

HEARING RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 19 November 2015

SUBJECT: **HEARING RESULT – TRAINER: BRAD COLE**

Panel Judge John Bowman (Chair), Professor Raymond Harbridge,
Mr Darren McGee.

Appearances Mr Cole appeared on his own behalf.
Mr James Ogilvy appeared on behalf of the stewards.

Charge Breach of AR 175(k)

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 charge relates to the race day administration of a medication, namely 'Kelato-Appetite,' by a stable hand employed by Mr Cole, to the horse *Saint Splash* which has engaged to run in Race 7 at Swan Hill on 10 August 2015.

Plea Guilty.

Decision Mr Cole convicted and fined \$500 – due on or before 17 December 2015 (28 days).

Georgie Gavin
Registrar - Racing Appeals and Disciplinary Board

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE J. BOWMAN, Chairman
PROF R. HARBRIDGE
MR D. McGEE**

EXTRACT OF PROCEEDINGS

DECISION

**TRAINER: BRAD COLE
STABLE EMPLOYEE: PETER LANE**

MELBOURNE

THURSDAY, 19 NOVEMBER 2015

MR J. OGILVY appeared on behalf of the RVL Stewards

MR B. COLE and MR P. LANE appeared on their own behalf

CHAIRMAN: Mr Brad Cole, you have pleaded guilty to a charge pursuant to Australian Rule 175(k) in that your conduct or negligence led to a breach of the rules. In essence, this charge relates to the administration of medication to a horse on race day prior to such horse running in a race. As per the charge against stablehand, Mr Peter Lane, this involves the horse, Saint Splash, which was entered in race 7 at Swan Hill on 10 August last.

Mr Peter Lane, you have pleaded guilty to a charge pursuant to Australian Rule 178E(1), in that without the permission of the Stewards, you administered or caused to be administered medication to a horse on race day prior to the horse running in a race and it is said that the horse in question was Saint Splash, entered to run in race 7 at Swan Hill on 10 August last.

In relation to Mr Lane, I think it is openly conceded by the Stewards that special circumstances exist for the purposes of Local Rule 73A. Thus, in relation to penalty, we are at large in respect of both Mr Lane and Mr Cole. We note that not only have there been pleas of guilty but both men have cooperated fully from the outset. Mr Lane and Mr Cole agreed that their cases could be heard together, which struck us a sensible way in which to dispose of the matter, so our ruling is essentially a joint one, dealing with both men.

We also take into account that the horse, Saint Splash, was conveyed to Swan Hill from Bendigo, that Mr Lane also made the trip, only for the horse to be ordered to be scratched. Apparently the horse is owned by Mr Lane's wife, who may not have been pleased with this turn of events. Thus, some sort of

penalty has already been imposed.

Mr Ogilvy, for the Stewards, has suggested that for Mr Lane, the appropriate penalty is a fine, a suspension or a suspended suspension. Mr Ogilvy pointed out that Mr Lane knew what he was doing and had been warned by Mr Cole as to not administering medication on race day. For Mr Cole, according to Mr Ogilvy, the imposition of a fine would be considered appropriate.

Mr Lane's financial position is not a happy one. In the circumstances, we do not think that a fine is appropriate. We consider that a suspension is warranted because Mr Ogilvy submitted Mr Lane knew what he was doing and had been warned. We also note that the medication in question is an appetite stimulant and, had it been mixed with the horse's feed rather than administered via a syringe, no offence would have been committed.

Thus, we consider that a suspension fully suspended is appropriate. Mr Lane is suspended for a period of one month. That suspension is in turn suspended for a period of 12 months from this date, on the basis that if Mr Lane during that period again breaches Rule 178E(1), he will serve the one-month suspension in addition to any penalty imposed for that later breach. In other words, if Mr Lane commits a similar offence in the next 12 months from today, he will be automatically suspended for a period of one month in addition to any other penalty.

We agree that a fine is the appropriate penalty for Mr Cole. We do not consider that his degree of culpability warrants a fine of the size imposed on Ms Waterhouse, the last and perhaps only other person to be charged under Rule 175(k). We understand that she was fined an amount in the order of \$2000. It was the Melbourne Cup that was involved. In our opinion for Mr Cole, a fine of \$500 is appropriate. We order a period of 28 days in which to pay the fine.
