

HEARING RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 15 November 2013

SUBJECT: **HEARING RESULT – TRAINER: GAI WATERHOUSE**

Panel Judge Russell Lewis (Chair), Mr Brian Forrest (Deputy), Mr Darren McGee.

Appearances Ms Tanya Cirkovic of Tanya Cirkovic & Associates appeared on behalf of Mrs Waterhouse.

Mr Dayle Brown appeared on behalf of the Stewards.

Charge By consent of the parties the original charge laid under AR 178E(1) was withdrawn and substituted with a charge under AR 175(k).

AR 175(k)

*The Committee of any Club or the Stewards may penalise:
Any person, who has committed a breach of the Rules, or whose conduct or negligence has led or could have led to a breach of the Rules.*

The particulars of the charge being that: on 5 November 2013, *Tres Blue*, was entered in Race 7, the *Emirates Melbourne Cup* (Group 1) over 3200m at Flemington. On the morning of 5 November 2013, without the permission of the Stewards, a stablehand employed by Mrs Waterhouse administered flumazine, a medication, to *Tres Blue*.

In contravention of AR 175(k), Mrs Waterhouse's conduct and/or negligence led to the breach of AR 178E(1).

Plea Guilty.

Decision Mrs Waterhouse convicted and fined \$2,000.
Fine due on or before 30 November 2013.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR B. FORREST, Deputy Chairman
MR D. McGEE**

EXTRACT OF PROCEEDINGS

DECISION

TRAINER: GAI WATERHOUSE

RE: TRES BLUE

MELBOURNE

FRIDAY, 15 NOVEMBER 2013

MR D. BROWN appeared on behalf of the RVL Stewards

MS T. CIRKOVIC appeared on behalf of Ms G. Waterhouse

CHAIRMAN: Australian Rule of Racing 175(k) contemplates a situation where a trainer is vicariously liable for the negligence of the trainer's employee. The culpability of the trainer is determined by the facts and circumstances relating to the infringement of the rule.

In this case, the employee, Ryan Prendergast, applied ointment to the horse, Tres Blue, on the morning of the race. It was clearly an aberration on his part. A reading of the transcript reveals that Mrs Waterhouse left the treatment of the horse in the hands of her veterinarian and Mr Prendergast.

Under the Rules of Racing, the ultimate responsibility rests upon the trainer. If that were not the case, then in any situation where a breach of the rules occurred without the knowledge of the trainer, a trainer would never be convicted.

In this case, the Board accepts that the level of Mrs Waterhouse's culpability was low. Nevertheless, anything less than a fine would not be an appropriate penalty. Mrs Waterhouse is fined the sum of \$2000, to be paid on or before 30 November 2013.
