

MR MICHAEL MUSCAT- INQUIRY CONCLUDED

20 APRIL 2022

Harness Racing New South Wales (HRNSW) Stewards have finalised an Inquiry that commenced on 19 January and adjourned from 1 March 2022 into a report received from the Australian Racing Forensic Laboratory (ARFL) that Total Plasma Carbon Dioxide above the prescribed threshold had been detected in the pre-race blood sample taken from KNIGHT WALKER prior to it running in race 1, the BLING IT ON @ COBBITTY EQUINE FARM PACE (1730 metres) conducted at Bathurst on Wednesday 22 December 2021.

As previously advised, Trainer Mr Michael Muscat pleaded guilty to a charge issued by HRNSW Stewards pursuant to Australian Harness Racing Rule (AHRR) 190 (1), (2) & (4) as follows:

AHRR 190. (1) *A horse shall be presented for a race free of prohibited substances.*

(2) *If a horse is presented for a race otherwise than in accordance with sub rule (1) the trainer of the horse is guilty of an offence.*

(3) *If a person is left in charge of a horse and the horse is presented for a race otherwise than in accordance with sub rule (1), the trainer of the horse and the person left in charge is each guilty of an offence.*

(4) *An offence under sub rule (2) or sub rule (3) is committed regardless of the circumstances in which the prohibited substance came to be present in or on the horse.*

In addition, Mr Muscat was found guilty of a charge issued by HRNSW Stewards pursuant to AHRR 196C (1)(b) & (2)(c) as follows:

AHRR 196C. (1) *A person must not administer an alkalinising agent in any manner to a horse which is engaged to run in a race:*

(a) *at any time on the day of the scheduled race and prior to the start of the race;*

(b) *at any time within one (1) clear day of the commencement of the race.*

(2) *Any person who:-*

(a) *administers an alkalinising agent;*

(b) *attempts to administer an alkalinising agent;*

(c) *causes an alkalinising agent to be administered; and/or*

(d) *is a party to the administration of, or an attempt to administer, an alkalinising agent*

contrary to sub-rule (1) is guilty of an offence.

Following an adjournment to allow for penalty submissions to be provided by Mr Muscat's legal representative, HRNSW Stewards have now received those submissions and issued a penalty in respect of those charges.

Charge 1 - Five (5) years and two (2) months disqualification.

Charge 2 - Ten (10) months disqualification to be served cumulative to Charge 1.

For further information on this matter contact:
HRNSW Integrity Department
(02) 9722 6655

In total, Mr Muscat has been disqualified for a period of 6 years to commence from 1 March 2022, the date upon which he was stood down pursuant to AHRR 183.

In considering penalty Stewards were mindful of the following:

- The submissions of Mr Morris (Jnr) on behalf of Mr Muscat;
- Mr Muscat's involvement as a licensed person in the harness racing industry since 2005;
- Mr Muscat's third prohibited substance offence;
- Class 2 Prohibited Substance;
- The circumstances in this matter;
- The impact of a disqualification upon Mr Muscat from a personal and financial perspective.

Acting under the provisions of AHHR 195, KNIGHT WALKER was disqualified from the abovementioned race.

Mr Muscat was informed of his right to appeal this decision.

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