

HEARING RESULT

Distribution: Chief Executive
Group Integrity Services, Group Racing
Group Racing Development
Credit Controller
ARB, ATA, VJA, TVN
Office of Racing
T Moxon – National Drug Register
Racing Press

FROM: Registrar – Racing Appeals and Disciplinary Board

DATE: 29 May 2014

SUBJECT: **HEARING RESULT – STABLE EMPLOYEE: GARY GIBB**

Panel Judge Russell Lewis (Chair), Mr Geoff Ellis, Prof Raymond Harbridge.

Appearances Mr Gibb appeared on his own behalf.
Mr James Ogilvy appeared on behalf of the Stewards.

Charge Breach of AR 178A(1)

No person, unless he has first obtained the written permission of the Stewards, shall have in his possession on a racecourse where a race meeting is being conducted or in any motor vehicle or horse float or other mode of transport being used for the purpose of conveying a horse or horses to or from a race meeting any prohibited substance or a syringe, needle, naso-gastric tube or other instrument that could be used:

- (a) to administer a prohibited substance to a horse; or*
- (b) to produce a prohibited substance in a horse.*

The charge relates to Mr Gibb possessing a syringe and administering Acepromazine to the horse *Wollongong*, trained by Mr Leon Corstens, subsequent to it running in Race 4 at Bendigo on Wednesday, 23 April 2014.

Plea Guilty.

Decision Mr Gibb convicted and fined \$2,000 - due on or before 30 June 2014.

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman
MR G. ELLIS
PROF R. HARBRIDGE**

EXTRACT OF PROCEEDINGS

DECISION

STABLE EMPLOYEE: GARY GIBB

MELBOURNE

THURSDAY, 29 MAY 2014

MR J. OGILVY appeared on behalf of the RVL Stewards

MR G. GIBB appeared on his own behalf

CHAIRMAN: In this case, the Board takes into account Mr Gary Gibb's early plea of guilty and accepts that he is morally contrite for what he did. The transcript shows and indeed the Stewards concede that Mr Gibb was at all times cooperative, and from the Stewards' point of view, they regard Mr Gibb's actions as being out of character. He has no prior conviction in relation to this type of offence and so a number of mitigating factors have been established.

The one major difficulty that the Board has in this case is the matter of perception; that is, that the syringe was used on race day in a tie-up stall, and the issue of public perception of such an action is a relevant consideration.

Nevertheless, taking all matters into account, the Board is of the opinion that a financial penalty is the appropriate disposition and the Board fines Mr Gibb the sum of \$2000, to be paid on or before 30 June 2014.

- - -