

HEARING RESULT

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T Moxon – National Drug Register
Racing Press

FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 14 October 2015

SUBJECT: **HEARING RESULT – TRAINER: SYMON WILDE**

Panel Judge John Bowman (Chair), Mr Brian Forrest (Deputy),
Mr Josh Bornstein (Deputy).

Appearances Mr Paul O’Sullivan of O’Sullivan Saddington Lawyers appeared on
behalf of Mr Wilde.

Mr James Ogilvy appeared on behalf of the stewards.

Charge 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.

The charge relates to a prohibited substance, being Ibuprofen, which was detected in a post-race urine sample taken from the horse *Hello My Dear* following its win in Race 5 the *Naracoorte Hotel 0-58 Handicap* (2000m) at Edenhope on 7 June 2015.

Plea Guilty.

Decision Mr Wilde convicted and fined \$8,000. Due on or before 31 October 2015.

Pursuant to AR 177 *Hello My Dear* disqualified as winner of Race 5 the *Naracoorte Hotel 0-58 Handicap* (2000m) at Edenhope on 7 June 2015 and the places amended accordingly.

TRANSCRIPT OF PROCEEDINGS

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman
MR B. FORREST, Deputy Chairman
MR J. BORNSTEIN, Deputy Chairman

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE NARACOORTE HOTEL 0-58 MAIDEN
PLATE OVER 2000 METRES AT EDENHOPE ON 7/6/15**

TRAINER: SYMON WILDE

MELBOURNE

WEDNESDAY, 14 OCTOBER 2015

MR J. OGILVY appeared on behalf of the RVL Stewards

MR P. O'SULLIVAN (instructed by O'Sullivan Saddington Lawyers) appeared
on behalf of Mr S. Wilde

CHAIRMAN: Mr Symon Wilde, you have pleaded guilty to a charge pursuant to Australian Rule 178. You brought the horse, Hello My Dear, to Edenhope racecourse on 7 June 2015 to compete in the Naracoorte Hotel Handicap. It had in its system a prohibited substance, ibuprofen, which was detected in the sample taken from it following the running of that race which it won.

Firstly, the horse is disqualified and we order that the placings be amended accordingly. We appreciate that this is a penalty in itself and there are doubtless unhappy owners and of course there is the financial penalty paid by you.

Other matters which we have taken into account are as follows: you have pleaded guilty, although we cannot say that this was at the first available opportunity. You have gone to the trouble of organising legal representation, so you obviously regard the breach of the rule as a serious matter, which it is.

It certainly cannot be said that you have an unblemished record. There are two previous convictions relating to the prohibited substance, bute. However, we agree that there are distinctions between those prior convictions and the circumstances of the present case. The second, a substantial fine relating to bute, was of its magnitude because you had apparently neglected to heed the warning previously given by this Board. Whilst we agree that there is a distinction, we would also say the previous problems should have placed you on high alert in relation to such potential problems with prohibited substances.

We accept that there has been a marked improvement in supervision in relation to the relevant paperwork recording medications and treatment. We also appreciate that you have ceased to use the relevant products. This case may also highlight the risk associated with obtaining such products from manufacturers as opposed to veterinarians.

As agreed, this is a strict liability situation. In our opinion, the appropriate penalty is a substantial fine. In that regard, and bearing in mind all the circumstances, we have fixed on a figure of \$8000. Unless there is something else to be said in relation to the time of payment of that fine, it is ordered that such fine be paid by 31 October next.
