



## HEARING RESULT

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**Distribution:** Chief Executive  
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T Moxon – National Drug Register  
Racing Press

**FROM:** Registrar – Racing Appeals and Disciplinary Board

**DATE:** 28 April 2016

**SUBJECT:** **HEARING RESULT – TRAINER: KANE HARRIS**

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**Panel** Judge Bowman (Chair), Mr Darren McGee, Mr Shaun Ryan.

**Appearances** Mr Daniel Bolkunowicz appeared as counsel for the stewards.  
Mr Harris appeared on his own behalf.

**Charge 1** Breach of AR 178

*Subject to AR 178G, when any horse that has been brought to a racecourse for the purpose of engaging in a race and a prohibited substance is detected in any sample taken from it prior to or following its running in any race, the trainer and any other person who was in charge of such horse at any relevant time may be penalised.*

**Charge 2** Breach of AR 178F

*'A trainer must record treatment and medication administered to each horse in his or her care by midnight on the day on which the administration was given...'*

Charge 1 relates to a prohibited substance, being Dexamethasone, which was detected in a pre-race urine sample taken from the horse *Crooner* prior to it running in Race 5 at Flemington on 1 January 2016.

**Plea** Charge 1 – guilty.  
Charge 2 – guilty.

**Decision** Charge 1 – Mr Harris convicted and fined \$2,500.  
Charge 2 – Mr Harris convicted and fined \$500.

A total of \$3,000 – due in 28 days.

Pursuant to AR 177, *Crooner* must be and is disqualified from Race 5 at Flemington on 1 January 2016 and the places amended accordingly.

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**TRANSCRIPT OF  
PROCEEDINGS**

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**RACING APPEALS AND DISCIPLINARY BOARD**

**HIS HONOUR JUDGE J. BOWMAN, Chairman  
MR D. McGEE  
MR S. RYAN**

**EXTRACT OF PROCEEDINGS**

**DECISION**

**TRAINER: KANE HARRIS**

**MELBOURNE**

**THURSDAY, 28 APRIL 2016**

MR D. BOLKUNOWICZ appeared on behalf of the RVL Stewards

MR K. HARRIS appeared on his own behalf

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CHAIRMAN: Mr Kane Harris has pleaded guilty to a charge pursuant to AR 178, in that he, being the trainer of Crooner, brought it to run in the Red Tempo Handicap at Flemington on 1 January 2016 when a prohibited substance, dexamethasone or "dex" was detected in the pre-race urine sample taken from it. The horse ultimately finished ninth.

Secondly, he has pleaded guilty to a count of failing on two occasions to record the treatment of medication. This failure to record relates to treatment on 10 December 2015 and 19 December 2015.

In relation to the presentation charge, the horse is disqualified from the Red Tempo Handicap pursuant to AR 177 and the finishing order is to be amended accordingly.

Continuing with the presentation charge, strict liability applies, as has been properly conceded by Mr Harris. What actually occurred to produce the high reading that was found at 10 times the limit is something of a mystery. There is no obvious explanation. However, Mr Harris is responsible for it and it is quite a serious charge.

Mitigating factors include Mr Harris's plea of guilty and the cooperation which was afforded to the Stewards; his preparedness to increase stable security and take active steps in that regard, and his effectively unblemished record over some 14 years of training. We have taken those matters into account.

We are also conscious of the fact that both general and specific deterrence are important factors and that an appropriate penalty must be imposed.

In the circumstances, we are of the view that this offence warrants a penalty reflecting that it is not the most serious end of the scale. A fine of \$2500 seems to us to be fair and appropriate.

Turning to the second charge, as pointed out by Mr Bolkunowicz, the recording of treatment is mandatory, is of importance, and it assists the Stewards in the carrying out of their duties. We are of the view that a fine of \$500 is appropriate and thus the total penalty is \$3000. There will be a stay in relation to payment of 28 days.

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