

HEARING RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 19 February 2015

SUBJECT: **HEARING RESULT – TRAINER: ROD SYMONS**

Panel Judge Russell Lewis (Chair), Ms Sara Hinchey, Mr Graeme Johnson.

Appearances Mr Symons appeared on his own behalf.
Mr James Ogilvy appeared on behalf of the stewards.

Charge Breach of AR 178

Subject to AR 178G, when any horse that has been brought to a racecourse for the purpose of engaging in a race and a prohibited substance is detected in any sample taken from it prior to or following its running in any race, the trainer and any other person who was in charge of such horse at any relevant time may be penalised.

The charge relates to a prohibited substance, 4-Hydroxy Xylazine, being detected in a post-race urine sample taken from the horse *Big Gubba* following its win in Race 2 the *Quest Bendigo Maiden Plate* (2400m) at Bendigo on Saturday, 18 October 2014.

Plea Guilty.

Decision Mr Symons convicted and fined \$3,000 - due on or before 31 March 2015.

Pursuant to AR 177, *Big Gubba* disqualified as winner of Race 2 the *Quest Bendigo Maiden Plate* (2400m) at Bendigo on Saturday, 18 October 2014 and the places amended accordingly:

*1st – Prince of Oz, 2nd – Entirely Perfect (NZ), 3rd – Valtari,
4th – Raggerty, 5th – Alzabeel (NZ), 6th – Torcan, 7th – Red Ribbon,
8th – Roquish Lady, 9th – Nullarbor Cruiser.*

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MS S. HINCHEY
MR G. JOHNSON**

EXTRACT OF PROCEEDINGS

DECISION

**IN THE MATTER OF THE QUEST BENDIGO MAIDEN PLATE
OVER 2400 METRES AT BENDIGO ON 18/10/14**

RE: BIG GUBBA

TRAINER: ROD SYMONS

MELBOURNE

THURSDAY, 19 FEBRUARY 2015

MR J. OGILVY appeared on behalf of the RVL Stewards

MR R. SYMONS appeared on his own behalf

CHAIRMAN: Mr Rod Symons, you have pleaded guilty to a charge laid under Australian Rule of Racing 178, in that you, as the trainer of the horse, Big Gubba, brought that horse to the races on 18 October 2014 with a prohibited substance in its system, the prohibited substance being 4-hydroxy xylazine.

On the question of penalty, the Board takes into account your plea of guilty and your unblemished record as a trainer. No explanation has been forthcoming for how the prohibited substance came to be in the horse's system and so you get no credit for providing a reasonable explanation.

In matters such as this, the principles of general deterrence and the image of racing are significant sentencing considerations. A financial penalty is the appropriate penalty in this case and the fine will be the sum of \$3000, to be paid on or before 31 March 2015.

Under Australian Rule of Racing 177, the horse is and must be disqualified.
