

HEARING RESULT

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T Moxon – National Drug Register
Racing Press

FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 31 October 2014

SUBJECT: HEARING RESULT – TRAINER: NIALL PHILLIPS

Panel Judge Russell Lewis (Chair), Mr Geoff Ellis, Mr Chris Fox.

Appearances Mr Phillips appeared on his own behalf, assisted by Mr Patrick Wheelahan.
Mr James Ogilvy appeared on behalf of the Stewards.

Charge Breach of AR 177A

When a horse is brought to a racecourse or recognised training track to engage in either:

- (a) an official trial, or*
- (b) a jump-out, or*
- (c) any other test*

for the purpose of obtaining a permit to start in a race (whether after suspension or otherwise) and a prohibited substance is detected in any sample taken from it prior to or following such engagement, the trainer and any other person who was in charge of the horse at any relevant time may be penalised.

The charge relates to a prohibited substance, being Acepromazine and 2-(1-Hydroxyethyl) Promazine Sulphoxide, detected in a blood sample taken from the horse *Black Cat Moan* prior to its jump out at Geelong training centre on 18 June 2014.

Plea Guilty.

Decision Mr Phillips convicted and fined \$1,000 with \$500 to be paid on or before 30 November 2014.

The balance of \$500 is suspended for a period of 12 months on the condition that Mr Phillips does not commit a similar offence during that period.

TRANSCRIPT OF PROCEEDINGS

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR G. ELLIS
MR C. FOX**

EXTRACT OF PROCEEDINGS

DECISION

TRAINER: NIALL PHILLIPS

MELBOURNE

FRIDAY, 31 OCTOBER 2014

MR J. OGILVY appeared on behalf of the RVL Stewards

MR N. PHILLIPS (assisted by MR P. WHEELAHAN) appeared on his own behalf

CHAIRMAN: In this matter, after taking into account Mr Phillips' plea of guilty and his explanations and the other circumstances referred to, the Board is of the opinion that Mr Phillips be fined the sum of \$1000, \$500 of which is to be paid on or before 30 November 2014. The balance of the \$500 is suspended for a period of 12 months, on condition that Mr Phillips does not commit a similar offence in that period. If such an offence is committed, the balance of \$500 will immediately become due and payable.
