

HEARING RESULT

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FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 22 September 2014

SUBJECT: **HEARING RESULT – TRAINER: HENRY DWYER**

Panel Judge Russell Lewis (Chair), Mr Brian Forrest (Deputy), Dr June Smith.

Appearances Mr Dwyer appeared on his own behalf.
Mr Corie Waller appeared on behalf of the Stewards.

Charge Breach of AR 177A

When a horse is brought to a racecourse or recognised training track to engage in either:

- (a) an official trial, or*
- (b) a jump-out, or*
- (c) any other test*

for the purpose of obtaining a permit to start in a race (whether after suspension or otherwise) and a prohibited substance is detected in any sample taken from it prior to or following such engagement, the trainer and any other person who was in charge of the horse at any relevant time may be penalised.

The charge relates to a prohibited substance, being Phenylbutazone and Oxyphenbutazone, detected in a blood sample taken from the horse *Gainsford* following a jumpout at the Ballarat training centre on 18 July 2014.

Plea Guilty.

Decision Mr Dwyer convicted and fined \$2,000.
Fine due on or before 30 September 2014.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR B. FORREST
DR J. SMITH**

TRAINER: HENRY DWYER

MELBOURNE

MONDAY, 22 SEPTEMBER 2014

MR C. WALLER appeared on behalf of the RVL Stewards

MR H. DWYER appeared on his own behalf

CHAIRMAN: Henry Dwyer, you have pleaded guilty to a charge laid under Australian Rule of Racing 177A. The facts giving rise to this charge are comprehensively set out in the outline of facts provided by the Stewards.

The Board takes into account your plea of guilty as well as your cooperation with the Stewards. Nevertheless, this is a case where the principles of general and special deterrence are relevant sentencing considerations.

It is disturbing to learn that you were ignorant of AR 177A, as was your foreman. Further, the Board is unable to ignore the fact that you have a relevant prior offence.

In all the circumstances, the Board is of the opinion that a monetary penalty is the appropriate disposition and you are fined the sum of \$2000, to be paid on or before 30 September 2014.
