

## HEARING RESULT

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**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:** 4 December 2014

**SUBJECT:** HEARING RESULT – TRAINER: ALLAN CLARK

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**Panel** Judge Russell Lewis (Chair), Mr Stephen Curtain, Mr Shaun Ryan.

**Appearances** Mr Clark 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, being phenylbutazone and oxyphenbutazone, detected in a blood sample taken from the horse *Publisher* following its running in Race 2 the *Rigby Brothers XXXX Maiden Plate* (1400m) at Coleraine on Sunday, 28 September 2014.

**Plea** Guilty.

**Decision** Mr Clark convicted and fined \$1,500.  
Fine due on or before 31 December 2014.

Pursuant to AR 177, *Publisher* disqualified as winner of Race 2 the *Rigby Brothers XXXX Maiden Plate* (1400m) at Coleraine on Sunday, 28 September 2014 and the places amended accordingly:

*1<sup>st</sup> – Foreigner, 2<sup>nd</sup> – Magdalena's Rose, 3<sup>rd</sup> – Milwaukee Night, 4<sup>th</sup> – Playalone, 5<sup>th</sup> – Liffey Road, 6<sup>th</sup> – Welburn, 7<sup>th</sup> – Queen Invader, 8<sup>th</sup> – Century Dancer, 9<sup>th</sup> – Hayjaywalk, 10<sup>th</sup> – Mondatchev, 11<sup>th</sup> – Rock the Globe.*

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# **TRANSCRIPT OF PROCEEDINGS**

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## **RACING APPEALS AND DISCIPLINARY BOARD**

**HIS HONOUR JUDGE R.P.L. LEWIS, Chairman  
MR S. CURTAIN  
MR S. RYAN**

## **EXTRACT OF PROCEEDINGS**

## **DECISION**

**TRAINER: ALLAN CLARK**

**MELBOURNE**

**THURSDAY, 4 DECEMBER 2014**

MR J. OGILVY appeared on behalf of the RVL Stewards

MR A. CLARK appeared on his own behalf

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CHAIRMAN: A breach of Australian Rule 178 is a serious offence. It is not a minor offence. Mr Clark has not provided an explanation and he gains no credit for that. That said, it seems fairly clear that the administration was inadvertent and was done by one of his staff, which raises the question that his system of ensuring that a prohibited substance was not given to a horse was inadequate. Therefore, the principle of general deterrence is important because trainers must get the message that they have to strictly monitor the administration of what may be potentially a prohibited substance, and also ensure that a treatment book is kept up to date.

Mr Clark has pleaded guilty and he is entitled to a discount for that. He has no prior relevant convictions; indeed does not have a conviction under the Rules of Racing. In the circumstances, the Board feels that a modest financial penalty is appropriate. Accordingly, Mr Clark is fined the sum of \$1500, to be paid on or before 31 December 2014.

Unfortunately, under the Rules of Racing, disqualification is mandatory. We have no discretion, so the horse must be and is disqualified.

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