



**RACING APPEALS
AND
DISCIPLINARY BOARD**

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DECISION
RACING VICTORIA STEWARDS
and
BRIAN COX

- Date of Decision:** 2 November 2016
- Panel:** Judge Bowman (Chair), Mr Darren McGee, Mr Shaun Ryan.
- Appearances:** Mr Jack Rush QC, instructed by Mr Daniel Bolkunowicz, appeared as counsel for the stewards.
- Mr Joe Ferwerda, instructed by Ryan Carlisle Thomas Lawyers, appeared as counsel for Mr Cox.
- Charges 1-4:** **AR 175(h)(i)** - Administered, or caused to be administered, a prohibited substance (Ethylestrenol - via *Nitrotrain*) for the purpose of affecting the performance or behaviour of a horse in a race.
- Charges 1 & 2 - Administration to *Minnie Downs* on 17 August and 21 August 2015.
 - Charges 3 & 4 - Administration to *Baby Jack* on 17 August and 21 August 2015.
- Charges 5-8:** AR 178H (alternatives to **Charges 1-4**) - Administered, or caused to be administered, an anabolic androgenic steroid.
- Charges 5 & 6 - Administration to *Minnie Downs* on 17 August and 21 August 2015.
 - Charges 7 & 8 - Administration to *Baby Jack* on 17 August and 21 August 2015.
- Charge 9:** **AR 177B(5)** - Possession of a prohibited substance which could give rise to an offence under AR 177B if administered to a horse at any time.
- Charges 10 & 11:** **AR 175(a)** - Improper action or practice in connection with racing.
- Charge 12:** **AR 175(g)** - Give evidence that is false or misleading in any particular.
- Charge 13:** **AR 175(o)** - Fail to exercise reasonable care to prevent an act of cruelty to an animal. The charge relates to the presentation of the horse *Cochrane's Gap*, trained by Mr Cox, at a jump-out on 9 December 2015 which, it is alleged, was contrary to veterinary advice.

Plea: Charges 9, 10 & 11 - guilty.
Charges 1-8, 12 and 13 - not guilty.

Decision: Charges 1-4 - the Board does not find the charges proved. The charges are dismissed.

Charges 5 - 8 (alternatives to Charges 1-4) - the Board finds the charges proved.

Charges 9, 10 & 11 - pleaded guilty.

Charge 12 - the Board finds the charge proved.

Charge 13 - the Board does not find the charge proved. The charge is dismissed.

Georgie Gavin
Registrar - Racing Appeals and Disciplinary Board