



## HEARING RESULT

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**Distribution:** Chief Executive  
Group Integrity Services, Group Racing  
Group Racing Development  
Credit Controller  
ARB, ATA, VJA  
Office of Racing  
T Moxon – National Drug Register  
Racing Press

**FROM:** Registrar – Racing Appeals and Disciplinary Board

**DATE:** 21 March 2016

**SUBJECT:** HEARING RESULT – TRAINER: BRENT STANLEY

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

**Appearances** Mr James Ogilvy appeared as counsel for the stewards.

Mr Phil Dunn QC, instructed by Mr Robert Galbally of Galbally Rolfe,  
appeared on behalf of Mr Stanley.

**Charge 1** Breach of AR 175(a)

*The Principal Racing Authority (or the Stewards exercising powers delegated to them) may penalise: (a) Any person, who, in their opinion, has been guilty of any dishonest, corrupt, fraudulent, improper or dishonourable action or practice in connection with racing.*

**Charge 2** Breach of AR 175(g)

*The Principal Racing Authority (or the Stewards exercising powers delegated to them) may penalise: (g) Any person who gives at any interview, investigation, inquiry, hearing and/or appeal any evidence which is false and/or misleading in any particular.*

**Charge 3** Breach of AR 175(gg)

*The Principal Racing Authority (or the Stewards exercising powers delegated to them) may penalise: (gg) Any person who makes any false or misleading statement or declaration in respect of any matter in connection with the administration or control of racing.*

The charges relate to the sale of the racehorse *Equita*, trained by Mr Stanley.

**Plea**

Charges 1 – 3 inclusive: guilty.

**Decision**

Charge 1 – Mr Stanley convicted and disqualified for a period of 9 months.  
Charge 2 – Mr Stanley convicted and disqualified for a period of 3 months  
Charge 3 – Mr Stanley convicted and disqualified for a period of 3 months.

The period of disqualification for charges 2 and 3 to be served concurrently with the period of disqualification for charge 1.

**A total period of disqualification for 9 months.**

The Board orders that the commencement of the period of disqualification be deferred until midnight Monday 28 March 2016, it being the maximum period of deferral of the disqualification as permitted by the rules; see Australian Rule 196(6).

Pursuant to AR 196(6)(b), Mr Stanley must not start a horse in any race from the date of the Board's decision until the expiration of the period of disqualification.

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**Georgie Gavin**  
**Registrar - Racing Appeals and Disciplinary Board**

**RACING APPEALS AND DISCIPLINARY BOARD**

**(Original Jurisdiction)**

*RVL Stewards v Brent Stanley*

*Reasons for Decision*

His Honour Judge J. Bowman                      Chairman

Mr B. Forrest                                              Deputy

Mr J. Bornstein                                          Deputy

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***Appearances***

MR J. OGILVY appeared on behalf of the Racing Victoria Stewards.

MR P. DUNN QC (instructed by Galbally Rolfe) appeared on behalf of Mr Stanley.

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1. At the hearing on 21 March 2016, licensed trainer Brent Stanley pleaded "guilty" to breaches of AR 175 (a), (g) and (gg). The principal charge is that pursuant to AR 175(a) - the Stewards may penalise:

*"any person, who, in their opinion, has been guilty of any dishonest, corrupt, fraudulent, improper or dishonourable action or practice in connection with racing".*

2. Our finding in relation to penalty on this charge was that Mr Stanley be disqualified for a period of 9 months, commencing at midnight on 28 March 2016.
3. The lesser charges essentially relate firstly to the giving of false or misleading information at an interview or investigation and, secondly, to the giving of same in connection with the administration or control of racing. On each of these charges, Mr Stanley was disqualified for a period of 3 months to be served concurrently with the principal period of 9 months.
4. On 21 March last, and by agreement with the parties, the actual penalty was handed down on the basis that the Reasons would be supplied subsequently. However, as Easter was almost upon us, there would be a delay before they could be published. The parties were happy with this arrangement, as it was desired that the actual outcome be known.

