

## MR MICHAEL MUSCAT - INQUIRY CONDUCTED

2 MARCH 2022

Harness Racing New South Wales (HRNSW) Stewards concluded an Inquiry yesterday that commenced on 19 January 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.

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

Trainer Mr Michael Muscat appeared at the Inquiry with legal representation and provided evidence in relation to his registered training establishment and the horse KNIGHT WALKER. Dr Derek Major also appeared at the Inquiry yesterday and provided evidence on behalf of Mr Muscat.

HRNSW Regulatory Veterinarian Dr Martin Wainscott was present and provided evidence to the Inquiry.

Mr 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.*

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

Following an application on behalf of Mr Muscat, HRNSW Stewards adjourned the Inquiry for penalty submissions to be provided prior to 4pm on Tuesday 22 March 2022.

HRNSW Stewards gave consideration as to whether AHRR 183 should be invoked or otherwise. Following submissions on behalf of Mr Muscat, together with all available information, HRNSW Stewards invoked AHRR 183(d) as follows:

**AHRR 183.** *Pending the outcome of an inquiry, investigation or objection, or where a person has been charged with an offence, the Stewards may direct one or more of the following -*

- (a) that a horse shall not be nominated for or compete in a race;*
- (b) that a driver shall not drive or otherwise take part in a race;*
- (c) that the horses of certain connections shall not be nominated for or start in a race;*
- (d) that a licence or any other type of authority or permission be suspended.*

Consequently, the Trainer and Driver's licence of Mr Muscat were suspended, effective immediately.

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

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