

STEWARDS DECISION

OFFICE OF RACING INTEGRITY

and

CHARLIE CASTLES

Date of Decision: 27th November 2024

Stewards Panel: Mr N Finnigan (Chair), Mr M Castillo and Ms C Ellson

Respondent: Mr Charlie Castles

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 MADDIS TIGER NZ presented that horse to compete in Race 2 at the Launceston Pacing Club's meeting on the Sunday 15th September 2024, when a post-race urine sample taken from the gelding revealed the presence of a prohibited substance, namely, ARSENIC.

Plea: Guilty

1. Background

- (a) The respondent, Charlie Castles, is an A Grade licensed trainer under the Australian Rules of Harness Racing.
- (b) Mr Castles is 24 years of age and has held a trainer's licence for a period of 2½ years.
- (c) MADDIS TIGER NZ was correctly entered for and presented to race in Race 2 at the Launceston Pacing Club's meeting on the 15th September 2024.
- (d) MADDIS TIGER NZ placed 1st in the event earning \$6305 in stake money.
- (e) MADDIS TIGER NZ started second favourite with a starting price of \$2.30.
- (f) MADDIS TIGER NZ was subjected to post-race swabbing where a urine sample was taken. The procedure was witnessed by Office of Racing Integrity Steward Ms M Robinson. Mr Charles Castles also witnessed the sampling process. The sampling process was not contested.
- (g) The collection of the sample was concluded at 6:30pm with the sample being allocated the unique number R013827.
- (h) On the 16th October 2024, Racing Analytical Services Limited (RASL) issued a Certificate of Analysis reporting that the prohibited substance ARSENIC had been detected in sample R013827 taken from MADDIS TIGER NZ on the 15th September 2024.
- (i) RASL advised the reserve portion of the sample had been forwarded to the Racing Chemistry Laboratory in Western Australia for referee analysis.
- (j) Office of Racing Integrity Stewards contacted Mr Castles initially by telephone, followed with a confirmatory email on the 17th October 2024 to advise him of the irregularity.
- (k) The outcome of the reserve sample was provided by the Racing Chemistry Laboratory on the 24th October 2024. The Report confirmed ARSENIC was detected in sample R013827.
- (l) Mr Castles had previously breached the prohibited substance rules in July 2024.
- (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 MADDIS TIGER NZ had been moved from its usual paddock, stating that it was unusual for racing stock to be housed outside yards designed with steel and electrified fencing.
- 2.2 Mr Castles stated that he was unaware that MADDIS TIGER NZ had ingested treated posts, claiming the posts in question were at the far end of the paddock, far removed from his feeding and watering arrangements.
- 2.3 Mr Castles provided photographs of his paddock arrangements with evidence of new fencing materials, which he claimed had begun prior to the swab discrepancy.
- 2.4 Mr Castles submitted that the wet conditions over that period of time had created an urge for chewing of the posts to occur.
- 2.5 Mr Castles submitted that he whilst in his care, MADDIS TIGER NZ has not been treated by way of injectables nor oral products

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.

3.2 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.

- 3.2.2 We are guided in our approach to penalty by those imposed, not only in Tasmania, but also within other Australian jurisdictions.
- 3.2.3 With respect to this matter, Stewards have adopted \$2000 fine as a starting point. This being consistent with penalties handed down for similar breaches Australia wide.
- 3.2.4 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 on considering penalty, Stewards should consider his honesty and cooperation when dealing with the matter.
- 4.2 Mr Castles 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 that he has continually improved his training facilities, which was evident through his photographic evidence.
- 4.4 Mr Castles submitted that the findings were brought about by the ingesting of treated timber, which at the time, he was unaware was happening and had taken immediate steps to remedy once aware.

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, 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.
- 5.6 Mr Castles has now been found in breach of the presentation rule for a second time in less than four(4) months.

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 MADDIS TIGER NZ to race with the prohibited substance ARSENIC in its system.
- 6.2 Stewards believe it to be most probable that Mr Castles did not intentionally present MADDIS TIGER NZ to race with the prohibited substance ARSENIC 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, however based on the fact this is Mr Castles second breach in a short space of time, equally, no reduction from the starting point was given either.

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 \$2000.

Further, Stewards have determined that the previously suspended \$2500 fine for the breach of Australian Rules of Harness Racing (AHR) Rule 190(1) imposed in June 2024 be invoked.

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 2 at the Launceston Pacing Club's meeting on the 15th September 2024 are to be adjusted to reflect the disqualification of MADDIS TIGER NZ.

Decision Date: 27th November 2024