5. Essentially, Mr Stanley participated in the sale of the horse " Equita" to interests in Hong Kong for a price of \$290,000. The owners were led to believe by Mr Stanley that it was being sold for \$200,000, a price with which they were basically content and for which they authorised the sale. Jockey Mr Glyn Schofield, who acted as an intermediary for the sale received \$290,000 from the Hong Kong interests, of which \$20,000 was determined by Mr Stanley and Mr Schofield to be his commission. He paid Mr Stanley \$20,000 in cash in the jockey's car park at Randwick racecourse and transferred \$250,000 to the bank account of Mr Stanley's wife who in turn transferred \$200,000 to Mr Stanley's business account which he distributed to the owners. The owners were unaware of the commission paid to Mr Schofield or that Mr Stanley had retained \$70,000.
6. The Board fined Mr Schofield \$50,000 for his role, in breach of AR 85C which precludes a jockey being involved in the buying, selling or trading in thoroughbred bloodstock without the written permission of a Principal Racing Authority.
7. We would say at the outset that the fact that the owners were prepared to accept \$200,000 is not to the point. It is not as if they agreed that Mr Stanley could keep any excess above that figure. It was their horse and their money. Mr Stanley should have accounted to them for the complete sale price. If they then wished to give him any of the excess, that would have been their decision.
8. This is the sort of dishonest behaviour that brings racing into disrepute. The goings on with the \$20,000 cash in the jockeys' car park only makes it worse. The whole business not only brings racing into disrepute, but could also have the effect of scaring off potential owners and others who might be contemplating entering the industry or be attracted by racing. It is clearly a dishonest, corrupt, fraudulent, improper or dishonourable action or practice that has occurred. It is little wonder that Mr Stanley ultimately pleaded "guilty."
9. In our opinion, a period of disqualification was certainly warranted. Suspension would not have been appropriate.
10. Apart from the damage to the image of racing and the matters mentioned above, in determining the penalty in the present case we have had regard to the following factors:
  - (a) the circumstances of the offence, as detailed above;
  - (b) the seriousness of the offence;
  - (c) general and specific deterrence;

- (d) the integrity of racing generally;
- (e) Mr Stanley's prior record ; and
- (f) the character evidence produced on behalf of Mr Stanley.

11. We also accepted and took into account the assertion that Mr Stanley had never sold a horse before. However, whether or not the owners were prepared to accept \$200,000, and despite his apparent inexperience in such a matter, he must have realised that what he was doing was wrong. We accepted that he had not done such a thing before.
12. We were also aware of the penalties imposed in a similar and recent case in New South Wales, which also involved the sale of a horse to Hong Kong. In that matter, the penalties handed down were, to Mr Richard Callander, 6 months' disqualification and a \$10,000 fine and to Mr Liam Prior, disqualification for 6 months. M Prior's position was more akin to that of Mr Stanley than was that of Mr Callander. However, our view was that the penalty imposed on Mr Stanley, as a licensed trainer, should be greater than that given to Mr Prior, who, whilst holding a prominent position in the stable of a leading trainer, was not so licensed. Further, the circumstances in the case of Mr Stanley seemed to us to warrant a longer period of disqualification than that given to Mr Prior.
13. We were also of the view that the penalties imposed in relation to the lesser offences should be served concurrently with the penalty for the principal offence. Whilst the lesser offences are quite separate from the principal offence, essentially they arise from the same transaction.
14. In summary, the opinion of the Board was that an overall period of disqualification of 9 months was fair and appropriate.

# **TRANSCRIPT OF PROCEEDINGS**

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## **RACING APPEALS AND DISCIPLINARY BOARD**

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

## **EXTRACT OF PROCEEDINGS**

## **PENALTY**

**TRAINER: BRENT STANLEY**

**MELBOURNE**

**MONDAY, 21 MARCH 2016**

MR J. OGILVY appeared on behalf of the RVL Stewards

MR P.A. DUNN QC (instructed by Galbally Rolfe) appeared on behalf of  
Mr B. Stanley

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CHAIRMAN: We are of the view that the appropriate penalties in this case are as follows: in relation to Charge 1 which deals with the dishonest, corrupt, fraudulent, improper or dishonourable action or practice, pursuant to Australian Rule 175A, a disqualification for a period of nine months.

In relation to Charge 2, pursuant to Australian Rule 175(g), false and misleading evidence, a period of disqualification of three months, to be served concurrently with the period of disqualification imposed in Charge 1.

In relation to Charge 3 which is pursuant to AR 175(gg), a false and misleading statement, also a period of disqualification for three months, to be served concurrently with the period of disqualification imposed in Charge 1.

This represents a total effective penalty of nine months' disqualification. The period of disqualification is to commence midnight, Monday, 28 March 2016, seven days being the maximum period for which the commencement of the period of disqualification can be deferred, pursuant to AR 196(6)(a).

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