

# RACING APPEALS AND DISCIPLINARY BOARD

400 Epsom Road Flemington VIC 3031 Telephone: 03 9258 4260 Fax: 03 9258 4848 radboard@racingvictoria.net.au

### **DECISION**

#### **RACING VICTORIA STEWARDS**

#### and

#### **ANDREW CAMPBELL**

**Date of Hearing:** 4 August 2016

Panel: Judge Bowman (Chair).

**Appearances:** Mr Simon Quintner appeared on behalf of the stewards.

Mr Cambell appeared on his own behalf.

Charges 1 Breach of AR 178

Subject to AR 178G, when any horse that has been brought to a racecourse for the purpose of engaging in a race and a prohibited substance is detected in any sample taken from it prior to or following its running in any race, the trainer and any other person who was in charge of such horse at any relevant time may be penalised.

#### Charge 2 Breach of AR 178F(1)

- (1) A trainer must record treatment and medication administered to each horse in his or her care by midnight on the day on which the administration was given, and each record must include the following information:
- (a) the name of the horse;
- (b) the date and time of administration of the treatment or medication;
- (c) the name of the treatment or medication administered (brand name or active constituent):
- (d) the route of administration including by injection, stomach tube, paste, topical application or inhalation);
- (e) the amount of medication given (if applicable);
- *(f) the duration of a treatment (if applicable);*
- (g) the name and signature of person or persons administering and/or authorizing the administration of the treatment or medication.

Charge 1 relates to a prohibited substance, Phenylbutazone and Oxyphenbutazone, which was detected in a post-race urine sample taken from the horse *Quick Kiss* following its win in Race 1 at Terang on 24 March 2016.

**Plea:** Guilty - both charges.

**Decision:** Charge 1 – Mr Campbell convicted and fined \$1,500.

Charge 2 - Mr Campbell convicted and fined \$500.

A total of \$2,000 due within 7 days from today's date.

Pursuant to AR 177, *Quick Kiss* disqualified as winner of Race 1 at Terang on 24 March 2016 and the places amended accordingly.

Georgie Gavin

## TRANSCRIPT OF

### **PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD HIS HONOUR JUDGE J. BOWMAN, Chairman **EXTRACT OF PROCEEDINGS DECISION** RACING VICTORIA STEWARDS and ANDREW CAMPBELL **MELBOURNE** THURSDAY, 4 AUGUST 2016 MR S. QUINTNER appeared on behalf of the RVL Stewards MR A. CAMPBELL appeared on his own behalf

.Campbell 4/8/16

CHAIRMAN: Mr Andrew Campbell, you have pleaded guilty to two charges. You have pleaded guilty to a charge pursuant to Australian Rule 178G, in that being the trainer of Quick Kiss, you brought that mare to the Terang racecourse and ran it in the Agrimac Maiden Plate on 24 March 2016 which it won and where a post-race urine sample was positive for a prohibited substance which I will simply refer to as "bute". You have also pleaded guilty to a charge pursuant to Australian Rule 178F, in that, in summary, you failed to maintain proper records of the administration of medication.

Obviously these charges, particularly that pursuant to AR 178G, are quite serious. In imposing penalties, I have borne in mind the seriousness of the matter and the need for general and specific deterrence. I have also taken the following matters into account.

- (1) Firstly, Quick Kiss is disqualified as the winner of the Agrimac Maiden Plate on 24 March 2016 and the finishing order is amended accordingly. This is quite a penalty in itself. Apart from the financial aspect of it, I note that there are many owners in Quick Kiss, some obviously family members and doubtless they are very disappointed.
- (2) You have pleaded guilty to both charges and appear to have been completely cooperative with the Stewards from the outset. You have expressed remorse and have apologised for what occurred. I accept that your remorse and apologies are completely genuine and that you have been cooperative and of assistance.

- (3) Nothing by way of prior trouble with the Stewards has been alleged against you. You have a long history of involvement with the thoroughbred industry, firstly with your father and then in your own right. You are now 55 years of age and there is no suggestion that you have anything other than an unblemished record in a career which exceeds 30 years.
- (4) Most impressive written references have been put forward on your behalf and you are described as being completely ethical, possessing great honesty and professional integrity and I accept that this is so.
- (5) You were involved in a very nasty fall a couple of years ago. A certificate of capacity has been placed before me which indicates that your memory and concentration were adversely affected in the fall, although such matters as your judgment are not. You made it clear that you are not attempting to use this as an excuse but will ensure that family members participate in the keeping of appropriate records in the administration of medication so that this does not occur again.

However, as stated, specific and general deterrence must be considered, although I also consider that in your particular case, the risk of reoffending is minimal. General deterrence remains a factor.

Having weighed up all those factors, I have fixed upon the following: I consider your offending to be at the lower end of the scale and again refer to the various factors that I have previously listed.

Accordingly, on the first charge, that of presentation or breach of AR 178G, you are fined \$1500. On the second charge, the breach of AR 178F, a failure to keep proper records, you are fined \$500. So the total of the fines are \$2000 with a stay of seven days in relation to payment of the fines.

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.Campbell 4/8/16