



## HEARING RESULT

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**Distribution:** Chief Executive  
Group Integrity Services, Group Racing  
Group Racing Development  
Credit Controller  
ARB, ATA, VJA, TVN  
Office of Racing  
T Moxon – National Drug Register  
Racing Press

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

**DATE:** 29 October 2015

**SUBJECT:** **HEARING RESULT – TRAINER: PETER MOODY**

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**Panel** Judge John Bowman (Chair), Mr Chris Fox & Dr June Smith.

**Appearances** Mr Moody appeared on his own behalf.  
Mr James Ogilvy appeared on behalf of the stewards.

**Charge** Breach of AR 178E(1)

*Notwithstanding the provisions of AR 178C(2), no person without the permission of the Stewards may administer or cause to be administered any medication to a horse on race day prior to such horse running in a race.*

The charge relates to a stable employee of Mr Moody's administering *Kelato Swelldown* to the horse *Lady Tatia* on 16 September 2015 prior to its engagement to run in Race 4 at Pakenham that day.

**Plea** Guilty.

**Decision** Mr Moody convicted and fined \$1,500 – due on or before 12 November 2015.

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**Georgie Gavin**  
Registrar - Racing Appeals and Disciplinary Board

**TRANSCRIPT OF  
PROCEEDINGS**

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**RACING APPEALS AND DISCIPLINARY BOARD**

**HIS HONOUR JUDGE J. BOWMAN, Chairman  
MR C. FOX  
DR J. SMITH**

**EXTRACT OF PROCEEDINGS**

**DECISION**

**RE: LADY TATIA**

**TRAINER: PETER MOODY**

**MELBOURNE**

**THURSDAY, 29 OCTOBER 2015**

MR J. OGILVY appeared on behalf of the RVL Stewards

MR P. MOODY appeared on his own behalf

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CHAIRMAN: Mr Peter Moody, you have pleaded guilty to a charge pursuant to Rule 178E(1) that without the permission of the Stewards you administered or caused to be administered medication to a horse, namely Lady Tatia, on race day, namely 16 September 2015, prior to the horse going to Pakenham to run in the R. Berry Rural Farming Fillies and Mares Handicap.

The penalty for the offence is six months' disqualification unless special circumstances as set out in Local Rule 73A are found. One such circumstance is a plea of guilty at an early stage. That certainly occurred here. We are of the view that special circumstances exist.

In arriving at the penalty, we have taken the following factors into account: there is the early plea of guilty and cooperation shown. Doubtless in the present climate, facing such a charge causes stress, embarrassment and unfavourable attention. Doubtless, also, there may have been some embarrassment and unhappy owners as a result of the scratching of the horse.

Next, there was nothing at all sinister about what occurred. It was a simple stable error, resulting in a medicated poultice being applied to Lady Tatia on a race day by reason of confusion between staff members. We have also taken into account the very large number of horses stabled at the establishment. Stewards accept that, against that background, there was a breakdown of stable procedures, and an effective remedial step has since been taken.

You have in reality a very good record in relation to offences pursuant to Rule 178E. We appreciate that there have been two previous offences but both were under what could be described as the old system and neither was of any great magnitude.

Mr Ogilvy, on behalf of the Stewards, submitted that a fine would be adequate. We agree. However, the rule is one that deals with a serious offence. Strict liability exists. In our opinion, a fine of \$1500 is appropriate and this should be paid within 14 days of this date.

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