



DECISION

RACING VICTORIA STEWARDS and RUSSELL GREEN

<u>Date of Hearing</u>	3 October 2017
<u>Panel</u>	Judge Bowman (Chair), Geoff Ellis, Jeremy Rosenthal.
<u>Appearances</u>	<p>Elizabeth Brimer of counsel, instructed by James Ogilvy, appeared on behalf of the stewards.</p> <p>Joe Ferwerda of counsel, instructed by Ryan Carlisle Thomas, appeared on behalf of Mr Green.</p>
<u>Charge 1</u>	<p>AR 178E(1)</p> <p><i>'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.'</i></p>
<u>Charge 2</u>	<p>AR 175(l) (alternative to Charge 1)</p> <p><i>'The Principal Racing Authority (or the Stewards exercising powers delegated to them) may penalise: (l) Any person who attempts to commit, or conspires with any other person to commit, or any person who connives at or is a party to another committing any breach of the Rules.'</i></p>
<u>Charge 3</u>	<p><i>'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 or misleading in any particular.'</i></p>
<u>Summary</u>	<p>Mr Green was at all relevant times a trainer licensed by Racing Victoria and the trainer of <i>Overton Onyx</i>.</p> <p>In relation to charges 1 and 2, the stewards alleged that Mr Green administered, or attempted to administer, respectively, a solution which contained (at least) an unknown quantity of Green Amino drench, Blud powder and water via syringe to <i>Overton Onyx</i> on 6 April 2017 when it was engaged to run in Race 6 at Wangaratta that day.</p>
<u>Plea</u>	<p>Charge 1 – not guilty. Charge 2 – not guilty. Charge 3 – guilty.</p>

Decision

Charge 1

The Board does not find the charge proved. The charge is therefore dismissed.

Charge 2

The Board finds the charge proved. Mr Green convicted and his licence suspended for a period of 3 months.

Charge 3

Mr Green convicted and his licence suspended for a period of 1 month, to be served concurrently with the suspension imposed for charge 2.

The total period of suspension is 3 months. In accordance with the provisions of AR 196(6)(a), the commencement of the period of suspension is deferred for 7 clear days from today's date.

Georgie Gavin
Registrar - Racing Appeals and Disciplinary Board