

## APPEAL RESULT

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**DISTRIBUTION:** Chief Executive  
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Office of Racing  
T Moxon – National Drug Register  
Racing Press

**FROM:** Registrar – Racing Appeals and Disciplinary Board

**DATE:** 4 February 2016

**SUBJECT:** **APPEAL HEARING RESULT – TRAINER: MARK RILEY**

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**Panel** Judge Bowman (Chair).

**Appearances** Mr James Ogilvy appeared on behalf of the stewards.  
Mr Riley appeared on his own behalf.

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At Mornington on 10 January 2016, trainer Mark Riley pleaded guilty to a charge under AR 178F and was fined the sum of \$400. AR 178F states that:

*A trainer must record treatment and medication administered to each horse in his or her care by midnight on the day on which the administration was given, and each record must include the following information:*

- (a) the name of the horse;*
- (b) the date and time of administration of the treatment or medication;*
- (c) the name of the treatment or medication administered (brand name or active constituent);*
- (d) the route of administration including by injection, stomach tube, paste, topical application or inhalation);*
- (e) the amount of medication given (if applicable);*
- (f) the duration of a treatment (if applicable); (g) the name and signature of person or persons administering and/or authorizing the administration of the treatment or medication.*

The particulars of the charge being that Mr Riley, as the trainer of *Innocent Hero*, which was engaged and competed in Race 5 at Mornington on 10 January 2016, did fail to comply with the provisions of AR 178F by not recording the administration of Hippiron to that gelding on 8 January 2016, the day it was said to have been administered.

A Notice of Appeal against **the severity of the penalty** was lodged on 13 January 2016.

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**DECISION:** **Appeal allowed. Penalty varied to a fine of \$250.**

**TRANSCRIPT OF  
PROCEEDINGS**

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**RACING APPEALS AND DISCIPLINARY BOARD**

**HIS HONOUR JUDGE J. BOWMAN, Chairman**

**EXTRACT OF PROCEEDINGS**

**DECISION**

**TRAINER: MARK RILEY**

**MELBOURNE**

**THURSDAY, 4 FEBRUARY 2016**

MR J. OGILVY appeared on behalf of the RVL Stewards

MR M. RILEY appeared on his own behalf

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CHAIRMAN: Mark Riley has pleaded guilty to a breach of Rule 178F, in that he failed to record the administration of a needle of iron to the horse, Innocent Hero, on 8 January 2016. Innocent Hero was to race at Mornington on 10 January 2016. A stable inspection by Stewards on 9 January 2016 resulted in a puncture mark or a scab on the neck of Innocent Hero being detected. This naturally prompted an investigation. This investigation was not assisted by the failure of a member of Mr Riley's staff to make the appropriate entry in relation to the iron treatment in the treatment book. Mr Riley was away at the time but it has been admitted that that is no excuse.

Ultimately, no more serious charge was laid, but obviously time and energy were expended on an inquiry which may have been foreshortened had the treatment book included the relevant entry. It is not suggested that the book was otherwise deficient. Mr Riley was fined \$400 on 10 January 2016 and the appeal is concerning that penalty.

The proper maintenance of the treatment book is a very important matter, particularly in the current climate. It is something that can relate in an important way to matters affecting the image of racing. In the case of Brendan McCarthy on 27 May 2015 at this Board chaired by Judge Russell Lewis, it was stressed that it was essential that proper treatment records be maintained and considered that a breach of the rule to be an all-too-frequent offence committed by trainers. Mr McCarthy was fined \$750.

Two points should be made in this regard: one is that the offence occurred in the context of Mr McCarthy being suspended for a much more serious offence; secondly, it was apparent that Mr McCarthy had failed to record treatment of the relevant horse for a period of a week prior to race day. The omission in the present case is for one day.

The warning issued by Judge Lewis and the Board was timely, accurate and justified. However, I must also take into account the necessity of ensuring that the penalties imposed in each case be seen to be fair, taking into account penalties in other cases. Obviously the circumstances of each individual case will differ and the penalties will not always be identical. However, overall, fairness should be evident.

Since the warning by Judge Lewis, there have been seven recorded breaches of the rule, including that by Mr Riley. The other six offenders were severely reprimanded, reprimanded or reminded of their obligations. None were fined. Two of the breaches have occurred since Mr Riley was fined \$400 on 10 January 2016. One trainer was reprimanded, namely Ms Shillito on 16 January 2016, and one severely reprimanded, Mr Lillie, on the same day.

The circumstances of the other six cases since the warning by Judge Lewis are not known. It seems to me that the imposition of a fine is fully justifiable for offences of this nature depending on the circumstance. Mr Riley's offence is clearly a significantly less serious one than that of Mr McCarthy. However, I am of the view that a fine should be imposed.

Due to the need for there to be overall fairness, bearing in mind that some were reprimanded, taking into account that Mr McCarthy was fined \$750 for failing to record treatment for a complete week, it seems to me that a fine of \$250 is appropriate. I note that the last fine prior to the warning by Judge Lewis and the Board was \$200, so it seems to me that following that warning and given what has happened since in other cases, a fine of \$250 is appropriate.

However, I would send out the message that breaches of this rule are serious. The need for overall fairness is important. Trainers should be aware that again, depending on the circumstances, more significant fines may well be imposed by this Board in the future.

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