



## COMMISSIONER'S REPORT

Public summary report of review of integrity processes and systems relevant to the investigation conducted Racing Victoria Ltd (RVL) into persons connected with Aquanita Racing Australia Pty Ltd (*Aquanita*)

### Background

1. The investigation undertaken by RVL into allegations of systemic 'stomach tubing' and other breaches of the rules of racing by persons connected with *Aquanita* was incredibly unique and particularly complex. The investigation ultimately resulted in seven licensed persons receiving substantial disqualifications from thoroughbred racing, including three life bans.
2. The *Aquanita* case has attracted significant attention and scrutiny from the industry, public and media. Nearly 100 complaints and enquiries made to the Commissioner's office related to *Aquanita* and the RVL investigation into its activities.
3. The previous Commissioner deferred an examination of the issues raised by the complaints until all disciplinary processes had concluded. This occurred when final determinations about disqualifications and prizemoney were made by RVL on 16 March 2021.

### Review

4. A key function of the Racing Integrity Commissioner is to investigate complaints about the integrity processes and systems of a controlling body.
5. Following the finalisation of the disciplinary proceedings, I assessed the *Aquanita* complaints and determined that they variously raised issues about the following aspects of RVL's integrity processes and systems—
  - the adequacy of the investigation (**Investigation**)
  - the identification and management of perceived, potential and actual conflicts of interest arising from the professional and personal relationships that exist between staff, directors and industry participants (**Conflicts**)
  - the identification and investigation of race fixing through wagering analysis (**Race fixing**)
  - the identification and investigation of use of other substances and training methods that may be in breach of the rules of racing (**Other**).

6. In October 2021, I informed RVL that I would conduct a review of its integrity processes and systems as they related to its investigation of *Aquanita*.
7. I requested RVL provide me with all relevant material, including statements, intelligence, phone records, interview and surveillance recordings, betting data and analysis, conflict of interest policies, registers and board minutes. Additionally, I sought information from the Melbourne Racing Club (**MRC**) about its conflict of interest policy and register that was in place at the time.
8. In excess of five hundred documents, over 30 interview transcripts and 120 spreadsheets of wagering data were produced to me in response to these requests. My office also sourced significant other information which I have examined as part of my review. I acknowledge the co-operation given by RVL and MRC in providing such extensive materials and responding to my queries throughout the review.

## Findings

9. Having reviewed this material, I make the following findings.

### *Investigation*

10. RVL's investigation resulted in seven licensed persons being found guilty of significant rule breaches and receiving substantial disqualification from participation in thoroughbred racing. Notwithstanding, I identified deficiencies in certain aspects of the RVL investigation into *Aquanita* – in particular, relating to the seizure and management of participants' telecommunications devices – which resulted in evidence either not being obtained at the first available opportunity, being destroyed, or permanently lost. I accept that this did not cause detriment to those who were subsequently charged and sanctioned. However, the absence of this evidence means that the question of whether others had knowledge of, or were implicated in, the systemic *Aquanita* doping can never be answered.
11. However, in light of my recommendations following the 2021 inquiry into the conduct of RVL's stewards and withdrawal of charges against Mr Richard Laming, Mr Marnu Potgieter and Mr MD Zeyaur Rahman, and those of the 2019 independent review of RVL's integrity services department, I consider that the identified *Aquanita* investigation shortcomings have already been adequately addressed. It is therefore unnecessary for me to traverse the same ground by making similar recommendations when a number of the issues have already been rectified or efforts to improve systems and processes are in train.

### Conflict

12. Many of the complaints received by my office relate to the potential conflict of interest of board and committee members and staff of both RVL and the MRC, and the impact this had on the investigation and subsequent decision-making about disqualification of *Aquanita*-trained horses and re-distribution of prize money.
13. I have found no evidence of any undeclared conflicts of interest, improper or inadequate management of any declared conflicts, or inappropriate participation or interference in any *Aquanita* decision-making by any person, including in relation to decisions to disqualify horses.
14. I am also satisfied that no person with an *Aquanita* conflict of interest was involved in the decision not to recoup prize money that had already been paid to horses that were subsequently disqualified. I otherwise consider that this decision was a commercial one that was open to RVL to make. Any recovery of fines imposed by the Victorian Civil and Administrative Tribunal is also at the discretion of RVL.

### Race fixing

15. Issues have been raised about the analysis and assessment of betting data by RVL relevant to races in which *Aquanita*-trained horses ran. I have reviewed the betting data from all relevant races and find no evidence that the analysis of RVL was deficient. Further, the betting data does not reveal that any other person was involved, or had knowledge of, systemic race day treatment program undertaken at *Aquanita*.

### Other

16. I have found no evidence of the administration of any other banned substances or use of other improper training methods in breach of the rules of racing by the *Aquanita* syndicate that has not already been dealt with by RVL.

### Conclusion

17. In the circumstances, I consider that there is no basis for me to take any further action in relation to *Aquanita* at this time, unless and until such time as any new evidence is provided.



**SEAN CARROLL**  
Racing Integrity Commissioner  
2 March 2023