



**RACING APPEALS
AND
DISCIPLINARY BOARD**

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RACING VICTORIA STEWARDS

v

PAUL JONES

Date of Hearing: 6 June 2016

Panel: Judge John Bowman (Chair), Mr Josh Bornstein (Deputy), Dr June Smith.

Appearances: Mr Justin Hooper, instructed by Mr James Ogilvy, appeared as Counsel for the Racing Victoria stewards.

Mr Justin Marcus of Behan Legal appeared on behalf of Mr Jones.

Charge 1: Breach of AR 177B(6) which relevantly states that:

(6) Any person who, in the opinion of the Stewards, administers, attempts to administer, causes to be administered or is a party to the administration of, any prohibited substance specified in sub-rule (2) to a horse being trained by a licensed trainer must be penalised in accordance with AR 196(5).

The particulars are that Mr Jones administered, or caused to be administered, a prohibited substance, namely TB-1000, to the registered racehorse *General Sateen*. Under the provisions of AR 177B(2)(q), TB-1000 is a prohibited substance and not registered for medical or veterinary use as it contains a synthetic peptide.

Charge 2: Breach of AR 177B(5) which relevantly states that:

(5) If any substance or preparation that could give rise to an offence under this rule if administered to a horse at any time is found at any time at any premises used in relation to the training or racing of horses then any owner, trainer or person who owns, trains or races or is in charge of horses at those premises is deemed to have the substance or preparation in their possession and such person shall be guilty of an offence and liable to penalty.

The particulars are that the finding of TB-1000 at Mr Jones' training premises constitutes a breach of the Rules as it is a substance or preparation that could give rise to an offence under AR 177B(5) if administered to a horse at any time.

Plea: Charge 1 - guilty.
Charge 2 - guilty.

Decision: **Charge 1** - Mr Jones convicted and disqualified for a period of 6 months.
Charge 2 - Mr Jones convicted and disqualified for a period of 4 months.

Decision (cont): Two months of the period of disqualification in relation to Charge 1 are to be served concurrently with the period of disqualification in relation to Charge 2. A total period of disqualification of 8 months.

The Board orders that the commencement of the periods of disqualification be deferred until midnight Monday 13 June 2016, it being the maximum period of deferral of the disqualification as permitted by the rules; see Australian Rule 196(6)(a).

Pursuant to AR 196(6)(b), Mr Jones must not start a horse in any race from the date of the Board's decision until the expiration of the period of disqualification.

Georgie Gavin
Registrar - Racing Appeals and Disciplinary Board

**TRANSCRIPT OF
PROCEEDINGS**

RACING APPEALS AND DISCIPLINARY BOARD

**HIS HONOUR JUDGE J. BOWMAN, Chairman
MR J. BORNSTEIN, Deputy
DR J. SMITH**

EXTRACT OF PROCEEDINGS

DECISION

RACING VICTORIA STEWARDS v PAUL JONES

MELBOURNE

MONDAY, 6 JUNE 2016

MR J. HOOPER (instructed by Mr J. Ogilvy) appeared on behalf of
the RVL Stewards

MR J. MARCUS of Behan Legal appeared on behalf of Mr P. Jones

CHAIRMAN: Paul Jones, you, a licensed trainer, pleaded guilty to an offence under AR 177B(6), in that in approximately July of 2015, you administered to the horse, General Sateen, a prohibited substance, being TB-1000, a substance containing a synthetic peptide. You also pleaded guilty to the charge under AR 177B(5), in that, in summary form, you were in possession of such a prohibited substance.

An offence under AR 177B(6) carries with it a mandatory period of disqualification of two years unless special circumstances for the purpose of AR 73A are found. We are satisfied that your early plea of guilty is such a special circumstance.

In essence, what you did in this case was purchase from an unknown or uncertified vendor, known only as Todd, whom you located on the Internet, a non-registered product. You purchased six vials of the product at a cost of \$900 which is not an insignificant amount. The vials had the word "peptide" clearly visible on them. Further, your undated notes of the conversation with Todd contains the word "peptide".

You had some contact with a vet but do not seem to have described the product which you obtained with any specificity. You administered the substance yourself by way of injection on two occasions. We accept the administration did not occur in the lead-up to a race. We accept that the horse was a 10-year-old, the one that was still racing, and its last race was on 21 June 2015. We also accept that the horse was owned by your family and was something of

a family pet. We take into other matters, such as your early plea of guilty and the reasonable amount of cooperation which you gave to the stewards.

Effectively, you admitted administration in circumstances where it may have been difficult to prove.

We take into account the strong supporting references which have been put before us, we note your family circumstances, your lifetime with horses and your modest financial position. However, the fact remains that you purchased and administered a product containing a prohibited substance, a peptide, and obviously kept possession of it.

Your records of what occurred were on the back of a loose sheet of paper. They were undated and grossly inadequate. Your dealings with the vet were unsatisfactory, particularly given, according to the transcript, the vet visited weekly. As a licensed trainer, you are obliged to be familiar with the rules. You are obliged to know what are prohibited substances. The integrity of racing and the welfare of horses are both involved.

You possessed and administered an unregistered product bought from an uncertified supplier, did not adequately consult a vet and kept grossly inadequate records in relation to it. You are unfamiliar with the rules. You must expect a penalty which combines both general and specific deterrence. We note the warning that you received in relation to record-taking in the ruling of 22 September 2014 from Judge Lewis and the members when you pleaded guilty to a breach of AR 177A involving a prohibited substance, bute.

We have weighed up the above factors and the others to which our attention has been drawn. The integrity of racing and the welfare of horses must be respected. A period of disqualification is required. On the charge pursuant to AR 177B(6), you are disqualified for a period of six months. On the charge pursuant to AR 177B(5), we bear in mind AR 196(3) and we impose a penalty of disqualification for a period of four months, two months of which are concurrent with the period of six months on the other charge. Thus, the total period of disqualification is eight months. That ruling will take effect in seven days from midnight tonight; that is, midnight, 13 June 2016.
