



HEARING RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 18 October 2011

SUBJECT: **HEARING RESULT – TRAINER: PETER MOODY**

Panel Judge Russell Lewis (Chair), Mr Joshua Bornstein, Mr Ron Taylor.

Appearances Mr Moody appeared on his own behalf.
Mr Anthony Burns appeared as Counsel for the Stewards.

Charge Breach of AR 178

The particulars of the charge being that a prohibited substance, being Oripavine, was detected in a urine sample taken from the horse *Lethal Arrow* following its win in Race 8 the *Schweppes 0-68 Handicap* (1300m) at Pakenham on Tuesday, 17 May 2011.

Plea Guilty.

Decision The Board finds the charge proved. A conviction recorded but with no penalty imposed.

Pursuant to AR 177 *Lethal Arrow* disqualified as winner of Race 8 the *Schweppes 0-68 Handicap* at Pakenham on Tuesday, 17 May 2011 and the places amended accordingly:

*1st – Quadruple (NZ), 2nd – Pull No Punches, 3rd – Beasty Boy,
4th – Our Protocol, 5th – King Kalakaua, 6th – Esprit Son,
7th – Twelve Up, 8th – Miss O’Toole.*

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR J. BORNSTEIN
MR R. TAYLOR**

EXTRACT OF PROCEEDINGS

DECISION

TRAINER: PETER MOODY

MELBOURNE

TUESDAY, 18 OCTOBER 2011

MR A. BURNS appeared on behalf of the RVL Stewards

MR P. MOODY appeared on his own behalf

CHAIRMAN: The Stewards' case is that the horse, Lethal Arrow, ingested food contaminated with vegetable matter containing thebaine or oripavine. So much is admitted by Mr Moody. The Board finds that the ingestion of the contaminated food was accidental and not the result of deliberate administration.

The Stewards are unable to identify which particular food or foods contained the vegetable material. However, Mr Burns suggested that a likely cause was the build-up of residue in the food silos and that more frequent cleaning of the silo would have minimised the risk of contamination. On the evidence presented to the Board, we are unable to agree with that proposition and even if that were the case, it does not follow that the build-up of residue was the cause of the contamination. Other possibilities which have been considered are the contamination of lucerne hay and/or CopRice. Clearly, the explanation for the positive is the contamination of feed. There is no evidence before the Board which indicates where the papaver somniferum howard cultivar came from or how it got into the horse's feed. It is all a matter of speculation.

In the circumstances of this case, it would be quite unreasonable to find that Mr Moody could have or should have done something to minimise the risk of contamination or prevent it occurring. In the circumstances, the Board finds the charge proved. The conviction is recorded. No penalty is imposed, other than that the horse is disqualified.

END OF EXTRACT