

HEARING RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 21 November 2013

SUBJECT: **HEARING RESULT – TRAINER: SHAWN MATHRICK**

Panel Judge Russell Lewis (Chair), Mrs Claire Quin, Mr Shaun Ryan.

Appearances Mr Patrick Wheelahan appeared as Counsel for Mr Mathrick.
Mr James Ogilvy appeared on behalf of the Stewards.

Charge Breach of AR 64G(1)(a)

*No person, without the permission of the Stewards, may stomach-tube, attempt to stomach-tube, cause to be stomach-tubed or be a party to the stomach-tubing of a horse which is engaged to be run in:
(a) a race: at any time on the day of the race prior to the start of that race or during the one Clear Day prior to the day of the race.*

The particulars of the charge are that the horse *Umatic*, trained by Mr Mathrick, was engaged to run in Race 8 the *Trios After The Last Showcase BM70 Handicap (2025m)* at Cranbourne racecourse on 8 November 2013. In contravention of AR 64G(1)(a), Mr Mathrick stomach-tubed *Umatic* at approximately 10.25am on 7 November 2013 (being the one Clear Day prior to the day of the race).

Plea Guilty.

Decision Mr Mathrick convicted and fined \$4,000.
Fine due on or before 31 January 2014.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MRS C. QUIN
MR S. RYAN**

EXTRACT OF PROCEEDINGS

DECISION

TRAINER: SHAWN MATHRICK

MELBOURNE

THURSDAY, 21 NOVEMBER 2013

MR J. OGILVY appeared on behalf of the RVL Stewards

MR P. WHEELAHAN appeared on behalf of Mr S. Mathrick

CHAIRMAN: This is a case where clearly the Board is satisfied that there is a special circumstance which means that the mandatory minimum penalty provisions will not apply.

That said, the Board is satisfied that Mr Mathrick stomach-tubed the horse in ignorance of the rule which came into being on 1 March this year. Ignorance of the law of course is no excuse, but the Board accepts that there was a measure of confusion in Mr Mathrick's mind as to what the rule meant.

Nevertheless, the message must go out to trainers that a breach of this rule is serious, if only because the mandatory minimum penalty now applies. But where this special circumstance has been proved, the Board agrees that a financial penalty is the appropriate penalty. The figure submitted by Mr Wheelahan is, in the Board's view, too light. It does not sufficiently convey to the racing public the message which is so important.

The Board fines Mr Mathrick the sum of \$4000 but will give him time to pay. That \$4000 is to be paid on or before 31 January 2014.
