

MR MALCOLM LOCKE - INQUIRY CONDUCTED

MAY 18 2021

HRNSW Stewards conducted an Inquiry today into the results of an Out of Competition blood sample taken from the horse TUNGSTEN TERROR on 2 September 2020 while that horse was being trained and cared for by licensed Trainer Mr Malcolm Locke:

The Hong Kong Jockey Club reported the presence of peptide VNFYAWK which is known to be a highly specific fragment of recombinant human erythropoietin or darbepoetin alpha or methoxy polyethylene glycol-epoetin beta or recombinant human EPO-Fc.

LGC in the United Kingdom reported the presence of recombinant human erythropoietin.

Mr Locke attended the Steward's Inquiry and provided evidence as did HRNSW Regulatory Veterinarian Dr Martin Wainscott.

HRNSW Stewards issued the following five (5) charges against Mr Locke pursuant to the Australian Harness Racing Rules as follows:

Charge 1 - Issued pursuant to AHRR 190A(1)(a)

AHRR 190A. (1) *When a sample taken at any time from a horse being trained or cared for by a licensed person has detected in it any prohibited substance specified in sub-rule (2):-*

(a) The trainer and any other person who was in charge of such horse at the relevant time shall be guilty of an offence.

Charge 2- Issued pursuant to AHRR 196A(1)(i) & 2

AHRR 196A. (1) *A person shall not administer or cause to be administered to a horse any prohibited substance*

(i) for the purpose of affecting the performance or behaviour of a horse in a race or of preventing its starting in a race...

(2) A person who fails to comply with sub-rule (1) is guilty of an offence.

Charge 3- Issued pursuant to AHRR 196A(1)(ii) & 2- In the alternative to Charge 2

AHRR 196A. (1) *A person shall not administer or cause to be administered to a horse any prohibited substance*

(ii) which is detected in any sample taken from such horse prior to or following the running of any race.

(2) A person who fails to comply with sub-rule (1) is guilty of an offence.

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

Charge 4 - Issued pursuant to AHRR 194(b)

AHRR 194 A person who:

(b) Has in his possession or on his premises or under his control;

any substance or preparation that has not been registered, labelled, prescribed or obtained in compliance with relevant State and Commonwealth legislation is guilty of an offence.

Charge 5 - Issued pursuant to AHRR 240(b)

AHRR 240 A person shall not, whether alone or in an association with others, do, permit or suffer anything before, during or after a race which in the opinion of the Stewards or Controlling Body:-

(b) is corrupt.

Mr Locke was found guilty of all five (5) charges and HRNSW Stewards issued the following penalties:

- Charge 1:** 5 years disqualification to commence from 15 October 2020 the date upon which Mr Locke was stood down pursuant to AHRR 183.
- Charge 2:** 8 years disqualification to be served cumulative to Charge 1.
- Charge 3:** As this charge was issued in the alternative to Charge 2, HRNSW Stewards did not proceed to the matter of penalty at this time.
- Charge 4:** 9 months disqualification to be served cumulative to Charges 1 & 2.
- Charge 5:** 5 years disqualification to be served cumulative to Charges 1, 2 & 3.

In total, Mr Locke was disqualified for a period of 18 years and 9 months to commence from 15 October 2020, the date upon which he was stood down pursuant to AHRR 183.

HRNSW Stewards also considered the disqualification of the subject horse pursuant to Australian Harness Racing Rule (AHRR) 190A(1)(b) as follows:

AHRR 190A (1) When a sample taken at any time from a horse being trained or cared for by a licensed person has detected in it any prohibited substance specified in sub-rule (2):-

(b) The horse may be disqualified from any race in which it has competed subsequent to the taking of such a sample where, in the opinion of the Stewards, the prohibited substance was likely to have had any direct and/or indirect effect on the horse at the time of the race.

Consequently, HRNSW Stewards ordered that the horse TUNGSTEN TERROR be disqualified from the following races:

- Race 2 at Tabcorp Park Menangle on Tuesday 8 September 2020;
- Race 7 at Tabcorp Park Menangle on Tuesday 22 September 2020;
- Race 8 at Tabcorp Park Menangle on Tuesday 29 September 2020;
- Race 8 at Tabcorp Park Menangle on Tuesday 6 October 2020.

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

In addition, HRNSW Stewards ordered that Mr Locke pay to HRNSW within 14 days of being advised of the Steward's Decision, the sum of \$12,200 as costs pertaining to the analytical tests that were costs borne by the Controlling Body in relation to the prohibited substances from his horses, pursuant to NSW Local Rule 256A as follows:

- NSWLR256A**
- (1) The Stewards, having determined after an inquiry or investigation to impose a penalty upon a person for a breach of, or offence under, these Rules, may make such order as they think fit as to the payment of costs by that person in part or full of any costs and expenses incurred by the Controlling Body in connection with that inquiry or investigation.*
 - (2) A costs order made under this Rule is additional to, and does not form part of, any penalty imposed upon the person. However the order as to costs does form part of the decision made by Stewards, and is not intended to be protected from any rights of Appeal the person may have.*
 - (3) A costs order is payable as a debt to the Controlling Body within 14 days of notification of the quantum of the order, whether orally or in writing, to the person. Failure to comply with the terms of payment, or to enter into a payment arrangement satisfactory to the Controlling Body, may lead to the person being placed on the Unpaid Forfeit List."*

Mr Locke has been advised of his right to appeal these decisions of HRNSW Stewards.

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