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## **APPEAL DECISION**

**JAMIE EDWARDS**

*and*

**RACING VICTORIA STEWARDS**

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<b><u>Date of Hearing</u></b>	19 April 2018
<b><u>Heard by</u></b>	Judge Bowman (Chair)
<b><u>Appearances</u></b>	James Hitchcock appeared on behalf of the stewards Jamie Edwards was assisted by Andrew Nicholl appeared on his own behalf.
<b><u>Charge</u></b>	AR 178AB (1) A person must not, without the permission of the Stewards, inject a horse, cause a horse to be injected or attempt to inject a horse, which is engaged to run in any race or official trial: (a) at any time on the day of the scheduled race or official trial, prior to the start of such event; and (b) at any time during the One Clear Day prior to 12.01am on the day of the scheduled race or official trial.
<b><u>Summary</u></b>	<p>Following a routine stable inspection from the Compliance Assurance Team, Stewards questioned trainer Mr Edwards regarding an entry in the treatment logs of <i>Fill the Flute</i> and <i>Prince Ziggy</i> that indicated those horses had blood samples collected on Wednesday 28 March 2018.</p> <p>Mr Edwards subsequently pleaded guilty to a charge under the provisions of AR178AB in that on Wednesday 28 March 2018 during the One Clear Day prior to racing and without the permission of the Stewards, he injected <i>Fill the Flute</i> and <i>Prince Ziggy</i> for the purpose of collecting a clinical blood sample when both horses were engaged to race at Warrnambool Thursday 29 March 2018.</p> <p>Mr Edwards was subsequently fined \$1,500.</p> <p>A notice of Appeal against <b>the severity of the penalty</b> imposed was lodged on 5 April 2018. A Stay of Proceedings was not required.</p>
<b><u>Decision</u></b>	Appeal against severity of penalty allowed.  Penalty varied to \$1000, payment terms 30 days.

**TRANSCRIPT OF  
PROCEEDINGS**

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**RACING APPEALS AND DISCIPLINARY BOARD**

**HIS HONOUR JUDGE J. BOWMAN, Chairman**

**EXTRACT OF PROCEEDINGS**

**DECISION**

**JAMIE EDWARDS**

**and**

**RACING VICTORIA STEWARDS**

**RACING VICTORIA CENTRE, FLEMINGTON**

**THURSDAY, 19 APRIL 2018**

MR J. HITCHCOCK appeared on behalf of the RVL Stewards

MR J. EDWARDS, assisted by MR A. NICHOLL, appeared on his own behalf

CHAIRMAN: Mr Jamie Edwards, you have pleaded guilty to a breach of AR 178AB, in that on 28 March 2018, during the one clear day prior to racing, without the permission of the Stewards, you injected two horses, Fill The Flute and Prince Ziggy, for the purpose of collecting a clinical blood sample. Both horses were engaged to run at Warrnambool the following day. Injections of both horses were recorded in your treatment logs. The Stewards permitted both horses to run. The blood samples had been collected by a vet, Dr Splatt.

The results of the blood tests were provided to the Stewards. There is no suggestion that what occurred is anything other than ignorance of the proper interpretation of the rule on your part. Your forthright evidence was also noted by the Stewards.

I would emphasise that there is no suggestion of any nefarious intention or behaviour. It was simply ignorance of the correct operation of a rule which you should have known, the withdrawal of blood samples, not the injection of any substance. The Stewards fined you \$1500. You are appealing against the severity of that fine.

I accept your unchallenged submission that you have been a trainer for 25 years and have an impeccable record. You are a trainer of 25 horses in your stable and the fine of \$1500 means a lot to you. I accept that you knew of the rule, having received a lot of material that is circulated, but misinterpreted it. You did not think that an injection for the purpose of extracting a blood sample represented treatment, as opposed to actually injecting something into a horse.

Indeed, as you have pointed out, the taking of blood samples may not have been required to be recorded in your treatment log at all. Because you did record it, it was readily apparent to the Stewards. I understand from Mr Nicholl who is assisting you that this situation of recording is about to be clarified so that there is no doubt that such recording is required. In any event, the rule requires that no injection be performed during the one clear day prior to racing. If you had read the material carefully, this would have become apparent. As it is, I accept that you misinterpreted the rule.

As stressed by Mr Hitchcock on behalf of the Stewards, this is an important rule. That is fully understandable. Injections into horses that are about to race have the potential to damage the image of racing, even if they are injections for the purpose of taking blood out, rather than putting a substance in. A trainer of your experience should have had a clear understanding of this.

I have looked at penalties previously imposed for a breach of Rule AR 178AB and I note fines in cases that may resemble yours ranging from \$500 to \$1000 imposed on trainers Williams, Stewart, Kelly and Vella. I repeat that this is an important rule. It has now been in force for about two and a half years, so all trainers should be well aware of it. Some of the penalties that I have referred to above were imposed when the rule was comparatively new.

Having regard to your impeccable record, your forthright admissions, your guilty plea and your misinterpretation of the rule, even if you should have known better, bearing in mind the general circumstances, I am prepared to vary

the penalty. However, given the importance of the rule, I am not prepared to come below four figures. Your appeal is upheld and the fine imposed is reduced to \$1000. There will be a period of 30 days for the payment of \$1000.

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