



APPEAL – Interim Orders

DANIEL MCCARTHY – ‘LATE CHARGE’

and

RACING VICTORIA STEWARDS

Date of Hearing: 19 December 2017

Heard By: Judge Bowman (Chair), Brian Forrest (Deputy), Darren McGee.

Appearances: Edward Batrouney of counsel, instructed by Simonette Foletti, appeared on behalf of the stewards.

Simon Martin of counsel appeared on behalf of Mr McCarthy.

On 8 June 2017, the Racing Victoria stewards advised licensed trainer Daniel McCarthy of their decision under AR 50 to decline or reject all future nominations or entries of ‘Late Charge’ on the grounds that it is unacceptable for the gelding to race from a welfare or safety perspective due to an injury, or injuries, sustained to the gelding’s superficial digital flexor tendon.

AR 50 provides that:

All nominations and entries are subject to approval, and the Committee of any Club, or the Stewards, may decline to receive, or at any time after having received, reject any nomination or entry without giving any reason for so doing.

A Notice of Appeal against the decision was lodged on 13 June 2016. A stay of proceedings was not requested.

Interim Orders

The Board makes the following orders:

1. The matter is adjourned to a date to be fixed;
2. The Board varies the order of the stewards contained in the letter of 8 June 2017 and makes the following interim order:
 - a. The Board directs that Late Charge be permitted to participate in 2 official trials; and
 - b. The parties are to advise the Board as soon as the matter is ready to resume and of the outcome of the trials.

**Registrar
Racing Appeals & Disciplinary Board**