



**RACING APPEALS
AND
DISCIPLINARY BOARD**

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DECISION
RACING VICTORIA STEWARDS
and
LOGAN MCGILL

Date of Hearing: 5 August 2016

Panel: Judge Bowman (Chair).

Appearances: Mr Rhys Melville appeared on behalf of the stewards.
Mr Mc Gill appeared on his own behalf.

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.

Particulars: On 25 April 2016, *Arapahoe Moon* was brought to the Avoca racecourse and ran in Race 1 the *Revolution Print Maiden Plate* (1860m). A prohibited substance, Dexamethasone, was detected in a pre-race urine sample taken from *Arapahoe Moon* on that day.

Plea: Guilty.

Decision: Mr McGill convicted and fined \$2,000. Payment terms – 28 days.

Pursuant to AR 177, *Arapahoe Moon* disqualified as sixth placegetter in Race 1 the *Revolution Print Maiden Plate* (1860m) at Avoca on 25 April 2016 and the place amended accordingly.

Georgie Gavin
Registrar - Racing Appeals and Disciplinary Board

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

HIS HONOUR JUDGE J. BOWMAN, Chairman

EXTRACT OF PROCEEDINGS

DECISION

RACING VICTORIA STEWARDS

and

LOGAN MCGILL

MELBOURNE

FRIDAY, 5 AUGUST 2016

MR R. MELVILLE appeared on behalf of the RVL Stewards

MR L. MCGILL appeared on his own behalf

CHAIRMAN: Logan McGill, you have pleaded guilty to a charge pursuant to AR 178G, in that being the trainer of Arapahoe Moon, you brought that gelding to the Avoca racecourse on 25 April 2016 to contest the Revolution Print Maiden Plate, in which it ultimately finished sixth. A pre-race urine sample subsequently revealed the presence of a high level of a prohibited substance, to which I will simply refer to as "dex".

Somewhat astonishingly, the level of dex was 20 times the legal limit. How this got into the horse is a mystery, although you have placed before me material suggesting a more recent break-in at the stables.

Obviously this is a serious offence. In imposing a penalty, I have taken into account the need for general and specific deterrence and damage to the image of racing.

Arapahoe Moon is disqualified from the race and the finishing order is amended accordingly.

Next, I take into account the following factors: (1) you have pleaded guilty to the charge. You appear at all times to have cooperated fully with the stewards.

(2) You are a young trainer starting off in your career. You also work as foreman for Mr Mark Riley in addition to having half a dozen horses which you train yourself.

(3) The Stewards do not allege that you have previously been convicted of any prior offence or breached any rule.

(4) I accept that there has been what could be described as a certain amount of punishment by way of social media comment which is of considerable concern to a young trainer just making his way in the industry.

(5) I also accept that how the horse came to have such a high concentration of dex is a mystery.

(6) I have considered the penalty imposed on other similar offences involving dex and other prohibited substances.

However, as stated, this is a serious offence. Strict liability applies. Specific and general deterrence must be borne in mind.

In all the circumstances, it seems to me that a fine of \$2000 is appropriate and that is the penalty which I impose. I will allow time to pay of 28 days.
