

## **STEWARDS DECISION**

### **OFFICE OF RACING INTEGRITY**

and

### **ROHAN HILLIER**

- Date of Decision:** 29<sup>th</sup> January 2025
- Stewards Panel:** Mr N Finnigan (Chair), Mr M Castillo and Ms B Hine
- Respondent:** Mr Rohan Hillier
- Rule:** Australian Harness Racing (AHR) Rule 190(1):  
***A horse shall be presented for a race free of prohibited substances.***
- Charge:** Mr Rohan Hillier, being the trainer of FLO JO CARVALHO, you did present that horse to race at the Tasmanian Trotting Club's race meeting held on Friday 22<sup>nd</sup> November, 2024, when a urine sample taken from FLO JO CARVALHO, upon analysis was found to contain the prohibited substance Arsenic above the allowable threshold, further, being the trainer of MOVESLIKEALADY, you did present that horse to race at the Launceston Pacing Club's race meeting held on Sunday 1st

December, 2024, when a urine sample taken from MOVESLIKEALADY upon analysis was found to contain the prohibited substance Arsenic above the allowable threshold.

**Plea:** Guilty

## **1. Background**

- (a) The respondent, Rohan Hillier, is an A Grade licensed trainer under the Australian Rules of Harness Racing.
- (b) Mr Hillier is 52 years of age and has held a trainer's licence for a period of 35 years.
- (c) FLO JO CARVALHO was correctly entered for and presented to race in Race 3 at the Tasmanian Trotting Club's race meeting held on Friday 22<sup>nd</sup> November, 2024
- (d) FLO JO CARVALHO placed 2<sup>nd</sup> in the event earning \$1360 in stake money.
- (e) FLO JO CARVALHO starting price was \$3.70.
- (f) FLO JO CARVALHO was subjected to pre-race swabbing where a urine sample was taken. The procedure was witnessed by Office of Racing Integrity Steward Ms E Dunbabin. Ms Jordan Chibnall also witnessed the sampling process. The sampling process was not contested.
- (g) The collection of the sample was concluded at 5:20pm with the sample being allocated the unique number R018769.
- (h) On the 12<sup>th</sup> December 2024, Racing Analytical Services Limited (RASL) issued a Certificate of Analysis reporting that the prohibited substance ARSENIC had been detected in sample R018769 taken from FLO JO CARVALHO on the 22<sup>nd</sup> November 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 Hillier initially by telephone, followed with a confirmatory email and the delivery of details to advise him of the irregularity.
- (k) The outcome of the reserve sample was provided by the Racing Chemistry Laboratory on the 20<sup>th</sup> December 2024. The Report confirmed ARSENIC was detected in sample R018769.
- (l) MOVESLIKEALADY was correctly entered for and presented to race in Race 5 at the Launceston Pacing Club's race meeting held on Sunday 1<sup>st</sup> December, 2024
- (m) MOVESLIKEALADY placed 1<sup>st</sup> in the event earning \$34 200 in stake money.
- (n) MOVESLIKEALADY starting price was \$41.00
- (o) MOVESLIKEALADY was subjected to post-race swabbing where a urine sample was taken. The procedure was witnessed by Office of Racing Integrity Stewards Ms E Morice-Smith and Ms C Ellson. Ms Grace Jones also witnessed the sampling process. The sampling process was not contested.
- (p) The collection of the sample was concluded at 3:58pm with the sample being allocated the unique number R020042.
- (q) On the 31<sup>st</sup> December 2024, Racing Analytical Services Limited (RASL) issued a Certificate of Analysis reporting that the prohibited substance ARSENIC had been detected in sample R020042 taken from MOVESLIKEALADY on the 1<sup>st</sup> December, 2024.
- (r) RASL advised the reserve portion of the sample had been forwarded to the Racing Chemistry Laboratory in Western Australia for referee analysis.
- (s) Office of Racing Integrity Stewards contacted Mr Hillier initially by telephone, followed with a confirmatory email to advise him of the irregularity.
- (t) Mr Hillier was contacted by ORI Stewards, regarding upcoming inquiry into the Laboratory's findings, where he was informed Stewards would be considering the irregularities as a single breach as the second occurred before notification of the first.

## **2. Submissions of the Respondent**

- 2.1 When asked to explain the irregularity, Mr Hillier submitted that both FLO JO CARVALHO and MOVESLIKEALADY had been housed in treated pine timber stables.
- 2.2 Mr Hillier submitted that he was unaware that FLO JO CARVALHO and MOVESLIKEALADY had ingested treated posts, putting the issue down to both horses licking the rain-soaked treated timber.
- 2.3 Mr Hillier submitted his record be considered, highlighting over 35 years in the industry.
- 2.4 Mr Hillier submitted that he takes pride in presenting horses in the best possible condition and drug free.

## **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 a \$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 Hillier submitted that on considering penalty, Stewards should consider his cooperation when dealing with the matter.
- 4.2 Mr Hillier submitted that his involvement in Harness Racing as a trainer is long, and his record is good.
- 4.3 Mr Hillier acknowledged his responsibility which he confirmed with his guilty plea.
- 4.4 Mr Hillier submitted that he was unaware that FLO JO CARVALHO and MOVESLIKEALADY had ingested treated posts, putting the issue down to both horses licking the rain-soaked treated timber, adding that up until these two(2) incidents he has not had any issues with swab irregularities with horses housed in these stables.

#### **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 Hillier has two(2) historic breaches of presentation rule AHR Rule 190(1).

## **6. Factors in consideration of penalty.**

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

- 6.1 Mr Hillier has admitted to a charge of presenting FLO JO CARVALHO and MOVESLIKEALADY NZ to race with the prohibited substance ARSENIC in their systems.
- 6.2 Stewards believe it to be most probable that Mr Hillier did not intentionally present FLO JO CARVALHO and MOVESLIKEALADY to race with the prohibited substance ARSENIC in their systems.
- 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 The Stewards appreciate that Mr Hillier's record deserves some recognition
- 6.6 The Stewards also need to consider there are two(2) adverse findings associated with case.

## **7. Outcome**

Mr Hillier is to be fined pursuant to the Australian Rules of Harness Racing. The particulars of the fine being that one of a \$2000 with \$500 wholly suspended for 24 months.

## 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,

1. The placings for Race 3 at the Tasmanian Trotting Club's meeting on the 22<sup>nd</sup> November 2024 are to be adjusted to reflect the disqualification of FLO JO CARVALHO, and
2. The placings for Race 5 at the Launceston Pacing Club's meeting on the 1<sup>st</sup> December 2024 are to be adjusted to reflect the disqualification of MOVESLIKEALADY.

**Decision Date:** 29<sup>th</sup> January 2025