the fine to be suspended for a period of 2 years pending another breach of Part 12 of the Australian Rules of Harness Racing

8 Disqualification Of Horse

It is mandatory under the Australian Rules of Harness Racing that if a horse competes in a race, and is found to have competed with a prohibited substance in its system, that it must be disqualified from that race.

AHR Rule195 reads

A horse which has been presented for a race shall be disqualified from it if blood, urine, saliva, or other matter or sample or specimen taken from the horse is found to contain a prohibited substance.

As a consequence, the placings for Race 8 at the Launceston Pacing Club's meeting on the 28th June 2024 are to be adjusted to reflect the disqualification of JUST TIGER.

Decision Date: 17th September 2024