



**RACING APPEALS
AND
DISCIPLINARY BOARD**

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DECISION
RACING VICTORIA STEWARDS
and
ROBBIE LAING

Date of Hearing: 4 November 2016

Panel: Judge Bowman (Chair).

Appearances: Ms Simonette Foletti appeared on behalf of the Racing Victoria stewards.
Mr Laing appeared on his own behalf, assisted by Mr Andrew Nicholl of the ATA.

Charge: AR 178E(1)

(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 relating to the administration of a medication, namely "Ulcershield," orally to the horse *Nina Peak* on race day when it was engaged to run in Race 4 the *New Zealand Bloodstock Ethereal Stakes* (Group 3) over 2000m at Caulfield on 15 October 2016.

Plea: Guilty.

Decision: Mr Laing convicted and fined \$1,200. Payment terms - 21 days.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman

RACING VICTORIA STEWARDS

- and -

ROBBIE LAING

RACING VICTORIA CENTRE, FLEMINGTON

FRIDAY, 4 NOVEMBER 2016

MS S. FOLETTI appeared on behalf of the RVL Stewards

MR R. LAING, assisted by Mr A. Nicholl, appeared on his own behalf

CHAIRMAN: Mr Robbie Laing, you have pleaded guilty to a breach of AR 178E(1), in that on the morning of 15 October 2016, a medication, Ulcershield, was administered orally to the horse, Nina Peak, which that day was entered to run in the Ethereal Stakes at Caulfield. You were not present in the early hours of that race day when the administration took place by a longstanding employee, Karen Flaherty, who had been under some pressure and simply made a mistake. Nevertheless, the offence is a serious one and you must take responsibility, as you have, for an error made by a staff member.

There is an automatic penalty of six months' disqualification unless special circumstances exist. One of those special circumstances pursuant to Local Rule 73A is an early plea of guilty. You certainly did that. Ms Poletti, appearing for the stewards, acknowledged that immediate and very early plea and your full cooperation with the stewards. You even went to the extent of voluntarily scratching the horse and have since introduced a simple but effective method of making horses that are to race that day readily identifiable.

Ms Poletti submitted that a fine would be appropriate and I entirely agree. The last of the matters such as this with which I have dealt was that of Mr Peter Moody who, in some similar circumstances, was fined \$1500. Consistency of penalty should be considered, but there is a distinction between this case and that of Mr Moody, that you voluntarily scratched the horse, incurring a fee, and did not take the horse to the track. Doubtless this was still very disappointing for the owners, but at least the problem was tackled immediately.

Bearing all the circumstances in mind, including the importance of the rule and the image of racing, a fine of \$1200 seems to me to be appropriate and that is the penalty which is imposed, payment of the fine within 21 days.
