

MR JOSHUA FARRUGIA- INQUIRY CONCLUDED

OCTOBER 17 2020

Harness Racing New South Wales (HRNSW) Stewards have concluded an Inquiry that commenced on 8 October 2020 in relation to a report from the Australian Racing Forensic Laboratory (ARFL) that Total Carbon Dioxide above the prescribed threshold had been detected in the pre-race blood sample taken from ARE YOU WITH ME prior to race 7, the 57TH INTER CITY PACE FINAL (GROUP 3) (2422 metres) conducted at Maitland on Saturday 28 December 2019.

The 'B' sample was confirmed by the Racing Analytical Services Limited (RASL) in Victoria.

Licensed Trainer/Driver Mr Joshua Farrugia and HRNSW Regulatory Veterinarian Dr Martin Wainscott were present and provided evidence to the Inquiry.

A number of documents were entered into evidence at the Inquiry including the Certificates of Analysis.

Mr Farrugia pleaded guilty to three (3) charges issued by HRNSW Stewards as follows:

Charge 1

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.*

Charge 2

Pursuant to AHRR 196C (1)(b) & (2)(a) 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;*

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- (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.

Charge 3

Pursuant to AHRR 190B (1) & (6) as follows:

AHRR 190B. (1) A trainer shall at all times keep and maintain a log book:-

- (a) listing all therapeutic substances in his or her possession;
(b) recording all details of treatment administered to any horse in his or her care and including as a minimum requirement:
(i) the name of the horse
(ii) the date and time of administration of the treatment
(iii) the name of the treatment (brand name of active constituent)
(iv) the route of administration
(v) the amount given
(vi) the name and signature of the person or persons administering and/or authorising treatment....

(6) A trainer who fails to comply with the provisions of sub-rule (1), (3), (4) or (5) is guilty of an offence.

In relation to Charge 1, Mr Farrugia was disqualified for period of 14 months to commence from 3 January 2020.

In relation to Charge 2, Mr Farrugia was disqualified for a period of 6 months to be served concurrently with the disqualification imposed for Charge 1.

In relation to Charge 3, Mr Farrugia was fined the amount of \$500.

In considering penalty Stewards were mindful of the following;

- Mr Farrugia's involvement as a trainer in the harness racing industry since 2011/12 season;
- Mr Farrugia's first prohibited substance related offence;
- Class 2 Prohibited Substance;
- The levels recorded;
- The impact of a disqualification upon Mr Farrugia from a personal and financial perspective.

Acting under the provisions of AHRR 195, ARE YOU WITH ME was disqualified from the abovementioned race.

Mr Farrugia was advised of his appeal rights.

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