

RACING VICTORIA LIMITED  
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RACING APPEALS AND  
DISCIPLINARY BOARD



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## HEARING RESULT

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**Distribution:** Chief Executive  
Group Integrity Services, Group Racing  
Group Racing Development  
Credit Controller  
ATA  
TVN  
Office of Racing  
S. Carvosso – Racing NSW  
Racing Press

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

**DATE:** 27 October 2009

**SUBJECT:** **HEARING RESULT – TRAINER: PHILIP CAKEBREAD**

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**Panel** Brian Forrest (Deputy Chair), Graeme Johnson, Bill Knights

**Appearances** James Ogilvy, Lawyer for RVL, appeared on behalf of the Stewards.  
Patrick Wheelahan appeared on behalf of Philip Cakebread.

**Charge** Breach of AR 177A

The charge relating to the horse *Brazen Minx* being brought to the Geelong racecourse on 26 August 2009 and a prohibited substance, being Phenylbutazone and Oxyphenbutazone, detected in a blood sample taken from the horse prior to it trialling for the purpose of being re-instated.

**Plea** Guilty

**Decision** Convicted and fined the amount of \$750 – this fine to be wholly suspended for a period of 12 months provided that Mr Cakebread does not commit a further breach of the Rules within this period.

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

# **TRANSCRIPT OF PROCEEDINGS**

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## **RACING APPEALS AND DISCIPLINARY BOARD**

**MR B. FORREST, Deputy Chairman**  
**MR G. JOHNSON**  
**MR B. KNIGHTS**

## **EXTRACT OF PROCEEDINGS**

### **DECISION**

**TRAINER: PHILIP CAKEBREAD**

**MELBOURNE**

**TUESDAY, 27 OCTOBER 2009**

MR J. OGILVY appeared on behalf of the Stewards

MR P. WHEELAHAN appeared on behalf of Mr P. Cakebread

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DEPUTY CHAIRMAN: Licensed trainer Mr Philip Cakebread has pleaded guilty to a breach of AR.177A which reads:

*When a horse is brought to a racecourse or recognised training track to engage in either an official trial, or a jump-out, or any other test for the purpose of obtaining a permit to start in a race (whether after suspension or otherwise) and a prohibited substance is detected in any sample taken from it prior to or following such engagement, the trainer and any other person who was in charge of the horse at any relevant time may be penalised.*

The undisputed facts are as follows: a prohibited substance, phenylbutazone and oxyphenylbutazone, was detected in the blood sample taken from the horse, Brazen Minx, trained by Mr Cakebread on 26 August 2009 at Geelong racecourse prior to trialling. Brazen Minx, in its one prior race start at Kilmore on 11 August 2009 raced erratically, in that it hung out badly and finished a long last. As a consequence, stewards ordered that the horse must trial to their satisfaction before being permitted to race again, hence the trial on 26 August.

After the Kilmore race, Mr Cakebread discovered that the horse had a lacerated mouth as its tongue had got over the bit. He treated the laceration with phenylbutazone, commonly known as bute, an anti-inflammatory and analgesic agent widely used in the treatment of horses. Mr Cakebread estimated that he treated the horse on three or four occasions with bute paste, each time by oral

administration. According to veterinary advice, the result was consistent with the last treatment, probably within 72 hours of trialling. Mr Cakebread was unsure of the date of the last administration as he did not keep a record of the dates of administration.

Mr Cakebread's training business is a small-scale hands-on operation. In the Board's view, there was no sinister motive in Mr Cakebread's action of treating a race-day injury with an anti-inflammatory and analgesic substance. His error was to fail to ensure that the retention period of the drug in the horse's system had passed by prematurely arranging for it to trial. The Board is prepared to accept that this was a mistake on Mr Cakebread's part and not deliberate. In saying that, the Board is also mindful of the trainer's responsibility in ensuring horses are free of prohibited substances when presented for trialling.

The Board has considered the submissions made by Mr Ogilvy and Mr Wheelahan on Mr Cakebread's behalf. On the scale of drug-related offences, the Board agrees with the observations of counsel that this is at the low end of the scale.

Having regard to the guilty plea, Mr Cakebread's cooperation with stewards, his good record, the nature and circumstances of the offence and his personal circumstances as outlined by Mr Wheelahan, the Board thinks the appropriate penalty in this case is to impose a fine of \$750, wholly suspended for a period of 12 months from today's date, provided there is within that time no relevant

breach of the Rules of Racing. In addition, the Board strongly recommends that Mr Cakebread take up Mr Ogilvy's offer on behalf of the stewards to acquaint him with the requirements of drug administration and keeping records thereof.

**END OF EXTRACT**