

STEWARDS DECISION

OFFICE OF RACING INTEGRITY

and

MS BIANCA HEENAN

Date of hearing:	Monday 31 st July 2023
Stewards Panel:	Neil Finnigan (Chair), Ross Neal and Roger Brown
Present:	Ms Bianca Heenan and Mr Nathan Ford
Rule:	Australian Harness Racing Rules
Charge:	That Ms Bianca Heenan as the trainer of STRAVINSKY presented that gelding for the purposes of participating in Race 6, The Tasmania Cup, at the Tasmanian Trotting Club meeting on Saturday 18 th March 2023 when a post-race urine sample taken from the gelding revealed the presence of the prohibited substances LEVAMISOLE, AMINOREX and COMPOUND 2.
Plea:	Guilty
Penalty:	Disqualification for a period of Six(6) Months

1. Background

- (a) The Respondent, Ms Bianca Heenan, is a licensed harness trainer based at Brighton, Tasmania.
- (b) Ms Bianca Heenan was the trainer of the registered gelding STRAVINSKY on 18TH March, 2023.
- (c) STRAVINSKY is a 5YO gelding owned by AC Trainor and MA Ross.
- (d) STRAVINSKY was stabled at Ms Bianca Heenan stables in Brighton.

- (e) STRAVINSKY was correctly entered, and presented, for Race 6, The Tasmania Cup, at the Tasmanian Trotting Club meeting on Saturday 18th March 2023
- (f) A routine post-race urine sample was taken from STRAVINSKY. Ms Bianca Heenan signed as the witness of the swabbing procedure, confirming her presence throughout the procedure. The sampling process was not contested.
- (g) The sample collected from STRAVINSKY was allocated the unique number V786370.
- (h) STRAVINSKY was placed second in the event.
- (i) On Wednesday 26th April 2023 Racing Analytical Services Limited (RASL) issued a Certificate of Analysis reporting that LAVAMISOLE, AMINOREX and COMPOUND 2 had been detected in sample V786370. The control sample was clear.
- (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) Ms Heenan was notified of the discrepancy via Steward representatives where she was given a copy of the relevant correspondence.
- (l) On 6th June 2023 RASL advised that ARFL had confirmed the presence of LAVAMISOLE, AMINOREX and COMPOUND 2 in the reserve portion of sample V786370.
- (m) On 31 July 2023 Ms Bianca Heenan was formally charged with a breach of Australian Harness Racing Rule 190(1), with the particulars being that she presented STRAVINSKY to race on Saturday 18th March 2023 at a meeting conducted by the Tasmanian Trotting Club when not free of prohibited substances, namely LAVAMISOLE, AMINOREX and COMPOUND 2.
- (n) Ms Bianca Heenan pleaded 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) Penalties imposed upon those offending the prohibited substance rules should reflect the industry's disapproval of prohibited substances being detected in those performing duties which put at risk, both the health and wellbeing of other licence holders and standardbreds
- (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 Ms Heenan submitted that she had no idea how the findings had come about, however acknowledged it is her responsibility, as STRAVINSKY's trainer, to present the gelding to race free of prohibited substances.
- 3.2 Ms Heenan submitted that she only had STRAVINSKY under her care from February 10th 2023; and questioned whether the prohibited substances may have been remnants from previous trainers. This theory was refuted by RASL's Scientific Manager, Dr Adam Cawley who indicated the substances could not have remained in the gelding's system for that period of time.

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 Ms Heenan's poor presentation record, we note this is Ms Heenan's third breach of the presentation rule within a four-year period.

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) Ms Heenan has been fully cooperative throughout the ORI investigation.
 - (b) Ms Heenan's guilty plea.
 - (c) Ms Heenan's previously record.
 - (d) Ms Heenan's personal circumstances and the submissions made by her with respect to her family.

6. Outcome

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

- (i) Ms Heenan be disqualified for a period of six (6) months.
- (ii) Ms Heenan's suspended penalty of a six (6) month suspension of her trainer's licence to commence at the completion of her disqualification.

7. Disqualification of Stravinsky.

7.1 Pursuant to AHR Rule 195, STRAVINSKY is disqualified from Race 6, The Tasmania Cup, at the Tasmanian Trotting Club's meeting on Saturday 18th March 2023 with the placing to be adjusted accordingly and to reflect the disqualification of STRAVINSKY.

Decision Date: 31st July 2023