



**Racing
Victoria**

**RACING APPEALS
AND
DISCIPLINARY BOARD**

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DECISION

**RACING VICTORIA STEWARDS
and
VINCENT MALADY**

Date of Hearing: 28 February 2017

Heard By: Judge Bowman (Chair).

Appearances: Ms Simonette Foletti appeared as counsel for the stewards.
Mr Andrew Nicholl appeared on behalf of Mr Malady.

Charge Breach of AR 178E(1)

Notwithstanding the provisions of AR 178C(2), no person without the permission of the Stewards may administer or cause to be administered any medication to a horse on race day prior to such horse running in a race.

Particulars The particulars of the charge are that on 2 February 2017 *Black Ziggy* was entered to run in Race 6 at Terang over 1200m. At all relevant times, Mr Malady was the trainer of *Black Ziggy*. In contravention of AR 178E(1), Mr Malady administered or caused to be administered a medication, namely 'Ulcerguard', orally to *Black Ziggy* on race day prior to the race (noting that the horse was scratched from the race).

Plea: Guilty.

Decision: Mr Malady convicted and fined \$1,200.
Payment terms - 30 days.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman

EXTRACT OF PROCEEDINGS

DECISION

RACING VICTORIA STEWARDS

and

VINCENT MALADY

RACING VICTORIA CENTRE, FLEMINGTON

TUESDAY, 28 FEBRUARY 2017

MS S. FOLETTI appeared on behalf of the RVL Stewards

MR A. NICHOLL appeared on behalf of Mr V. Malady

CHAIRMAN: Mr Vincent Malady, you have pleaded guilty to a breach of AR 178E(1), in that in the early morning of 2 February 2017, a medication, Ulcerguard was administered orally to the horse, Black Ziggy, which that day was entered to run in race 6 at Terang. The Ulcerguard was administered by Miss Carley Kingsbury, your stable foreman, who simply made a mistake. I accept that you had no knowledge of the administration at the time.

Nevertheless, the offence is a serious one, as indicated by the penalty that might be imposed. You must take responsibility, as you have, for an error made by a member of your staff.

This being a serious offence, there is an automatic penalty of six months' disqualification unless special circumstances exist. One of these special circumstances pursuant to Local Rule 73A is an early plea of guilty. You certainly did that. You made a very early plea and gave full cooperation to the Stewards. Ms Foletti, appearing for the Stewards, acknowledged this.

It would also seem to me pursuant to Local Rule 73A that justice of the situation might warrant a departure from the automatic penalty. In any event, Ms Foletti submitted that a fine would be appropriate and I agree.

The last of the matters such as this which I have dealt with is that of Mr Robbie Laing and the circumstances in his matter were similar to those in this case. Indeed, it was Ulcershield as opposed to Ulcerguard that was administered in error by a staff member of Mr Laing's on a race day.

Whilst each case must be considered on its merits, consistency of penalty should also be taken into account. As in Mr Laing's case, I have also taken into account that the mare had to be scratched which was doubtless very disappointing for the connections. Again, like Mr Laing, you have installed a system of alerting yourself and the foreman as to horses which are about to race and indeed, at least for the time being, have taken over the administration of medications yourself. Ultimately, I should say Mr Laing was fined \$1200.

Your record in relation to disciplinary matters has been described by the Stewards as excellent, which is a credit to you. This is a serious matter and a message must be sent to the training community. However, bearing all of the circumstances in mind, including the importance of the rule and the image of racing, I have determined to fine you a similar amount to that imposed on Mr Laing. It is a fine of \$1200, which seems to me to be appropriate. That is the penalty which I impose. There will be a stay of 30 days in relation to the fine.
